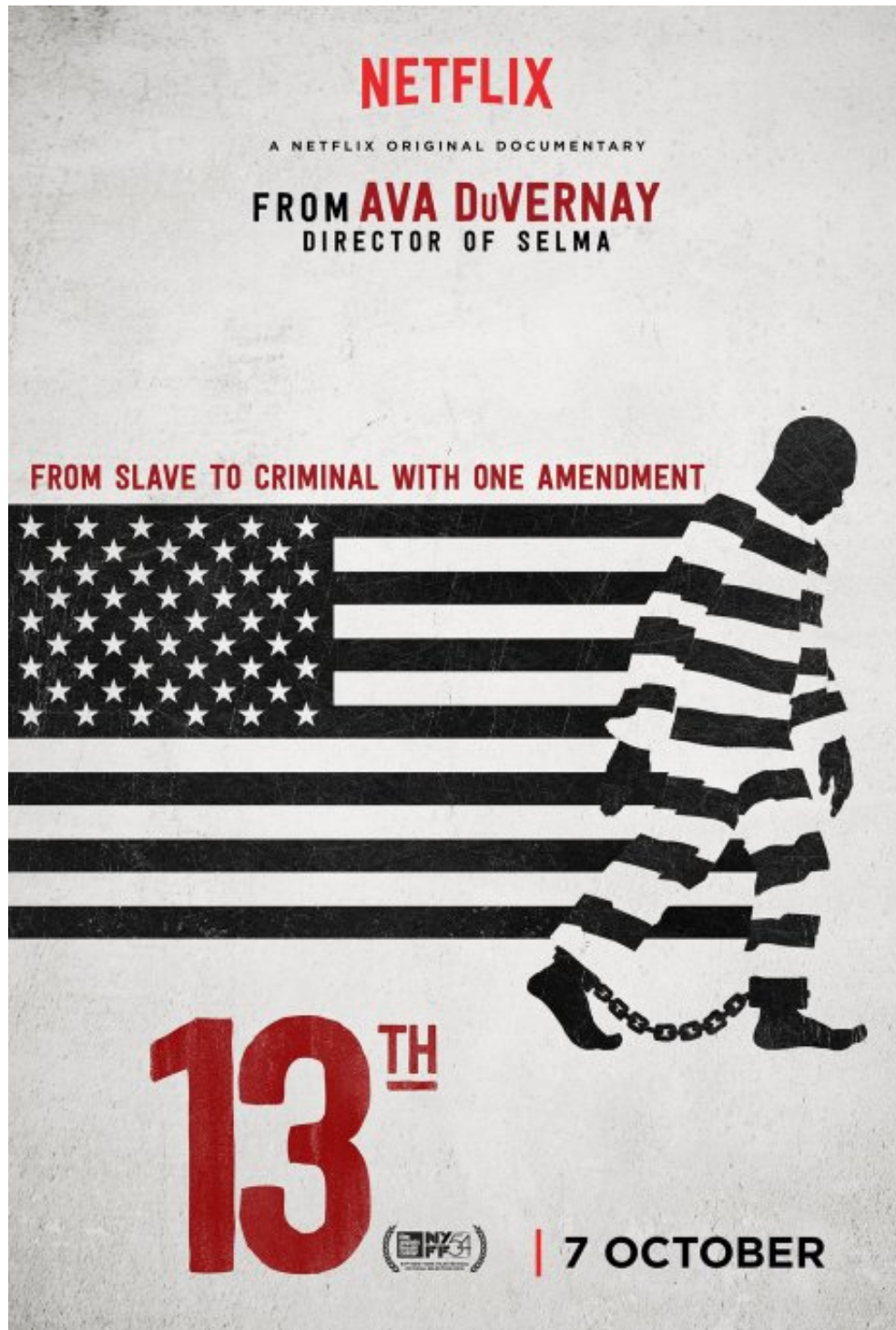


# 13th | Reflections & Loose Transcript

13th. Netflix, 2016.



— via reflections —

I find my heart being broken and my soul being weighted down more often these days. The more I discover about the plight of my fellow human beings, the greater my frustration and discontent grows. I have, by birth and by choice, been opted into this story, as a racial minority (Asian) with two Black daughters (who my wife and I love more than anything). I find deep gratitude for those who have fought and continue to fight for the justice deserved of us all. I find deep sorrow for the lives already lost, and that continue to be lost. I find great hope, that while the struggle is real, the redemption is more real, and more powerful. I find great pride in being a part of a faith community that is repulsed by religion that is “so heavenly minded that we’re no earthly good.” For those who have taken up the challenge of doing permanent damage to our ignorance, through reading, studying, watching, and conversing, you are counted as heroes in my book.

I sense that our collective human consciousness is evolving with new neural pathways that have the power to overcome the traumas of the past, and to give us the resilience and hope for the now and future. I also am perplexed why systemic changes are not happening as fast as they could, given the honorable cast of activists in this film. Perhaps it just takes time for more grass to take root in order for those blades of discontent and action to emerge in this movement. Still, I lament.

As always, it was powerful *learning* and *understanding* the trends, powers, players, and psychologies that have gotten us here. For only after understanding the causes can we address the solutions.

**— loose transcript —**

**[The following is my own personal transcription. I did not transcribe every word, but attempted to capture at least 95% of the core content. I take full responsibility for any mistakes, misrepresentations, and forgotten names.]**

PRESIDENT BARACK OBAMA: So, let’s look at the statistics. The United

States is home to 5% of the world's population, but 25% of the world's prisoners.

VANN JONES: One out of four human beings with their hands on bars, their hands shackled, in the world, are locked up here, in the land of the free.

BRYAN STEVENSON: We had a prison population [of] 300,000 in 1972. Today we have a prison population of 2.3 million. The United States now has the highest rate of incarceration in the world.

MICHELLE ALEXANDER: So you see now suddenly there [is an] awakening that perhaps we need to downside our prison systems. They've gotten too expensive. They've gotten out of hand. But the very folks who often express so much concern about the cost and the expanse of the system are often very unwilling to talk in any serious way about remedying the harm that has been done.

[ ]: History is not just stuff that happens by accident. We are products of the history our ancestors chose, if we're white. If we are black, we are products of the history our ancestors most likely did not choose. Yet here we are all together, the products of that set of choices, and we have to understand that in order to escape from it.

## **AMENDMENT XIII**

### **Section 1.**

**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.**

### **Section 2.**

**Congress shall have power to enforce this article by appropriate legislation.**

**Passed by Congress January 31, 1865. Ratified December 6, 1865.**

JELANI COBB: One of the things that people have to bear in mind is that when we think about slavery, it was an economic system and the demise of slavery at the end of the civil war left the southern economy in tatters. So this presented a big question. There are 4 million people who were formerly property, and they were formerly an integral part of the economic production system in the south. And now those people are free. And so what do you do with these people? How do you rebuild your economy? The 13th Amendment loophole was immediately exploited.

[cf. Birth of a Nation](#) (1915)

COBB: “Birth of a Nation” was almost directly responsible for the rebirth of the Ku Klux Klan.

STEVENSON: We had lynchings in this country between Reconstruction and WWII. Thousands of African Americans murdered by mobs, under the idea that they had done something criminal. Demographic geography of this country was shaped by that era. We have African Americans in Los Angeles and Oakland, Chicago, Cleveland, Detroit, Boston, New York, ... and very few people appreciate that the African Americans in those communities did not go there as immigrants looking for new economic opportunities. They went there as refugees from terror.

[ ]: This is generational trauma.

[cf. Emmett Till](#) (1955)

STEVENSON: And then when it became unacceptable to engage in that kind of open terrorism, then it shifted to something more legal; segregation, Jim Crow.

ALEXANDER: Laws were passed that relegated African Americans to a

permanent second-class status.

COBB: These things really being to live out the prophecy that Griffith was making about the way that race operates. And this fear of crime is central to all of this.

STEVENSON: Every time you saw a sign that said “white” and “colored,” every time you had to deal with the indignation of being told you can’t go through the front door, every day you weren’t allowed to vote, every day you weren’t allowed to go to school, you were bearing a burden that was injurious.

ALEXANDER: Civil rights activists began to see the necessity of building, not just a civil rights movement, but a human rights movement.

ALEXANDER: Civil rights activists began to be portrayed in the media and among many politicians as criminals, people who were deliberately violating the law, segregation laws that existed in the South.

**“For years now I have heard the word ‘Wait!’ It rings in the ear of every Negro with piercing familiarity. This “Wait” has almost always meant ‘Never.’ We must come to see, with one of our distinguished jurists, that ‘justice too long delayed is justice denied.’ ” – MLK, [Letter from a Birmingham Jail](#)**

HENRY LOUIS GATES JR.: I think that one of the most brilliant tactics of the civil rights movement was this transformation of the notion of criminality. Because for the first time, being arrested was a noble thing. Being arrested by white people was your worst nightmare. Still is, for many African Americans. So what did they do? They voluntarily defined a movement around getting arrested. They turned it on its head.

COBB: If you looked at the history of black people’s various struggles in this country, the connecting themes is the attempt to be understood as full complicated human beings. We are something other than this visceral image

of criminality and menace and threat to which people associate with us.

GATES: The Civil Rights Act and the Voting Rights Act said, “Finally. We admit it. Though slavery ended in December, 1865, we took away these people’s rights, and now we’re going to fix it.

[ ]: For the first time the promise of equal justice becomes at least a possibility.

ALEXANDER: Unfortunately, at the very same time that the Civil Rights movement was gaining steam, crime rates were beginning to rise in this country.

JOHN HAGEN: Crime was increasing. And the baby-boom generation that had emerged immediately after WWII, now they were adults. So, just through sheer demographic change we had an increase in the amount of crime.

ALEXANDER: And [it] became very easy for politicians then to say that the Civil Rights movement itself was contributing to rising crime rates, and that if we were to give the negroes their freedom, then we would be repaid as a nation with crime.

STEVENSON: The prison population in the United States was largely flat throughout most of the 20th century. It didn’t go up a lot, it didn’t come down a lot. But that changed in the 1970s. And in the 1970s we began an era which has been defined as this term, “Mass Incarceration.”

## **U.S. PRISON POPULATION**

**1970**

**357,292**

ANGELA DAVIS: It’s with the Nixon era, and the “Law & Order” period when crime begins to stand in for race.

JAMES KILGORE: Part of what he [Nixon] talked about was a war on crime, but that was one of those code words—what we might call “dog whistle” politics now—which was really referring to the black political movements of the day, Black Power, Black Panthers, the anti-war movement, the movement for women’s liberation and gay liberation at that time, which Nixon felt compelled to fight back against.

COBB: There’s this outcry for “law & order” and Nixon becomes the person that articulates that perfectly.

STEVENSON: Many people felt like we were losing control.

STEVENSON: A “war on drugs” and that utterance gave birth to this era where we decided to deal with drug addiction and drug dependency as a crime issue rather than a health issue. Hundreds of thousands of people were being sent to jails and prisons for simple possession of marijuana, for low-level offenses.

**“America’s public enemy number one in the United States is drug abuse. In order to fight and defeat this enemy, it is necessary to wage a new, all-out offensive.” – [Richard Nixon](#)**

COBB: This call for “law and order” becomes integral to something that becomes to be known as the “Southern Strategy.” Nixon begins to recruit southern whites, formerly staunch Democrats into the Republican fold.

ALEXANDER/KHALIL G. MUHAMMAD: ...persuading poor and working class whites to join the Republican party in droves, by speaking to, in subtle and non-racist terms, thinly veiled racial appeals, by talking about crime, by talking about law and order or the chaos of our urban cities unleashed by the Civil Rights movement. The rhetoric of “get tough” and “law and order” was part and parcel of the backlash of the civil rights movement.

**“The Nixon campaign in 1968, and the Nixon White house after**

**that, had two enemies: the antiwar left and black people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.” – John Ehrlichman, Nixon Advisor**

## **U.S. PRISON POPULATION**

**1980**

**513,900**

DAVIS: The election of Ronald Reagan was, in many ways, transformative, in a negative sense.

ALEXANDER: President Richard Nixon was the first to coin the term, “A War on Drugs,” but President Ronald Reagan turned that rhetorical war into a literal one. ... The modern war on drugs was declared by Ronald Reagan in 1982.

KILGORE: Popular opinion polls of the day show that it wasn't an issue for most people in the United States. But Reagan was determined to put this on the agenda, to define it as a problem. Reagan used his wife, for example, in this “Just say ‘No’” campaign.

CHARLES B. RANGEL: I joined it. And some people said, “Well, how could you join the person that declared a war on drugs with someone like Ronald Reagan?” Well, I joined with Nancy Reagan because she said, “Just say ‘No’.” We're talking about a general education. We're not talking about locking up



people. We're talking about educating people. We're talking about prevention.

MARC MAUER: In the mid 1980s we were already to start to embark on a war on drugs, and then all of a sudden along comes a new drug, crack cocaine. ... We had this drug that could be marketed in small doses, relatively inexpensively. This was just going to take over communities, particularly African American communities.

MAUER: Congress in almost record time established **mandatory sentencing penalties** for crack that were far harsher than those for powder cocaine.

KILGORE: The same amount of time in prison for one ounce of crack cocaine that you would get for 100 ounces of powder cocaine.

DAVID DINKINS: Usually black or hispanic or latino, they were getting long sentences for possession of crack.

SHAKA SENGHOR: You're black with crack cocaine, you're going to prison, for basically the rest of your life. And if you're white, you pretty much get a slap on the wrist.

RENGEL: Cocaine was more sophisticated. It was just the powder.

REAGAN: By next year, our spending for drug law enforcement will have more than tripled from its 1981 levels.

PAT NOLAN: All of a sudden a scythe went through our black communities, literally cutting off men from their families, literally huge chunks just disappearing into our prisons, and for really long times.

REAGAN: Millions of dollars will be allocated for prison and jail facilities...

COBB: You know these sorts of disparities under Reagan quickly exploded into the era of mass incarceration.

MUHAMMAD: What Reagan ultimately does is takes the problem of economic inequality, of hyper-segregation in American cities, and the problem of drug abuse, and criminalizes all of that in the form of the war on drugs.

NEWT GINGRICH: We absolutely should have treated crack and cocaine as exactly the same thing. I think it was an enormous burden on the black community, but it also fundamentally violated a sense of core fairness.

GROVER NORQUIST: When crack cocaine hit in the early 80s, there are a lot of mayors and so on that thought this was a real threat and they wanted to crack down on it, and Rengel was one of the guys pushing for stronger sentencing.

RENGEL: It may have seemed like a good idea at the time, but it sure didn't work out as being effective.

NORQUIST: Then years later, there was an effort to rewrite history, that it was a racial disparity put in my mean white people. It's not where it came from.

DAVIS: In many ways, the so called "war on drugs" was a war on communities of color. On black communities, on latino communities.

ALEXANDER: You see a rhetorical war that was announced as part of a political strategy by Richard Nixon which morphed into a literal war by Ronald Reagan, turning in to something that began to feel nearly genocidal in many poorer communities of color.

[\_] So Nixon's Southern Strategy was implemented right after the Civil Rights movement. He played on fear of crime and law and order to win the election. Reagan promised tax cuts to the rich, and to throw all the crack users in jail. Both of which devastated communities of color, but were effective in getting the southern vote.

MUHAMMAD: There's really no understanding of our American political culture without race at the center of it.

[ ]: In 1981, just before Reagan assumed the presidency, his campaign strategist, Lee Atwater, was caught on tape explaining the Southern Strategy.

Exclusive: Lee Atwater's Infamous 1981 Interview on the Southern Strategy



## **U.S. PRISON POPULATION**

**1985**

**759,100**

MUHAMMAD: The war on drugs had become part of our popular culture in television programs like COPS.

[ ]: When you cut on your local news at night, you see black men being paraded across the screen in handcuffs.

**MALKIA CYRIL:** Black people, black men, and black people in general are over represented in news as criminals. When I say over represented, that means that they are shown as criminals more times than is accurate, that they are actually criminals, based on FBI statistics.

**BAZ DREISINGER:** I'm a big believer in the power of media, full of these clichés that basically present mostly black and brown folks who seem like animals in cages, and then someone can turn of the TV thinking, "it's a good thing for prisons, because otherwise those crazy people would be walking on my block."

**CORY GREENE:** Create a context where people are afraid, and when you make people afraid, you can always justify putting people in the garbage can.

**CYRIL:** Every media outlet in America thinks I'm less than human. I began to hear the word "super predator" as if that was my name.

**STEVENSON:** "Super predator." That's the word they used to describe this generation, and it was very, very effective.

**DEBORAH SMALL:** For me what's disturbing is the degree to which black people bought into that.

**ALEXANDER:** "Animals." "Beasts." That needed to be controlled.

**SMALL:** Many black communities began to actually support policies that criminalized their own children.

**CYRIL:** In the central park jogger case, they put five innocent teens in prison because the public pressure to lock up these "animals" was so strong. Donald Trump wanted to give these kids the death penalty, and he took out a full page ad to put the pressure on. These children, 4 of them under 18, all went to adult prisons for 6-11 years, before DNA evidence proved they were all innocent.

STEVENSON: We make them their crime. That's how we introduce them. "That's a rapist." "That's a murderer." "That's a robber." "That's a sex offender." "That's a burglar." "That's a gang leader." And through that lens, it becomes so much easier to accept that they're guilty, and that they should go to prison.

GINGRICH: The objective reality is that virtually no one who is white understands the challenge of being black in America.

CYRIL: So you have then educated a public deliberately over years, over decades, to believe that black men in particular, and black people in general are criminals. I want to be clear, because I'm not just saying that white people believe this, right. Black people also believe this, and are terrified of our own selves.

COBB: In the midst of the presidential campaign, an ad was released about a person by the name of Willie Horton.

KILGORE: This became a focal point of an entire presidential campaign.

[ ]: Bush won the election by creating fear around black men as criminal without saying that's what he was doing.

LISA GRAVES: A very racially divisive moment. Depicting an African American criminal was deliberate on the part of that campaign. There's no one who can tell me otherwise.

NORQUIST: The original article was Reader's Digest. William Horton, no picture. The Democrats wanted you to know he was black.

VAN JONES: It was not his name. It was his image that was sensationalized.

NORQUIST: Liberals that announced that it was mean to pick on a murder and a rapist lose all credibility on this discussion. They just lose it. And people go, "We don't want to hear anything else you have to say about crime."

JONES: No matter what anybody says, what anybody does, they know exactly what button they were trying to hit with that ad.

COBB: It went to a kind of primitive fear, a primitive American fear because Willie Horton was metaphorically the black male rapist that had been a staple of the white imagination since the time just after slavery.

MUHAMMAD: Here was a black man convicted of rape. "I will be the savior and protector of the white population." Never minding the fact that the history of inter-racial rape in this country is far more marked by white rape against black women than of black men against white women.

COBB: This idea that had such great artistic utility in 1915 in Birth of a Nation still had a great deal of political utility almost at the end of that century.

MUHAMMAD: The way that we appeal to voters sense of fear and anxiety in our nation runs through black bodies.

## **U.S. PRISON POPULATION**

**1990**

**1,179,200**

COBB: Looking at the way Democrats were defeated in 1988, defeated in 1984, defeated in 1980, there comes to be a sentiment among the Democrats that they have to adopt a position that is much more centrist.

[ ]: It became virtually impossible for a politician to run and appear soft on crime.

STEVENSON: When you're in an environment where everybody is trying to do the same thing, everyone is competing to be tough on crime, you quickly all end up in the same space, so it doesn't become a political advantage unless you do something more.

JONES: Bill Clinton is trying to figure out how to deal with a country which is basically still Reagan's country, but he's trying to govern as a Democrat.

[ ]: Then some high profile, very horrendous crimes take place. Polly Klaas... which led to the California "Three Strikes and You're Out" law.

[ ]: A person who is convicted of their third felony essentially that person is mandated to prison for the rest of their lives. It's in line with other policies we've created, particularly **mandatory minimums**.

STEVENSON: Mandatory sentencing. We said we were no longer going to let judges consider the circumstances around a crime. We're just going to impose a mandatory sentence.

NICHOLAS TURNER: And that's a difficult thing for judges because they are trying to dispense justice on a daily basis, and are unable to do so.

[ ]: We've taken discretion away from judges, arguably the most neutral party in the court, and given it over to prosecutors.

KEN THOMPSON: 95% of the elected prosecutors throughout the United States are white.

STEVENSON We passed a **truth in sentencing** law that kept people in prison for 85% of their sentence.

DAVID KEENE: We've done away with parole. So in the Federal system, when you get 20 or 30 years, that's what you got.

STEVENSON: We had parole in this country as a mechanism for getting people out of jails and prisons when it was clear there was no long a threat to public safety.

[ ]: And then comes the Congress with a new proposal for a nearly \$30 billion **Federal Crime Bill of 1994** that was heavily loaded toward law

enforcement incarceration.

DAVIS: That omnibus crime bill was responsible for a massive expansion of the prison system. And beyond that, it provided all kinds of money and perverse incentives for law enforcement to do a lot of the things that now a days we consider to be abusive.

MUHAMMAD: Not only does he increase funding to states to build prisons to lock up as many people involved in drug crimes, but also to put 100,000 police officers on the street.

CRAIG DEROCHE: What President Clinton did in 1994 is actually far more harmful than his predecessors because he actually built that infrastructure that we see today, the militarization all the way down to small rural police departments that have SWAT teams.

COBB: And again we see this kind of notching up, the number of people who are being arrested at every level, and this exploding prison population.

CORY BOOKER: We are a nation that professes freedom, and yet we have this mass incarceration, this hyper-incarceration that is trolling into it, grinding into it our most vulnerable citizenry and is overwhelmingly biased toward people of color.

## **U.S. PRISON POPULATION**

**2000**

**2,015,300**

MUHAMMAD: His 1994 crime bill he now admits was a mistake.

[ ]: One of the things that is important that President Clinton acknowledges that things did not turn out as he, and all of us would have wished.

DAVIS: I'm happy that he realizes the error of his ways. I think he knew back



then that it wasn't good policy, I'll be honest. I'm glad to see that he is apologetic, but he has to take responsibility and accountability for that, and so does Hillary, because she supported it, then, and up until recently.

CYRIL: We can't ignore the reality of force, here. The policies that Bill Clinton put forward—mandatory minimums, three strikes—those were a use of political force. They forced millions of people who would not have otherwise be in prison today into prison. They forced families to be broken. They forced children to live without their parents. That's what happened.

**878,400**

**AFRICAN-AMERICAN PRISON POPULATION**

**2001**

JONES: We shouldn't ask why is Bill Clinton so strong. We should ask, why is the Black community so weak in our ability to defend ourselves. Let's not forget how many martyrs we put in the ground in the 60s and 70s. Let's not forget how many of our leaders had to leave the country, or are in prison. You stripped out a whole generation of leadership. You ran them out of the country, you put them in prison, you put them in cemeteries. And then you unleash this blitzkrieg. And we don't have the ability to defend ourselves. You can tell the story of white leadership in America, and never mention the FBI one time. You can't tell the story of black leadership, not one, without having to deal with the full weight of the criminal justice system weaponizing it's black dissent.

JONES: Dr. King, people forget, was not this beloved figure that everyone wants to put on a pedestal. He was considered one of the most dangerous people in America by the head of the Federal Bureau of Investigations. Don't tell me that Dr. King has no relevance to young brothers in the street. They dealing with little bitty cops. He was dealing with the top cop.

JONES: Malcom's whole entourage was infiltrated with police. He had as many police in his entourage as he had regular folk in his entourage, undercover. So afraid of black dissent.

GATES: J. Edgar Hoover said, these Panthers represent the greatest threat to American Democracy at the time. The Panthers never were that big. No one in their right mind would ever believe that the Black Panthers were going to bring down the greatest military force in the history of the world. The whole movement was criminalized and destroyed systematically by the government.

JONES: I think people haven't thought about what it's like to lose a Fred Hampton, who somehow was able to pull together the blacks, and whites, and Puerto Ricans, and Native Americans to fight for justice, at 21. He had to go. They literally went and shot his whole house up with his pregnant wife next to him in his bed, so afraid of a leader that could unite people.

[ ]: We know the history of folks who have done these kinds of standing up to the systems, and we know how the system has murdered them, assassinated them, exiled them, excluded them, or found ways to discredit them.

JONES: The system tried to put the sister [Angela Davis] on trial, and the sister said, "No, we're putting you on trial."

**When you talk about a revolution, most people think violence, without realizing that the real content of any revolutionary thrust lies in the principles and the goals that you're striving for, not in the way you reach them.**

**I grew up in Birmingham, Alabama. Some very, very good friends of mine were killed by bombs, bombs that were planted by racists. I remember, from the time I was very small, I remember the sounds of bombs exploding across the street. Our house shaking. I remember my father having to have guns**

**at his disposal at all times, because of the fact that, at any moment, we might expect to be attacked.**

**And sure enough, there would be bloodshed. After the four young girls who lived, one of them lived next door to me...I was very good friends with the sister of another one. My sister was very good friends with all three of them. My mother taught one of them in her class. My mother—in fact, when the bombing occurred, one of the mothers of one of the young girls called my mother and said, “can you take me down to the church to pick up Carol? We heard about the bombing and I don’t have my car.” And they went down and what did they find? They found limbs and heads strewn all over the place. And then, after that, in my neighborhood, all the men organized themselves into an armed patrol. They had to take their guns and patrol our community every night because they did not want that to happen again. That’s why, when someone asks me about violence, I just, I just find it incredible. Because what it means is that the person who’s asking that question has absolutely no idea what black people have gone through, what black people have experienced in this country since the time the first black person was kidnapped from the shores of Africa.**  
[\[link\]](#)

JONES: And when you strip out a whole generation of leadership...you will be vulnerable to Bill Clinton or to anyone else. They’ll do to you what they will.

## **U.S. PRISON POPULATION**

**2014**

**2,306,200**

[ ]: The Stand Your Ground law that passed in Florida played a huge role in the Trayvon Martin tragedy, and that really ignited the movement that we see today.

RASHAD ROBINSON: How did this law not only get in place in Florida, but around the country. And all the fingers kept pointing back at [ALEC](#) ([American Legislative Exchange Council](#)).

[ ] ALEC is this private club, and it's members are politicians and corporations. But the real question is, should politicians and corporations be in the same private club. Under the umbrella of ALEC, corporate members get to propose laws to their political counterparts most of whom, are Republicans. So, through ALEC, corporations have a huge say in our law making. And at ALEC task force meetings, corporate lobbyists secretly vote as equals with lawmakers on bills that those lawmakers then introduce to become laws in our states.

State Legislatures and ALEC: Last Week Tonight with John Oliver (HBO)



[ ]: We've also seen ALEC bills introduced where a lawmaker forgot to take the ALEC letterhead off the bill, without remembering to take off the ALEC letterhead to try to distance the real roll of ALEC and ALEC corporations from those bills.

[ ] It's totally shocking to know that ALEC has been around for more than 4 decades now. And it's even more startling to see how it began. Corporations have been influencing laws for decades now, through ALEC.

[ ]: Nearly every ALEC bill benefits one of its corporate funders. The corporation Walmart was a long standing member of ALEC at the time it adopted the so-called "Stand Your Ground" law. It's a law that created an atmosphere where gun sales boomed. Walmart is the biggest seller of long guns in the U.S., has been the largest retailer of bullets in the world. So it's reasonable to think that Walmart benefited from the Stand Your Ground laws that ALEC pushed that initially prevented the arrest of the killer of Trayvon Martin, and was designed to prevent the arrest, prosecution, and conviction of the killer of Trayvon Martin, including through changing the jury instructions to require the jury be told that someone like George Zimmerman had a right to stand his ground, but not that someone like Trayvon Martin does not have a right to stand his ground against someone like George Zimmerman with a gun assailing him.

[ ]: After the outcry over Stand Your Ground and the Trayvon Martin tragedy, Walmart stepped out of ALEC, it left ALEC, abandoned ALEC, but the Walmart family continues to fund ALEC.

[ ]: Other corporations followed suit and abandoned ALEC, but many corporations are still members, including Koch Industries, State Farm Insurance, Pharma; ALEC has been supported by the tobacco industry, as well as AT&T and Verizon. And for nearly two decades, one of those corporations was [Corrections Corporation of America](#).

CCA was the first private prison corporation in the U.S. It started as a small

company in Tennessee in 1983.

STEVENSON: These folks started making contracts with states, and they had to protect their investments, so the states were required to keep these prisons filled, even if nobody was committing a crime. And in the late 80s and early 90s, this became a growth industry unlike very few growth industries in America's history. It was absolutely a model, guaranteed to succeed.

[ ]: And one of the ways we see that is through the role of CCA within ALEC to advance a series of bills.

KYUNG JI-KAT RHEE: All the legislation you could think of that we fight so hard against; "Three Strikes and You're Out," "Mandatory Minimum Sentencing" laws, were the ones they're putting out there like a premier pre-fixed dinner menu, a steady influx of bodies to generate the profit that would go to the shareholders.

[ ]: Through ALEC, CCA became the leader in private prisons. It's a multi-billion dollar business that gets rich off punishment.

[ ]: And so through ALEC, CCA had a hand in shaping crime policy across the country including not just prison privatization, but the rapid increase in criminalization.

MICHAEL HOUGH: I think this accusation is, quite frankly, just false, that somehow ALEC was in favor was in favor of imprisoning a bunch of people because of private prisons. I think that's just unfortunately one of these attack type tactics they do on ALEC.

[ ]: ALEC pushed forward a number of policies to increase the number of people in prison, and to increase the sentences of people who are in prison.

HOUGH: It's hard to address something that's basically, almost like folklore at this point.

[ ]: They are not doing anything to really clean up that past, to address the real consequences for real people, for the extreme policies that they push. In fact it seems that they don't talk about it's past history.

HOUGH: It's hard for me to understand what they're even talking about...

[ ]: CCA directly benefited, directly profited from its investment in ALEC, and the American people, in many ways, were harmed by these policies, due the mass incarceration, particularly people of color.

HOUGH: Look, right now, our position is, we want less people in prison. I don't think helps the private prison industry quite frankly. I think myself, and lawmakers, we're just always looking for better, more innovative ways to run government. I think that's one thing as conservatives that live in a free market pride ourselves in. We're supposed to be the party of innovation.

[ ]: Another bill that ALEC innovated was SB1070. CCA was on the ALEC task force that pushed that law, that gave police the right to stop anyone they thought looked like an immigrant. This law filled immigration detention facilities, and it directly benefited an ALEC member, CCA.

[ ]: Our immigration facilities are a disgrace. There's families kept there in horrible conditions.

[ ]: They're called detention facilities, but they're really prisons for immigrants. That you call it a detention facility doesn't make it not a prison. They are a prison, they just have a different name.

MARIE GOTTSCHALK: We've having what some people are saying is the creation of a "cimmigration system," that there is a merger of our immigration enforcement and our law enforcement system. And so some of the same things that were used in the war on drugs are now migrating to other populations.

[ ]: You heard it with Donald Trump, not about blacks but with Mexicans,

that “they’re rapists and murders, and some I suppose are good people.” ...  
Where do you start on something like that?

[ ]: In late 2010, CCA left ALEC after a big NPR story came out accusing ALEC of pushing SB1070.

HOUGH: ALEC doesn’t do anything on immigration. No which way, not to the right, not to the left. Nothing. So, I don’t really have anything for you on that one. Sorry.

[ ]: ALEC has recently made, what I would describe as a PR move, to say that it’s going to be “right on crime,” that it’s going to be “on the right side of criminal justice policy.” That move comes in the wake of it’s loss of a massive number of corporations.

HOUGH: What ultimately happened is, our board looked at the issues that ALEC worked on, and decided that we don’t do social issues. We’re focused on economic issues. We jettisoned, basically, almost all of our legislation that was pre-2007. So basically a fresh slate, a fresh start going forward.

GINA CLAYTON: This industry knows that it’s dying, and, is actually preparing for the next thing. And the animating factors that have led to a system like bail; we’re always going to see new permutations of a cancer, right? And that’s what this is.

HOUGH: And over the last couple years since 2008, we’ve been involved in a wholesale reform effort, where 31 states now have adopted positive changes on sentencing, on parole and probation reforms.

[ ]: ALEC has a concerted effort to privatize almost every aspect of government, but we had no idea that they also were aiming to privatize probation and parole. ALEC is no longer concerned about CCA, and CCA’s interest—CCA no longer has a seat at the table with ALEC, so it doesn’t have a financial interest in advancing policies that increase the profits of CCA—but



the American Bail Coalition is still part of ALEC.

GLENN E. MARTIN: When I think of systems of oppression, historically in this country and elsewhere, they're durable, and they tend to reinvent themselves, and they do it right under your nose.

[ ]: One of the things they want to do is GPS monitoring.

HOUGH: Having a home confinement system for juveniles, I think is a great thing, because it forces the parents to take responsibility and step up.

[ ]: Prisons would be more better than our homes. So folks won't be locked up in a cage, in a cell, inside of an institution, but they would have ankle bracelets on. They would have wrist bracelets on.

MARTIN: And what I worry about is that we fall asleep at the wheel, wake up, and realize that we may not have people in prisons in rural communities all over America, but that we're incarcerating people right in our communities.

HOUGH: That is what I see, what a lot of the focus is on, is taking people from prison, putting them in community corrections parole and probation, and really investing in those programs.

ALEXANDER: How much progress is it really if communities of color are still under perpetual surveillance and control, but now there's a private company making money off the GPS monitor rather than the person being locked in a literal cage?

[ ]: And so ALEC continues to be a body that, while it may have some really strong rhetoric on why it supports crime reform, now suddenly, sort of out of the blue, it actually has real financial interests.

[ ]: If you're in the prison business, you don't want reform. You may say that you do, but you don't.

STEVENSON: And there are a bunch of people out there desperately trying to make sure that that prison population does not drop one person because their economic model needs that.

DANIEL WAGNER: Prison Industrial Complex refers to the system of mass incarceration, and companies that profit from mass incarceration. That includes both operators of private prisons which get a lot of attention, as well as a vast sea of vendors. They inflate the price they charge to the inmate and the inmate's family.

[ ]: For example, in Maryland, if you earn minimum wage, you would have to work an hour and a half to afford a ten minute phone call. There's also Aramark, one of the big food service providers. In more than one state, they've been accused of having maggots in the food that they've served. Corizon Health care provides health care services in 28 different states, multi-million dollar contracts for their service.

[ ]: Huge incentives given to contractors for very long contracts, so it's actually a disincentive to provide the service, because you're going to be paid anyway.

WAGNER: One of the reasons it's so difficult to talk about mass incarceration in this country, and to question it is because it has become so heavily monetized.

[ ]: We talk about sweat shops and we beat our fists for people overseas exploiting poor free labor, but we don't look that it's happening right here at home, everyday. You have corporations, who not only invest in this free labor...

[ ]: It's all over.

[ ]: Simply put. Corporations are operating in prisons and profiting from punishment.

BOB SLOAN: Prison industries had gotten so big that it's so difficult now to try and do away with them. Too much money out there, too many lawmakers support it because they're being lobbied. So, the public's got to stand up and take it back.

[ ]: Kalief was charged with a crime, a really petty crime, that, it turns out he didn't commit.

ALEXANDER: There are thousands of people in jail right this moment, that are sitting there for no other reason than they're too poor to get out.

STEVENSON: We have a criminal justice system that treats you better if you're rich and guilty than if you're poor and innocent. Wealth, not culpability shapes outcomes.

BOOKER: And I think what most Americans think of, because they watched so many court room dramas, they think that the criminal justice system is about judges and juries. Well, that's really stopped being the case.

[ ]: The system simply cannot exist if everyone insisted to go to trial.

STEVENSON: If everyone insisted on going to trial, the whole system would shut down.

[ ]: What typically happens is the prosecutor says, "You know, you can make a deal, and we'll give you three years, or you can go to trial, and we'll get you 30. You want to take that chance? Feel free."

[ ]: Nobody in the hood goes to trial.

RENGEL: 97% of those people who are locked up have plea bargained. And that is one of the worst violations of human rights that you can imagine in the United States.

BOOKER: You have in this country people pleading guilty to crimes they

didn't commit just because the thought of going to jail for what the mandatory minimums are is so excruciating...

STEVENSON: What you're not taught, is that if you exercise that right to a trial, and you are convicted we will punish you more...

LIZA JESSIE PETERSON: The courts basically punished him [Kaleif Browder] for having the audacity to not take a plea deal, and to want to take it to trial. And in that time, in those three years he was sitting there, and not being charged for anything, that's when the mental health issues started to deteriorate, and he started to get into fights.

KALIEF BROWDER: After a while, I just kept hearing the same things from the whole three years, and I just learned to cope with being in there. That was rough. I already knew, after a while, I just gave up hope.

PETERSON: The Prison Industrial Complex, the Industry, it is a beast. It eats black and latino people for breakfast, lunch, and dinner.

STEVENSON: We didn't even think about who gets the jobs of spending time with these folks. Otherwise, we'd want social workers and teachers. We want people with understanding of human behavior. And, we do the opposite.

DOLORES CANALES: You immediately become numb. That's what jail does to humans, that immediate dehumanization, and sensory deprivation that nobody can really understand unless they live through it.

RENGEL: Human beings are not born to be locked up and encaged.

[ ]: Most people wouldn't keep their pets in the kinds of conditions we keep people in.

[ ]: Prisons and jails have become warehouses in the sense that where we've moved as a society is that it's not enough to just deprive you of your liberty. But want to punish you too.

[ ]: Most of the society don't understand what it means to be behind those big gates, and those barbed wires.

[ ]: Once somebody is arrested and convicted, they're gone. Nobody particularly cares about them. In many ways, the prison system is sort of in the dark.

[ ]: So in many ways it makes it kind of easier to send some people there.

[ ]: If you look at the whole problem you say, what are we doing; we have too many laws locking too many people up for too many things, giving them sentences that are too harsh, putting them in prison, and while they're in prison, doing very little of anything to rehabilitate them so they can re-enter civil society when they get out, and then when they get out, we shun them.

BOOKER: Over 40,000 collateral consequences for people that come through our criminal justice system.

[ ]: It's that question, "Have you been convicted of a felony?" that appears on a job application.

[ ]: In some cases it can affect your access to student loans.

BOOKER: They can't get many business licenses, food stamps if they're hungry.

DORSEY NUNN: Private rentals in regards to housing. It's that question that appears on life insurance.

[ ]: The scarlet letter follows you for the rest of your life in this country.

STEVENSON: In March of 2015, we had tens of thousands of people come to Selma to celebrate the 50th anniversary of the crossing of the Edmund Pettus Bridge. And very few of those people realized that nearly 30% of the black male population of Alabama today has permanently lost their right to vote, as

a result of a criminal conviction.

[ ]: If you do something wrong, you should pay it back, and then move forward with your life. But yet in America, there is actually zero closure. We actually tell American citizens when they pay back their debt to society, their citizenship will still be denied from them.

ALEXANDER: So many aspects of the old Jim Crow are suddenly legal again once you've been branded a felon. And so it seems in America, we haven't so much ended racial caste, but simply redesigned it.

ALEXANDER: We are now in an era that Democrats and Republicans have decided that it's not in their interests anymore to maintain the prison system as it is.

[ ]: Now all of a sudden, Hillary Clinton is meeting with Black Lives Matter activists and talking about it.

HILLARY CLINTON: It's time to change our approach, and end the era of mass incarceration. ... We will reform our criminal justice system, from end to end, and rebuild trust between law enforcement and the communities they serve.

[ ]: President Obama going to prison, as the first sitting president to every visit a prison.

[ ]: And, conservatives who are always seen as in the narrative of being tough on crime, have now embraced justice reform. It's very "man bites dog."

[ ]: We've got to ask ourselves, do we feel comfortable with people taking the lead of a conversation in a moment where it feels right politically.

DAVIS: Historically, when one looks at efforts to create reforms, they inevitably lead to more repression.

[ ]: And so, if we leave it up to them they're going to tinker with the system. They're not going to do the sort of change that we need to see as a country to get us out of this mess, and they're certainly not going to go backwards and fix the mess that they've made because they're not ready to make that admission. But as a country, I don't think we've ever been ready to make the admission that we've steamrolled through entire communities and multiple generations when you think about things like slavery and Jim Crow, and all the other systems of oppression that have led us to where we are today.

DONALD TRUMP: In the good old days...

JONES: They called the end of slavery, Jubilee. We thought we were done then. And then you had a 100 years of Jim Crow, terror, and lynching. Dr. King, et.al. came, we get the bills passed to vote, and then they break out the handcuffs. Label you "felon," you can't vote or get a job. So we don't know what the next iteration of this will be. But it will be. It will be, and we will have to be vigilant.

## **LIFETIME LIKELIHOOD OF IMPRISONMENT**

**White Men**

**1 in 17**

**Black Men**

**1 in 3**

**Black Men**

**6.5% of U.S. POPULATION**

**40.2% of PRISON POPULATION**

BOOKER: We now have more African Americans under criminal supervision than all the slaves back in the 1850s.

DAVIS: The Prison Industrial Complex relies historically on the inheritances of slavery.

[ ]: Once you've been convicted of a crime, you are in essence a slave of the state.

KEVIN GANNON: The stroke of a pen is not self-enforcing. And so while the 13th Amendment is hailed as this great milestone for freedom and abolition to celebrate and this end of a lifelong quest, the reality is much more problematic. Well, once that clause is inserted in there, it becomes a tool. It's there. It's embedded in the structure. And, for those who seek to use this criminality clause as a tool, it can become a pretty powerful one because it's privileged. It's in the Constitution. It's the supreme law of the land.

ALEXANDER: Throughout American history, African Americans have repeatedly been controlled through systems of racial and social control that appear to die, but then are reborn in new form tailored to the needs and constraints of the time. After the collapse of slavery, a new system was born, "convict leasing," which was a new form of slavery. And once convict leasing faded a way, a new system was born, a Jim Crow system, that relegated African Americans to a permanent second class status. And here we are, decades after the collapse of the old Jim Crow, and a new system has been born again in America, a system of mass incarceration, that once again strips millions of poor people, overwhelmingly poor people of color, of the very right supposedly won in the civil rights movement.

STEVENSON: And so instead of talking about it, we just tried to move on, after the Civil Rights Act was passed and after the Civil Rights laws. We tried to play it off. And because we didn't deal with it then, that narrative of racial difference continued, and it turned into this presumption of dangerousness and guilt that follows every black and brown person wherever they are.

MELINA ABDULLAH: Ferguson was not simply about Mike Brown. It was also this pattern of mass criminalization and mass incarceration. There was



an average of three warrants per household in Ferguson. And so people rose up, because they understood that they were also enemies of the state, seen as enemies of the state. The communities in which black people live were really have become occupied territories, and black people have become seen as enemy combatants who don't have any rights and can be stopped and frisked and arrested and detained and questioned and killed with impunity.

COBB: If we were to look at the largest scale riots that we know of in recent history, from Rodney King to the Detroit riot in 1967, the Newark riot in 1967, Harlem riot in 1964, Watts in 1965, every single one of those riots was a result of police brutality. That is the common thread.

GANNON: It would be a mistake to say, as many people do in the current context, that "oh, if you're against the police, then you're against law and order. These are hard working civil servants putting their lives on the line for you every day. And, you know, that's true. People who join the police do so to do these sorts of things. But, if you dismiss black complaints of mistreatment by police as being completely rooted in our modern context, then you're missing the point completely. There has never been a period in our history where the law and order branch of the state has not operated against the freedoms, the liberties, the options, the choices that have been available for the black community, generally speaking. And to ignore that racial heritage, to ignore that historical context means that you can't have an informed debate about the current state of blacks and police relationships today. 'Cause this didn't just appear out of nothing. This is the product of a centuries long historical process. And to not reckon with that is to shut off solutions.

RENGEL: We may have lost the sheets of the Ku Klux Klan, but clearly when you see black kids being shot down, then obviously we didn't cut out this cancer.

[ ]: For many of us, whose families lived through this, we don't need to see pictures to understand what's going on. It's really to speak to the masses who have been ignoring this for the majority of their life. But I also think there's

trouble just showing black bodies as dead bodies, too. Too much of anything becomes unhealthy, un-useful.

[ ]: I think they need to be seen, if the family is okay with it. It wasn't until things were made visual in the Civil Rights movement that we really saw folks come out and being shocked into movement.

JONES: You have to shock people into paying attention.

COBB: There's a kind of historical trajectory that we can trace here through media and technology. We went back to the slavery era where people were writing autobiographies of slave narratives. Later in the 19th century, people began to use photographs, and they showed images. There's a famous image of slave Gordon, and his back, and you can see just this kind of lattice of scar tissue that is evidence of the whippings he received. Or the images of lynchings, which white people produced.

[ ]: The murder of Emmett Till was really thought of as being one of the primary catalysts for the Civil Rights movement. The willingness of his mother to have an open casket funeral. Hundreds and hundreds of black folks file past, and see this young boy who had been killed by a white supremacist in the south. To publish those photographs in black publications so the entire black world, like our Facebook, or our Twitter now, right, so that the whole black world could see what happened.

COBB: In the 1950s Dr. King and the Civil Rights movement used television in this way. Look, this is what segregation looks like. These are dogs attacking children, these are people being firehosed. Searching for the medium of technology that will confirm your experience, such that your basic humanity can be recognized.

JONES: The difference now is where someone can hold up one of these [cell phones], get what's going on, they can put it on YouTube, and the whole world has to deal with it. That's what's new. It's not the protests. It's not the

brutality. It's the fact that we can force a conversation about it.

[ ]: We had been consistently being murdered as the result of police aggression. They generally would excuse it by calling us criminals. When they were killing Oscar Grant. When they got to Eric Garner.

[ ]: When we think about the children that were killed at the hands of the state, I think about Tamir Rice at 12 years old, and the way that he was killed, it hits my heart.

ALEXANDER: Police violence. That isn't the problem in and of itself. It's a reflection of a much larger, brutal system of racial and social control known as mass incarceration which authorizes this kind of police violence.

JONES: That's why, for me, the brilliance of Black Lives Matter, to have a distributed model of leadership. You can't find their address. And so there's hope there, because of that.

[ ]: Having people truly understand, that when black lives matter, everybody's life matters, including every single person that enters this criminal justice system, and this prison industrial complex. It's not just even only about black lives, right. It's about changing the way this country understands human dignity.

COBB: That's what, really, this Black Lives Matter moment is about. This question of whose life do we recognize as valuable?

JONES: The opposite of criminalization is humanization. That's the one thing I hope people will understand.

[ ]: It's about rehumanizing us as a people, and *us* as a people. All of us.

ALEXANDER: The system of mass incarceration has grown and sprawled and developed an appetite that is gobbling up people in communities of all colors, but if it hadn't been for the fact that it began with a group of people defined

by race that we as a nation have learned not to care about, we wouldn't be talking about 2 million people behind bars today.

STEVENSON: People say all the time, "Well, I don't understand how people could have tolerated slavery. How could they have made peace with that? How could people have gone to a lynching, and participated in that? How did people make sense of the segregation, this white and colored only drinking? That's so crazy, if I was living at that time I would have never tolerated anything like that." And the truth is we are living at this time, and we are tolerating it.

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