

**With Liberty and Justice for Some**

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## **Abstract**

Whether or not racial justice exists in American has been a highly debated topic, especially over the past few decades. The United States has undoubtedly had a history of racial prejudices and oppression of minorities, especially African Americans. There have also been movements, including substantial policy changes to try to ensure equality under the law. Some Americans believe that the struggles of the civil rights movement have long been over, and America is finally living up to its ideals of justice and equal opportunity for all. However, the overwhelming evidence would suggest that very little substantial progress has been made; the changes have been mostly symbolic, and the underlying structure of racial discrimination has remained constant. This research paper will explore the different facets of racial justice in America, through a variety of books, articles, and online sources.

### **With Liberty and Justice for Some**

When most people think of American democracy, they think of principles of individual freedom, equality and opportunity which lie at the core of the American dream. As president Barack Obama said in a press release speech on May 2, 2012 “America can do whatever we set our mind to. That is the story of our history, whether it’s the pursuit of prosperity for our people or the struggle for equality for all our citizens; ... because of who we are: one nation, under God, indivisible, with liberty and justice for all” (Pres, 2011). The very fact that the American people elected a black president has been hailed as the final triumph over racism and an affirmation of the idea that the United States is in fact a post racial, colorblind society, with equal opportunity for all (Alexander, 2010). This combined with other African American success stories make it increasingly difficult for the majority of white Americans to believe that the current system systematically and deliberately denies a segment of the population the rights they are entitled to by the Constitution. They are even more incredulous to the idea that the system of oppression that existed in the times of slavery still thrives today, merely coated with different rhetoric and justifications. However difficult it may be to believe the evidence of this oppression is undeniable.

From the very beginning, the Founding Fathers created a new nation supposedly built on the ideals of equality, freedom, and justice for all. Yet, they also justified the enslavement of half a million people living in the colonies at that time, an obvious contradiction. When they said that “all men were created equal and endowed by their creator with certain inalienable rights,” they really only meant to include all white men

(McClenaghan, 2006). The Philadelphia delegates did want to create a stronger central government, but they also wanted to secure financial and political dominance of the wealthy upper class over the rest of the population. The federalist system that they set up was designed to be weak when it came to private property and largely give states the right to govern themselves (Parenti, 2006). This gave southern states the ability to have a slave-based economy despite the fact that it openly conflicted with the newly instated standards of freedom and equality. The vague and colorblind language of the laws allowed states to use their own interpretation and discretion when it came to enforcement (Alexander, 2010), a theme that would be prevalent throughout the centuries that followed.

The institution of slavery officially ended after the Civil War, with the addition of the Thirteenth Amendment (McClenaghan, 2006). Immediately after, outraged Southern whites imposed upon the black community a series of codes that effectively limited their newfound freedom and maintained the previous system of white dominance (Alexander, 2010). The Reconstruction efforts of the federal government, however, helped to combat these discriminatory laws through the Fourteenth and Fifteen amendments, which prohibited states from denying anyone due process, equal protection under the law, or the right to vote because of their race (McClenaghan, 2006). While these measures undoubtedly marked progress for African American's rights, there were major loopholes that allowed the basic structure of white supremacy to continue. The Fifteenth Amendment did not explicitly ban states from placing other barriers on voting rights, so long as they were not blatantly based on race. Southern states realized this and created poll taxes and literacy tests to severely restrict African Americans' political power. Also,

once the federal troops withdrew from the south, states were left to each enforce the new laws they themselves opposed. Instead of implementation of these laws, there was a swift backlash of southern states against the new rights of African Americans (Alexander, 2010). A new system of segregation developed, legalized by “separate but equal” court decision of *Plessy v. Ferguson* and the adoption of many discriminatory “Jim Crow” laws designed to stifle African Americans progress. The key to the detrimental effect of the *Plessy v. Ferguson* court decision was the discretion given to southern politicians by the vague description of what constitutes equality. “With a dismal definition of ‘equal’ adopted throughout the south, the divisions between whites and blacks widened for the generations that followed” (Christie, 2010). Although African Americans had finally been freed from slavery, their quality of life was not much better than it had been when they were enslaved due to the segregation and discrimination policies that followed the Reconstruction Era (Alexander, 2010).

Beginning with the *Brown v. Board of Education* court decision of 1954, the Jim Crow policies were eventually phased out, aided by the powerful civil rights movement of the 1960s. The *Brown v. Board of Education* decision proved crucial to the end of segregation because it established not only the inequality that was rampant throughout the southern education system, but also the detrimental psychological effects that segregation was having on the African American children. The “doll test”, an experiment conducted by psychologists to determine the racial perception and preferences of southern children, provided persuasive evidence that the court was unable to ignore. In this test, black children were shown dolls, equal in every aspect except skin color. They were then asked questions about which doll they liked better and which doll they identified with. The

overwhelming majority of the children preferred the white doll and associated more positive characteristics with it than with the black doll. The results of this test proved that the idea of white supremacy and black inferiority that slavery had been based on did not end when slavery was abolished but had been reinforced by the segregation practices that continued in the south (Christie, 2010). This decision began an era of increased racial awareness and a desire for equality known as the civil rights movement. A key element of this movement was its appeal to the white majority in the north, who had grown increasingly sensitive to racism after World War Two. The fact was, as Alexander points out, “The blatant contradiction between the country's opposition to the crimes of the Third Reich against European Jews and the continued existence of a racial caste system in the United States was proving embarrassing, severely damaging the nation's credibility as leader of the ‘free world’” (Alexander, 2010). Ultimately, however, it was the determination of the civil rights activists that gave the necessary push for equality under the law. Through their nonviolent protests and nonthreatening appeals, these activists were able to gain enough public support to effectively end legal racial segregation and discrimination. Several of the milestone policies passed during this era included the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968. They marked important strides towards equality for minorities in the United States. Although none of these victories would have been necessary if the laws passed during the Reconstruction era had been fully implemented, they nonetheless gave the black community new hope. The victories of the civil rights era marked another period of rapid advancement, however brief that came with the promise of more equal treatment in the future (Roediger, 2008).

The Civil Rights Movement also forced the public to acknowledge its history of racism (Steele, 2006). As racial hostility receded, increasing shame over the country's history of racial prejudice took its place. The basic belief of black inferiority was still there, but the white public was doing everything they could do to escape the stigma of racism. Affirmative action became a major focus of the members of the white population seeking to appear less racist. Included as part of the Civil Rights Act of 1964, the idea of Affirmative Action was to make the government more proactive in compensating for past discrimination. It was intended to promote a more level playing field by supporting equal opportunities, but the vague terminology used did not clearly define when affirmative action was appropriate or what form it should take. The idea of proactively creating equal opportunities was soon reduced to a quota and set aside a system that reserved spots for minorities based on their skin color while disregarding their qualifications (Christie, 2010).

Little investigation was made as to why minorities were not competitive in the first place. Many institutions, especially universities, simply filled their racial quotas to clear their consciences and create a better public image, and then paid little attention to how well those students and workers did in their system after that. The increased enrollment of minorities offered them "proof" to others and to themselves that they did not discriminate, and therefore allowed for them to dissociate themselves from the stigma of racism. To truly address the core of the issue, for example the crumbling school systems, ill equipped teachers, and lack of funding, would involve much more effort than to cling to diversity quotas (Steele, 2006). It would require whites to sacrifice more than they are willing to in order to create a level playing field for minorities in this country.

After all it is the appearance of racism, not the prejudice itself, which concerned the white population the most. The white population has always seen itself as following a high moral code of conduct, even in the face of their blatant abuse and exploitation of other people. For most of history, they had pointed to the other races' inferiority to shield themselves from admitting to the evil of their actions. When the belief inherent white supremacy no longer seemed to match with their self-proclaimed ideals, the resulting cognitive dissonance left whites with two options, either to change their actions and therefore the system that so heavily favors them or come up with a new justification. They chose to adopt a new rationale. As Steele (2006) noted "the blindness of whites to their true motivations in racial matters is a rather timeless feature of American life, as visible in today's university president rationalizing affirmative action as it was in Thomas Jefferson's last rationalizations for the continuance of slavery." To maintain their advantage in society, the white power structure had to develop new rationale for the same discriminatory behavior, and affirmative action played a key part in creating an illusion of progress on the surface, while actually continuing the tradition of white supremacy.

Affirmative action programs became not only the focus of the white public desperate to escape the stigma of racism, but also the center of many civil rights groups efforts as well. This is surprising considering that affirmative action, as it exists in America today, goes against the goals of equal protection under law and merit-based advancement that the 1960's civil rights activists fought for. Placing someone's race above their individuality, as all Affirmative Action programs inevitably do, is incompatible with King's vision of a nation where people are "not judged by the color of their skin, but by the content of their character" (Steele, 2006; King, 1963). Although the



objectives of the affirmative action programs started in the 1960s were well founded, the programs ultimately failed in execution. What they actually do is perpetuate the stereotype that blacks are inferior and unable to succeed without major support by the government. This has a negative impact, not only on the way that African Americans are perceived by the white population, but also by the way that they perceive themselves (Steele 2006).

The fact remains that African Americans students are consistently the lowest achieving group across America. They have the lowest scores and grades from elementary school to graduate school, even when factors like socioeconomic status are accounted for. Those in favor of affirmative action see this as the very reason that the programs are so crucial to black success (Crenshaw, 2012) Others, like McWhorter, blame the disparity in achievement on the black culture itself, which according to him, dismisses academic achievement as “acting white” and settles for a victimized yet submissive attitude. He claims that this causes African American students to loaf through school, blaming the system for their lack of success. However, this theory lacks substance, given studies have shown that African Americans are “no more likely than whites to lose social status among their peers because they do well in school” (Fletcher, 2012).

The true effects of the affirmative action programs were even more conclusively exposed by the data collected after California passed proposition 209. The proposition outlawed both discrimination and preferential treatment based on race in public employment, education, and contracting. Surprisingly enough, the data showed that

African American involvement in public universities did not suffer as a result of the proposition. Instead, when black and other minorities were admitted to schools where their merits were equal to those of their white peers, both their enrollment and retention rates increased dramatically. This clearly illustrated the fact that African Americans are capable of higher achievement when they are judged on their credentials and not their color. Affirmative action's programs are not helping them become more successful, quite the opposite (Christie, 2010). In the Jim Crow south, the colored section of the bus and the segregated school system reinforced the concept of black inferiority, a message that African American children internalized and developed into a sense of lesser self-worth and ability. The unequal practices of quota based affirmative action programs represent this same attitude. The preferential treatment serves not to give African American students more opportunities, but to actually undermine their success and progress by creating debilitating self doubt. The programs are more helpful in alleviating the guilty conscience of the white public than giving African Americans more opportunities (Fletcher, 2012).

While affirmative action does hinder African Americans' academic success, the white power structure needed a more aggressive, yet still politically acceptable, method of oppressing the majority of blacks. It was in the 1980's, right after the civil rights era outlawed legal segregation, that the Reagan administration announced its "War on Drugs." Many people saw the new laws and enforcement as a natural consequence for an increase in drug use. However, at the time, drug use in America was actually declining, which would not indicate that it was the perilous threat to national security that Reagan described. In fact, the wave of cocaine use in the African American community actually

began in 1985, years after the war on drugs was announced. The impact of cocaine, and the destabilizing crime and violence it brought with it, could not have come at a better time, politically, for the Reagan campaign. The extensive media coverage dramatized drug use into a seemingly national epidemic, which won Reagan public support for the stricter new drug laws. Every politician since Reagan has continued the pattern of harsh drug policies, because they have proved to be a political gold mine. The key to the success of the “tough on crime” policy is that it appeals to the white voter base that still harbors racist tendencies, while not appearing outwardly racist so as to elicit public outrage.

The use of coded and deliberately colorblind language to advance political campaigns is not a new idea. Southern politicians have used the slogan “law and order” since the abolition of slavery. As Nixon put it “the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to” (Alexander, 2010). After the civil rights victories, politicians devised the anti-drug campaign to do exactly this. Only seven years after public announcement of the war on drugs, the number of African Americans arrested on drug charges rose over three hundred percent. Even today, African American males are much more likely to be arrested than white males and the prison populations reflect this (Nunn, 2002). Many people across America believe that the number of African Americans in jail merely reflects the number of crimes they commit. They admit that inherent racism may play a small role, in terms of racial profiling, but the majority of the arrests are simply the natural consequence of breaking the law. They believe that African Americans commit many more crimes than whites do and that is why they are so frequently arrested (Buchanan, 2012). However, the facts and

statistics tell a different story. While it is true that African American males are seven times more likely to be arrested than white males, this is not in fact due to an elevated crime rate. (Nunn, 2002) The government statistics, as the U.S. Public Health Service Substance Abuse and Mental Health Services Administration reported in 1992, showed that “ 76% of drug users in the United States were white, 14% were African American, and 8% were Hispanic.” (Nunn, 2002) If the majority of drug users are white, and yet three fourths of those imprisoned on drug charges are Black and Latino, it is not possible to logically conclude that everyone is being treated fairly under the new drug policies (Onesto, 2011).

The vigorous drug law enforcement in inner cities is one of the main reasons that the black community has been so disproportionately affected by the war on drugs. Even though more drug users are white, drug deals are much more visible in inner cities than in the more suburban white areas, and therefore they are a much easier target for police. Racial profiling has also played a key role in the mass incarceration of African Americans. The *Ohio v. Terry* and *Wren v. United States* court decisions both significantly lowered the restrictions on police who wanted to stop and search citizens. They lessened the amount of tangible evidence of criminal behavior needed for police to act on their suspicions. By increasing the power of police to use their own judgment, which often includes racial profiling, these decisions effectively allowed open discrimination when it came to enforcing laws (Alexander, 2010). There was also the *United States v. Brignoni-Ponce* decision, where the Supreme Court actually sanctioned race as a legitimate factor in police judgment. The direct effects of this policy are exemplified by the disproportional number of minority drivers stopped and searched on a

daily basis. Though they make up only twenty-one percent of drivers, eighty percent of people pulled over by cops are Latinos and African Americans, though they do not violate traffic laws at a higher rate. African Americans are almost thirty times more likely to be stopped by the police (Dodd, 2012). Implicit racial bias is clearly a predominant factor in law enforcement.

The majority of drug enforcement efforts are concentrated in mostly black neighborhoods, and the tactics used are becoming more and more unconstitutional. The Fourth Amendment was specifically designed to help protect Americans from unreasonable searches and seizures by the police. (McClenaghan, 2006) Yet African Americans today are frequently subjected to drug searches, even when police have little reason to suspect them. “The rollback has been so pronounced that some commentators charge that a virtual ‘drug exception’ now exists to the Bill of Rights” (Alexander, 2010). The Terry vs. Ohio court decision of 1968 played a key role in increasing the power of the police to use their own discretion. Whereas before probable cause has been a necessity for police intervention, in this decision, the court declared that police simply need to have “reasonable articulable suspicion” of dangerous or criminal behavior in order to stop, question, and search citizens at any time. There were a few objectors to this new interpretation, including Justice Douglas who felt that “dispensing with the Fourth Amendment's warrant requirement risked opening the door to the same abuses that gave rise to the American Revolution.” Nevertheless, police searches without warrants have become increasingly common, especially in the inner cities labeled as “high crime areas”. These methods have progressed into even more aggressive “street sweeps” in which police close off entire neighborhoods, detaining and even arresting

large numbers of people. Yet a very small percentage of those searched in drug sweeps are caught with drugs, indicating that the police officers did not in fact have the probable cause warranted for the search (Nunn, 2002).

Drug searches are also becoming appallingly militaristic. It appears that a literal drug *war* is being waged against the citizens of the United States, well mainly against the African American citizens. SWAT teams are armed with much more deadly weapons, and more closely resemble a combat force than civilian peace officers. These units supposedly exist to respond to crises. Yet the primary use of SWAT teams across the nation has been to support the drug war, and they are actually more often used to proactively seek out criminal activity than to control dangerous situations. SWAT teams are known for their tactic of “no-knock entries,” meaning they literally break into buildings where they expect there to be illicit drug activity. This can often create a dangerous situation, by startling the people inside the home who may react instinctively to defend themselves, thinking they are being attacked, which in essence they are. Also, police are more likely to harm residents and innocent bystanders when they are using this kind of brute force and stealth (Nunn, 2002). The government has greatly relaxed its oversight on the police and SWAT teams, essentially giving them free reign (Alexander, 2010). Even the president of the police foundation, Robert Williams, declared in his 2000 statement on national police practices and civil rights that “it is the lack of internal, systemic controls, and not ‘a few rotten apples,’ that perpetuates problems of misconduct and abuse by police” (Williams, 2000). Authorized by the drug policies and court decisions that dramatically increased police discretion, drug sweeps and SWAT teams are

being used to perpetuate the history of police abuse and intimidation that the African American community has always faced.

The use of SWAT teams and drug sweeps seem like a blatant abuse of power and discretion and are in fact perfect examples of exactly the kind of tyrannical behavior used by the British soldiers that the founding fathers felt to be a direct violation their rights as citizens. Back in the colonies, the British were known for using stealth and force to try to catch criminals, tactics strikingly similar to those being used in drug busts today. The colonists found this an outrageous intrusion by the government, a violation that in part led to their rebellion against England. When later drafting the Constitution, the founding fathers included the Bill of Rights, specifically the 4<sup>th</sup> amendment, to protect citizens against such abuses of government power, thus making the arguments for the constitutionality of these current SWAT team tactics questionable if not outright unreasonable.

The concept of criminalizing members of society to deprive them of their rights, however morally unsound, is not a new concept; it has existed since the day slavery ended. In the *Ruffin v. Commonwealth* decision of 1871, the Virginia Supreme Court declared that “[f]or a time, during his service in the penitentiary, he is in a state of penal servitude to the State. He has, as a consequence of his crime, not only forfeited his liberty, but all his personal rights except those which the law in its humanity accords to him. He is for the time being a slave of the State” (Alexander, 2010). Back then newly freed slaves were arrested simply so Southern authorities could strip them of their rights. Today’s courts and politicians appear to have adopted this same philosophy by systematically imposing stricter drug laws and restrictions on the rights of convicted

criminals. The Anti Drug policies of 1986 and 1988 imposed minimum sentences for crack cocaine possession and eliminated many federal benefits, including student loans, for those convicted of drug offenses. Clinton also continued his predecessors' legacy of harsher drug policies by making it easy for federally funded housing projects to reject anyone with a criminal history. As Alexander (2010) points out “[r]ather than rely on race, we use our criminal justice system to label people of color "criminals" and then engage in all the practices we supposedly left behind.” By labeling blacks as criminals, the government has been able to take away their rights to equal housing, education, and even their right to vote. Even though the United States does have a black president and many other political icons, they represent more or less an illusion of progress in African American political power. Even during the Jim Crow era there were successful black men, but this did not indicate the overall condition of the African American majority. The reality is that the current felon disenfranchisement laws have stripped more African Americans of their right to vote than the Jim Crow laws of the 1860’s did. After analyzing all of these factors in her book, *The New Jim Crow*, Alexander concluded that “The forms of discrimination that apply to ex-drug offenders, mean that, once prisoners are released, they enter a parallel social universe—much like Jim Crow—in which discrimination in nearly every aspect of social, political, and economic life is perfectly legal.” The rhetoric and technicalities of the oppression have changed, but the basic structure of Jim Crow has been reimposed by the system of mass incarceration (Alexander, 2010).

Although it is heavily supported by statistical evidence, Alexander’s thesis is highly controversial and many critics openly rejected it (Glazov,n.d.). was one of those who



dismissed Alexander's argument, saying that "Slavery was an evil system. So was Jim Crow. But the prisons are largely populated by individuals who themselves engaged in evil acts." This argument, however, does not seem plausible given the fact that fifty seven percent of those in federal prison are serving time for drug offenses (Nunn, 2002). The crime of possessing a small amount of drugs, which most blacks are imprisoned for, can hardly be labeled an evil act by any standard. Yet Glazov (n.d.) maintains his position, arguing that "effects of crime fall disproportionately on minority communities. Yet too often the same minority communities have members willing to embrace violent thugs." This statement also serves to highlight the fallacies embedded in his reasoning. It creates a false dichotomy in which African American communities must choose between more prison or more crime as if mass incarceration was the only, let alone the best method, for controlling crime.

The reality is that this could not be farther from the truth. Studies have shown that prison does not discourage even violent crimes, let alone the nonviolent drug offenses that so many African Americans are arrested for. Williams reported to the United States Commission on Civil Rights in 2000 that "95 percent of rank-and-file police officers believe that the most effective way to control crime is by working with citizens and communities. Discriminatory laws that force discriminatory enforcement seriously undermine the ability of police to engage minority communities as partners." Therefore, the very policies whose supposed purpose is to cut down on crime are actually only creating an antagonistic relationship between citizens in these communities and the police (Williams, 2000). The drug policies enacted by the Reagan and Bush administrations were also unlikely to be effective, because they relied too heavily on supply reduction.

The government planners were not oblivious to this in fact. According to Tonry, criminal law professor at the University of Minnesota, not only did they realize that the drug policies would not reduce drug use, but they also predicted that they would adversely affect African Americans and other minorities. In his thesis, Tonry declared that “[t]hey knew that the War on Drugs would be fought mainly in the minority areas of American cities and that those arrested and imprisoned would disproportionately be young blacks and Hispanics” (Nunn, 2002). Given this, it would seem that reducing crime was not the main goal of the drug war. Alexander (2010) did not find this idea surprising, noting that “Sociologists have frequently observed that governments use punishment primarily as a tool of social control, and thus the extent or severity of punishment is often unrelated to actual crime patterns.” Tonry also concluded that the political motives behind the drug war reached far beyond the desire to reduce drug use in the United States (Nunn, 2002).

In light of the apparent gains of the civil rights movement and the white power structures battle to maintain complete dominance over the minority populations, the timing of the emergence of crack cocaine into African American communities also seems too convenient to be merely a coincidence. Many African Americans have also noticed an increase in the availability of drugs in the Black community following periods of Black political activism. This would suggest that the government intentionally allowed drug traffickers to introduce crack into communities not only because the drug trade was important economically, but also because it helped to undermine political dissent. This theory does not seem all that far-fetched given the long history of white European nations using drugs to weaken their opponents and further their own political and economic interests (Sgro, 2012).

In the 1930's, British sale of Opium to the Chinese and the resulting Opium Wars not only reaped huge profits for British merchants, but also forced the Chinese into trade agreements that more heavily favored the British economy (China, n.d.). Alcohol was even used against the original North American natives to lessen resistance to the wave of white settlers that were taking control of the land (Sgro, 2012). In their war with Indochina, France took over the opium trade in the region to help finance its military, a technique the United States imitated when it became involved in Indochina later on. The United States also used heroin smuggling to fund its covert operations in Afghanistan and then switched to cocaine trafficking in Nicaragua in the 1980's. At the very same time that Reagan was denouncing drugs as a threat to America's national security and enforcing increasingly stricter drug laws, the CIA was directly supporting Nicaraguan drug traffickers, who were known to be smuggling illegal drugs into the United States. "The CIA also admitted that, in the midst of the War on Drugs, it blocked law enforcement efforts to investigate illegal drug networks that were helping to fund its covert war in Nicaragua" (Alexander, 2010). The even more telling sign is that "although, the disproportionate racial impact of the Anti- Drug Abuse Act of 1986 has been noted by the U.S. Sentencing Commission, neither Congress nor the executive branch has moved to rectify the disparities in the law". (Nunn, 2002) The fact that the government has acknowledged this large scale problem and yet has made no efforts to remedy the situation speaks lengths about the real motivation behind the "War on Drugs" Whether the mass incarceration of the African Americans on drug charges is a regrettable side effect of an effective political campaign, or a successful campaign to subdue African

Americans after their short lived political gains, the resulting oppression remains a clear violation of the human rights.

There is one major difference between that past oppression of African Americans, and the way they are being treated today. In the times of slavery and the Jim Crow south, the African American community was needed to supply the cheap labor that kept the southern agricultural economy running smoothly. Today, due to increased industrialization and shipment of low skilled jobs overseas, the African Americans are no longer desperately needed to keep the United States economy strong. This has resulted in the African American community becoming an increasingly marginalized portion of society. As Powell, a leading legal scholar, commented, "It's actually better to be exploited than marginalized, in some respects, because if you're exploited presumably, you're still needed" (Alexander, 2010). If the idea of herding of the black segment of society, which had been deemed inferior and superfluous, into slums, ghettos and eventually prisons seems too chillingly familiar, it is because it closely parallels what Hitler did to the Jewish population in Nazi Germany. The extreme marginalization of African Americans can and is corroding their quality of life and wreaking havoc on their communities.

What does it say about the true nature of American society, that our prison system dwarfs that of even the infamous oppressive regimes of Hitler's Germany, Stalin's Russia, and Zedong's China? The United States government has vehemently denounced the actions of these regimes as unfortunate effects of fascism and communism, yet the prison system in "democratic" America suggests similar behavior. The conditions inside most United States prisons are appalling. The overcrowding itself is inhumane, left alone

coupled with the brutality prisoners face on a daily basis. Many prisoners with health problems are neglected and left to die. Others are beaten and abused by stun guns, cattle prods, and even attack dogs. Prisoners are often kept in isolation chambers, even though this technique has been recognized as mental torture and a war crime when used against American prisoners of war. In several cases, the Supreme Court has declared the prison conditions to be in violation of the ban on “cruel and unusual punishment” established by the Eighth Amendment. (Onesto, 2011) This begs the question; are American prisons really so much better than Stalin’s gulags? There is a major size difference between the United States prison system and that of Stalin’s; our imprisonment rates are higher. The number of people imprisoned in the United States today is over six million which is more than there were in the Gulag Archipelago under Stalin at its height. (Gopnik, 2012) The American prison system is unmatched by any before in history, and the irony of this is that it exists in the same United States that prides itself on being the “home of the free.”

### **Conclusion**

Slums, ghettos, and prisons have existed throughout history; groups of people have always been persecuted for the benefit of others. Whether it is African Americans in America or “antirevolutionaries” in the USSR, they are both political dissenters who have been labeled criminals against the state because they pose a threat to those in power. The legitimacy and illegality of their crimes is determined by the creators and enforcers of the law. This common thread of oppression is clear enough to anyone who is looking, but apparently far too many people are not willing to see the connections. How close is the United States to freedom and justice for all? If we’re talking about freedom from

persecution or equal justice under the law, it is about as close to realizing democracy's ideals as Stalin's communist regime or Hitler's Third Reich was.

The public would like to believe that America is "one nation, under God, indivisible, with liberty and justice for all." However, the validity of this statement depends heavily on the definition of justice being used. The ancient Greek philosopher Thrasymachus declared that "justice is nothing other than the advantage of the stronger," meaning that laws are created by those with the most power in society for their own self interest. (Polem, 2002) This theory would strongly support the idea that there is justice in America, where the ruling class of elite privileged white men has a long history of manipulating the laws for their own gain. To quote El Raheem, a character from Michael Pineros Broadway play, "You still expect the white man to give you a fair trial in his court? Don't you know what justice really means? Justice... 'just us'... white folks" (Glazov, 2012). Pinero, like many other black convicts, is no stranger to the idea that justice benefits only those in power. However, most people in America today would point towards a more Western concept of justice, which includes fairness as a key characteristic. (Kirk, 1993). Justice, as expressed through the United States Constitution, relies on the idea that all citizens have certain inalienable rights, and impartial laws are essential for the protection of those rights. (Youkins, 2000) Yet throughout history, African Americans and other minorities have been systematically denied these rights of "Life, liberty and the pursuit of happiness" described by the founders. They have been robbed, imprisoned, and violently abused. They have been labeled as inferior in as many ways as the political climate and public sentiment would allow. Real progress whether in terms social, economic, or political justice, has existed only in brief instants throughout

American history and an immediate backlash has always followed to reinstate the same oppressive structure that existed before, only with a different appearance.

The answer would be much simpler if the question was whether or not the system of justice and equality set up by the Founding Fathers still exists today. It would be an emphatic yes. From the beginning, United States government has preached liberty and importance of human rights while practicing oppression of all but a select few, and little has changed since then. The rhetoric of oppression has evolved to cope with the public's increasing racial awareness, but the end results have remained the same. In light of the blatant hypocrisy of its actions, society has made a large effort to fight the appearance of injustice, but none of these actions have sufficiently addressed the core of the issues. After centuries of fighting for their rights, the progress made by African Americans has been more symbolic than concrete. Affirmative action programs have been implemented to ease white guilt, while actually reinforcing the stigma of inferiority that has always burdened the black community. Most importantly, African Americans have yet to gain equal protection under the law. The police harassment and unjust charges against them have only grown worse, legalized by the façade of a "War on Drugs." The United States has always held its head high and declared that freedom, equality and justice are at the very core of its politics. Yet the United States practices much of the same oppression it has outwardly condemned for other world powers. The reality of the system put in place and theoretical ideals of American democracy are two completely separate subjects. The uncomfortable truth is that America has a long way to go before it can honestly be said to live up to the principles it was founded on.

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