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Creating and Treating the New Criminal

The end of the 20th century brought an amalgam of intersectional conflicts affecting urban populations as they became the targets of the “get tough” policies enacted during Nixon’s War On Drugs. State and local law enforcement agencies received heavy political and monetary support from presidential administrations as well as the federal government in order to effectively crackdown on drug crime in America's urban communities. Policies like the Rockefeller drug sentencing laws abandoned moves towards progressive policy and instead enforced a zero-tolerance campaign that mandated a lengthy 15 years to life sentence for drug dealers and addicts caught with, most notably cocaine, but also, heroin and marijuana.¹ Before this policy sailed through the state’s legislature, there were 330,000 prison inmates and following its enactment in 1973, New York prisons reached their peak number of inmates at 2.3 million. A little over a decade later, the creation of the Byrne Memorial State and Local Enforcement Assistance Program of 1988 under the Reagan administration permitted the Pentagon to distribute 1.2 million pieces of military equipment to local police departments in Washington D.C.² The war on drugs, henceforth, became a literal war, even though drug use was declining in America’s urban communities. By the 1990s, 30 percent of African American males between the ages 20-29 were under correctional supervision--in prison, jail, on probation or on parole. According to John Chaiken, director of the United States Bureau of Justice Statistics, since the declaration of the war on drugs, rates of incarceration amongst black men had quadrupled to 600

¹ Brian Mann, “The Drug Charges That Changed How We Punish,” *NPR*, 2013.
<http://www.npr.org/2013/02/14/171822608/the-drug-laws-that-changed-how-we-punish>.

² Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2012), 11

arrests per 100,000. In Illinois, the prison population has grown by more than 60 percent since 1990 due to the influx of new, black nonviolent drug offenders. In Black Cook County, one in five black men in their twenties are either in prison, jail or are on parole while one in 104 white men of the same age are in the criminal justice system.³ In North Lawndale, a neighborhood on Chicago's West Side, 70 percent of black males between the ages of 18 and 45 are ex offenders. While criminalization and the mass incarceration of the black male has and continues to occur across black, urban communities in America, it is vital that studies do not overlook the implications that the war on drugs has on poor black women in these same communities and the prisons that house them.

The poor black woman has and also continues to experience criminalization on incredible levels due to the war on drugs such that by 1980, 142 black women per 100,000 were in prison compared to 50 out of 100,000 white women.⁴ Statistics demonstrate the alarming overrepresentation of black women in state and federal prisons. The *Independent Reader* proposed that the war on drugs was actually a "War on Poor Black Women" because although they only represent 12 percent of the U.S. population, they account for 50 percent of the women prison population. The incarceration of black women for nonviolent drug offenses increased their presence in the criminal justice system from 10 percent to 38 percent of all women prisoners. From 1995-2005, the rate of black women in prison increased at a steady 4.6 percent a year and they represented a total of 7 percent of the prison population.⁵ Multiple studies have shown that

³ Natalie Solokoff, "Women in Prison," *Independent Reader*, Issue 2, 2006.
<https://indyreader.org/content/women-prison>

⁴ Jill A. McCorkel, *Breaking Women: Gender, Race, and the New Politics of Imprisonment*, (New York: New York University Press), 13

⁵ Lawrence O Gostin et. al., "Today's Prisoners," *Ethical Considerations for research Involving Prisoners*, (Washington: National Academies Press, 2007).<http://www.ncbi.nlm.nih.gov/books/NBK19877/>

between 1990 and 2004 the women inmate population grew 134 percent, while the male population grew 70 percent as a result of the war on drugs policy.⁶ By May 2007, 30 percent of all black women in the United States were incarcerated under state or federal jurisdiction.⁷ Angela Davis has stated that black women, incarcerated at a rate eight times greater than white women and four times greater than Latinas have become a victim of “racist and sexist discrimination.”

Michelle Alexander, author of *The New Jim Crow*, provides extensive report on the colorblind policies which justify the incarceration of black men. Although she does not engage heavily into the effects on colorblind policy on black women, her research provides a clear link between covert racist policy, black men incarceration rates, and a life sentence even after release due to life with parole and other forms of criminal surveillance mechanisms that are the “New Jim Crow.” In order to support her claim that this “New Jim Crow” exists, Alexander references policies that intentionally enhanced and expanded the powers of local and state law enforcement agencies. As mentioned previously, the Byrne Memorial State and Local Enforcement increased funding and resources for law enforcement by billions of dollars. Law enforcement agencies had new access to military weaponry and intelligence. To demonstrate the influx of military resources is the statement from a former Police Chief in New Haven who stated, “I was offered tanks, bazookas, anything I wanted.” The federal government acted as a mom would to her five-year old on their first day of kindergarten—supplying her child with a box of extra pencils, pens, and crayons. In the case of the war on drugs, however, the granting these “extra supplies” led to the skyrocketing of drug arrests and SWAT home raids. Moreover, the ghost of the

⁶ Lawrence O Gostin et. al., “Today’s Prisoners,” *Ethical Considerations for research Involving Prisoners*, <http://www.ncbi.nlm.nih.gov/books/NBK19877/>

⁷Paige M. Harrison and Allen J. Beck, *Prisoners in 2005*, (Bureau of Justice Statistics, 2006), 4.

criminal record keeps ex-offenders as debtors to society. Not only are they subject to fees, fines, etc., they were also barred from public and private housing, health care, voting, and many employment options. Statutes like the Anti-Drug Abuse Act of 1988, allowed landlords to evict tenants with criminal records because of the possibility that they may have engaged in drug activity on or near the residence. The act stripped the ex-offender of a basic human right and allowed for discriminatory actions against them. Alexander compares this to discriminatory actions against blacks during the Jim Crow era where blacks were denied from public and private housing on the basis of race through restrictive covenants and other exclusionary practices. She highlights that these discriminatory practices were not the worst part of life after incarceration. The silence brought on by the black family's struggle to maintain respectability and the black man's silence and perpetuation of the "black stigma" further justify the mass incarceration of blacks. Alexander provides a compelling introduction to link the policies enacted during the war on drugs and their attempt to socially control black men in America after they have been incarcerated.

The implications for the explosion of poor black women behind bars has had deep implications for the prisons and jails which house her. While in prison, black women began to receive harsher treatment from state administrators and prison staff that was partially justified by racial stereotypes that exacerbated a moral crisis in black communities. Before the rise of the prison population during the war on drugs, women's prisons referred to their inmates as "good girls" whose criminality was merely a result of their vulnerability to risky men. This essay will argue that the criminalization of Black women through policy and ideology during the war on drugs led to the shift in women's prisons drug treatment programs from the focus on

rehabilitation for “good” white girls to habilitation for the “new,” black woman criminal.

Women’s prisons, since the reformatory movement in the mid to late nineteenth century, reformatories were tailored to gender specific needs, but not the intersectional conflicts that burdened the poor black woman criminal. In contemporary America, poor black women in prison experience the same neglect. During the influx of black inmates during the late 1980s and 1990s, women’s prisons needed to maintain a new population with a dangerous addiction. While in prison, she received harsher treatment from state administrators and prison staff which was justified by racial stereotypes that exacerbated a moral crisis in black communities.

In Jill A. McCorkel’s ethnographic study on East State Women’s Correctional Institution (ESWCI), *Breaking Women: Gender, Race, and the New Politics of Imprisonment*, she argues that the start of the war on drugs in the mid-1980s launched a “new penology” which altered how punishment, in terms of its constitutive logic and practices, changed as women’s prisons became overcrowded and underfunded. She argues further that the new penal system was established by these three points: the resource crisis and ideological crisis, social technologies that constitute habilitation, and the consequences of this new system of punishment on its targets--poor African-American women. The system abandoned familial methods of rehabilitating the “good girl” and began habilitating the criminal. She explains habilitation as a therapy created by the private women’s healthcare company, Project Rehabilitate Women (PHW), to fix the “incomplete” individual that never learned right from wrong. This notion of “incompleteness” is what differentiates the “new criminal” from the “good girl” who understands the difference between both. Criminal activity is no longer to be blamed on the inmate’s own “bad” self. In her argument McCorkel explains how the privatization, lack of funding, and overcrowding

contributed to the criminalization of women in the state facility, but this essay will argue that mechanisms of treatment changed in response to the reinforcement racial ideology.⁸

From its incipience, the women prison was tailored to help women become active members of society, able to fulfil their roles as compassionate and domestic individuals. Reformatories largely formed during the women's reformatory movement from 1860 to 1935, mirrored structures within the the home and other domestic environments in order to support women's specific gendered needs and societal role. State reformatories viewed these women, unlike their male counterparts, as capable of living in cottage-like houses without constraints. Specifically, they were aimed at the needs of a specific criminal: the white, middle or working-class young woman. In New York City, the Women's Prison Association created in 1845 sought to reform fallen women to true womanhood by using religion and domestic training with the intention to aid women to reenter the workforce as housekeepers, nannies, or seamstresses.⁹ Surveillance and punishment took the form of motherly matrons who punished the women by requiring them to exercise decorous walking.¹⁰ They also taught table-serving and censored incoming mail while maintaining a firm role by scolding them when they misbehaved.¹¹ This environment made women criminals' character similar to that of an innocent, submissive child in need of reprimanding and isolation in her respective room.

States deemed black women as irredeemable for their crimes and incapable of returning to a state of true womanhood after criminal activity. This logic justified their exclusion from the reformatories. The reformatory and custodial unit, early forms of women's prisons in the United

⁸ Jill A. McCorkel, *Breaking Women: Gender, Race, and the New Politics of Imprisonment*, (New York: New York University Press), 11

⁹ Nicole Hahn Rafter, "Gender, Prisons, and Prison History," *Social Science History* 9, no. 3, ,241. Jstor.

¹⁰ "Gender, Prisons, and Prison History," 242

¹¹ Nicole Hahn Raftner, "Gender, Prisons, and Prison History," 243.

States, provide historical insight into the ways in which white state and prison authorities now view contemporary black society as the discourses of the black and white female criminal was racially constructed. Punishment for crimes committed by black women in the late nineteenth and early twentieth centuries was exercised on the plantation or in custodial units. These units were actually more masculine than the reformatories and provided lower levels of treatment than that of their male equals.¹² Inmates in custodial units most likely committed more serious crimes such as felony, making their separation justifiable. Even though black women were more prone in the early twentieth century to commit a felony, those who did partake in misdemeanors and petty crimes were screened out of reformatories by judges, administrators, and social workers.¹³ In some cases their petty crimes were overlooked, while white women were screened out of custodial units even in the case that they committed a serious crime. These controls worked to form two different women's prisons separated along racial lines: the white reformatories and the black custodial units. This movement only created institutions which neglected proper treatment of and for the poor black female and ignored her aptitude for self-development and reintegration into society. With the conclusion of the reformatory movement, the evolution of the women's prisons staggered and it is not until the late nineteenth century that federal and state governments would revisit its construction once more.

In order to win the war on drugs and maintain larger population, prisons established legitimacy by creating gender segregated institutions and disciplinary and surveillance practices.

¹⁴ In order to attempt cure the new monetary conflicts that arose, prisons like ESWCI formed relationships with private health care providers like Project Habilitate Women in order to reduce

¹² "Gender, Prisons, and Prison History," 239.

¹³ *Ibid.*, 241

¹⁴ *Breaking Women*, 21

risk and manage the population. PHW is an example of the privatization of women's drug treatment that aimed to find a way to lower prison recidivism and manage the new criminal. What naturally occurred was the unfounding of "soft" rehabilitation and the implementation of a program that combated addiction through a therapeutic community model that prioritized surveillance, discipline, and personal responsibility.¹⁵ McCorkel refers to the founder of PHW as the Company. It inherited 25 percent of the prison population and was subjected to address new "gender specific needs" while considering that 70 percent of incarcerated women required treatment for drug use.¹⁶ What is clear is that the responsibility of the inmates treatment shifted from that of the state to the Company. To solidify and justify habilitation tactics, state and prison actors tackled the "good girl" image and replaced it with the new manipulative and predatory addict.¹⁷ Simultaneously, the population became increasingly black during a time where the community of blacks were labeled as in a state of moral crisis, allowing white staff and administrators to treat black criminals as an "other. A Company executive told an audience of legislators, clinicians, academics, state officials, and wardens that PHW was unique because its programming was tailored to meet the "culturally specific" needs of "Negroes."¹⁸ The effects of this racism is noticed by African-American prison staffers who told McCorkel that they felt that white executives at the Company perpetuated racial stereotypes and said that they heard a lot of executives use race to explain increases in the general pop statistics believed that race had something to do with it. Cross training sessions included convincing highly educated white counselors that they could be subjected to highly manipulative tactics from the inmates since

¹⁵ Jill A., McCorkel, *Breaking Women: Gender, Race, and the New Politics of Imprisonment*, (New York: New York University Press, 2013), 60

¹⁶ Jill A. McCorkel, *Breaking Women: Gender, Race, and the New Politics of Imprisonment*, 80

¹⁷ *Ibid.*, 81

¹⁸ *ibid.*

they were unable to understand the pathologies of street life. In order to treat the new black woman criminals, counselors were told to manage the women by using humiliation through encounter groups, interpersonal surveillance, and confrontation. In encounter groups, inmates were singled out and confronted troublemakers using blunt comments possibly bringing inmates to tears. The conclusion of the session would be demonstrated by the women “getting in touch with their real “bad” selves and controlling their negativity. What happens, however is the opposite. After a group session one inmate, Tai, who was told to sit in the middle of the circle and spin in a swivel chair questioned the Counselor after she said that Tai was not in control of her own behaviors, The Counselor responded to this dissent by saying, “What kind of woman, what kind of mother, would chose--would be choose to be in prison?”¹⁹ Surveillance was also embedded in treatment and it pitted prisoners against one another and encouraged counselors to praise those who were “most aware.” Confrontation emphasized to prisoners that meetings embodied surveillance since counselors frequently reminded inmates that they were watching them if they misbehaved. Inmates actions as well as their feelings were externalized. For example, in a pinball session, where an inmate would be put in the hotseat to experience emotional and physical discomfort, Latasha said, “What you said hurts...I did those things, I am those things. Today I feel helpless...I am helpless against this disease.”²⁰ In short, surveillance accomplished three goals: represses rule-breaking behavior, produce knowledge of prisoner central to interpreting disorder and uncovering “real” self, and legitimates the staff’s claims and diagnoses regarding the self.

¹⁹ Jill A. McCorkel, *Breaking Women: Gender, Race, and the New Politics of Imprisonment*, (New York: New York University Press, 2013), 104.

²⁰ Jill A. McCorkel, *Breaking Women: Gender, Race, and the New Politics of Imprisonment*, 112.

The implications of this treatment on the new criminal is extensively negative and actually encourages recidivism. Women leave the program feeling inferior to their addictions after months or years of prison staff and counselors' racial antagonization of the black women through subjection to comments such as "crack whore," "bad mother," and "welfare queens" which attacked any confidence within the offender. Director Terrance from ESWCI stated that while in prison, inmates were "in recovery...not cured. They need support and are not going to get it back in the communities there going back to. It's not something they can do on their own."²¹ The program did not help women face the socioeconomic conflicts brought on by poverty, but instead caused an embedded fear. One prisoner Alicia, who the Company rendered a success, was killed two years after her release. Another inmate Ann also died from a drug overdose along a section of an interstate highway known for drug sales and prostitution.²² Eight women from McCorkel's study sold sexual services along a prostitution strip just two miles away from the prison. One of them, Robin, offered testimony about life after PHW while hovering over a crack pipe. She confessed that during treatment she was "going nuts" and "losing her head." In the interview, Robin was incoherent and repeated, "I am an addict. I started using on the street and became an addict in there [prison]."²³ Leda justified her relapse after a sober six months with logic taught by the program itself: making peace with her "true," inherently bad, self.²⁴ She explained that individuals are either heaven or hell--good or bad who were addicts even while in recovery, not superstars or princesses that deserve a better life. The treatment further criminalized poor black

²¹ Jill A. McCorkel, *Breaking Women: Gender, Race, and the New Politics of Imprisonment*, (New York: New York University Press, 2013), 219.

²² Jill A. McCorkel, *Breaking Women: Gender, Race, and the New Politics of Imprisonment*, 222.

²³ *Breaking Women*, 223

²⁴ *Ibid.*, 224

women in ESWCI, provided no remedies for criminal behavior, and relied on the few success stories to compel inmates and prison administrators to continue using PHW for treatment.

While McCorkel focuses on the “habilitation” approach to drug treatment, I found it imperative to briefly explore other treatment programs that women’s jails use for their inmates with drug addictions. In Detroit’s Division III Jail, women who have a history of substance abuse and seek help, are referred to the Women’s Wellness Program (WWP) which is a gender specific treatment program that works to provide women with the necessary information to make more responsible and more productive choices upon reentry to society. With successful completion of the program the state would eliminate any accumulated charges on the inmate’s criminal record. Like the PHW program, the methodology of WWP requires group meetings. Once a month the women meet to confront their addictions, talk about what caused them, and hold each other accountable for their past and future actions. Another similarity, is that group sessions are led by a white counselor, Cami Jule, who facilitates conversations and gathers information that can be useful for recommending early release for good behavior. Jule defines addiction as a “thinking problem” and believes that each individual has a problem they must cope with in order to overcome their addiction. She advocates that confrontation and critique helps inmates deal with their pain, typically caused by child sexual abuse, domestic violence, or poverty.

Another drug treatment program, Fresh Start Prostitution Reform Project (Fresh Start) offers two year-long substance abuse treatment to inmates at Wayne County Jail who have participated in sex work in order to finance their addiction. Like the former treatment, Fresh Start utilizes the method of confrontation during group meetings to help inmates overcome situational constraints that actively shape or limit their choices and behaviors. Often, inmates are repeat offenders and

have realized that they must leave the streets, end their addiction, or face death. One woman, Rakia “Kiki” Courtwright recounts her six year experience in and out of jail for prostitution starting at 24. She admits that she resorted to drugs and sex work in order to finance her child expenses and just could not separate herself from the lure of the streets. Others state that they discovered the drug at a young age and found a familial figure in the dopeman and pimps which led to their commitment to petty crimes and sex work.

When accounting for the state, prison, and the private company’s portrayal of the new black criminal one thing can be salvaged: these women have their own set of intersectional issues. In order to successfully achieve prison’s most primitive goal, reduce immoral individuals from causing harm to other individuals, it is important that racial ideology be eliminated from staff training, healthcare treatment, and the prison system altogether. The state and its prisons continuously overlook and incredibly undervalue the plethora of conflicts women inmates face that may affect their behavior in regards to their criminal activity. Due to this negligence, poor black women in prison never receive beneficial treatment because they are poor and black. They bring with them memories of impoverishment, mental illness, domestic violence, rape, and poverty. Many of the inmates interviewed in McCorkel’s study reflect the demographic of incoming inmate populations. According to a study composed by the National Institute of Corrections (NIC), a disproportionately higher amount of black women offenders have low-income and are unskilled, uneducated, and commit drug related crimes and property thefts. They also have a longer history of substance abuse than their male counterparts and are more likely to be injecting drugs, using multiple drugs, selling their bodies for money or drugs. With a past such as this one, it is no surprise that she may not fare well with encounter groups and the

mechanisms of confrontation. Attacking an inmate and subjecting her to comments such as “welfare queen” and “crack whore” would only inflame possible preexisting mental issues.²⁵ In regards to abuse, a total of 43 percent of women report abuse prior to imprisonment: 33.5 percent report physical abuse and 34 percent reporting sexual abuse.²⁶ The narrative of the poor black female inmate is vital to understand in order to treat her and help her overcome her addiction and the conflicts that spiraled her criminal activity.

In these next pages I seek to uncover the stories of black women behind bars and after they’ve left. A common feature is present in each account that frequently what leads to criminal activity: pain. I wish to begin with Susan Burton, whose pain began when a police officer accidentally ran over and killed her five year-old son. As a result of her son’s death, Burton resorted to self medication with crack cocaine in order to numb her pain and forget the tragedy. In her account, Burton states that in poor black communities there insufficient access to counseling services, but unlimited availability to drugs and alcohol. Her eventual arrest for a drug offense marks the beginning of her 20 year experience in the criminal justice system. She noticed that upon sentencing, judges never considered her addiction to drugs as a problem that could be overcome with drug treatment. She states that in regards to women drug users, the criminal justice system only serves to, “cage them up, chain them up and spit them out into the community ill-prepared.”

²⁷ Women, like Burton, in prison see themselves as mothers and daughters who have found

²⁵ BJS Mental Health and Treatment of Inmates and Probationers” 1999, <http://www.ojp.usdoj.gov/bjs/pub/pdf/mhtip.pdf>.

²⁶ Natalie Solokoff, “Women in Prison,” *Indydependent Reader*, Issue 2, 2006. <https://indyreader.org/content/women-prison>

²⁷ Stanford University, “Dr. Joan Petersilia on Women Prisoners: No Right to Be a Mother,” *Youtube* video, 17:05, December 12, 2015. https://www.youtube.com/watch?time_continue=894&v=s9_opzjbWqw

self-medication as a means to suppress anger, hatred, and abuse in need to adequate treatment and aware of their injustices.

Numerous articles and excerpts from women who contributed to *RealCostofPrisons.Org* are prime examples of women inmates who defy reinforced racial stereotypes and have established both agency and self-awareness while in prison. This website emphasizes that black women in prisons are more than the racial stereotypes that justify their incarceration and harsh treatment while in prison and deserve better treatment for their addictions. In her article, “Prison and the State,” Ana Lucia Gelabert writes about her experiences in rehabilitation and the damaging effect prison drug treatment has had on inmate recidivism:

“The sadistic , brutal, medieval abuse of prisoners, far from making sorrowful, rehabilitated, Bible-reading ex-cons, instead yield most resentful and psychologically damages time bombs ready to go off in the instant they hit the streets. Futile misguided revenge on society at large instead of their oppressors.”

In another inmate’s testimony, “One Woman’s Struggle,” an author wrote that, “they [society] forget that we are human; they forget that we have personalities and have placed labels against us, when most of us are genuinely good people who have chosen the wrong roads in life’s journey.” This account represents the impact that harsh treatment has on the prisoner. She knows that she had been criminalized and stripped of her humanity and vocalizes her knowledge of her wrongdoing by using drugs. These women represent an antithesis of the poor black criminal the war on drugs created.

Even when considering all of these accounts from poor black women in prison, middle-class blacks that constitute the black churchgoers and entrepreneurs feel negatively affected by these women who they consider to be just poor black “junkies.” These individuals are the cause for their fear of being mugged if they decide to leave their home late at night. To put it frankly, they

do not buy it. Michael Javen Fortner in his study *The Black Silent Majority*, examines acts of protest from black activists starting from the age of the Rockefeller Drug laws. The title is credited to an African-American political scientist who created the term to refer to working-class blacks who are neglected by society. These individuals, “have never been to jail, never been on dope, never participated in a riot or even a civil rights demonstration, are not on welfare... who go to work every day, pay their taxes, root for the home team...”²⁸ Fortner’s study however, addresses class conflicts between the middle-class blacks and poor blacks, while blaming the latter for their skyrocketing incarceration rates, instead of racial policies.²⁹ During Rockefeller drug law period Fortners silent black majority would be the subject of this *New York Times* report that “about three quarters of New York’s black and Puerto Ricans- even more than whites- favored life with no parole. Three in five blacks...felt that should be punished by death penalty.”³⁰ Fortners study provides a strong counter to my main claim because he places the blame on poor blacks for skyrocketing incarceration rates and instead of racial policies.³¹ These people fought for stricter law enforcement and court systems, more policemen and more severe punishments for poor black substance abusers.³² The black middle-class activists’ petitions address a class conflict, rather than one inspired by racial motivation. Like white liberals, they held narcotics as the number one problem in America and its users were harmful to society. In the author’s perspective, confrontation, heavy surveillance, and treatment for the incomplete self

²⁸ Charles Hamilton, “The Silent Black Majority,” *New York Times*, May 10, 1970, 201.

²⁹ Michael Javen Fortner, “The ‘Silent Majority’ in Black and White:Invisibility and Imprecision in the Historiography of Mass Incarceration,” *Journal of Urban History* 40, no. 2, (New Jersey: Rutgers University Press), 254.

³⁰ Nathaniel Sheppard, “Racial Issues Split City Deeply,” *New York Times*, January 20, 1974, 1.

³¹ Michael Javen Fortner, “The ‘Silent Majority’ in Black and White:Invisibility and Imprecision in the Historiography of Mass Incarceration,” *Journal of Urban History* 40, no. 2, (New Jersey: Rutgers University Press), 254.

³² Michael Javen Fortner, “The ‘Silent Majority’ in Black and White:Invisibility and Imprecision in the Historiography of Mass Incarceration,” 256.

are imperative in order to reduce an inmate's criminal activity. Crime and substance abuse had become a hindrance to commercial markets within the black communities and these activists wanted their quality of life restored.

Under the umbrella that is America's criminal justice system lies two key concerns which I have addressed in my main argument. First is that "colorblind," racial policies that justified the mass incarceration of blacks criminalized not only black men, but also black women during the war on drugs. Furthermore, the criminalization of black women reinforced racial stereotypes and prejudices when developing treatment for black women inmates. When it comes to the mass incarceration of women, gender and race matter. While this is true, however, widespread change in the criminal justice system remain stagnant. Joan Persilia, leader of former Governor Arnold Schwarzenegger's prison rehabilitation panel, recalls that 95 percent of the issues addressed focused on male rehabilitation in prison while less than 5 percent was spent on general women's issues.³³ It is possible then that even less time is devoted to address the social and economic forces that influence poor black women who use illicit drugs. Financial disparities suggest partial explanation for the overrepresentation of poor black women in prison because they are more likely than their white counterparts to sell and use drugs to make money.³⁴ Robin Levi, human rights attorney, believes that while in prison women need "love, support, commitment, advocacy from the other side, and support, otherwise, the inmate won't come out whole."³⁵ Ex-offender Burton suggests that the problem regarding mass incarceration, "is so deeply ingrained into society" and in order to begin to overturn mass incarceration U.S. citizens must create a radical

³³ Clayman Institute, "Dr. Joan Petersilia on Women Prisoners: No Right to Be a Mother," *Youtube* video, 17:05, December 12, 2015. https://www.youtube.com/watch?time_continue=894&v=s9_opzjbWqw

³⁴ Ronald L. Braithwaite et. al., *Health Issues Among Incarcerated Women*, (New Jersey: Rutgers University Press), 21.

³⁵ Clayman Institute., "Robin Levi on Women Prisoners: No Right to Be a Mother," *Youtube* video, 17:05, December 12, 2015. https://www.youtube.com/watch?time_continue=894&v=s9_opzjbWqw

form of resistance” against “get tough” policies. The resistance she refers to would aim to affect change on a macro-level in an attempt to dismantle and recreate the criminal justice system. On an interpersonal level, all citizens “need to change the way we think of people, women, poor women, and women of color.”³⁶ When the latter is achieved, better treatment for black women in prison will improve because racial stereotypes will not determine the ways in which healthcare providers develop drug treatment programs, Furthermore, policymakers and treatment programs must consider that more than their male counterparts, black women offenders are more likely to suffer from mental illness upon incarceration. Lastly, the federal government should hold state jails and prisons to the same policy as that of California’s state legislators who ordered prisons to decrease their population by 30,000. In order to do accomplish this, policy mandated that only violent and serious crimes as well as sex offenses would warrant arrest and parole violators would not return to prison. Within four months, the state’s prison population decreased by 10,000.³⁷ In effect, more resources could be used to fund drug treatment programs and community counseling services to working to both decriminalize poor black women and prevent substance abuse that leads to criminal activity. A collective effort must come from state and federal actors, prison administrators and community leaders must develop in order to decrease crime rates and create a more just criminal justice system that considers gender and race when treating the poor black woman.

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³⁶ Clayman Institute, “Dr. Joan Petersilia on Women Prisoners: No Right to Be a Mother,” *Youtube* video, 17:05, December 12, 2015. https://www.youtube.com/watch?time_continue=894&v=s9_opzjbWqw

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