

**“It’s Your Fault”: The Overcriminalization and Self-Fulfilling Prophecy in the
Imprisonment of African American Males in America**

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Abstract

African American men have been subjected to the abuse and neglect of America's Criminal Justice System for centuries. Such subjection has made them victims of systematic racism and prejudice; however, they have been depicted as everything other than victims. Societies' continuous rejection of them as anything other than criminal, has forced them into the confines of imprisonment. The basis of their imprisonment can be directly connected to history's congestion of the African American community. The utilization of the prison system has become a new-found version of enslavement. Labels attached to African American men have remained consistent with America's overcriminalization of them. Why? Answers to questions relative to the one posed will be studied beginning with the historical development of criminalizing black men post-slavery. Data tables and analysis are provided in addition, to demonstrate the racial disparities and consequences of such overcriminalization. Evaluations of the news outlet's association with black men and criminality will also be discussed. Effects on the offspring and familial structure will also be considered and morphed into the census of continued repercussions black men are subjected to due to Americanism, and the effects on their families and vulnerability to criminality.

Keywords: African American men, overcriminalization, incarceration, racial disparities, systematic racism

Literature Review

America has been a place synthesized by the privileged and described as a country of greatness by its forefathers. Its history has been fabricated with the “American Dream” and has ostracized itself to deaf ears of the oppressed. Often, America is addressed as one society instead of those that occupy it. The recognizance of a system that was set in place to subject a group of people, African Americans, has remained continuous for an extensive time. The research gathered within this thesis will provide a deeper look into the correlations between history, and the continuous enslavement of the descendants of the once enslaved. Research paying homage to my ancestors and this country’s continuity in ensuring that the oppression of African American men through the utilization of imprisonment be shared with those who are rather misinformed or ignorant of the trials and tribulations of those darker than the founder’s experience. It is dedicated to those still held in captivity, whose contributions to the growth of this country must not go in vain. Explanations of this pressing matter can be simplified within a glance of the title of this thesis.

The infrastructure in which the Criminal Justice System was built was designed, in part, to criminalize African Americans to keep them in captivity. In addition, the research conducted within this thesis will capsule the effects of the overcriminalization of African Americans on their psyche and the psychological influences that society has on the progression of their criminality and the increase in their participation. “It’s Your Fault” is a testament to the systematic abuses that African American men have experienced in a country that has weaponized their blackness to a degree that has become insufferable to escape. In

addition, the issue is to hold the oppressor responsible for their role and contribution to the criminality infested within the African American community.

In addressing the increased imprisonment of African American men, this thesis will analyze the conflicts within the numerical issue itself. Data and charts consulted within the research provided, detail the disparities within the imprisonment of black men in comparison to their counterparts. Conflicts arise in determining the originality of such displacement, and the unanswered questions in correlation. African Americans are a group classified within the minority population; although this is a universal fact, they make up the majority of those incarcerated. Considering this information, it is without discourse that African American men are over-criminalized within the Criminal Justice System. An overview of information embedded within this thesis will evaluate the “why” in which African Americans are over-criminalized. Due to this over-criminalization, such targeting of African American men has developed a cycle-like pattern of the black man’s participation in criminality. Questions stem from the historical context and origins of the enslavement of the metaphorical “black body” and America’s over-obsession with dismembering the black family by configuring a criminal justice system designed to disrupt the black familial structure.

Although there continues to be an increase in the imprisonment of African American men within America’s Criminal Justice system, the explanation and influences of such increase are still unknown. I propose to analyze the relationship between American white supremacy and the continued enslavement of African American males. Such analysis will look at the first two steps of enslaving the black body: African American men succumbing to such prophecy and the century-long continuation of imprisonment.

The complexity of this conversation will be constructed to address the origins of racial bias and prejudice against African Americans, specifically black men, to gain validity in terms of its relevance of the origins of the criminal justice system and law enforcement interactions with black men. Doing so will provide a deeper knowledge as to “why” black men have consistently remained categorized as the majority demographic incarcerated. The history on which the prison system has been established. This thesis will discuss the origination of criminality amongst African American men and its increase over time. Data and tables included will cultivate a numerical representation of African American men imprisoned, the types of crimes they are majorly imprisoned for, and the disparities they experience. In addition, the research conducted will answer these three questions:

How have historical impositions of laws post-slavery shaped the imprisonment of African Americans?

America has been no stranger to the idea of incorporating laws, legislations, and acts to minimize the progression of African Americans. Historically speaking, the Reconstruction Era and Jim Crow were periods that kept African Americans enslaved to a certain degree. Before its abolishment, societal enforcement before the 13th Amendment permitted the enslavement of African Americans.

How does the media contribute to the criminality of African American men?

Black men and the presumption of their criminality have advanced with the assistance of media coverage and overall portrayal. In this section, I will discuss how the media, news reports, and labels conceptualize conversations such as high crime rates and stereotypes that have helped depict them as everything derivative of a criminal. I would also like to analyze its impact on

consumers of the media to understand how effective such depictions can be on an individual's perception of black men. Furthermore, I will include analyses that focus on the white audience and how the portrayal of black men has shaped how they interact/perceive them.

How does over-criminalizing African American men become self-fulfilling?

This section will analyze how the repetitiveness of over-criminalizing black men influences their continuity in entering the criminal justice system. Explaining why we see an influx in numbers of black men within the prison system, and them being the majority will also be studied. Consistently seeing society's portrayal, of you as something you "ought to be" in retrospect to something you are not, must take a psychological toll on an individual. I would like to analyze how stereotypes play into the psyche of black men, configuring them into a cycle that makes them vulnerable and ultimately susceptible to criminality.

History

To address the overcriminalization of African American men, one must understand the historical relevance and influence of America's obsession with criminalizing the black body. The Justice System currently in place has been fashioned in the likeness of history. As previously stated, the abolishment of slavery as encoded within the 13th Amendment was America's signal that brutalizing the black body through the method of enslavement had been recognized as illegal. As centuries elapsed, questions arise as to whether the practices once familiar with slavery, still linger within legalized methods such as imprisonment. Developing a criminal justice system with the institutionalization of racism that has long targeted African American men has been the DNA of fostering its continuation today. The origination and responsibilities of the policeman are one of many implementations enforced to control, detain, and brutalize African Americans, especially black men.

Development of Law Enforcement

Slave patrols (modern-day police officers), were roles occupied by white Americans with the sole purpose of catching and returning slaves during slavery (Ornella, 2021). Responsibilities of slave patrols mimic police officer responsibilities practiced today. Police reform was required after the abolishment of the 13th Amendment, and both southern and northern states had to uphold the ratification. Rebuilding their police departments, however, meant that they were afforded to do so at their discretion (Ornella, 2021). Bigotry that existed within the southern states, and their amassment in support of the abolishment of slavery meant that police officers who once served as slave patrols modeled their enforcement of laws and continued racism against African Americans. One of the 1st methods of brutalizing African Americans was lynching, in which police officers found leisure in indulging in brutalizing the black body for its participation (oftentimes alleged) in crime. Horrific images stored in history expose how black individuals were executed, a tradition made continuous long after slavery. It was the duty of the police officer to “protect and serve” white individuals within society, a commitment that is somewhat consistent in practices today. Slave patrols would later assume roles as officers who became hostile towards African Americans. “When the Civil War ended, many colonists, especially Southerners, felt threatened by the population of freed African Americans, arguing that they would disrupt the social order” (Bhattar, 2021). The recodified Fugitive Slave Act of 1850 instructed citizens to capture and return enslaved fugitives. This instruction complied the increase of white Americans to participate in the return of slaves (Smith, 2010). The perception of African Americans’ participation in society had sparked major conflict within the Northern and Southern states. White Americans understood that free black people would be threatening to the society in which they constructed. Essentially, to combat said threat, African Americans

became victimized by police brutality (Bhattar, 2021). The Reconstruction era created a society that would have to force the inclusion of African Americans. This meant that the road to equality would be tumultuous for both white Americans and black Americans; white Americans had to preserve their society and protect it from newly freed black people, and black people had to live in a society that rejected them in every aspect.

Black Codes

Black Codes were legalized sanctions designed to emasculate African Americans from the little freedom they had during the Reconstruction era. Due to the disarray of control white individuals had during slavery, this nuance of societal ordinance allowed white delegators to incorporate racial segregation and continued prejudice against African Americans (Smith, 2010). The immersion of the Ku Klux Klan was an additional form of policing used to terrorize African American communities to delegate a society that legally controlled black people in a way that slavery did. African Americans, in a sense, were victimized and criminalized before they even became the offenders and criminals that society then depicted them as.

Jim Crow and Legalizing Brutality

Shortly after the Reconstruction era was the introduction of Jim Crow; a period that legalized every discriminative measure against African Americans for the security in advancements of white individuals. Laws imposed signified that southern states were to maintain a census of “separate but equal”, enforcement serving to protect white individuals and subjected black individuals to consequences inclusive of physical punishments if the laws were not upheld. Such implementations were vital in ostracizing black people and progressing obsession over white supremacy. Doing so would brandish a message that black people were and would always be perceived as “inferior”.

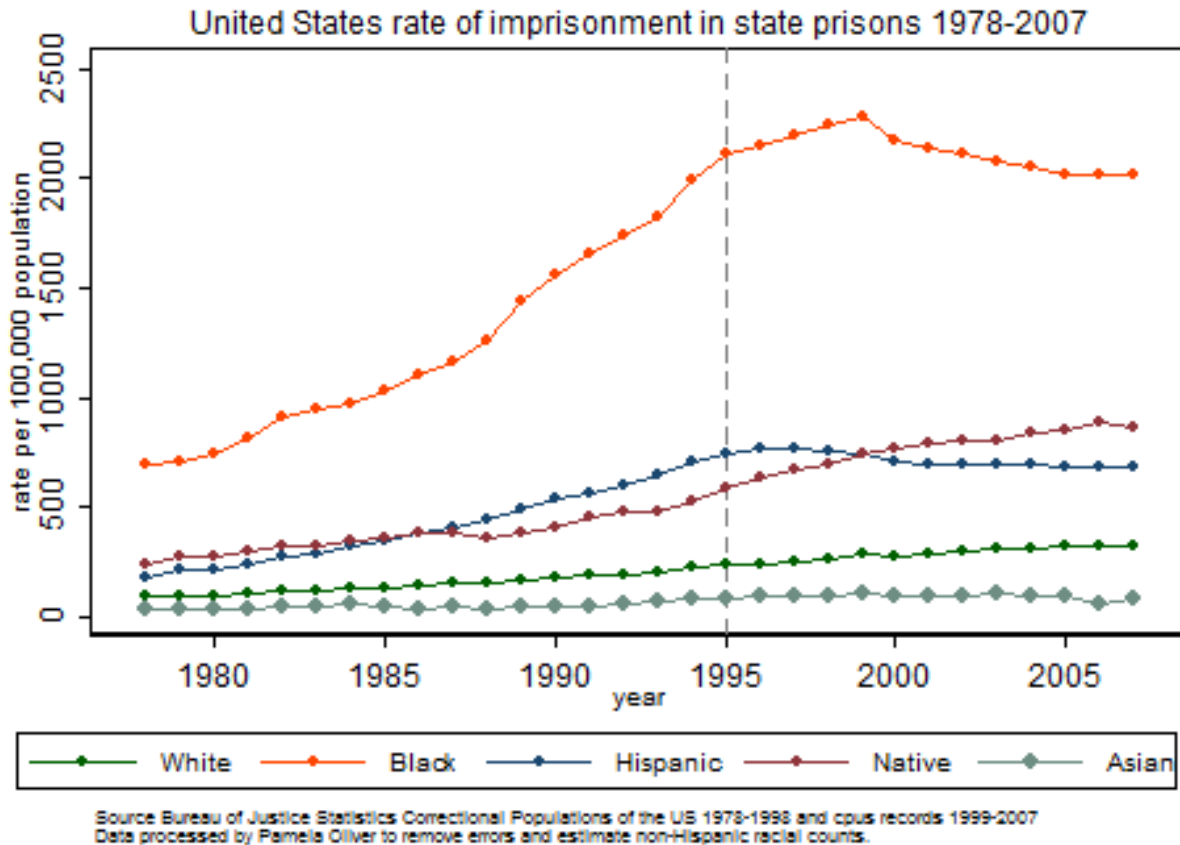
Self-fulfilling?

In asking this question, I attempt to analyze the connections of criminality placed upon African American men and their vulnerability in becoming criminals. Furthermore, how has America contributed to encouraging African American men to be morphed into a characteristic placed upon them? Identifying America as the culprit, black men have mentally compromised to the idea that they “ought to be” instead of “who they are”. The exhaustion of police encounters such as racial profiling is one of many testaments that persuade black men that their blackness makes them criminal, and their complexions are seen as weapons. In understanding the internal struggle black men face, “...since a Black body is required for the crime to be recognized, African Americans cannot fully escape the criminal identity due to their intrinsic Blackness” (Walker et al., 2023).

Mass Criminalization and Incarceration of African American Men

In this section, I want to take a closer look at the media’s contributions to the criminalization of black men. Taking a step away from its origins, I would like to consider how other factors have played a role in characterizing black men as criminals. In addition, I studied how the media’s participation in utilizing stereotypes through visualization can negatively affect viewers, specifically white individuals. The mass criminalization of black men has a direct relationship with the increase and rather stagnant numbers of incarceration.

Figure 1: Incarceration Rates by Race within State Prisons from 1978-2007



Oliver, P. (2016, August 13). *Race, Mass Incarceration, and Bill Clinton's Policies*. Race Politics Justice. <https://www.ssc.wisc.edu/soc/racepoliticsjustice/2016/08/13/race-mass-incarceration-and-bill-clintons-policies/>

Figure 1 capsulates the state imprisonment rates from 1978-2007. Data collected analyzes, race, and African Americans becoming the majority of those confined within the prison system (Oliver, 2016). As the first documentation of mass incarceration began in the early 1970s, the year 1980 saw a slow incline of incarcerated African Americans, in comparison to white individuals and other minority groups. As the population rate began to increase shortly after, numbers reflecting black individuals slowly, but gradually began to rise. The 1990s was a peak year for incarcerated black people, as factors such as the “drug” stigma arose within poorer communities. Though the 2000s saw a slight drop in incarceration, black people remained overrepresented within the prison system, and continue to be today.

Figure 2: Racial Disparities amongst Imprisoned Men across Age Demographics

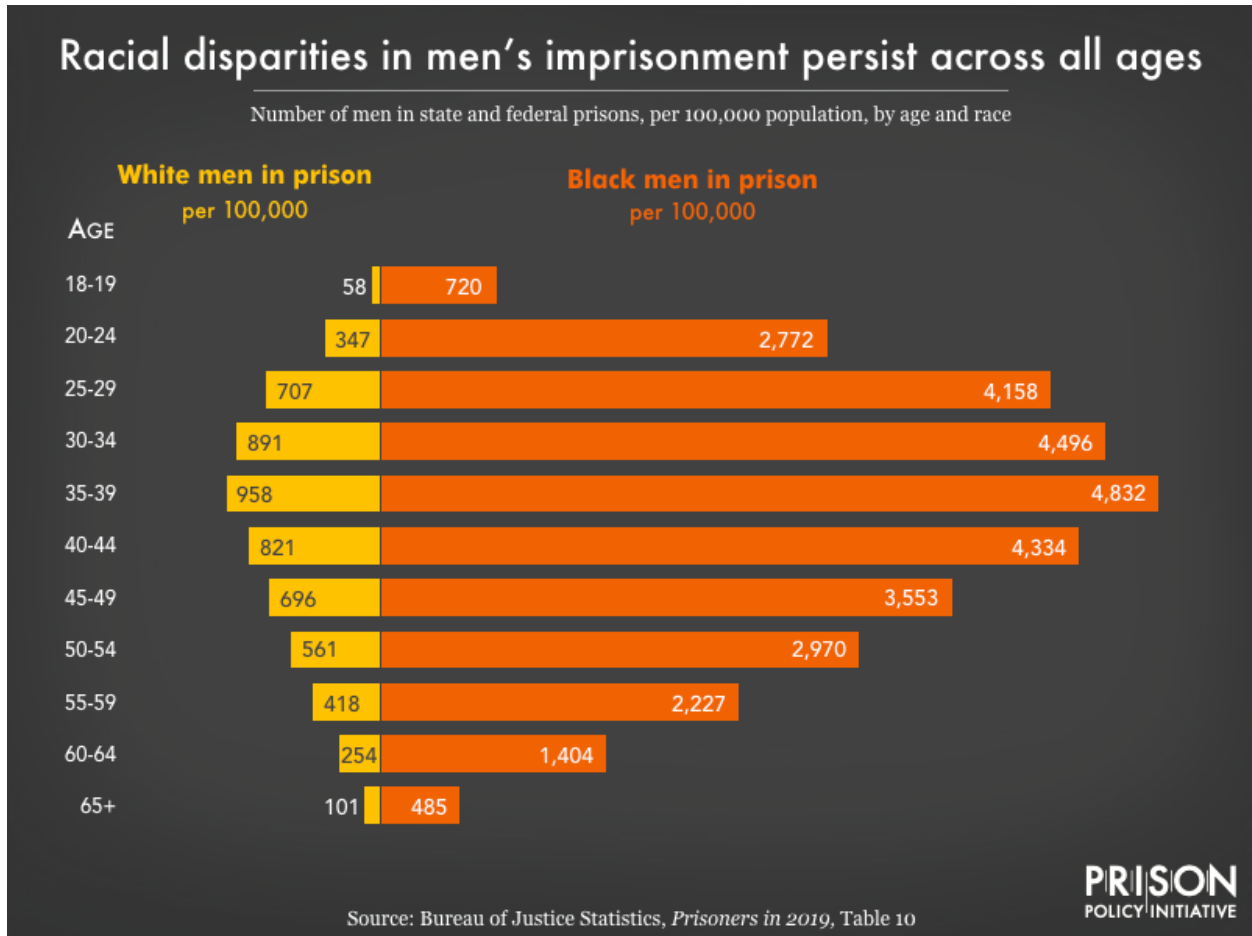


Figure 2: Jones , A. (2020, October 30). *New BJS data: Prison incarceration rates inch down, but racial equity and real incarceration still decades away.* Prison Policy Initiative. https://www.prisonpolicy.org/blog/2020/10/30/prisoners_in_2019/

Figure 2 above provides a visual representation of black men between the ages of 18-65 and the disparities among age groups incarcerated in comparison to white males of the same demographic. Representation within the graph is a testament to the legalizations of racial bigotry and continued institutionalized oppression.

African American men represented in Figure 2 often reside in lower-income communities, increasing the likelihood of their confinement in prisons. “Black and Brown

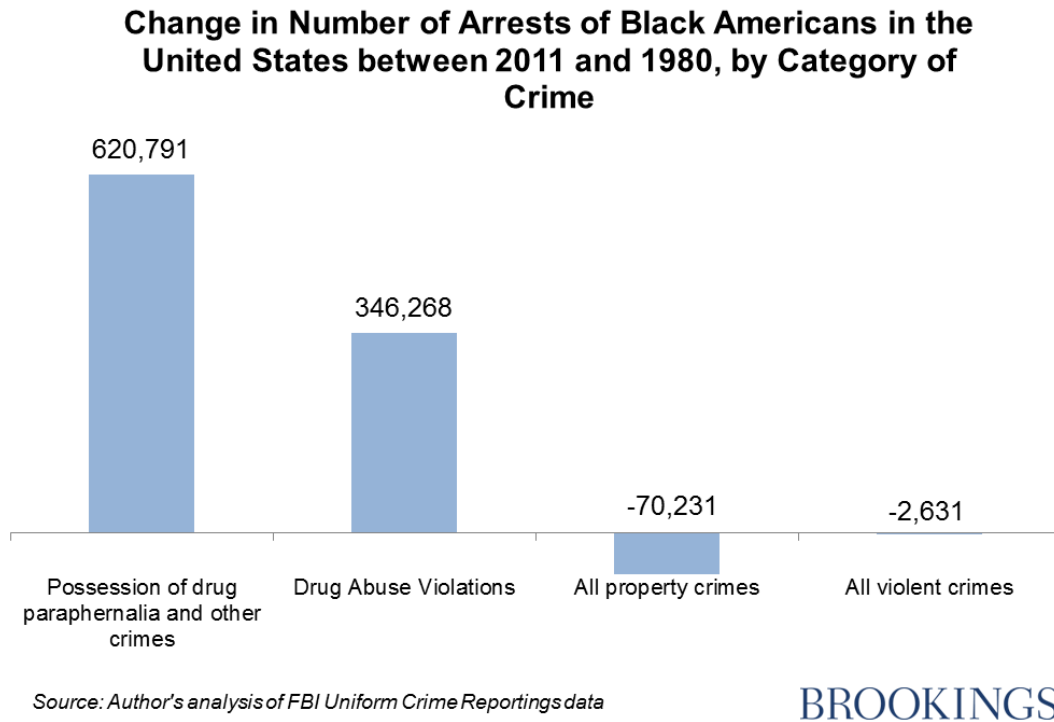
bodies and lives bear the brunt of the sprawling criminal justice system that is omnipresent in many poor communities” (Innocence Project New Orleans, 2020). Due to the overcriminalization of African American men who are confined within a community of fewer opportunities and restrictive access to job resources made available to other communities, they are more prone to participating in criminalizing activities. From history’s enforcement of regulations designed to destroy the black community, black men, especially, have fallen victim.

Criminalization through the War on Drugs Era

In pinpointing a period that saw the increase of incarceration, I analyzed moments within history that were responsible. The War on Drugs propaganda was a controversial tactic for President Richard Nixon in the early 1970s. Nixon’s motivation behind the emphasis on said policy was with intention to racially target and discriminate against black people at the time of its implementation into the Criminal Justice System. “President Nixon’s creation of a war on drugs to criminalize Black people amplified the presumption of guilt assigned to Black people since slavery and entrenched the racialization of criminality that began in earnest with lynching” (Equal Justice Initiative, 2016). The obsession of African Americans’ attachment to criminality had and continues to run rampant. The intuitive relationship between slavery and enslaving black people to a system that has fabricated their presumed criminality had become a political parading topic amongst politicians. “Cracking down” on the drug issue provided politicians leeway to continue harboring black people beneath the system. At the time African Americans were characterized as heavy participants in the war issue, linking them as culprits to the increased drug infestation had been proven untrue. The comparative analysis would convey a numerical

representation of the disparities against black people amongst sanctions in response to the cocaine utilization during the War on Drugs era.

Figure 3



Rothwell, J. (2014, September 30). *How the War on Drugs Damages Black Social Mobility*. Brookings.
<https://www.brookings.edu/articles/how-the-war-on-drugs-damages-black-social-mobility/>

Figure 3 provides the categorization of each offense committed amongst African American men, and the number of arrests between 1980 and 2011 (Rothwell, 2014). The prevalence of drug utilization amongst black men can be difficult to understand when the predominance of drug consumption is minimal in comparison to their white counterparts. Data collected between 1993 and 1995 expose the racial disparities of drug arrests amongst black men. Consulting results taken from SAMHSA, “Blacks are 49% of arrests for selling drugs but only 16% of admitted drug sellers, a disparity of 33 percentage points....” (Langan, 1995,

bjs.ojp.gov). When comparing the disparities within overall incarceration rates amongst black men vs. disparities within their arrest rates, one can only conclude that the historical labeling of black men as criminals has contaminated the Criminal Justice System.

“Extra, Extra, Read All About It”: The Media and the Black Man

In assisting in the advancement of criminalizing black men, mass media has been no stranger. The criminality of black men has remained consistent within the consumption of television, specifically news outlets, to taint the criminality of black men. Mass incarceration has been an issue prevalent throughout the prison system. African American men have preserved the top percentages of incarcerated individuals within America. “There is a clear cause and effect relationship between media images of Black criminality and White community attitudes towards Blacks” (Hunt, 2016). The microaggressions expressed by those within the white community are derivative in their viewership of black individuals through the means of television. Theories such as Cultivation Theory have been studied to better understand the link between media consumption and its influence on people. Mass media portrayals of black men have remained a constant for decades. Black men have been depicted as thugs, gangbangers, and overly criminalized to an extent that has remained prevalent across news outlets.

Black men have never been favored in the eyes of the media; Rodney King, Trayvon Martin, and Michael Brown are some of many black men who have been victims within their stories, however, portrayed as every synonym to the word “criminal”. Mass media holds a responsibility in what viewers are consuming; responsibilities that either negatively or positively impact the perceptions of its viewers. Comparisons in portrayals of white men vs black men are also a testament to the continued prejudice that the media indulges in. Explaining the differences in aggression between black and white men showcases further disparities, concluding that black

men and their aggression are categorized as criminal (Dill-Shackleford, et al., 2017).

Representations such as these stigmatize black men while also upholding white men to the “savior-like” omnipresence that America presents them as. Images of black men have and always will be associated with criminality as if the two were synonymous.

Criminality in Video Games

Research consulted also analyzes the representation of black men within video games and how their representation within reality is no different than fictional reality. Characters portrayed within video games distinctively associate black men as criminals. Studies conducted out of focus on three studies concerning the exploitation of racial stereotyping of African American men in video games. Upon analyzing study two, black men were disproportionately represented similarly to familiar labels within society. “Study 2 also showed evidence of the “dangerous” minority male stereotype in video game covers. Again, underrepresented overall, minority males were overrepresented as thugs, using extreme guns, and also as athletes” (Burgess et al., 2011). Depictions such as these demonstrate how such labels exist both inside and outside the fictional realm. Studies that have been conducted across different genres of video gaming support the negative representation that black men are constantly placed under.

Consequences of the Incarcerated Black Man

Effects on the Family Unit.

The incarceration of a family member has an astounding effect on its structure. With research supporting that African American men are disproportionately incarcerated at a higher rate, the displacement it leaves on their families is a topic that must be addressed in addition to

the incarceration issue itself. Statistics reveal that approximately 70 percent of African American men without a GED will be incarcerated (Lee et al., 2021). Understanding that nearly half of them will experience incarceration to some point in their lives abruptly changes the structure of the household and income in addition. When the man is removed from the household, the woman is left with the additional burden of assuming both parental roles as well as fostering a stable income. America's traditionalized idea of the man being the "breadwinner within the household has been somewhat uncommon for many black households. Disruptions minority households face due to the justice system's targeting of black men has become a tumultuous reality for many black boys who are forced to grow up fatherless, becoming vulnerable to a system that ostracized their fathers.

Educational Disruptions amongst Their Children

The disparities that black incarcerated men face have a profound impact on their offspring. Research conducted reveals that black children, especially black boys, are gravely affected by the absence of their fathers at the hands of the system and are more susceptible to developing behavioral issues because of it (Lee et al., 2021). Examinations link negative behavioral outcomes directly to the incarceration of the parent conclude that these negative behaviors ultimately impede on the child's learning and behaviors expressed within the classroom (Lee et al., 2021). The school-to-prison pipeline has a parallel relationship with mass incarceration by punishments children receive in school due to expressive behaviors directly linked to an imprisoned parent. These links, furthermore, are met with extreme disciplinary actions taken by the school. "Children with fathers who have been incarcerated are significantly more likely than other children to be expelled or suspended from school (23 percent compared with 4 percent)" (Western et al., 2010).

School-to-Pipeline Disadvantages

Another barrier that black children are disproportionately affected by is the school-to-prison pipeline in addition to the behavioral developmental issues that children of the incarcerated experience, “solutions” enforced to address the issue such as the school-to-pipeline have been implemented in various educational institutions targeting minority students, especially black children. Enforcement of the new method includes placing police officers in school settings to detain students who commit offenses intolerable for school officials, themselves, to address (Morsy et al., 2016). Understanding the negative impact that incarcerated parents have on their children is a broader issue than the one society purports. Behavioral issues derived from the incarceration of parents are essentially developed upon research. “Research in criminal justice, health, sociology, epidemiology, and economics demonstrates that when parents are incarcerated, children do worse across cognitive and noncognitive outcome measures” (Morsy, et al., 2016). Struggles among children of the incarcerated have become an underrated topic within America’s conversation. They tend to struggle more within classroom settings whether behaviorally or academically, and the onset of their success gradually decreases as they age.

Conclusion

America's hatred towards African American men has remained evident within the infrastructure of its Criminal Justice System. To understand the origin of such hatred, we must consult history for answers. The descendants of slaves have been subjected to a new-found form of enslavement; continuous practices of forced labor, unprecedented incarceration sentences, and the cycle of emasculating the identity of black men have been a part of the distortion of America's identity. To be a black man is to be violent, criminal, aggressive, and rebellious to a system designed for them to fail. The identity that has been placed upon them was created in fear; the abolishment of the 13th amendment meant that African Americans, and black men especially, were a threat. That the "freedom" bestowed upon them could potentially give them the freedom to live in a society designed to protect white individuals. Conflicted with this idea, the birth of America's system against African Americans was born. Implementing historical context supporting the development of the said system was vital in grasping a deeper understanding and correlation between the hatred against black men. Where do racial disparities within the incarceration rate stem from? Why do African American men make up the majority of those incarcerated, but only make up the minority of the population? The "whys" that I posed before considering the issue as my research topic was astounding. Numerical data published provide obvious evidence of racism within America and its contamination within the Criminal Justice System, however, such critical questions are being left unanswered. I referred to history because of its potential to answer the "why" that I faulted today's society for leaving unanswered. From the Reconstruction Era to the age of Jim Crow conveyed increments of patterns of racial hatred projected upon black men. Conducting research during those periods provided a renowned outlook on the issue in its entirety.

Mass incarceration rates from 1970-2011, for example, expose the racial issues embedded within the Criminal Justice System. explanations to the issue were researched amongst historical relevance and the period that saw the War on Drugs initiative. Its focus, as concluded, was to address the “black issue” and their participation in drug-related activities. Further research conducted outlined a deeper purpose for the *war on drugs cause*. What was implemented as a strategy to address the drug problem during President Nixon’s term, would later expose the target of black men. “The arrest and incarceration data show that the War on Drugs had a significantly much greater negative effect on blacks and Hispanics than whites, making the Drug War even more shameful for its devastating and disproportionately adverse effects on America’s most vulnerable and disadvantaged populations” (Perry, 2021). The political attempt to continue the oppression of black men is evident in initiatives such as these.

The next issue I wanted to analyze was the media’s role in the overcriminalization of black men and their participation in advancing the criminalized narrative placed upon them. Looking at televised media such as news outlets, upon my research, I found that words and phrases utilized to describe black men attributed to characteristics used to describe criminals. Black men were associated with terms such as “thugs, violent, gangbangers, etc”. these words, though commonly attached when describing black men, were not used when discussing white men and their criminality. The aggressive language appeared to impact the perceptions of viewers, whose consumption of media portrayal tends to highly impact their cognitive view of those around them. Understanding the influence that television has on our perceptions of people led me to believe that historical and present-day interactions that white individuals have with black individuals have little to some influence on what they’ve seen through the media’s portrayal or description of them. Another sector of “media” that I researched was the representation of black men within the fictional video game setting; the information gathered was

astounding. representation within video games is nearly identical to what we witness. black men were characters who were represented as violent and often carrying weapons. It was important to include this section of the paper because the media is also guilty of criminalizing black men.

Black men are continuously linked to criminality to an extent that society has believed to be their sole occupancy. To continuously be labeled and placed upon a specific gaze designed to predict who you will become sparked my interest in the self-fulfilling prophecy of the black man. Whether they become doctors, lawyers, college participants, or other critical roles within society, I wanted to measure the toll of such labels on their self-confidence and perception of themselves. Society tells black men from a young age that their masculinity is threatening, and their complexion is something to be feared. How do black men, in turn, view society's criminalization of themselves? How do they respond to being rejected by a nation? A nation that tells others that they are incapable of love; that they will never be anything more than a convict. How does one grapple with these terms?

Lastly, I wanted to focus on the impacts of incarcerated black men have on the families that they leave behind. Overcriminalization leads to the criminalizing of an individual, and its correlation to the span of imprisonment heavily affects their families, specifically their children. Research showed that black children, especially, are affected by the absence of their parents due to incarceration. Performance levels in the classroom and outside of it are a huge determinant in their participation in criminality. They are at a higher risk of becoming victims of the school-to-prison pipeline, which expedites them into the prison system.

Research Issues

It is completely normal to run into issues while researching a topic, and I have learned so much throughout my research journey with my thesis topic. It was extremely difficult to pinpoint a

beginning point in addressing the issues posed in my research. The history between African Americans and America is broad; narrowing down research to focus on this piece was met with many redirects. In focusing on the criminalization of black men, various research and data conducted focused on African Americans as an entirety and were limited to categories of gender and complications that related to the experiences of black men. As simple as it is to claim that America is built upon racism is easily said than supported by documents that have the evidence to support it. I am grateful for the extensive time that it took to pour into the conversation, as the research became my teacher. Historical moments in history it exuded the importance of the issue.

Further Research

The overcriminalization of African American men existed shortly after the abolishment of slavery. The issue has become advertised enough to garner the attention of policymakers and politicians who have the power to create protocols to deconstruct the system founded on Racism and the targeting of black men—still, the decision to remain silent and non-compliant to the issue assisted in its continuation.

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