

## Outline of Written Testimony

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### **The Lasting Impact of Slavery on the Criminal Legal System**

- I. Dehumanizing Human Beings to Justify Their Enslavement: Enduring Historical Lies Shaping Policy and Attitudes Today
- II. Post-Civil War Legal Regime: 100 years of Black Codes, Jim Crow, Debt Peonage, and Racial Terror
  - a. Post-civil war, states sought ways to regain control over free Black people through cops, courts, and jails. A central element of this strategy was the Black Codes. Primary among them were vagrancy laws, which criminalized Black men who were out of work. Failure to pay a certain tax or a fine was also vagrancy.
  - b. These laws criminalized Blackness itself. People arrested for vagrancy had a bond set they couldn't afford. A white businessman posted the bond. The Black man or woman entered a labor contract to pay it off. They were effectively reenslaved by this inescapable debt. This new system, an outgrowth of slavery, shapes the criminal legal system today.
- III. Legal Apartheid, Racial Segregation, and Hierarchy "End"; Mass Incarceration Begins
  - a. Between 1865 & 1965, 184,000 people entered state and federal prisons.
  - b. From 1965 to 1985, when the War on Drugs seamlessly replaced the War on Crime, we added 251,107.
- IV. Results: US Has the World's Largest, Most Expensive, Racist Human Caging System
  - a. People:
    - i. Prison population has increased 500% in the past 40 years.
    - ii. The US cages 1.9 million people.
    - iii. 1 in 3 Black men will be incarcerated during their lifetime.
    - iv. The United States 1,566 state prisons, 102 federal prisons, 2,850 local jails, 1,510 child-caging facilities, 186 immigration-caging centers, and 82 Indian country jails.
    - v. The US incarcerates Black men at a rate 6x that of South Africa at the height of Apartheid.
  - b. Profits: \$182 billion
- V. Racial Terror Today: Fatal State Violence and Racist Predatory Policing
  - a. Fines & fees in Ferguson and California
    - i. A never ending, apartheid of stops, arrests, human caging, and wealth extraction that creates and exacerbates poverty.
  - b. Policing Killings in Ferguson and California
    - i. The dehumanization of Black people, born in slavery, undergirds state violence that disproportionately kills Black men
- VI. The Harm Never Ended: Slavery's Underlying Logic Requires the Maintenance of Today's Criminal Legal System