



THE  
**SAMUEL DUBOIS COOK**  
CENTER ON SOCIAL EQUITY

AT DUKE UNIVERSITY

# Young Scholars Summer Research Institute

*3<sup>rd</sup> Year Cohort*

## Research Papers

Summer 2017



## Samuel DuBois Cook

The Samuel DuBois Cook Center on Social Equity (Cook Center) was named after Dr. Samuel DuBois Cook, a distinguished political scientist, scholar, educator, author, administrator, civil and human rights activist and public servant. Dr. Cook, a professor in the Duke University political science department became the first African-American to hold a regular and/or tenured faculty appointment at a predominantly white southern college or university. He went on to serve 22-and-a-half years as president of Dillard University in New Orleans.

## Samuel DuBois Cook Center on Social Equity

The Duke University Samuel DuBois Cook Center on Social Equity is an interdisciplinary research center within Trinity School of Arts and Sciences that is comprised of faculty and scholars from across Duke and a diverse international group of affiliated universities, research centers and non-governmental organizations. Its mission is to promote equity, across all domains of human interactions, through interdisciplinary research, teaching, partnerships, policy, and practice. The Cook Center seeks to employ the innovative use of new and existing data, develop human capital, incorporate stakeholder voices through civic engagement, create viable collaborations, and engender equity-driven policy and social transformation at the local, national and international levels.

## Young Scholars Summer Research Institute

The Young Scholars Summer Research Institute is sponsored by the Samuel DuBois Cook Center on Social Equity at Duke University in partnership with Durham Public Schools (DPS) in Durham, North Carolina. It is a three-week program that provides middle and high-school students enrolled in DPS with training to enhance their writing, research and presentation skills. In keeping with the Samuel DuBois Cook Center's central mission as a community of scholars engaged in the study of the causes and consequences of inequality, program participants will be exposed to curriculum related to the economic, political, social, and cultural dimensions of inequality.

During the Young Scholars Summer Research Institute, students receive instruction from distinguished middle and high-school teachers, university professors, and leaders from community organizations. The program's main focus is on the development of the students' research, writing, presentation and critical-inquiry skills, culminating in a capstone presentation of the student's research topic and findings before institute peers, university scholars, and Durham community members.

# Mandatory Minimums for Maximum Profit: Corporate Wealth in the Prison

## Industrial Complex

By: Sydney Grissom

### Abstract

Over the past couple of decades, incarceration rates have soared in the United States, as corporations profit from mass incarceration. The Prison Industrial Complex has been constructed to imprison black people while allowing corporations to earn profits from those prisoners. Prison labor has become a desired source of cheap labor for many companies. Businessmen have worked with politicians to create a series of laws, including dozens of mandatory minimums, to further their profits.

### Introduction

Incarceration rates in the United States have skyrocketed nearly 500 percent over the past couple decades, despite the fact that crime rates have dropped by approximately 50 percent since the 1990s.<sup>1</sup> This spike in incarceration has disproportionately affected Black Americans. According to a study from the Bureau of Justice in Washington D.C., 1 in every 3 black males is projected to be incarcerated at some point in their lifetime, which is almost six times more likely than their white counterparts.<sup>2</sup> This new form of institutionalized racism is known as the Prison Industrial Complex, or the intersectionality of corporate affairs and government policy in relation to mass incarceration. This system has been maintained by government policies, like the War on

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<sup>1</sup> "Trends in U.S. Corrections," *The Sentencing Project*, June 2017, <http://sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf>.

<sup>2</sup> Thomas P. Bonczar, "Prevalence of Imprisonment in the US Population, 1974-2001." *US Department of Justice*, August, 2003.

Drugs, in conjunction with corporate lobbying for the purpose of expanding profits of private corporations.

### **Thesis Statement**

The Prison Industrial Complex, which has been maintained by government policies and corporate interests for the purpose of expanding profits of private corporations, has resulted in the mass incarceration of black males.

### **Research Questions**

- How does the Prison Industrial Complex disproportionately African American males?
- What role have government policies played in the creation of the Prison Industrial Complex?
- What is the correlation between corporate interests in relationship to the Prison Industrial Complex?

### **Methodology and Literature Review**

This study was conducted through the analysis of literature as well as statistics and demographics from multiple sources. Several scholars as well as civil rights activists have written about the ongoing era of mass incarceration. Works like Angela Davis' *Race, Gender, and Prison History* and Matthew Mancini's *Race, Economics, and the Abandonment of Convict Leasing* provide historical context as to how the ideology of controlling minorities through imprisonment has been maintained over time. The main source of statistics in this research was the Bureau of Justice. The Bureau of Justice was also used, in addition to the statistics provided by the Sentencing Project, to examine the racial demographics of convicts. News publications from *CNN*, the *Washington Post*, and the *New York Times* were helpful in getting insight on the different policy stances of the issue. While political policies are relatively easy to trace,

lobbying efforts and profits of private prison companies have proved more difficult to uncover. Most corporations do not want their benefits from prisoners to be open to the public to reduce scrutiny. *IBIS World Market and Industry Research* provided insight as to how much revenue private prison industries make.

### **Analysis of Data**

In 1864, the Thirteenth Amendment was ratified, prohibiting slavery in the United States. However, embedded within the wording of the amendment is a clause that legalizes the use of slavery “as a punishment for crime whereof the party shall have been duly convicted.” Businesses, which lost their access to enslaved labor following the Civil War, worked with politicians to create laws that criminalized African Americans in order to access free prison labor. This kind of cooperation between for-profit businesses and the government is the cornerstone of the modern-day Prison Industrial Complex.

The Prison Industrial Complex is rooted in the War on Drug policies of the Nixon, Reagan, and Clinton eras when the government focused their efforts on incarcerating black people for drug offenses. Richard Nixon ran his presidential campaign of 1968 on promising “Law and Order” in the form of mass incarceration for heroin users which happened to be predominantly black people at the time. Subsequently, at the same time as Nixon began cracking down on drug users, crack cocaine was developed. By the early 1980’s crack cocaine had spread throughout urban black communities. Following in Nixon’s idea footsteps, Ronald Reagan passed the Anti-Drug Abuse Act of 1986 which was responsible for creating over 25 minimum mandatory sentences for drug related offenses.

Mandatory minimum sentencing laws require that criminals serve a minimum period of time, as stated in a law, or a longer sentence without parole or probation. Based on these laws,



judges are only allowed to use the weight of the drug and the drug type to determine the length of the sentencing; they no longer have the power to consider the circumstances surrounding a case. Racist notions are embedded in minimum sentencing laws. While weight of a controlled substance is used to determine the sentence of the defendant, the weight required to obtain a minimum sentence charge is different for each drug. Possessing 5 kg of powder cocaine, which is more commonly in affluent white communities, results in a 10 year mandatory prison sentence. However, only 280g of crack cocaine, which happens to be the only drug that is used most frequently by African Americans, is needed for a criminal to obtain the same sentence despite the fact that the two drugs are pharmacologically the same.<sup>3</sup> Succeeding the mandatory minimums set in place by the Reagan administration, Bill Clinton signed into law the Violent Crime Control and Law Enforcement Act. Included in this act was the infamous 3-strike law. Once a person gets three felony drug charges, even if they are non-violent, it is mandated that they are sentenced to life in prison. The implementation of this law required that 20 new federal prisons be built to accommodate the surge in incarceration rates.<sup>4</sup>

While Congressmen are tasked with introducing bills and passing laws, the government does not construct these policies alone. Think-tanks, interest groups, and organizations comprised of businesses lobby congressmen to create and pass bills that ensure long sentences and increasing incarceration rates. The American Legislative Exchange Council (ALEC), a conservative think-tank, has been instrumental in the manifestation of laws affecting convicts

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<sup>3</sup> D.K. Hatsukami and M. W. Fischman, "Crack Cocaine and Cocaine Hydrochloride: Are the differences myth or reality?," *JAMA*, November 20, 1996, accessed July 24, 2017. <https://www.ncbi.nlm.nih.gov/pubmed/8918856>; "List of Available Quick Tables," Quick Tables, 2011, , accessed July 27, 2017, [http://www.icpsr.umich.edu/quicktables/quickconfig.do?34481-0001\\_all](http://www.icpsr.umich.edu/quicktables/quickconfig.do?34481-0001_all).

<sup>4</sup> Vicky Pelaez , "The Prison Industry in the United States: Big Business or a New Form of Slavery?" *Global Research*, August 28, 2016, , accessed July 27, 2017, <http://www.globalresearch.ca/the-prison-industry-in-the-united-states-big-business-or-a-new-form-of-slavery/8289>.

including minimum sentences for nonviolent drug offenders. ALEC's members include many corporations who benefit from free prison labor as well as state and federal legislators.

According to their 2016 IRS report, ALEC spent \$8,292,598 for lobbying efforts. Many of ALEC's member have been exploiting prisoners to make a profit for years. British Petroleum (BP) hired prisoners to clean up the Deepwater Horizon oil spill in 2010.<sup>5</sup> The year following the spill, BP was recognized as a President level sponsor of ALEC. While companies like AT&T are still involved with the organization, the growing movement to shed light on social justice issues has influenced many corporations including BP, Walmart, and CoreCivic to out of ALEC.

CoreCivic (better known by its former name—Corrections Corporations of America) was the first private for-profit prison corporation in the United States. Public Prisons are non-profit and run solely by the federal government. Privatizing correctional facilities mutually benefits both the corporation and the government. The government pays corporations to house and feed prisoners and in turn, prisoners are no longer the direct responsibility of the state (which is often appealing to taxpayers). While the business benefits from the stipend paid for housing prisoners, corporations strive to further increase profits in any way they can. Often times these profits come at the expense of a person's well-being. Cutbacks are made by hiring fewer guards jeopardizing the safety of all people associating with prisons. Overcrowded and understaffed prisons leads to more assaults involving both other inmates and guards. In addition to perpetuated violence, inadequate attention is paid to inmates' health as they have been reported as underfed undertreated. Various lawsuits have been filed against private prisons for refusing to provide the

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<sup>5</sup> Abe Louise Young, "BP Hires Prison Labor to Clean Up Spill While Coastal Residents Struggle," *The Nation*, June 29, 2015, accessed July 27, 2017, <https://www.thenation.com/article/bp-hires-prison-labor-clean-spill-while-coastal-residents-struggle/>.

necessary medicine/procedures to inmates who have a serious illness. There have been over 55 lawsuits filed against the former CCA, for medical reasons alone, since the turn of the century.

Pushbacks from convicts have not only been made by suing the system but in the fall of 2016 an organized prison strike took place in over 12 states across America. Up to 24,000 people did not report to work in protest of their extremely low wages.<sup>6</sup> In private prisons, the highest paid laborers are make \$0.50 per hour. Prisoners working government jobs can earn \$1.25 for their work. According to the Prison Industry Enhancement Certification Program under the Bureau of Justice Assistance prisons are required “to pay wages at a rate not less than that paid for work of a similar nature in locality in which the work is performed.”<sup>7</sup> The following question arises: how does the government let corporations get away with paying people pennies a day for their work? The answer is that large percentages of their paycheck goes to pay for their legal financial obligations.<sup>8</sup> Once their paycheck is heavily taxed and money is taken out for their room and board, many prisoners are left with pennies or even nothing as a profit. All the while, corporations can make \$50 a day per inmate in profits from housing alone.<sup>9</sup>

## Conclusion

The declaration of the War on Drugs was instrumental in the evolution of the Prison Industrial Complex. Drug offenses alone accounted for two-thirds of the rise in federal inmate

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<sup>6</sup>Chandra Bozelko, "Give Working Prisoners Dignity - and Decent Wages," *National Review*, January 11, 2017, , accessed July 27, 2017, <http://www.nationalreview.com/article/443747/prison-labor-laws-wages>.

<sup>7</sup> Domingo S. Herraiz, "Prison Industry Enhancement Certification Program," *Bureau of Justice Assistance*, March 2004,, accessed July 2017, <https://www.ncjrs.gov/pdffiles1/bja/203483.pdf>.

<sup>8</sup> "Questions and Answers about Legal Financial Obligations (LFOs)," *ACLU of Washington*, July 10, 2017, accessed July 27, 2017, <https://www.aclu-wa.org/questions-and-answers-about-legal-financial-obligations-lfos>.

<sup>9</sup> Sean Bryant, "The Business Model Of Private Prisons," *Investopedia*, June 22, 2015, accessed July 27, 2017, <http://www.investopedia.com/articles/investing/062215/business-model-private-prisons.asp?lgl=rira-baseline-vertical>.



population between 1985 and 2000.<sup>10</sup> Black people are often the target of law and order politics as shown by the disparity in sentencing laws for crack cocaine versus powder cocaine. In addition to the government ensuring a system of mass incarceration, corporations took advantage of rising incarceration rates to maximize their profits. For-profit private prison companies, like CoreCivic, produce a 5 billion dollar revenue by cutting back on essential human needs such as healthcare and benefiting off the government's stipend for housing prisoners. Not only do corporations that contract prisons benefit from the Prison Industrial Complex, but many more companies have used prisoners to make their products while underpaying them.

In an attempt to combat the War on Drugs and the epidemic of mass incarceration, drug use could be seen as a mental health problem rather than a criminal problem. In recent years, the government has mentioned treating opioid abuse as a mental health issue. While a step in the right direction, thousands of black people are still being seen as criminal targets for marijuana and crack use. Funding rehabilitation programs instead of prisons would decrease incarceration rates as well as recidivism rates.

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<sup>10</sup> Sabrina Jones and Marc Mauer, *Race to incarcerate: a graphic retelling* (New York: The New Press, 2013).

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