

Timeline of the Rise of the Modern American Prison System⁵²

- **1829** Eastern State Penitentiary, the first modern prison, opens in Philadelphia. It pioneers the use of solitary confinement, to give incarcerated people time for reflection and “penitence.”⁵³
- **1838** Debtors’ prisons, where people could be incarcerated for failing to pay their debts, banned under federal law. Bankruptcy law subsequently replaces debtors’ prisons.
- **1866** Convict leasing—the practice of leasing out incarcerated people (usually black men) to work for private individuals—begins.⁵⁴
- **1914** Congress passes Harrison Narcotics Tax Act, restricting the sale of opiates and cocaine, launching the country’s “first war on drugs.”⁵⁵
- **1927** The first federal women’s prison opens in Alderson, WV.⁵⁶
- **1928** Alabama becomes the last state to outlaw convict leasing.⁵⁷
- **1943** “Zoot Suit Riots” in LA and Detroit riots, two examples of racial violence that break out during and after WW2; this leads to calls for increased national attention to police brutality and misconduct. Before WW2, most criminal justice policy in the US was in the hands of local or state authorities.
- **1955** Deinstitutionalization of the mentally ill begins; closing of mental hospitals and reduction in overall state care for people with serious mental illness.⁵⁸ Jails and prisons eventually take up the slack.

DEUTERONOMY 32:7

Remember the days of old,
Consider the years of ages past;
Ask your father, he will inform you,
Your elders, they will tell you:

- **1960’s** US and most western countries experience dramatic increase in crime. From 1962-1972, the annual number of homicides more than doubles.⁵⁹ The homicide rate among blacks had been several times higher than whites since at least the 1930’s.⁶⁰
- **1963** Supreme Court — in *Gideon v. Wainwright* — rules that indigent criminal defendants have a right to a lawyer. The Court says nothing about how to pay for such counsel, leading to a rise in fees charged to defendants. (See more under “Poverty and Mass Incarceration,” p. 35.) In the 1960’s, a number of rulings by the Warren Court expand the rights of incarcerated people and people being policed, at the expense of police power.
- **1964** Goldwater campaign uses explicitly racial language to discuss crime. Conservatives conflate riots, street crime, and political activism.
- **1965** Johnson creates Office of Law Enforcement Assistance, with support from left and right. OLEA provides funding and programs to expand and improve state and local criminal justice systems.

⁵² Much of this timeline is drawn from chapter 4 of the National Academies report available at <http://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>.

For another timeline from the Justice Policy Institute, see http://www.justicepolicy.org/uploads/justicepolicy/documents/jpi_poster_final.pdf

⁵³ <http://www.easternstate.org/learn/research-library/history>

⁵⁴ <http://www.pbs.org/tpt/slavery-by-another-name/slavery-timeline/>

⁵⁵ <http://www.theatlantic.com/magazine/archive/2015/10/the-black-family-in-the-age-of-mass-incarceration/403246/>

⁵⁶ <http://www.history.com/this-day-in-history/the-first-federal-prison-for-women-opens>

⁵⁷ <http://www.pbs.org/tpt/slavery-by-another-name/slavery-timeline/>

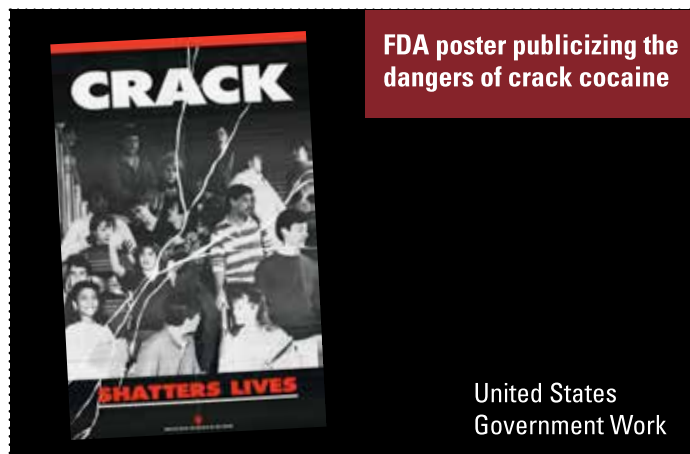
⁵⁸ <http://www.pbs.org/wgbh/pages/frontline/shows/asylums/special/excerpt.html>

⁵⁹ National Academies report, p. 335.

⁶⁰ National Academies report, p. 112.

- **1968** Johnson calls for “war on crime” in context of war on poverty and other root causes. Omnibus Crime Control and Safe Streets Act passes Congress, but with major modifications from conservatives that give most funding control to the states. Johnson considers a veto, but the assassination of Robert F. Kennedy dissuades him.
- **1971** Nixon declares War on Drugs.
- **1973** New York Governor Nelson Rockefeller enacts toughest drug laws in the nation, punishing possession of even small amounts of drugs with 15 years to life.
- **1970’s-mid 1980’s** General increased incarceration for lower-level felonies.⁶¹
- **Late 1970’s** Reported drug use peaks and begins to fall.
- **1982** Reagan recommits to War on Drugs.
- **1983** Supreme Court affirms that people cannot be incarcerated for failing to pay debts.
Corrections Corporation of America, the first and largest of contemporary private prison corporations, founded.⁶²
- **1984** Sentencing Reform Act prescribes mandatory minimums and eliminates judicial discretion.⁶³
- **1985** Reagan administration hires staff to publicize the emergence of crack cocaine.⁶⁴
- **1985-1992** “Heyday of the war on drugs.”⁶⁵

- **1986** Anti-Drug Abuse Act institutes 100:1 disparity—a minimum sentence of five years without parole for possessing five grams of crack cocaine (mostly used by blacks), and the same punishment for 500 grams of powder cocaine (used mainly by whites).
Polls show less than 2% of the public believe illegal drugs to be the most important problem facing the country.⁶⁶
LA Times reports that a national wave of crack-dealing-related murders actually followed the wave of media hype about crack. “Scare stories about an ‘instantly addictive’ and violence-provoking drug served to *spread* crack cocaine, not accurately describe its use in most of America.”⁶⁷ [emphasis added]
- **1988** Polls now show a majority believe illegal drugs are a leading problem.
Willie Horton ad helps George H. W. Bush defeat Michael Dukakis and become President. Horton was a black man serving a life sentence for murder in Massachusetts, where Dukakis was governor. Released for a weekend furlough, Horton did not return to prison as scheduled and subsequently committed assault, robbery, and rape. The ad blamed Dukakis.



61 Gottschalk, p. 128
 62 <http://grassrootsleadership.org/ccca-dirty-30>
 63 <https://www.aclu.org/sites/default/files/FilesPDFs/ACF4F34.pdf>
 64 The New Jim Crow, p. 5.
 65 Gottschalk, p. 128
 66 National Academies report, p. 120.
 67 Carl Hart, *High Price*, p. 186-7.

- **Early 1990's** National homicide rate begins steady, significant decline.⁶⁸
Reported drug use begins to climb again, but remains well below 1970's rates.
- **Early 1990's onward** Longer prison sentences mostly due to three-strikes and truth-in-sentencing laws.⁶⁹
- **1993** Washington State passes Initiative 593, the nation's first three-strikes law. California follows in 1994 with the nation's toughest and most-used three-strikes law.
- **1994** Clinton signs Violent Crime Control and Law Enforcement Act, the "largest crime bill in the history of the country," which is sponsored by then-Senator Joe Biden. Among its provisions are \$9.7 billion for prisons, funding for 100,000 new police officers, and the system of Byrne grants (see definitions, p. 12).⁷⁰ The act also bans incarcerated people from receiving Pell Grants for college. Additionally, it gives the DOJ the power to sue police departments for civil rights infractions.⁷¹ The Violence Against Women Act is part of the bill.
- **1996** Clinton signs welfare reform, increasing obstacles for people convicted of drug felonies to access the social safety net, and immigration reform, which increases deportation for non-citizens convicted of past and current crimes.
- **2001** 9/11 attacks prompt War on Terror, which increasingly is used as justification for intrusive policing in the name of homeland security and counterterrorism.
- **2002** US Immigration and Customs Enforcement (ICE) formed.
- **2004** In State of the Union address, George W. Bush calls for more investment in reentry.
- **2006** George W. Bush signs Adam Walsh Child Protection and Safety Act, severely increasing penalties and restrictions on sex offenders.
- **2008** New York State passes SHU Exclusion Law, beginning process of limiting who can be placed in solitary confinement.
George W. Bush signs Second Chance Act, which increases federal funding for reentry programs.⁷²
- **2010** Federal Fair Sentencing Act reduces 100:1 disparity between crack and powder cocaine to 18:1.
Michelle Alexander publishes *The New Jim Crow*.
Marc Levin founds "Right on Crime," the conservative group promoting mass incarceration reform.⁷³
- **2011** California institutes Public Safety "Realignment" to reduce state prison population, under Supreme Court order to reduce overcrowding. Shifts responsibility for people convicted of non-violent, non-serious, and non-sexual offenses from state prisons to local jails and probation.
- **2012** California passes Proposition 36, reforming Three-Strikes Law.
- **2013** Edward Snowden reveals the extent of US phone surveillance. 87% of wiretaps are used in cases where "drug offense" is the most serious suspected crime.⁷⁴
- **2014** Obama administration reverses its policy on asylum seekers, deciding that ICE will detain all arriving Central American families, even those judged to be fleeing a "credible threat" who will likely be granted asylum.
California voters pass Proposition 47, which reclassifies many non-serious, non-violent property and drug crimes as misdemeanors.
- **2015** Settlement reached in *Ashker vs. Governor of California*, dramatically reducing the number of people held in solitary confinement in California and setting limits on how and for how long people may be held.⁷⁵

68 National Academies report, p. 112.

69 Gottschalk, p. 128

70 <https://www.ncjrs.gov/txtfiles/billfs.txt>

71 <http://www.thecrimereport.org/news/articles/2014-07-police-reforms-best-tool-a-federal-consent-decree>

72 <http://famm.org/wp-content/uploads/2013/08/FAQ-Second-Chance-Act-5.4.pdf>

73 <http://www.motherjones.com/politics/2014/02/conservatives-prison-reform-right-on-crime>

74 <http://www.uscourts.gov/statistics-reports/wiretap-report-2013>

75 <http://www.latimes.com/local/lanow/la-me-ln-california-will-move-thousands-of-inmates-out-of-solitary-20150901-story.html>