

In the SHADOW of FREEDOM

*The Enduring Call
for Racial Justice*

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Introduction

History, despite its wrenching pain,
Cannot be unlived,
but if faced with courage,
need not be lived again.
“On the Pulse of Morning,”
Maya Angelou

In 2008, my oldest son was a first grader at a Catholic school. He had enjoyed his first year in kindergarten. As his second year at the school progressed, however, he started getting in trouble with his teacher. The young woman had a behavior system whereby she would hand out cards: green for good behavior, yellow as a warning, and red for bad behavior, which incurred a disciplinary measure. At first, my son’s red cards meant he would not earn prizes in class, but they steadily progressed to his having to sit out some time at recess, then sitting out his whole lunch, and then having to meet with the principal.

I was a busy stay-at-home mom who had my fourth baby a few months after the school year started. So, after speaking with my son’s teacher but not understanding exactly what the problem was, I asked the principal if a professional from outside the school could observe the class and report back what was happening. The principal agreed, and a school district psychologist came to my son’s school and observed him at school and in the class over a period of weeks. Once she had completed her observation, we had a long phone conversation. The psychologist believed the teacher was biased against my son. The teacher was disciplining only my son for behavior that other kids were doing. The psychologist said she saw that a lot in her work with African American boys in particular.

The psychologist talked to the principal and reported to him the same information. The principal ignored the report and told other parents that there were problems at my home that were leading to my son’s misbehavior. We made the decision to leave the school and enroll at a

small Christian school that was not Catholic and had a lot more diversity and specifically a larger Black student population. My son still had a lot of energy and at times would misbehave in class, all the way up until eighth-grade graduation. But the school had a philosophy of accepting that different kids have different needs and activity levels, and the teachers did not resort to punishment.

It wasn't until years later that I came across the statistic from the 2014 U.S. Department of Education Office for Civil Rights Data Collection that found that Black *preschoolers* represented 18 percent of preschool enrollment, but 42 percent of preschool students suspended at least one time, and 48 percent of students suspended more than once.¹ Black boys and teens are more heavily policed in the United States than any other group, and it begins at the earliest stages. The current prediction for lifetime incarceration for Black males born in 2001 is one in five (21.1 percent) and four times higher than white males born the same year.² The lifetime risk of incarceration is ten times higher for Black high schoolers who drop out than Black students who attend college.³ As I discuss in chapter 5, for millions of predominantly Black and Latino students living in the poorest neighborhoods, schools are mirroring prisons and more often armed with cops than counselors, psychologists, or nurses. For a mom of four Black kids, this is not only unacceptable; it's unconscionable and one of the reasons I feel compelled to write this book.

In *Racial Justice and the Catholic Church*, Bryan Massingale wrote, "Racism functions as an ethos, as the animating spirit of U.S. society, which lives on despite observable changes and assumes various incarnations in different historical circumstances."⁴ In 2002, sociologist Loic Wacquant wrote that the United States has had four "peculiar institutions": slavery (1619–1865), Jim Crow (1865–1965), northern ghettos (1915–1968), and hyperghettos and prisons (1968–present). My book will discuss all four institutions and focus on the present period, which is characterized by "mass incarceration" and includes policing, the criminal legal system, incarceration, the multibillion-dollar prison-labor industry, and postincarceration social exclusion. Here's how Wacquant summarized mass incarceration's impact on Black people in this country:

The astronomical overrepresentation of blacks in houses of penal confinement and the increasingly tight meshing of the hyper-

ghetto with the carceral system suggests that, owing to America's adoption of mass incarceration as a queer social policy designed to discipline the poor and contain the dishonoured, lower-class African-Americans now dwell, not in a society with prisons as their white compatriots do, but in the first genuine prison society in history.⁵

This new peculiar institution has become so ingrained in American society that its grotesque racism and brutality are not only ignored but justified. In chapter 3 I look at how the United States incarcerates two million people in its prisons and jails, which is the largest number of people both in absolute numbers and as a percentage of the population in the history of the world. Over the last forty years, the incarceration rate has increased by 500 percent.⁶ *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* by Michelle Alexander made the case that the war on drugs was disproportionately waged against the Black community, and specifically Black Americans living in concentrated poverty. Alexander argued that the drug war was not about drugs; it was the mechanism used to reinstate a caste system and control of the Black population after the civil rights movement ended Jim Crow segregation. Elizabeth Hinton's *From the War on Poverty to the War on Crime* documented that the groundwork for the overpolicing and overincarceration of Black people and neighborhoods was actually laid by President Lyndon B. Johnson and accelerated with the administration of President Richard Nixon. Other books, such as *Policing the Black Man: Arrest, Prosecution and Imprisonment*, with included contributions by Angela J. Davis, Bryan Stevenson, Marc Mauer, Bruce Western, and Jeremy Travis, and *Rise of the Warrior Cop*, by Radley Balko, demonstrate how the police have been trained and given billions of dollars to wage war against American citizens who are overwhelmingly Black.

According to the Sentencing Project, the American prison boom started in 1973 and lasted until 2009.

The prison expansion that commenced in 1973 reached its peak in 2009, achieving a seven-fold increase over the intervening years. Between 1985 and 1995 alone, the total prison population grew an average of eight percent annually. And between 1990

and 1995, all states, with the exception of Maine, substantially increased their prison populations, from 13% in South Carolina to as high as 130% in Texas. The federal system grew 53% larger during this five-year period alone.⁷

According to the study “A Generational Shift: Race and the Declining Lifetime Risk of Imprisonment,” during the period of the prison boom, “the number of individuals incarcerated in prisons increased by more than 700%,” with Black men born during my birth cohort of 1981–1984 most impacted, with one in three incarcerated. Incarceration during the prison boom years was so pervasive for African American males that Black men were more likely to go to prison than obtain a college degree, marry, or serve in the military.⁸ As a result of this mass incarceration in the United States, nearly half of Americans report “that they have had an immediate family member in prison or jail, including more than 2 million children who currently have an incarcerated parent and 10 million children who have had a parent imprisoned at some point in their lives.” Again, Black children are most affected, with one in four estimated to have a parent incarcerated by their teenage years, compared to one in ten Latino children and one in twenty-five white children.⁹

Though the rate of African Americans incarcerated declined every year under President Barack Obama’s tenure, and the Black male incarceration rate has declined by 44 percent since 2019, America still spends more money on policing than any other country in the world, with Black men still disproportionately arrested, convicted, and incarcerated for the longest lengths of time. A 2019 Vera Institute report found that American law enforcement makes an arrest every three seconds. Over 80 percent of the arrests are for nonserious, low-level offenses such as drug abuse violations or disorderly conduct. Fewer than 5 percent of arrests are for serious violent offenses.¹⁰

In this book, I look at the millions of people criminalized for reasons that are completely out of their control, such as being born Black; living in a neighborhood with concentrated poverty; experiencing violence in the home or being sexually abused while growing up; or having an untreated mental health or substance use disorder. During the same period of astronomical growth of prisons and incarceration, the population of patients

in psychiatric institutions shrank by 90 percent. The National Alliance for Mental Illness (NAMI) states that “jails and prisons have become America’s de-facto mental health facilities.”¹¹ Data from a 2004 survey of people incarcerated in state and federal prisons found that 38.1 percent identified as having a mental-health disorder, and in the year before their incarceration, 32.6 percent of people had an alcohol-use disorder and 43.6 percent had a substance use disorder.¹² The Prison Policy Initiative’s data from the 2017 Substance Abuse and Mental Health Services Administration’s National Survey on Drug Use and Health found that 62 percent of people who had been jailed three or more times in a twelve-month period had a substance use disorder.¹³

Because the reality of mass incarceration cannot be viewed in isolation, my book explores how America’s original sin of slavery has shape-shifted after the Civil War and manifested itself as convict-leasing *neoslavery*, Jim Crow segregation enforced by racial terror such as lynching, and now the death penalty, imprisonment, and social exclusion postincarceration for millions of African Americans. For over four hundred years, African Americans have been subject to oppression and subjugation, which continues in the form of racial profiling, overpolicing, and extrajudicial police murders. What accompanied slavery was the white supremacist belief that Black people were inferior to white people, which morphed postbellum into the still-present stereotype of Black criminality.

Ironically, stating these facts and reading the above-mentioned books might *not* lead the average American who is not Black to reach the conclusion that there is a persistent racial problem in America; it may actually result in white Americans *approving even more* of the systems and policies that lead to such stark racial disparities. In a series of studies, researchers ran social experiments on white people throughout the country to determine their level of punitiveness based on the proportion of African Americans incarcerated.

In California, the researchers found the blacker the white people believed the prison population to be, the less willing registered voters were to take steps to reduce the severity of a three-strikes law they acknowledged to be overly harsh. In New York, though white participants thought their city’s stop-and-frisk policy, which led to a disproportionate number of Black and Latino residents being stopped and frisked

by police, was somewhat punitive, participants who viewed the prison population as more Black were significantly less willing to sign a petition to end the stop-and-frisk policy than were participants who were told the prison population was less Black. Similarly, “the more participants worried about crime, the less likely they were to say they would sign a petition to end the stop-and-frisk policy.” The researchers concluded that the more white people were exposed to extreme racial disparities in the prison population, for example, believing more Black people were incarcerated, the heightened “their fear of crime and increased acceptance of the very policies that lead to those disparities. Thus, institutionalized disparities can be self-perpetuating.”¹⁴

In the same vein, researchers at the University of Georgia psychology department reached similar conclusions related to the effect of disparate rates of severity of Covid-19 among Black people during the pandemic. When the pandemic first began, people believed all Americans were equally susceptible to the deadly virus; but when the “U.S. media began reporting on the dramatic racial disparities in COVID-19 infection and mortality rates—resulting from structural inequalities, persistent racial health disparities, and overrepresentation of people of color among essential workers—in April of 2020,” white Americans’ attitudes and public policy began to change. The researchers explained that in general, “people tend to have less empathy for members of social groups that they do not belong to,” and “people show a dampened neural response when viewing racial outgroup (vs. ingroup) members in pain.” So, two studies were conducted to test “whether White U.S. residents’ perceptions of and exposure to information about COVID-19 racial disparities in the U.S. predict fear of COVID-19 and support for COVID-19 safety precautions.”

The two studies found white residents who perceived there to be greater racial disparities in Covid-19 were less fearful of the virus; that reduced fear may decrease support for safety precautions that could limit the spread of Covid-19; and they had reduced empathy as well. The conclusions of the studies were in line with what happened in the country between late March and early June 2020: white Americans increased their support for reopening the economy despite the impact it would have on Black people and other essential workers of color.¹⁵ The results were deadly for Black Americans.

White apathy to Black mortality backfired. In October 2022, the *Washington Post* reported that white Americans had become more likely to die from Covid. Their reduced fear of the virus and lack of support for precautions resulted in increased numbers of white people dying. So too, when it comes to mass incarceration; after decades of Black people being targeted for marijuana and crack-cocaine use and sales, the opioid crisis began leveling the playing field as more and more white Americans entered jails and prisons. Chapter 6 on the opioid crisis not only proves that the war on drugs was never about drug use, but it also demonstrates the hypocrisy in America’s judicial system. More than six hundred thousand people in the United States and Canada have died from opioid overdoses, and not a single executive or owner of Purdue Pharma, the company that created OxyContin, has been sentenced to jail or prison, despite thousands of pages of court documents directly linking their drug, their false and aggressive marketing, and their pill-pushing to the start of the opioid crisis in America. In April 2021, the House Committee on Oversight and Reform reported that the Sackler family, which owns Purdue Pharma, had built an enormous fortune, valued at \$11.1 billion, “in large part through the sale of OxyContin.”¹⁶ On the other hand, while incarceration rates have declined over the past two decades across every state and for almost every racial and ethnic group, white women are the only segment of the American population with an increase in rate of imprisonment—by 12 percent from 2000 to 2021, owing mainly to the opioid crisis.

In April 2022, a White House proclamation painted a dire picture faced by victims of the war on crime, the war on drugs, and the opioid epidemic. It stated that more than seventy million Americans have a criminal record that “creates significant barriers to employment, economic stability, and successful reentry into society. Thousands of legal and regulatory restrictions prevent these individuals from accessing employment, housing, voting, education, business licensing, and other basic opportunities.”¹⁷ In a 2021 interview with NPR, Reuben Jonathan Miller, author of *Halfway Home: Race, Punishment, and the Afterlife of Mass Incarceration*, stated, “Forty-five thousand federal and state laws regulate the lives of the accused. . . . In Illinois, there are over 1,400, including more than 1,000 employment regulations, 186 policies that limit political participa-

tion, 54 laws restricting family rights, and 21 housing statutes.”¹⁸ Miller, a sociologist, criminologist, social worker, and professor at the University of Chicago, was awarded a 2022 MacArthur Fellow Genius Grant for his work examining “the long-term consequences of incarceration on the lives of individuals and their families, with a focus on communities of color and those living in poverty.”¹⁹

African Americans have been fighting for freedom, equality, and full citizenship in the United States for centuries. Black people have challenged the hypocrisy of a nation’s founding document, the Declaration of Independence, which proclaimed that the unalienable rights of life, liberty, and the pursuit of happiness applied only to white men—not to the hundreds of thousands of people of African descent brutally enslaved and denied freedom at that time.

A country that claims to be a beacon of democracy must confront the truth that slavery was legal for 246 years, followed by Jim Crow segregation from 1877 until the 1950s and a current legal system that has created a new caste system whereby people are defined by their worst mistake, their untreated health crisis, their poverty, their race—and an overwhelming number of those people are permanently punished, excluded, and relegated to second-class citizenship.

All Black Americans could not freely vote until 1965. In the history of this country, the majority of Black people were shut out of democracy. And yet again today, as America is becoming more diverse racially, democracy itself is under attack by people more concerned with maintaining the status quo and white power.

An analysis by Reflective Democracy examined the often-not-discussed white male minority rule that dominates the United States. A study in 2021 found that white men hold 62 percent of all elected offices despite being just 30 percent of the population, exercising minority rule over 42 state legislatures, the House, the Senate, and statewide offices in this country. The political mechanizations of voter suppression to remove the power from voters, the January 6 insurrection, and the disenfranchisement of people who were incarcerated or have former felony convictions continue the shameful history of blocking a diverse body of people from fully participating in American civic life. Instead of the power structures rectifying these undemocratic practices, they attack and vilify

Black people for seeking full citizenship and call them unpatriotic, un-American, ungrateful traitors who should just “stay in their place” and be happy they live in this country.

One such African American who has received intense backlash is Nikole Hannah-Jones, who created the Pulitzer Prize–winning 1619 Project, published in the *New York Times Magazine* in 2019 to commemorate the four-hundredth anniversary of the beginning of American slavery. Hannah-Jones’s aim was to reframe the country’s history by placing the consequences of slavery and the contributions of Black Americans at the very center of the American national narrative. For far too long, Black Americans’ historical importance has been a footnote in U.S. history. But the 1619 Project’s forceful argument proved that Black people literally and figuratively helped build this country. And the profits from their forced labor and their innovation fueled the Industrial Revolution, creating what has become the richest and most powerful country today. According to Yale historian David W. Blight, “the nearly 4 million American slaves were worth some \$3.5 billion—equivalent to \$42 trillion today—making them the largest single financial asset in the entire U.S. economy, worth more than all manufacturing and railroads combined.”²⁰

Yet while Black Americans who are descendants of people who were enslaved make up 14 percent of the American population today, they only own 2 percent of the wealth in America. In contrast, white Americans, who make up 60 percent of the American population today, own 90 percent of the wealth.²¹ The descendants of Black Americans who were brutally exploited and denied the fruits of their labor are now calling for what is rightfully owed to them. Like Martin Luther King Jr. said, “We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. So we have come to cash this check, a check that will give us upon demand the riches of freedom and security of justice.”

The 1619 Project has spawned a book and a Hulu docu-series. It has also produced a tremendous backlash that has resulted in states passing legislation to ban teaching it. Telling the truth about the history and ongoing impact of racism and discrimination is now considered “woke,” “CRT,” and dangerous to the stability of the country. Books that teach African American history or explore the roots of inequality are being

banned, and teachers and professors teaching about anti-Black racism are being silenced. But this isn't just a political issue. In a 2020 *New Yorker* interview, Michelle Alexander stated, "the crisis of mass incarceration is not simply a legal or political problem to be solved, but it's a profound spiritual and moral crisis, as well. And it requires a reckoning, individually and collectively, with our racial history, our racial present, and our racial future."²²

Weaving the threads of American slavery, apartheid-like Jim Crow segregation, and mass incarceration today with those spiritual and moral crises they spawned, my book argues that those who consider themselves Christian—or religious—must not only understand and acknowledge this history but root out white supremacy and anti-Blackness from their identity. Given the claims of Christianity, the counter-intuitive truth is that white American Christians harbor racist and intolerant positions at higher rates than nonbelievers. In *White Too Long: The Legacy of White Supremacy in American Christianity*, Robert P. Jones states:

After centuries of complicity, the norms of white supremacy have become deeply and broadly integrated into white Christian identity, operating far below the level of consciousness. To many well-meaning white Christians today—evangelical Protestant, mainline Protestant, and Catholic—Christianity and a cultural norm of white supremacy now often feel indistinguishable, with an attack on the latter triggering a full defense of the former.²³

The Catholic Church specifically must understand and reckon with its role in transatlantic slavery and its enduring effects in America, which is home to the second largest population of people descended from Africa outside of the African continent. Not only did the church provide a seminal role in blessing the slave trade launched by Portugal, but it was complicit, as three of the five major countries dominating the trade, Portugal, Spain, and France, were Catholic; and Catholic bishops, priests, religious orders, and laypeople throughout the world owned, sold, and profited from enslaved Africans. In *The 272: The Families Who Were Enslaved and Sold to Build the American Catholic Church*, Rachel L. Swarns writes, "For more than a century, the American Catholic Church relied on the

buying, selling, and enslavement of Black people to lay its foundations, support its clergy, and drive its expansion. Without the enslaved, the Catholic Church in the United States, as we know it today, would not exist.”²⁴

While I write as someone informed by Christianity, this book is meant for a wider readership. It’s for all people who want a better understanding of American history, African American history, and racial justice movements in this country, and for those who want to be part of making the United States more equitable, just, and democratic today. As an author and racial justice advocate, my aim is to bring together different fields of study across history, the sciences, politics, theology, and the humanities to synthesize the issues and highlight just and moral action as the appropriate response.

What is that just action? Jesus’s parable in Matthew 25:37–40 brings together moral understanding and ethical action:

Lord, when was it that we saw you hungry and gave you food, or thirsty and gave you something to drink? And when was it that we saw you a stranger and welcomed you, or naked and gave you clothing? And when was it that we saw you sick or in prison and visited you? And the king will answer them, “Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me.”

Today in America, because of the enduring legacy of slavery, segregation, and racism, African Americans, and specifically those living in neighborhoods of concentrated poverty, incarcerations, or with criminal convictions, continue to be “the least of these” in this country. The question isn’t how people convicted of a crime should be treated in jail or prison. The question is, how would a Christian treat Jesus if he were in jail or prison? Jesus was arrested, condemned, tortured, spit on, and crucified. When we see incarcerated people, Christian tradition teaches us to see the face of Christ. And when we are complicit in the face of Americans routinely being beaten, raped, murdered, tortured, neglected, and exploited in our jails and prisons, we are defacing the image of God. When African Americans are targeted by the police, treated as less than

human, and deprived of the same educational and economic opportunities as white Americans, Christian tradition calls us to see the face of Christ. Similarly, as people of faith who profess the importance of God’s mercy, grace, and forgiveness, we are called to extend those same principles to people after they leave incarceration, allowing them full reentry into American society.

As I discuss in chapter 8, there are people, organizations, courts, and collectives working throughout the United States to implement restorative justice practices as a more life-giving response when people commit harm instead of our punitive criminal legal system. The faith formation guide *Harm, Healing, and Human Dignity* describes restorative justice as “a way of responding to harm that focuses on repairing relationships and healing all those who are impacted by crime. Beautifully aligned with Gospel values, rooted in indigenous traditions, and applicable in many areas of life, restorative justice offers an approach to crime and suffering that honors human dignity and gives way to redemption.” Restorative justice, however, isn’t just a “nice” or “feel-good” or “soft” way to approach crime. Longtime victim rights advocates Sandra Pavelka and Anne Seymour explain:

Restorative practices integrate data and evidence from a number of disciplines and fields, i.e., education, psychology, social work, criminology, victimology, sociology and organizational development and leadership, in order to build safe communities, increase social capital, decrease crime and antisocial behavior, repair harm and restore relationships.²⁵

A pilot restorative justice program in the San Francisco District Attorney’s Office from 2013 to 2019 was found to be a successful way to reduce recidivism in youth and an effective alternative to traditional juvenile justice practices. The twelve-month rearrest rates among youth who completed the program was much lower (19.2 percent) than among those who enrolled but did not complete the program (57.7 percent).²⁶ Restorative justice practices implemented correctly as pretrial diversion have the potential not only to address offenses in a victim-centered way but also to prevent future offenses. Similarly, restorative justice practices

implemented in educational settings have the potential to decrease student suspensions, arrests, and dropouts, all directly linked to a higher likelihood of incarceration later in life. In *The Little Book of Race and Restorative Justice*, Fania Davis explains how restorative justice practices implemented in schools in Oakland, California, had a profound effect:

According to a 2015 implementation study of whole-school restorative justice in Oakland that compared schools with restorative justice to schools without, from 2011 to 2014, graduation rates in restorative schools increased by 60 percent compared to a 7 percent increase in nonrestorative schools; reading scores increased 128 percent versus 11 percent; and the dropout rate decreased 56 percent versus 17 percent. Harm was repaired in 76 percent of conflict circles, with students learning to talk instead of fight through differences at home and at school, and more than 88 percent of teachers said that restorative practices were very or somewhat helpful in managing difficult student behaviors.²⁷

Systemic change within the United States is required to stop the institutional and personal harms committed against African Americans, and reparations must be discussed in order for true racial reconciliation to occur. For that to happen, unfiltered American history must be taught, African American stories must be told, and destructive policies like the war on drugs, mass incarceration, and overpolicing must be exposed and ended. It's time to reckon with the history of anti-Black racism in order to break its stronghold over the country and create a truly just society.

I know that the toil, resistance, sacrifice, and prayers of my paternal ancestors, some of whom were most likely enslaved in this country, have contributed to who I am today. Similarly, my maternal grandmother, May Brutus, and grandfather, Dennis Brutus, who was shot, imprisoned, and exiled from South Africa because of his resistance to apartheid in the 1960s, have instilled in me a passion for equality and justice.

For all the progress that has been made in America, though, including the elections of the first Black president and vice president, far too many African Americans do not experience true freedom because the threat or reality of racial discrimination, poverty, incarceration, and vio-

lence are ever present. Based on the racism and bullying my children have faced thus far in their lives while attending various private and public schools in the ethnically diverse San Francisco Bay area—from teachers overly punishing them and trying to place them unnecessarily in special education; to other students (mainly nonwhite) bullying them, excluding them, and calling them the N-word and other derogatory terms—it’s clear anti-Black racism is no longer a white and Black issue. Anti-Black sentiment is grossly pervasive and crosses color lines in the twenty-first century, and the United States’ growing more ethnically diverse will not alone result in less racism unless anti-Blackness is uprooted from society.

As a Black wife, mom, activist, and writer, I am advocating for changes in this country so I don’t have to fear that the people in my life may be targeted for arrest and imprisonment because of their skin color or that the police will be called on them or that they will be killed because their mere presence is threatening. I don’t want Black women, including my daughter, to face the highest maternal mortality and infant mortality rates in this country. I want to live in a country where my children have an equal chance at gainful employment, economic stability, and home ownership. And I want to be part of a Christian faith that believes and practices that our lives as Black people are just as important and deserve as much protection as any other person in this country. In order for lasting change to occur in the criminal legal system and American society, common ground must be reached, and hearts and minds must change. My hope is that this book will foster dialogue and spur action in order for those changes to occur.