

## Race, Prison and the Drug Laws

**Of the 250,900 state prison inmates serving time for drug offenses in 2004, 133,100 (53.05%) were black, 50,100 (19.97%) were Hispanic, and 64,800 (25.83%) were white.**

Source: Harrison, Paige M. & Allen J. Beck, PhD, US Dept. of Justice, Bureau of Justice Statistics, Prisoners in 2005 (Washington, DC: US Dept. of Justice, Nov. 2006) (NCJ215092), Table 12, p. 9.

**"The racially disproportionate nature of the war on drugs is not just devastating to black Americans. It contradicts faith in the principles of justice and equal protection of the laws that should be the bedrock of any democracy; it exposes and deepens the racial fault lines that continue to weaken the country and belies its promise as a land of equal opportunity; and it undermines faith among all races in the fairness and efficacy of the criminal justice system. Urgent action is needed, at both the state and federal level, to address this crisis for the American nation."**

Source: Key Recommendations from Punishment and Prejudice: Racial Disparities in the War on Drugs (Washington, DC: Human Rights Watch 2000)

**"Our criminal laws, while facially neutral, are enforced in a manner that is massively and pervasively biased. The injustices of the criminal justice system threaten to render irrelevant fifty years of hard-fought civil rights progress."**

Source: Welch, Ronald H. and Angulo, Carlos T., Justice On Trial: Racial Disparities in the American Criminal Justice System (Washington, DC: Leadership Conference on Civil Rights / Leadership Conference Education Fund, May 2000), p. v.

**"When incarceration rates by State (excluding Federal inmates) are estimated separately by gender, race, and Hispanic origin, male rates are found to be 10 times higher than female rates; black rates 5-1/2 times higher than white rates; and Hispanic rates nearly 2 times higher than white rates."**

Source: Harrison, Paige M., & Beck, Allen J., PhD, Bureau of Justice Statistics, Prison and Jail Inmates at Midyear 2005 (Washington, DC: US Dept. of Justice, May 2006) (NCJ213133), p. 10.

**The incarceration rate in state or federal prison and jail for men was 1,371 per 100,000 residents, for women 129 per 100,000 residents. The rate for white men was 709 per 100,000, for black men 4,682 per 100,000, for Hispanic men 1,856 per 100,000. The rate for white women was 88 per 100,000, for black women 347 per 100,000, and for Hispanic women 144 per 100,000.**

Source: Harrison, Paige M., & Beck, Allen J., PhD, Bureau of Justice Statistics, Prison and Jail Inmates at Midyear 2005 (Washington, DC: US Dept. of Justice, May 2006) (NCJ213133), p. 10, Table 13.

**"When total incarceration rates are estimated separately by age group, black males in their twenties and thirties are found to have very high rates relative to other groups (table 13). Among the nearly 2.2 million offenders incarcerated on June 30, 2005, an estimated 548,300 were black males between the ages of 20 and 39. Of black non-Hispanic males age 25 to 29, 11.9% were in prison or jail, compared to 3.9% of Hispanic males and about 1.7% of white males in the same age group. In general, the incarceration rates for black males of all ages were 5 to 7 times greater than those for white males in the same age groups."**

Source: Harrison, Paige M., & Beck, Allen J., PhD, Bureau of Justice Statistics, Prison and Jail Inmates at Midyear 2005 (Washington, DC: US Dept. of Justice, May 2006) (NCJ213133), p. 10.

**"Female incarceration rates, though significantly lower than male rates at every age, reveal similar racial and ethnic disparities. The incarceration rate for Black non-Hispanic females was 347 per 100,000 almost 22 times higher than the rate for Hispanic females (144 per 100,000) and 4 times higher than the rate for white females (88 per 100,000). These differences among white, black, and Hispanic females were consistent across all age groups."**

Source: Harrison, Paige M., & Beck, Allen J., PhD, Bureau of Justice Statistics, Prison and Jail Inmates at Midyear 2005 (Washington, DC: US Dept. of Justice, May 2006) (NCJ213133), p. 10.

**According to the US Census Bureau, the US population in 2000 was 281,421,906. Of that, 194,552,774 (69.1%) were white; 33,947,837 (12.1%) were black; and 35,305,818 (12.5%) were of Hispanic origin. Additionally, 2,068,883 (0.7%) were Native American, and 10,123,169 (3.8%) were Asian.**

Source: US Census Bureau, Department of Commerce, Census 2000 Redistricting Data (P.L. 94-171) Summary File for states, Population by Race and Hispanic or Latino Origin for the United States: 2000 (PHC-T-a) Table 1

**"More than half (53%) of male State prisoners were serving time for a violent offense in 2003, compared to around a third (35%) of female prisoners (table 13). Females were more likely than males to be serving time for property offenses (30% compared to 20%) and drug offenses (29% compared to 19%)."**

**"Offense types also varied by race and Hispanic origin. Approximately half of white, black, and Hispanic State inmates were violent offenders. White prisoners were more likely to be serving time for a property offense (27%), compared to blacks (18%) and Hispanics (17%). Nearly a quarter of black State inmates (24%) and Hispanic inmates (23%) were drug offenders, compared to a seventh of white inmates (14%)."**

Source: Harrison, Paige M. & Allen J. Beck, PhD, US Department of Justice, Prisoners in 2005 (US Department of Justice, November 2006), p. 9.

**Regarding State prison population growth from 1990 through 2000, the US Dept. of Justice reports, "Overall, the increasing number of drug offenses accounted for 27% of the total growth among black inmates, 7% of the total growth among Hispanic inmates, and 15% of the growth among white inmates."**

Source: Harrison, Paige M. & Allen J. Beck, PhD, US Dept. of Justice, Prisoners in 2001 (US Dept. of Justice, July 2002), p. 13.

**According to the federal Household Survey, "most current illicit drug users are white. There were an estimated 9.9 million whites (72 percent of all users), 2.0 million blacks (15 percent), and 1.4 million Hispanics (10 percent) who were current illicit drug users in 1998." And yet, blacks constitute 36.8% of those arrested for drug violations, over 42% of those in federal prisons for drug violations. African-Americans comprise almost 58% of those in state prisons for drug felonies; Hispanics account for 20.7%.**

Source: Substance Abuse and Mental Health Services Administration, National Household Survey on Drug Abuse: Summary Report 1998 (Rockville, MD: SAMHSA, 1998).  
**Among persons convicted of drug felonies in state courts, whites were less likely than African-Americans to be sent to prison. Thirty-three percent (33%) of convicted white defendants received a prison sentence, while 51% of African-American defendants received prison sentences. It should also be noted that Hispanic felons are included in both demographic groups rather than being tracked separately so no separate statistic is available.**

Source: Durose, Matthew R., and Langan, Patrick A., Bureau of Justice Statistics, State Court Sentencing of Convicted Felons, 1998 Statistical Tables  
**At the start of the 1990s, the U.S. had more Black men (between the ages of 20 and 29) under the control of the nation's criminal justice system than the total number in college. This and other factors have led scholars to conclude that, "crime control policies are a major contributor to the disruption of the family, the prevalence of single parent families, and children raised without a father, and the 'inability of people to get the jobs still available.'"**

Source: Craig Haney, Ph.D., and Philip Zimbardo, Ph.D., "The Past and Future of U.S. Prison Policy: Twenty-five Years After the Stanford Prison Experiment," *American Psychologist*, Vol. 53, No. 7 (July 1998), p. 716.

**"Since 1997, 16 states have implemented reforms to their felony disenfranchisement policies**

**"These reforms have resulted in the restoration of voting rights to an estimated 621,400 persons**

**"By 2004, the total number of people disenfranchised due to a felony conviction had risen to 5.3 million**

**"Among those disenfranchised, 74% are currently living in the community**

**"In 2004, 1 in 12 African Americans was disenfranchised because of a felony conviction, a rate nearly five times that of non-African Americans**

**"Voting is linked with reduced recidivism; one study shows that 27 percent of non-voters were rearrested, compared with 12 percent of voters"**

Source: King, Ryan S., "A Decade of Reform: Felony Disenfranchisement Policy in the United States" (Washington, DC: Sentencing Project, 2006), p. 2.

**"Thirteen percent of all adult black men -- 1.4 million -- are disenfranchised, representing one-third of the total disenfranchised population and reflecting a rate of disenfranchisement that is seven times the national average.**

**Election voting statistics offer an approximation of the political importance of black disenfranchisement: 1.4 million black men are disenfranchised compared to 4.6 million black men who voted in 1996."**

Source: Fellner, Jamie and Mauer, Marc, "Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States" (Washington, DC: Human Rights Watch & The Sentencing Project, 1998), p. 8. Election statistics cited are from the US Census Bureau, "Voting and Registration in the Election of November 1996" (p20-504), July 1998.

**One in three black men between the ages of 20 and 29 years old is under correctional supervision or control.**

Source: Mauer, M. & Huling, T., *Young Black Americans and the Criminal Justice System: Five Years Later* (Wash DC: Sentencing Project, 1995).

**"In 2001, the chances of going to prison were highest among black males (32.2%) and Hispanic males (17.2%) and lowest among white males (5.9%). The lifetime chances of going to prison among black females (5.6%) were nearly as high as for white males. Hispanic females (2.2%) and white females (0.9%) had lower chances of going to prison."**

Source: Bonczar, Thomas P., US Department of Justice, Bureau of Justice Statistics, "Prevalence of Imprisonment in the US Population, 1974-2001," NCJ197976 (Washington DC: US Department of Justice, August 2003), p. 8.

**In 1986, before mandatory minimums for crack offenses became effective, the average federal drug offense sentence for blacks was 11% higher than for whites. Four years later following the implementation of harsher drug sentencing laws, the average federal drug offense sentence was 49% higher for blacks.**

Source: Meierhoefer, B. S., *The General Effect of Mandatory Minimum Prison Terms: A Longitudinal Study of Federal Sentences Imposed* (Washington DC: Federal Judicial Center, 1992), p. 20.

**Regardless of similar or equal levels of illicit drug use during pregnancy, black women are 10 times more likely than white women to be reported to child welfare agencies for prenatal drug use.**

Source: Neuspiel, D.R., "Racism and Perinatal Addiction," *Ethnicity and Disease*, 6: 47-55 (1996); Chasnoff, I.J., Landress, H.J., & Barrett, M.E., "The Prevalence of Illicit-Drug or Alcohol Use during Pregnancy and Discrepancies in Mandatory Reporting in Pinellas County, Florida," *New England Journal of Medicine*, 322: 1202-1206 (1990).

**Due to harsh new sentencing guidelines, such as 'three-strikes, you're out,' "a disproportionate number of young Black and Hispanic men are likely to be imprisoned for life under scenarios in which they are guilty of little more than a history of untreated addiction and several prior drug-related offenses... States will absorb the staggering cost of not only constructing additional prisons to accommodate increasing numbers of prisoners who will never be released but also warehousing them into old age."**

Source: Craig Haney, Ph.D., and Philip Zimbardo, Ph.D., "The Past and Future of U.S. Prison Policy: Twenty-five Years After the Stanford Prison Experiment," *American Psychologist*, Vol. 53, No. 7 (July 1998), p. 718.

<http://www.drugwarfacts.org/racepris.htm>