

Exploring the Legacy of Slavery in Mass Incarceration

Lesson Overview:

The 1619 Project, inaugurated with a special issue of *The New York Times Magazine*, challenges us to reframe U.S. history by marking the year when the first enslaved Africans arrived on Virginia soil as its foundational date.

This lesson plan introduces Bryan Stevenson’s essay “Mass Incarceration” in *The 1619 Project* through guided reading, discussion questions, and extension activities.

Warm-up:

Write your answers to the following questions:

1. What do you think are the purposes of incarceration (the act of confining people in jails and prisons)?	
2. Do you think that jails and prisons are effective in carrying out those purposes? Why or why not?	
3. The United States has the highest rate of incarceration in the world . What explanations can you think of for this phenomenon, termed mass incarceration ?	

Introducing the Resource:

In his essay “Mass Incarceration,” published by the *New York Times Magazine* as part of *The 1619 Project*, Bryan Stevenson writes, “[C]entral to understanding this practice of mass incarceration and excessive punishment is the legacy of slavery.”

While you read Stevenson’s essay, use this table to track evidence he provides for this claim by noting information provided about the links between mass incarceration and/or excessive punishment and slavery.

1. What facts and images does Stevenson use to show the similarities between slave plantations and Angola (the Louisiana State Penitentiary)?	
2. What rights were granted to U.S. citizens by the 13th amendment? What exception is written into the amendment that can revoke those rights?	
3. What were the Black Codes? What examples of Black Codes does Stevenson mention in his essay?	
4. What was convict leasing?	
5. What contemporary policies does Stevenson suggest have been implemented in the same way in which the Black Codes were implemented in the past?	

Reflection:

Identify the central idea of the essay.

- First, summarize the central idea in your own words.
- Then, find the quote that you think best summarizes the central idea.

Then, answer the following questions on a separate sheet of paper:

1. What information in this essay was surprising or new to you?
2. Stevenson writes that history has “fostered a view of black people as presumptively criminal.”
 - What does it mean to be “presumptively criminal”?
 - What are the negative impacts of presuming some people to be criminal?
3. Return to your warm-up discussion. How does Stevenson’s essay add to the way you think about the purposes of incarceration?
4. Why do societies have laws? What is their purpose?
 - How can the law be used positively? What are some examples?
 - How can the law be used negatively? What are some examples?
5. Stevenson writes that “too many Americans are willing spectators to horrifying acts, as long as we’re assured they’re in the interest of maintaining order.”
 - What does *order* look like to you? Who is responsible for maintaining order?
 - What “horrifying acts” have been committed in the name of maintaining order?
6. In his concluding paragraph, Stevenson writes, “Hopelessness is the enemy of justice.” What does this mean?
7. How are people organizing to oppose harsh punishment and mass incarceration in your community?

Extension Activities:

Option 1. Using Stevenson’s essay as a point of reference, create a historical timeline that traces the evolution of the U.S. system of mass incarceration from 1619 to the present day.

Option 2. “The appetite for harsh punishment has echoed across the decades,” Stevenson writes. “Nixon’s war on drugs, mandatory minimum sentencing, three-strikes laws, children tried as adults, “broken windows” policing—these policies were not as expressly racialized as the Black Codes, but their implementation has been essentially the same.”

Stevenson is suggesting that these contemporary policies have all contributed to harsh punishment and mass incarceration, disproportionately affecting Black and brown communities. Choose one of the policies he mentions in this quote, and research it. Write a paper that answers the following questions:

1. What is the policy? How is it carried out?
2. How has this policy affected Black and brown communities?
3. Who was and/or is in favor of this policy, and why?
4. Who was and/or is against this policy, and why?
5. Do you think this policy is unjust? Why or why not?

Option 3. Stevenson concludes his essay by reminding the reader of both “how important it is to stay hopeful” and “how much work remains to be done.” What work needs to be done in your community?

1. Research issues in your state or local justice system.
2. Write a letter to your representative explaining the problem you've researched, and what solution you propose. Need ideas to get you thinking about current issues in the justice system? Here is some recent reporting on under-reported justice issues:

- [The shortage of public defenders](#)
- [Jailing the mentally ill](#)
- [Excessive sentencing for women who have experienced domestic violence](#)
- [Pretrial diversion](#)
- [Visitation for children with incarcerated parents](#)
- [Civil asset forfeiture](#)
- [Racial profiling by law enforcement](#)
- [The criminalization of self-defense](#)

Option 4. COVID-19 (the coronavirus) is a pandemic affecting all people across the United States and much of the world. Jails, prisons, and other detention facilities are spaces that put people at especially high risk.

1. Learn more about how the coronavirus is affecting incarcerated people and recommended policies for making this vulnerable population safer using this resource from [The Justice Collaborative](#).
2. Find out whether your jails and/or prisons near you are implementing the recommended policies from the Justice Collaborative resource.
3. If your state or locality isn't doing all they could do to ensure the health and safety of incarcerated people, consider reaching out to legal policy decision makers in your community, such as your governor, city council members, or prosecutors. The Justice Collaborative contains example letters you can use to get started in reaching out to these individuals.