Timeline of the Rise of the Modern American Prison System

- 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."  

- 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.  

- 1914 Congress passes Harrison Narcotics Tax Act, restricting the sale of opiates and cocaine, launching the country’s “first war on drugs.”  

- 1927 The first federal women’s prison opens in Alderson, WV.  

- 1928 Alabama becomes the last state to outlaw convict leasing.  

- 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. Jails and prisons eventually take up the slack.  

- 1960’s US and most western countries experience dramatic increase in crime. From 1962-1972, the annual number of homicides more than doubles. The homicide rate among blacks had been several times higher than whites since at least the 1930’s.  

- 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.

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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/pt/slavery-by-another-name/slavery-timeline/  


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

57 http://www.pbs.org/pt/slavery-by-another-name/slavery-timeline/  


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.


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.

1984 Sentencing Reform Act prescribes mandatory minimums and eliminates judicial discretion.

1985 Reagan administration hires staff to publicize the emergence of crack cocaine.


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.

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.”

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.

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61 Gottschalk, p. 128
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.
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.\(^{75}\)

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\(^{68}\) National Academies report, p. 112.

\(^{69}\) Gottschalk, p. 128

\(^{70}\) https://www.ncjrs.gov/btxfiles/billstxt


\(^{73}\) http://www.motherjones.com/politics/2014/02/conservatives-prison-reform-right-on-crime

\(^{74}\) http://www.uscourts.gov/statistics-reports/wiretap-report-2013