

Argument-Centered Education -- Counter-Argument Builder -- Mass Incarceration

Other Side's Overall Position: Mass incarceration is the moral equivalent of slavery.

Other Side's Argument (Claim Plus Evidence/Reasoning)	The War on Drugs and the Law and Order campaigns were designed to imprison and control black men. The differences in the way that possession of certain drugs was punished demonstrate a "grotesque" racial disparity in these laws. The best way to determine a legal system's intention is to look at its effects, and these campaigns had the effect of locking up millions of African-American men, which makes them parallel to American slavery.
Counter-Argument	The War on Drugs and the Law and Order campaigns didn't result in mass incarceration, but rather an increase in violent crime has.
Evidence and Reasoning or Critique of Their Evidence or Reasoning	The War on Drugs was more rhetorical than it was real. The New York state example shows that there were actually fewer people in prison on drug charges in 1984 than there were in 1973. It was only after an explosion in drug-related violence that there was an increase in drug convictions in the late 80s and 90s (John Pfaff, "Why Ending Mass Incarceration Means Locking Up Fewer Violent Criminals," Reason, February 25, 2017). Overall those in prison for drug convictions are a minority of those incarcerated. By far the highest number of prisoners are there for committing violent crimes (Brookings Institute, War on Drugs, Violent Crime, and Incarceration Rates: A Report. 2014). If this debate is to be resolved by looking at the factual effects of major criminal justice policies, the objective numbers do not support the claim that these policies are aggressively biased, let alone the re-enslavement of black people.
Counter-Argument	The evidence is not sufficient to support the claim that the War on Drugs and Law and Order campaigns were "grotesquely" racist.
Evidence and Reasoning or Critique of Their Evidence or Reasoning	There is only one example presented that the War on Drugs has racially biased differences in punishing the possession of drugs. If these campaigns were as awful as the other side's proponents claim they were, there would be more than the one example of crack and powder cocaine to point to. Furthermore, the quotation from Leon Nayfakh is a good example of the way in which this debate has taken place largely at the rhetorical level, not at the factual and data-based level. Nayfakh uses very heightened language to describe the evil intent of the American criminal justice system, but his quote is entirely fact-free.