

Anna Hamann

Professor: Dr. Slavin

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What Are the Factors That Have Led to America's Increasingly High Incarceration Rates?

“What an interesting populace we have. Nobody seems at all worried by the fact that we have the largest prison population and that it consists preponderantly of young blacks, a whole generation in jail” (qtd. in Mauer 1). In the *Race to Incarcerate*, Marc Mauer indicates that the national prison population has risen more than 500% since 1972, which is far greater than the 37% rise in the national population during the same time (1). Prior to the 1970s, the American judicial system was considered to be the most progressive, liberal and humane (Tonry 22). Beginning in 1985, state and federal governments opened new correctional facilities on a weekly basis to help support the flow of prisoners (Mauer 1, 2). In this paper I will focus on the subject of rising incarceration rates in the United States, which evolved from the comingling of the following factors: structural economic-inequality, racism, harsh sentencing laws and regulations, and the Prison-Industrial Complex.

### **STRUCTURAL SOCIO-ECONOMIC INEQUALITY**

Structural socio-economic inequality refers to a difference in the distribution of economic resources, assets and income between people in the society (“Income Inequality”). In my research I realized that it has an impact on the rising rates of incarceration in the United States. The inequality and the prison boom both date back to the mid-1970s, and they both have been

continuing up until now (Neckerman 771). To explain this correlation, I examined the influence of low and/or no income status, level of education, and our culture's values on high incarceration rates. There is also an inner city problem and a political response to the problem of income inequality.

*Influence of Low Income on Incarceration Rates.* It is a fact that economically disadvantaged people are more involved in crime (Neckerman 771). According to the research of Mauer, Neckerman, and others, it appears people turn to crime for income and some for extra income. From 1980-1990 young black men turned to crime in response to the declining job opportunities (Neckerman 771). With rising inequality the penal population enlarges, independently of trends in crime. With the changing economy the black ghetto was destroyed, a former community full of low skilled labor became unemployed, and the community support and ties deteriorated (Neckerman 771). Everyone may imagine that in a situation where there is no income flowing in, one finds ways to earn money in any way possible: "Growth in prison populations and city police forces is not driven chiefly by the rise of crime, but by the demise of the ghetto..." (qtd. in Neckerman 771).

Mauer found that for many, drug dealing was a means of extra income, at times when their legitimate incomes were down. They justified drug dealing as necessary to survive. Research on drug dealers in Washington DC in 1990, most of whom were also identified as African American, showed that two thirds were employed at the time of their arrest with a median monthly income of \$800. Drug dealing for them was a supplement to their legitimate employment. The sales could bring them a median of \$2,000 a month, which represents a real monetary support (Mauer 183).

Some statistics Neckerman cited in her book about income inequality and crime rates are as follows: between 1973 and 1995 imprisonment rates rose through small increases and decreases in violent crimes, from 100 inmates per 100,000 to 400 inmates per 100,000. From 1995 to 2000 incarceration rates increased sharply as the violent crime rate plummeted. In five years it grew from 400 to 500 inmates per 100,000, while violent crime rates went down from 45 crimes per 10,000 to less than 30 per 10,000 (Neckerman 772 -773). Neckerman, therefore, argues that it is not the increasing crime rates behind the prison boom. In her research she showed that while income fell, the imprisonments rates grew.

*Influence of Education on Incarceration Rates.* Across the ethnic lines where Neckerman compares blacks, Hispanics and whites the incarceration rates fell quickly with rising education, but increased among high school drop outs. Incarceration rates for young black male drop outs grew from 3% in 1980 to 9% in 2000, from .5% to 2% for whites and from 1.9% to 4% for Hispanics. Data accounting for people with some college and for people with less than a high school education show similar trends, indicating that the growth in incarceration was concentrated among low skilled men (Neckerman 776). Another survey, conducted in 1997 by the Justice Department, shows that 68% of prisoners are high school drop outs, 53% earned less than \$1,000 monthly prior to being arrested, and almost half were either unemployed or working part time jobs before being arrested (Mauer 178). With these statistics we have to consider the economic and family status in trying to understand what led those men to being arrested. Mauer also states that the violent crime rate of 37% among blacks, while they represent only 13% of the population, is not only a question of race, but is a “function of class, that is, the disproportionately low-income status of African-American offenders” (Mauer 178). Other studies show that higher socioeconomic status for both blacks and whites leads to substantially lower rates of homicide.

Thus, the key factor becomes the access of young men to find legitimate employment and their ability to stay employed, which will mean that violent offending behavior is not likely to happen for many of them.

*Culture and Incarceration Rates.* I think it is important to mention our culture while talking about income disparities. We praise financial success and stability; many of our values are material. At large, what we want and try to achieve is outside us, not inside us. All people of all income levels share similar goals of materialistic success, but legitimate opportunities are very unequally distributed among us. Robert Merton believes that “the moral mandate to achieve success... exerts pressure to succeed by fair means if possible and by foul means if necessary” (qtd. in Neckerman 777). Neckerman states that frustration of blocked opportunities drives the poor to crime so that they may share the material success available to the middle class legally.

Jensen, quoting Luis Rodriguez, the author of *“La Vida Loca: Always Running: Gang Days in L.A.”* (267), said the reason why gang kids are so violent is because they learn it from the society: “The survival of the fittest. Kill or be killed. Gang kids always say this...they got it from the larger society. That’s capitalism in a nutshell. The whole social order” (qtd. in Jensen 268). Not that the business owners are actually killing, but in business terms, it really is a survival of the fittest. Rodriguez argues that the young kids on the streets create a capitalist world in their own ways; their industry is drugs, and they let themselves be killed, or kill others for the sales to continue. The nature of their business is not being approved by us: “...prison is full of these entrepreneurs and others who know how to make money. They would be thriving capitalists in another environment. They’re not. They’re now sitting in prison because they bought into the system. And they are the first ones to tell you: I was just trying to make money” (qtd. in Jensen 268). Every commercial on TV, many songs, and many movies push those kids to attain that

materialistic status, of which they are deprived, and to make money to afford to buy things. It is obviously not their sole fault: "...a prison is a cross-section of society in which every human strain is clearly revealed" (Mitford 7).

*Inner City Problem.* Historically, housing segregation in the United States created isolated black communities; this is mainly the case of low income black communities. Right now it is a question of concentrated poverty, such as is present in many inner cities. Keffe's article in the *New York Magazine* of October 2011 shows that big cities, and he describes New York City in particular, enjoy dropping crime rates "by sweeping it into the surrounding area" (40). Inner city residents most of the time do not have access to the contacts and opportunities available to others. There are no jobs, no public transportation, no grocery stores and little recreation for children (42). The most "intractable challenges...are beyond the reach of law-enforcement solutions..." (41). Keffe says that the criminality is "the underground economy and it's really the only thing people can make money on" (108).

Sociologists Judith and Peter Blau in 1982 analyzed 125 metro areas and found that black vs. white inequality in socioeconomic status is positively associated with violent crime rates (qtd. in Neckerman 779). Areas with higher levels of inequality tend to have higher levels of violence: "Increase in the level of wage inequality that has been the characteristics of the U.S. economy since the 1970s have significantly increased the violent crimes of murder" (qtd. in Neckerman 780).

*Political Response to the Inequality Problem.* There is a solution to this social problem. Besides incarceration, we could rather build stronger communities, create more jobs, job training classes, and provide more socio-economic support, better education and after-school programs, and

better access to it for low-income people. A political response described in Mauer's book provides a perfect example of how ineffective our system was, and still is, and how it provided no changes for over 20 years now. President Clinton, during his first days in office, spoke about the nation's urban crisis. Experts recommended spending \$60 billion for economic development, but the administration proposed \$30 billion instead. The House of Representatives passed only \$16 billion, which was killed by the Senate in favor of \$5 billion for unemployment insurance and some other programs. The explanation was that the Federal government could no longer "throw money at problems" (Mauer 185). But a year later Congress determined to spend \$30 billion for the troubled communities. This time the money went to the creation of a massive crime bill loaded with sixty new death penalty offenses, \$8 billion to a new prison construction, "three strikes" sentencing, and other provisions made to escalate the prison population. Mauer says that at current rates two thirds of newly constructed prison cells will be filled by minorities; this is not what community leaders wanted when they called for improvements in their communities (186). The problem of income inequality is very closely related to the racial problem we are having today in the U.S. In my research I found that the problem of low income and racism co-exist on multiple levels.

## **RACISM**

To explain why racism contributes to high incarceration rates I will consider racial biases in the social stratum, such as: in prosecution and sentencing, in perception of crime and criminals, and in our history of beliefs and values and stereotypes. For many young black men today the government means coercion, and no more than that. The incarceration rate for white male school drop outs is 3 out of 200. For blacks the rate is 1 in 9. A third of black male school drop outs age 20- 40 were locked up on any given day in 2000 (Loury 23). Criticizing the judicial system in the

United States, Jensen says that if you look at the rates at which blacks and Latinos are incarcerated, then the United States itself seems like a big, racist, terrorist organization: “Simply looking at the numbers it becomes clear that the judicial and penal systems have achieved the segregation of black males - into prisons - on a scale of which the Ku Klux Klan and their puny brethren could only dream” (Jensen 7). Mauer states that “crime and criminal policies of the present era represent a conspiratorial assault on minority communities” (8). Mauer predicted that nearly half of all prison inmates are black by early 21<sup>st</sup> century (137). I checked the demographics for 2010 and noticed that our black community represents only 12.6%, which translates into 40.4 million people; the number of incarcerated black Americans is heavily out of proportion (“2010 Census: United States Profile”). It appears that Mauer was indeed right.

*Crime Is a Race Issue.* Glenn Loury, in his book *Race, Incarceration and American Values*, described the work of a political scientist, Vesla Mae Weaver, who stated that the punitive turn in the 1960 was a political response to the Civil Rights Movement. The opponents of the movement shifted the issue of civil rights development to a concern over crime: “...rivals of civil rights progress defined racial discord as criminal and argued that crime legislation would be a panacea to racial unrest. This strategy both imbued crime with race and depoliticized racial struggle...” (Loury 13). Her argument is speculative, but the events that followed after the Civil Rights Movement tend to suggest she was right. After 1965 the American mind associated race with crime, and also race with welfare. The attitudes had changed and had taken the racial turn, thus the crime came to be seen as a racial issue and the policies were shaped accordingly.

Public anxiety about crime and racial riots, civil rights and racial disorders were shaped into a crime problem, which contributed to shifting the debate from social reform to simply punishment (Loury 14). The war on drugs, Loury argues, is a consequence of that shift to

punishment. There were twice as many blacks arrested for a drug offense than whites in 1975 and four times more in 1989 (16). High drug-usage in white, middle class neighborhoods in 1980 ignited the creation of the draconian drug laws, which created increases in drug arrests. Interestingly enough the drug prices went significantly down and visits to emergency rooms rose throughout the 1980s and 1990s. This only showed that increased law enforcement did not mean taking the drugs away from streets and those who wanted them (16). And those who wanted them were coming from any neighborhood and background, while sellers of the drugs predominantly come from the non-white, poorest parts of the cities (19). If the drug usage was a white problem, then it is more difficult to understand the initiation of draconian anti-drug laws in 1990, after a preceding decade of declining drug usage across the board (16).

*Racial Bias in Relation to Criminals.* Another argument is that black illegal behavior is more likely to lead to attention by the criminal justice system and by police forces as well (Mauer 163). Drug dealing in white neighborhoods is discrete; it happens in clubs, private houses, meetings and parties inside. In inner cities populated by minorities it is anything but discrete. It happens on street corners, which are obviously easily spotted by policemen. Take the “driving while black” problem, which clearly shows the racial bias of our street police. 5% of all the drivers in our country are blacks and Latino; meanwhile they represent more than 78% of all the drivers being stopped. Also they represent 80% of the cars which are being searched (Mauer 142). Returning to drug offenders, Mauer states the results of a study, provided by the *Los Angeles Times*, which studied prosecutions in crack trafficking in the Los Angeles area in 1988 to 1994, and found that there was no white offender convicted in federal court, overlooking the fact that whites are a majority of crack users (172). The *Los Angeles Times* further states that whites were all prosecuted in state courts and received shorter sentences, while the blacks who



were prosecuted on federal level were not even large drug dealers, but low level salespeople on the street (172).

*Racial Bias in Social Stratum.* Marc Mauer argues that the famous O.J. Simpson trial would have turned out differently, if O.J. had been a low income black man convicted of the murder of two white people (177). If not for the resources he had to defend himself, he would have ended up in prison. This statement suggests how income level or class intertwines with race. Mauer cites a study which found that at higher socio-economic levels both blacks and whites experience similar low homicide rates (180).

*Racial Bias in Prosecution and Sentencing.* There is no overt racism present in our system, but it is reflexively played out in our courtrooms and on streets. The study done in 1991, by Christopher Schmitt, looked at 700,000 criminal cases which were matched by the offender's criminal history and the crime itself. It was concluded that "at virtually every stage of pretrial negotiation, whites are more successful than non-whites" (qtd. in Mauer 153). Out of 71,000 adults with no criminal record and who have felony charges, "one third of the whites had charges reduced to misdemeanors or infractions, while only one quarter of blacks and Hispanics received this disposition" (153). Another study, done in 1983 by David Baldus and his colleagues found that "murder defendants who were charged with the killing of whites faced a 4.3 times greater chance of receiving death sentence, than those charged with killing blacks" (qtd. in Mauer 143). One study of probation reports in juvenile court cases in Washington State County showed that probation officers tended to interpret delinquency of black youth as a result of negative attitudinal and personal traits, while the behavior of white youth was viewed as an influence by their social environment and nothing personal. This difference in perception creates a great difference in sentencing, where the white youth's problem can be managed through various

community programs and social interventions, while black youth's personality issues can only be cured by incarceration (Mauer 146).

*Beliefs and Values in Favor of Racism.* From what I have read, many thinkers are inclined to believe that our culture and society shape our values and beliefs and that they are still racist. Even though we consider ourselves to be a color blind society, our black communities, as well as Hispanic, are underrepresented. Remember the history, when Negroes were viewed as criminals and evil men and it was normal to ascribe stealing and killing as their natural behavior (Mauer 132). Blacks were considered to be a second class people and were dominated by unjust laws and denied their civil rights for freedom and citizenship, until black crime spilled into white communities, and then the criminal justice system was fully focused on them. In 1954 there were 98,000 blacks behind bars and a half century later the number has reached 910,000. It is an 829% increase in incarceration of blacks compared to 120% increase in the black population (Mauer 134). Any black male child born in 2001 stood at a 32% chance of being incarcerated during his lifetime, compared to a 6% chance for a white male child, keeping in mind the proportion of whites and blacks in our country (Mauer 137).

Michael Tonry in his book *Thinking About Crime* says that the beliefs and values of the past, which hold that slavery was normal, are unthinkable today. Present American beliefs, values and policies on capital punishment, handguns and mandatory sentencing, which we now consider to be normal, indirectly support our high incarceration rates. For many other Western countries these policies would be as unthinkable as slavery (Tonry 63). And Tonry says that the racial context is ours only, as almost every other Western country experienced "nativist, xenophobic, and anti-immigrant political movements" that could have been translated into harsher laws, but they did not (Tonry 60).

*Stereotyped Thinking.* After considering the extent of racism played out in many aspects of our society, it is important to mention stereotyping. Blacks, who are viewed by the larger society as deviant, are being stereotyped and so they are punished for their innate misfortunes: “Stereotypes of blacks include: arrogant, athletic, devious, dirty, dishonest, drug addicts, ‘having rhythm’, incompetent, inferior, lazy, unintelligent, noisy, passive, poor, primitive, untrustworthy, and violent” (“Stereotypes and Symbolism: Images Can Hurt”). For Hispanics the ascription is almost the same: “Hispanic Americans are considered more likely than (non-Hispanic) whites to prefer welfare to employment and to be lazy, violence-prone, unintelligent and unpatriotic” (qtd. in “Stereotypes and Symbolism: Images Can Hurt”). This is a lot to overcome in an everyday life for blacks and Hispanics, and it is even harder to overcome in the courtroom.

Jessica Mitford described a criminal type in her book *The American Prison Business* (52) and what she described is the same as the stereotyped descriptions, with an addition of the criminal type being a poor “slum-dweller.” Broadly, it means that we stereotype black and Hispanic people to be criminal. Accordingly: “Those suspects who fit the concurrent social type of the criminal are most likely to become objects of police suspicion and of judicial decision-making” (53). An article on the website of the *American Psychological Association* states that suspects with Afrocentric facial features receive longer sentences (qtd. in “Automatic Racial Stereotyping Based on Racial Features in Addition to Race”). From my personal experience, and I am also guilty of it, many white men and women, who end up in a black, economically disadvantaged neighborhood have stereotypical thoughts about black people racing in their minds. Not everyone will admit it, but there is always this fear of being robbed or assaulted. This reaction shows how deeply stereotypes are embedded in us. Explaining the high rates of

incarceration it is important to write about the tough and harsh laws and regulations, changing policies, mandatory sentencing and their impact on crime rates.

### **HARSH SENTENCING LAWS AND REGULATIONS**

Mauer states that the rise of tough policies and laws to tame the crime failed to provide safety and substantially reduce crime. The engagement in the war on drugs, he says, was a political response to the problem of low-income and minority communities (8). The entire Criminal Justice system just seems to be reactive and not proactive. Instead of creating treatment programs and welfare nets, it builds prison facilities and passes laws to help fill those prisons. The thinking is: "Overall, of course, we must make the case that public safety demands more prisons" (qtd. in Mauer 63).

*Mandatory Sentencing.* Since 1975 every state has passed some type of mandatory sentencing law commonly applied to serious violent crimes, drugs, or firearms. Since then, these mandatory laws have been most frequently applied to drug offenders, and that resulted in increased arrests and longer sentences (Mauer 167). The rationale for the mandatory sentencing was to apply an identical sentence, with uniformity across offenders and eliminate any discretion used by government officials in courtrooms (Reitz 550). Equal punishments for broad categories of crime fail to acknowledge differences between individuals and their situations and reasons which led them to crime. This practice is ethically and psychologically wrong (qtd. in Tonry 71). Statistics indicate that crime rates rose in 1970, and then declined from 1980 to 1984, then increased again from 1984 to 1991, and then declined through 2003. Violent crime rates followed the trend with minor exceptions, while the prison population was continuously rising (Mauer 94). The reasons for the rise, as Mauer states, are not the increase in crime, but the

criminal justice system and its changing policies. A regression analysis of that rise in the number of inmates from 1980 to 2001 concluded that mandatory sentencing policy explains the entire increase. 53% of the growth is caused by the greater likelihood of a prison sentence upon arrest, and 47% is caused by an increase in the time served in prison (qtd. in Mauer 33). Note that 72% of inmates were non-violent offenders with no history of violence (91). As a result of tough laws, Georgia today has the highest rate of correctional control. One in 13 residents is either locked up or on parole. The state spends 7% of its 15.9 billion budget on prisons (Newkirk 35).

*War on Drugs.* Congress adopted harsh “anti-drug” penalties in 1986 and again in 1988 (Mauer 171). The impact of mandatory sentencing laws on drug arrests can be seen in the federal court system. Between 1985 and 1995 the average time served in prison for drug offences increased by 20%. In 1990 released drug offenders who were not sentenced under mandatory sentencing laws served an average of 30 months, but those who were sentenced under mandatory sentencing laws expected to serve twice more, or an average of 66 months (qtd. in Mauer 167). The number of drug offences in prison increased by 478%, compared to a rise of 119% for all offences (167). The reported drug usage rates have gone down since 1979 from 14.1% to 6.3% in 2000 (qtd. in Mauer 160). If less people use drugs, then less people sell drugs, but in 2000 a record of 1,579,566 drug arrests were made, compared with 581,000 in 1980 (159).

It is hard to ignore the racial bias when analyzing drug laws and policies. Those arrested for drug selling are mostly from minority groups. In 1992, blacks constituted two-thirds of state inmates admitted for drug offenses. Hispanics accounted for 25% of drug offenders (MacCoun, Reuter 220). Data for 2002 indicates that whites represent 75% of all drug users, with 12% of black users and 9% of Hispanics. Yet blacks represent 32% of arrests for drug possession. 45%

of blacks were arrested in 2000 for the cocaine possession, while racial representation of cocaine users shows no difference: 0.7% for blacks, 0.8% Hispanics, and 0.5% whites (Mauer 160).

Although blacks represented 45% of all crack users in 2003, in the Federal court system they represented 85% of all crack defendants for more than a decade (165). Mandatory sentencing laws are much harsher for crack offenses than for cocaine crimes. The sale of 500 grams of cocaine powder will result in 5-year prison term, while selling only 5 grams of crack will result in the same punishment (171). It is worth mentioning the Rockefeller Drug Laws in New York State as an example of some of the most severe drug laws in the nation. They were enacted in 1973 by Governor Nelson Rockefeller. The statutes required that a judge impose a sentence of 15 years to life for anyone convicted of selling 2 ounces or possessing 4 ounces of narcotic drug, mainly cocaine and heroin (Wilson).

*Get Tough Movement.* In 1993 William Barr became the Deputy Attorney General in the Justice Department. He organized the “get tough” movement, which basically meant to enhance the mandatory sentencing laws and build more prisons. “More prisons or more crime” (qtd. in Mauer 67) was the slogan, and toughen up the juvenile sanctions. Mauer states that his campaign was quite successful, and the big contribution followed from the federal government, which over the period of 10 years ending in 1993 cut the unemployment and training program budget nearly in half, while increasing corrections spending by 521% (68).

*Three-Strikes Laws.* “Habitual offender” laws have long been used to apply heavier sentences for repeat offenders. However in 1990, a new approach emerged in the form of “three strikes you are out” laws (Reitz 550). Congress and many states adopted these laws which operate in a similar way: upon conviction of a third serious felony, the definition of which varies across the

states, the judge must sentence the offender to either a life term in prison without a possibility of parole or a 25 years to life sentence (550). The rationale behind that law was to reduce the violent and serious crimes, including drug and weapon offences (Kovandzic, Sloan, and Vieraitis). The direct result of these laws is the significant increase in the prison term. For serious offenders who would get 10 years to life in prison prior to the three strikes laws, the sentence now is 25 years (Brown and Jolivette).

In 2000, 24 states had introduced three-strike laws up from zero, and 33 states had abolished limited parole, up from 17 in 1980 (Loury 9). Today, third strikers are serving indeterminate sentences. It is not clear when they will be released from prison, but it is worth noting that none of the third strikers have been released from prison, and the earliest any are eligible for parole is 2019 (Brown and Jolivette). The growth of strikers' population occurred in the first years of enacting the law, and then it slowed down, when the second-strikers were released. Since 1994 there have been 80,000 second-strikers. In 2004 there were almost 43,000 first-strikers serving the time in prison, more than 35,000 are second-strikers and about 7,500 third-strikers. It is also worth noting that in 2004 59% of all strikers were incarcerated for non-serious or nonviolent offenses (Brown and Jolivette). The article published in *Justice Quarterly* describes two studies which were conducted by Marvell and Moody in 2001 and Kovandzic et al. in 2002 to evaluate the effectiveness of three strikes laws on the serious and violent crimes. They have reported that homicide rates increased in the three strikes states by 23% to 29% in the long term. The rationale behind it, as they suggested, was that offenders facing the life in prison will be more likely to kill any witnesses to avoid being captured. Marvell and Moody (2001) also found that the three strikes laws failed to reduce the rates of rape, robbery, assault, burglary, larceny, or auto theft (qtd. in Kovandzic, Sloan, and Vieraitis). Kovandzic et al. (2002)

concluded that policy not only doesn't help to reduce "the extent or seriousness of the problem targeted, but actually intensifies it" (qtd. in Kovandzic, Sloan, and Vieraitis).

It is hard to ignore the racial disparity when looking at the numbers of convicted strikers. Blacks constitute the largest group of second- and third- strikers which is 37%, followed by Hispanics 33% and then whites 26%. And out of all third-strikers blacks make up 45%, which is 15% higher than the total prison population of blacks (Brown and Jolivet).

### **PRISON INDUSTRIAL COMPLEX**

Prisons are money hungry institutions and their budgets are filled by legislators based not on the number of citizens they rehabilitate, but on the number of prisoners they keep quietly hidden away out of circulation. "Institutions are lawless and amoral, hungry for power and need to be constantly controlled and prison is no exception" (qtd. in Mitford 182).

*Corrections as an Employer.* Corrections are the third largest employer in the nation behind Manpower and Wal-Mart. Corrections' budget jumped from \$7 billion in 1980 to \$57 billion in 2000 and the total amount of staff reached one million people (Wacquant 59). All of these guards, administrators, supervisors, service workers and other personnel together represent a powerful political opposition to any system (Mauer 11). Prisons are regarded as a source of economic growth. They become vital to the development strategy of many small rural communities, which have lost jobs in recent years of economic globalization. What they provided was a vast amount of land and abundant relatively cheap labor (11). These people get hired by corrections: "The very poor, guarding the even poorer" (Mitford 185). Plenty of new prisons have been built in the last two decades which are expected to last at least 50 years,



virtually guaranteeing the employment and economic stability in the surrounding areas (Mauer 10).

Expanded budget expenditures on corrections are now considered a norm, and represent the largest growth area of the state budget. The math is simple: If X –million dollars is spent for a new jail, and then it must be kept reasonably full. If the population goes down, jailers are thrown out of jobs and the per capita cost of operation goes out of hand (183).

*Corrections as a Supply of Cheap Labor.* In the 1930s the inmate contract labor was replaced by prison industries. In 1935 the Federal Prison Industries Corporation received the active backing of the conservative wings of labor movement. In 1970s profits on sales were up 17%, when the average for all other industries was 4.5%. The total profits from 1935 to 1970s were \$896 million (Mitford 196). According to the sales report of 2011 their annual sales were \$745 million and 2010 they were \$776 million (“Section I-FY 2011 FPI Sales By 4\_Digit FSC Code and Customer 10/01/10 to 9/30/11”). The Department of Defense is the biggest customer, according to the report. Prison Industries’ report includes the undisclosed customers who buy the products as well as services. Presumably these customers could be private corporations using the cheap resources and cheap labor. For example, Prison Industries has a category for Product related services and other support services and also the annual sales for it of more than \$4 million (“Section I-FY 2011 FPI Sales By 4\_Digit FSC Code and Customer 10/01/10 to 9/30/11”).

But, what it does not have are the names of the customers who purchased the services. For other product categories the report lists each agency who bought that particular product. For the services the report only says “various customers.” It is not clear what that means.

38 states allow private sector manufacturers, including companies like Victoria's Secret, CMT Blues, and Target Corporation, to subcontract through inmate work programs. McDonald's reduces its costs by buying its uniforms and plastic utensils from a company which uses inmate labor. Wendy's has also been identified as a buyer from companies that use inmate labor. K-Mart and J.C.Penney both sell jeans made by Tennessee inmates. Caterpillar, AT& T, Boeing, UPS, ConEd, and Fidelity Investments are among the many companies listed as investors and supporters of private prisons and prison labor, and they also support the enactments of laws leading to the increased number of incarcerations (Sloan).

The agriculture industry has been one of many which started to use prison labor as it was hit by the immigration laws. One of the first immigration laws was enacted in Colorado in 2007, and other states followed. These laws have eliminated the substantial amount of migrant workforce vital to the industry. The farm labor needs were successfully met by Correction Corporation of American (CCA) and Geo Group (GEO) as well as state prison industry operators. The prisoners are paid 60 cents a day, guards are paid by the farmers, and it's a win-win situation for the prisons (Sloan). In at least three states the labor for inmates is mandatory. Texas, Oregon and Missouri require prisoners to work more than 40 hours a week (Sheedy). Inmates are paid under \$1 an hour, while the rest goes to the state to pay for the costs of incarceration and also to fund victim repatriation banks (Sheedy). In Oregon, private companies can "lease" prisoners from the state for \$3 a day; this allowed a company, Prison Blues, to manufacture jeans in the U.S. while all other Pacific Northwest blue jeans manufacturers moved overseas.

Some sectors of the U.S. production processes now are behind bars. It helps the American economy to stay competitive and it pays for the inmates' incarceration, but from an

ethical standpoint this is a big problem. The problem is with prisoners' human rights being violated, and the labor is not voluntary, but forced. Inmates are not protected by the 14<sup>th</sup> Amendment, which prohibits slavery. Mitford states that contract labor and prison industry exploited the prisoner as a slave of the state and federal government: "The Government has produced with prison labor what the government should otherwise have purchased from private business and industry" (198).

*Private Prison.* The rapidly expanding prison privatization movement focused on the "bottom line" profiting from imprisonment. In the words of one industry call to potential investors: "While arrests and convictions are steadily on the rise, profits are to be made –profits from crime. Get on the ground floor of this booming industry now" (qtd. in Mauer 11).

Modern prison privatization refers to a process where the state continues to fund the full agreed costs of incarceration to the private sector for the management services, both custodial and programmatic. The type and standard of these services is specified by the state. The state is still ultimately responsible for the prisoners. It delegates the service delivery rather than selling an economic resource (Harding 627). The pressure to use private funds built up from the mid-1970s, until it reached the tipping point a decade later. Increased prison populations, overcrowding of facilities, and worsening of prison conditions, led to the realization that the private sector is ready and willing to turn a profit from this activity (628). 1988 marked the year of transition for the private prisons from "interesting experience" to "maturity," when the Texas Department of Criminal Justice contracted out four 500 bed facilities to the private sector (631). By 1996 the number of private prisons in the U.S. grew to 118 (633). In 2010 alone, the Corrections Corporation of America (CCA) and the GEO Group, the two largest private prison companies had combined revenues of \$2.9 billion (Hughes & Fenster). It is worth noting that

CCA, the biggest private corrections business, is traded on the New York Stock Exchange under CXW, and has been recommended as a good buy by Wall Street traders (Davis).

According to Justice Policy Institute, the private prison industry is helping to create the conditions to expand its business. It lobbies the politicians and contributes to political campaigns. Since 2000, the three main companies have contributed \$835,514 to federal candidates and over \$6 million to state politicians (Hughes & Fenster). In Arizona, 30 out of 36 legislators who co-sponsored the controversial immigration law in 2010 received campaign contributions from private prison lobbyists or companies (Nill Sanchez). The private prison practice became very popular and American private prison companies are winning contracts from Australia to Eastern Europe (Mauer 15). Private prison concept negates the sole purpose of corrections, which should be the reduction of crime, and the increase of safety and reformation of individuals. Privatization with its drive to profits begins to answer to its investors' needs rather than to the needs of the society (Sheedy).

*Medical Testing on Prisoners.* Jessica Mitford in her book, *American Prison Business*, brings up a very controversial topic: the usage of prisoners in medical drug tests during the 1970s.

According to the Federal Drug Administration, every drug has to be tested on humans before being marketed to consumers. Testing is done in three stages. Phase I requires the new compound to be tried on toxicity and effectiveness. If the testers survive the test with no serious side effects, then the drug is moved to Phase II. Phase II is testing for the dosage of the drug to define the safety limit. The final step, Phase III, is where the drug is given out to patients. "Phase I is very big in prisons" (qtd. in Mitford 140). 90% of the new drugs never get into medical practice because they prove too toxic (140). "Criminals in our penitentiaries are fine experimental material – and much cheaper than chimpanzees" (qtd. in Mitford 139). Prisoners

received a compensation which amounted to \$1 a day, which in comparison is a much higher pay than what they received in prisons. They can make \$30 a month, compared to \$2 or \$10 a month if they are lucky (144); for the pharmaceutical companies it is so much cheaper than free world volunteers would cost them: “The pharmaceutical companies would have gone out of business if not for the prisons” (qtd. in Mitford 156).

Mitford argues that the validity of the tests may be off, because the prisoners could have conceived real results out of fear to lose the pay (150). It is worth to note as well the fact that prisoners’ consent to testing is not voluntary. If the motive for inmates to consent to testing is to obtain a reduction in sentencing, or get monetary benefits, then it is inconsistent with the principle of voluntary participation in general (qtd. in Mitford 151): “The ultimate exploitation of the prisoners: systematically impoverished by his keepers, denied a decent wage, he is reduced to bartering his body for cigarette and candy money” (163).

## **CONCLUSION**

From examining the factors of inequality, racism, harsh laws and regulations, and the prison industrial complex, I can say that they have indeed led to higher incarceration rates in America. The socio-economic problems, as well as racial conflicts have been solved through using the corrections system. Incarceration is viewed as a path to social hygiene (Loury 21). Mauer, quoting former Atlanta Chief Police Officer Adam Bell, said that if we were incarcerating white America on the scale we do it with black and Latino America, we would put more pressure on our politicians and our president and call for a change. We would protest against locking us, but rather helping and saving us (Mauer 130). I am inclined to think that indeed we would not be as silent about the high incarceration rates in America as we are today.

The correctional budget for 2010-2011 swelled to over \$2 trillion, \$2,007,433,600 to be exact (Schneider). Per prisoner costs are at \$28,308 for the fiscal year of 2010 (Schneider). It is enough money to pay for a four year college, or a rehab program to help a drug offender to become a member of a society or for the afterschool program for the kids from poor communities. This large number spent on prison containment and law enforcement is not making sense to me. Prisons do not change the society for the better, but only for the worse: “Incarceration begets more incarceration, and...more crime, which in turn invites more aggressive enforcement, which then re-supplies incarceration...” (Loury 19). The effects are profound. For all incarcerated men, the number of weeks worked per year falls by at least a third after their release. For black men, the hourly wages are 10% lower after prison (20). The inmates are stigmatized and are perceived as subjects of shame and sometimes evil.

“Our zeal for social discipline consigns these men to a permanent nether caste...and we are creating a situation in which children of this nether caste are likely to join a new generation of untouchables” (21). Society at large blames the victim, thus the inmate. Inmates’ family links are disrupted, work opportunities are either very small or none at all, and voting rights are revoked. For many, coming back from prison does not make life any better than before. I think it is right to incarcerate serious violent offenders off the streets, because they are a threat to the lives of people, but it is not right to incarcerate non-violent offenders. Society should help them to become better people, but not punish them for their missteps in life.

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