

# Drugs, Race & the Gulag Industry

— James Kilgore

The New Jim Crow:  
Mass Incarceration in the Age  
of Colorblindness  
By Michelle Alexander  
New Press, New York, 2010, 279 pages,  
\$19.95 paper.

Texas Tough:  
The Rise of America's Prison Empire  
By Robert Perkinson  
Picador, 2010, 470 pages, \$20 paper.

Sunbelt Justice:  
Arizona and the Transformation of American Punishment  
By Mona Lynch  
Stanford University Press 2010, 258 pages,  
\$24.95 paper.

ACROSS THE COUNTRY corrections department officials and captains of the incarceration industry are in crisis. Though the nation's over bloated prison system is far from breaking, the halcyon days of proliferating maximum security units and juvenile detention centers appear nearly at an end. Prisons are bursting at the seams and states, reaping the backlash of years of neoliberal tax cuts, have no money to "fix" the problem with another round of construction.

Politicians are now traveling uncharted territory in the land of law and order, still trumpeting the various wars on crime while trying to avoid closing facilities and early releases. They are running out of time to waffle. In the wings, realistic financial planners seem to be sharpening their axes with an eye on previously untouchable corrections budgets. In some ways, these three books could not have come at a better time.

Michelle Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* is the crown jewel here. Her work has garnered more attention than any publication on prisons in a long time. Passionately and logically argued, *The New Jim Crow* contends that mass incarceration has become a system of racial segregation in the United States, akin in scale and quality to slavery and segregation.

She begins her argument like much of the present-day prison literature — chronicling the horrifying statistics of the rise in incarceration — 300,000 people behind bars in 1980, more than 2.5 million today.

The racial dimensions of this are even more shocking: three out of four young African Americans in Washington D.C. can expect to serve prison time; in many states we have more young Black males incarcerated than in college; while white drug usage and involvement in drug

sales on a per capita basis are at least as high as those of African Americans, Blacks are imprisoned for drug charges at rates of up to 50 times that of whites.

While such statistics never cease to amaze, the importance of Alexander's book lies elsewhere. Her explanations of how we got here define her contribution to the growing literature on the U.S. as a carceral state. She traces the history of mass incarceration as a response to political upheaval rather than crime. Contrary to popular myth, the War on Drugs, which she places at the heart of the process, began before the influx of crack into African-American communities.

Alexander contends that Ronald Reagan invented a drug crisis that, according to public opinion polls of the day, wasn't even on the popular radar. Behind it all lay not a moral or security agenda, but the political machinations of conservative elements in the Republican Party. Their goal was to woo working-class whites who had been loyal to the Democrats since the days of Roosevelt and the New Deal.

Alexander describes how Reagan and other Republicans correctly surmised that the rebellions of the 1960s, especially the civil rights movement, struck fear into the hearts of large swaths of the white population. These whites were poised to abandon their Democratic political home and jump to the Republicans. To facilitate this shift, conservatives succeeded in labeling the Democrats as the party of civil rights, welfare and affirmative action, i.e. the party of the minorities, not the white moral majority.

The vehicle to convince wavering white Democrats of the new paradigm was the creation of the terrifying persona at the center of the War on Drugs: the "criminal."

This supposedly omnipresent menace to white suburban normality became the symbol of all that was wrong with America. Such criminals were beyond the reach of the welfare state, indeed beyond the influence of the programs of rehabilitation which dominated the penology of the day.

These remorseless evildoers could only be dealt with in a language that they understood: punishment. "Lock 'em up and throw away the key" became the mantra in the halls of justice, on police beats and on the campaign trail.

## **Criminalized Populations**

While Alexander notes that the racial identity of such criminals was never in doubt, unlike in previous eras the new villains were not depicted in explicitly racist terms. Rather, in what she calls the "age of colorblindness," symbols and codes substituted for racist terminology and categories.

Drug dealer, gang banger, home invader, carjacker came to be equated with young Black males — threatening phantoms to be combated. And combated they were with waves of legislation, funding flows and publicity campaigns.

The first step was a suite of drug laws at the Federal and State levels which increased sentences, instigated mandatory minimums, and expanded definitions of felonious crime. After that came

Federal grants for drug squads, SWAT teams, and high-powered weaponry dedicated to rounding up drug offenders in U.S. inner cities.

These grants grew at a phenomenal rate. Over a three-year period from 1997 to 1999, the Drug Enforcement Agency (DEA) handled 3.4 million orders for military equipment from local police forces. Requested items included 253 aircraft and more than 7,000 M-16 automatic rifles.

Rewards for soldiers in the War on Drugs ultimately came to include permission for arresting authorities to keep assets (including cash, cars and houses) seized in drug raids. Drug arrests became a cash flow bonanza for police forces across the country, a chance to upgrade departmental resources while rounding up more POWs for the prison system.

Stepped-up law enforcement combined with harsher sentencing laws inevitably led to the demand for more prisons and prison-related services (e.g. transportation, food, clothing). Incarceration transformed into a rapidly growing industry, a source of profits for companies like Corrections Corporation of America (CCA) and the GEO Group (formerly Wackenhut) who were strategically placed to capitalize both on escalating incarceration rates and the general trend toward privatization.

By the end of the 1980s, the industry had built a life and logic of its own. What some people have termed the prison-industrial complex was born. People in concrete boxes had become hot commodities. A key result of all this, Alexander emphasizes, has been the creation of what she calls an “under-caste” comprised of those with criminal records.

These people, predominantly African American, are less than full citizens — unable to vote, hold office or serve on juries; banned from public housing, workfare or food stamps. In addition to being second class citizens, formerly incarcerated people also carry the shame of “convict” stigma, often leading to social isolation in their communities and even within families.

Alexander’s arguments have outraged some, but brought clarity for many who have puzzled at how one of the major transformations of the U.S. social and political landscape in recent times could have taken place so quickly and quietly. In fact, until the last couple of years, prison expansion and mass incarceration have hardly been a subject of debate. As the author stresses, if there is one policy position that unites Democrats and Republicans comfortably, it is the need to appear tough on crime.

One of her prime examples of this is then-candidate Barack Obama’s 2008 Father’s Day speech at Chicago’s Apostolic Church of God. Obama lamented the absence of Black fathers in so many African-American families, categorizing them as “AWOL” and “MIA.” Yet he carefully avoided mentioning where hundreds of thousands had gone — into the clutches of a thriving prison industry. His silence on this issue has carried over into his time as President.

## **State Studies**

For all its strengths, Alexander’s book doesn’t tell the whole story. She paints a broad, general picture, obviously greatly influenced by events in Illinois and California where she has worked.

And while no state has escaped a huge increase in their prison population during this era, the targeted groups and process have shown variations at state and local level. To fill in some of these blanks, come two important state-level studies: *Texas Tough* by Robert Perkinson and *Sunbelt Justice* by Mona Lynch.

Perkinson's is the more carefully crafted and analytical of the two. His work draws on a wide range of sources and presents portraits of both racist prison administrators and famous symbols of Texas prison resistance such as blues singer Leadbelly and renowned jailhouse lawyers Fred Cruz and David Ruiz.

At times Perkinson's volume becomes a disturbing chronicle of the horrors of a system which prides itself as a "model of control." The author describes the roots of present day Texas Tough in plantation slavery, then brings us forward through the post-Civil War days of convict leasing when freed slaves were arrested on minor charges and contracted out to plantation owners.

Perkinson contends that the plantation and the slaveowner mentality have never disappeared from Texas prisons. The book contains a bounty of evidence to support this. The most graphic example is probably the epidemic of men's efforts at self-mutilation in the 1940s in order to escape the viciousness of agricultural labor regimes.

Some went as far as slicing off their legs with homemade blades. The reply of one prison official aptly summed up the ethos of Texas Tough: "As long as they want to chop themselves...I say give them more axes."

In some ways Perkinson echoes Alexander, stressing how Blacks have been and continue to be the major victims of the criminal justice system both in terms of numbers and treatment. However, Perkinson makes some important additions. While Alexander posits that the nation's prison systems largely adopted a philosophy of rehabilitation as opposed to punishment in the 1970s, Perkinson disagrees.

He stresses that Texas and most Southern states never bought into the rehabilitation paradigm. They stayed tough. Texas' brief flirtation with rehabilitation came and went with Raymond Procnier's appointment as head of Texas' Department of Corrections in 1983. Fresh from restructuring California's prisons along rehabilitation lines, Procnier only lasted a year in Austin then returned to his home state a complete failure. Administration and guards in the Texas system weren't about to buy into his efforts to change.

After driving out Procnier, the state moved merrily down the road of modernizing the model of control, its symbol of pride and progress embodied in the nation's first Supermax prison, built at Huntsville in the early '90s. By 2008, Texas had a per capita incarceration rate exceeded only by Georgia and Louisiana, and more private prisons than any state.

Perkinson's point in all this is that we should read the history of mass incarceration as a triumph of the southern approach of punishment, not simply a political reaction of the North to the controversies of rehabilitation. He says that in this instance, the South and Texas in particular became the beacon for the rest of the country.

Mona Lynch's *Sunbelt Justice* focuses on Arizona. Though her book suffers from over-reliance on government documents and an excessive focus on the internal dynamics of the Department of Corrections, she offers some useful insights and anecdotes.

For those not familiar with Arizona's place in modern criminal justice, recall that Maricopa County's Joe Arpaio (self-proclaimed "America's Toughest Sheriff") gained national notoriety in the last two decades by reinstituting chain gangs, accommodating the incarcerated in tents, and shaming the male prison population by forcing them to wear pink underwear.

Lynch's work shows that this doesn't represent a fundamental departure from the history of Arizona's penal system. As in Texas, rehabilitation never gained a foothold in Arizona. By way of illustration, Lynch cites numerous events of bizarre and outlandish practice.

One example was Frank Eryman, warden of Arizona State Prison for 17 years. As a young man Eryman gained fame by capturing legendary outlaw John Dillinger in Tucson. As the head of a prison, he brooked no nonsense. After a prison rebellion in 1958, he welded the door of every cell shut, leaving the men naked inside with only a blanket for several days.

The presence of characters like Eryman in Lynch's history leaves us unsurprised that Terry Stewart, the former Director of Arizona's Department of Corrections, ended up with an appointment from Attorney General John Ashcroft to form part of the team tasked with setting up and training officers for Abu Ghraib in Iraq. Stewart's successor as Director also worked at the notorious Iraqi prison. Tough, Arizona style, came to have global impact.

But perhaps the most important point that emerges from Lynch's work, one that she doesn't emphasize quite enough, is that Latinos, rather than African Americans have been the primary victims of the vagaries of incarceration both historically and in the present in Arizona.

While Blacks are more disproportionately incarcerated, the pure demographics of Arizona, where Latinos comprise 30% of the population (just 4% for African Americans), dictate a very different racial dynamic from what Alexander describes. The key issue is that the relatively low African-American population in Arizona has in no way curtailed the advance of mass incarceration. To the contrary, in state per capita incarceration rates Arizona ranked 6th in 2009.

## **A New Phase**

Such local specifics of mass incarceration serve to highlight the major weakness in the otherwise very powerful arguments of Michelle Alexander. In positing mass incarceration as *The New Jim Crow*, the implication is that the impact is directed solely at African Americans.

While she does occasionally use the term "people of color," Alexander presents no in-depth analysis of other groupings. She clearly states at the outset that she does not intend to do so, yet she aims at the same time to give an overview of the entire mass incarceration process.

In particular, Alexander fails to take note of the shift in incarceration rates of African Americans, Latinos and whites post-2001. This amounts to a new phase in the history of mass incarceration.

During this period the absolute numbers of African-American males in state and federal prisons declined slightly, those of whites have remained stable, whereas those labeled “Hispanic” have risen in number by more than 50%.

The reasons for this are not hard to find. Post-9/11, major law enforcement resources have been diverted to immigration, allegedly to combat terrorism. At the same time, private prison providers, who by the year 2000 were complaining of falling share prices and empty cells, have declared immigration detention as the new “area of growth” for their industry. Some have even labeled it a “gold rush.”

Indeed, the core of lobbyists which represent companies like CCA and GEO have been active in promoting tougher immigrations laws, in particular charging violators with felonies and sending them to prison rather than the previous practice of simple deportation. Not surprisingly, the private prison lobby was actively involved in promoting the most sinister anti-immigrant piece of legislation to date, Arizona SB 1070.

Understanding this new phase and other dimensions of mass incarceration not touched on in these volumes has serious implications for those, like Alexander, who are eager to reverse this process through the creation of a broad social movement. Three points are salient here.

First, while African Americans would likely drive such a movement and Black organizations would play a vital part, in order to succeed bridges will need to be built with those sectors of the Latino, Native American, and white population which have been deeply affected by incarceration. This is never an easy process, especially since large sectors of the white and to a lesser extent the Latino incarcerated subscribe to openly racist views.

Secondly, mass incarceration reflects a fundamental principle of a neoliberal state which prioritizes security over welfare provision. Though writers like Christian Parenti, Ruth Gilmore and Loic Wacquant connect the broader global economy to the growth and character of prisons, none of these works does so. Such analytical links are crucial to a rigorous understanding of what is happening in the world of criminal justice.

While Alexander does acknowledge that a social movement addressing mass incarceration must not only take up broader issues of poverty and inequality, a more nuanced class-based analysis of the changing role of the state under neoliberalism would greatly enhance her work.

Thirdly, none of these books attempts any serious analysis of gender. Mass incarceration whether it be under the rubric of Texas Tough, Sunbelt Justice or any other, is a highly gendered process.

The fact that men are the majority of the incarcerated means that researchers on prison issues tend to ignore women. But mothers, wives, girl friends, sisters and children left behind by those who are locked up (as well as those women who themselves are incarcerated) confront another searing edge of the carceral state. Their situations, as well as their potential roles in any social movement against mass incarceration, will need far more attention from future researchers and activists if we are to seriously challenge the horrors of the U.S. prison system.

July/August 2011, ATC 153