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PRISONS, PUNISHMENT AND PROFITEERS

Unfortunately, the field of criminology is enjoying a resurgence. The unprecedented boom in incarceration rates, prison construction, and "get tough" policies, driven by and contributing to the "public's" fear of crime, has led to an increased demand for criminologists and their research. As is too often the case in academia generally, however, much of the work being done in criminology is either peripheral to the nature of the prison crisis itself, and/or it continues the long-standing conservative tradition of "detached scholarship" that has more or less defined the history of social science. More pointedly, John Irwin and James Austin write that during 1980's, as the rush to deal with crime by imprisonment swept up Democrats and Republicans alike, "We were...dismayed to witness many of our colleagues pursue government financed studies that would justify the conservative 'war on crime' agenda" (Irwin & Austin 1997: p. xvii). At the same time, "Studies designed to evaluate the effects of the conservative policy objectively or to look at alternatives were not requested or were denied funding" (ibid, pp. xviii-xix).

Fortunately, criminologists and social scientists are not the only people concerned about America's obsession with prison construction and getting tough with people who break certain laws, nor are they lacking a relatively progressive wing. A number of books, articles, magazines and newspapers written and/or published by prisoners, prison activists and activist scholars exist, and provide important research and information that is often missing from more conventional academic (as well as journalistic) sources. The purpose of this paper is to survey this literature in an attempt to summarize issues which are central and inherent to radical, meaningful prison reform. Moreover, I will use this summary to point to areas of research that criminology and sociology in general need to pursue more vigorously. Sociology and criminology, I argue, need to give more attention to the work being done by activists and prisoners because of the unique perspective they have on the prison crisis and because it is these people who have an undeniable and immediate stake in its resolution.

In the paper I frequently use the terms activist, activist scholar and progressive interchangeably. These are designations meant to contrast with the more mainstream academic literature. By progressive and activist I mean two things: one, people who are actively involved in prison reform/abolition movements and groups; and/or two, scholars and writers who challenge popular policy, sentiment and research on crime and punishment and pursue more critical explanations grounded in socio-historical, economic and political processes. Both groups, it is important to point out, attempt to frame their work in moral and/or political terms which further distinguishes them from much social scientific research.

I will focus on three interrelated areas, each generated by my survey of the prisoner/activist literature. The first is work that looks primarily at prisons and prisoners. The control unit issue and prisoner resistance will be the primary focus of this section. The second area is what has been referred to as the prison-industrial complex. This area includes prison labor, industries that profit by providing services to prisons, prison privatization and prisons as economic development policy. The third section will explore the failure

of prisons in reducing crime and some of the reasons for and functions of this failure. The logic behind the organization of the paper is to begin with prisons themselves (albeit not with a comprehensive discussion of prison conditions) and then move to a more macro level analysis of the prison system as a whole and, finally, to an assessment of the system. To begin, though, I would like to discuss some of the characteristics of the present crisis. Because these characteristics are so well documented elsewhere (e.g. Burton-Rose, Pens & Wright, 1998; DiMascio, 1997; Irwin & Austin; Donziger, 1996; Rosenblatt, 1996; Christie, 1994; Joyce, 1992), I will provide only a bare outline of the state of imprisonment in the United States.

As has been well documented and even fairly well publicized by now, the United States has undertaken, in the last 25 years, perhaps the most rapid and extensive program of prison construction the world has ever seen. Drawing on statistics from the Department of Justice, Irwin and Austin report that "Between 1980 and 1995, the prison population ballooned from 329,821 to 1,104,074—a rise of 235%" (Irwin & Austin, p.1). Zimring and Hawkins write "Never before has a prison system grown by so much in so short a time during a period of political and social stability" (Zimring & Hawkins, 1994 p.83). The incarceration rate in the U.S. increased from 138 per 100,000 in 1980 to 403 in 1995. "We now imprison at a higher rate than any other nation in the world, having recently surpassed South Africa" (Irwin & Austin, p. 1).

Nevertheless, radical shifts in sentencing guidelines, the "war on drugs," and a general and significant rightward political shift have so boosted incarceration rates that many prisons in the United States are still overcrowded (DiMascio; Greene, 1997; Irwin & Austin; McDonald, 1994; Joyce, 1992). As of 1995 state prisons were operating at an average of 125% capacity and federal prisons at 126% (Dimascio, p.5). Federal courts, according to Douglas Macdonald, have repeatedly found prisons and entire state prison systems to be in violation of the Constitution's prohibition of 'cruel and unusual' punishment (8th Amendment), "largely because of overcrowding and inadequate conditions of confinement" (MacDonald, p. 37).

Furthermore, incarceration rates continue to far outpace population growth, meaning the increase is not a result of 'more people means more prisoners,' as crime rates for most major crimes in 1990 were similar to 1980 levels (Zimring & Hawkins, 1994). After a sharp decline in the early 1980s, crime rates steadily increased again through the rest of the decade, even as incarceration rates soared (Zimring & Hawkins, p. 87). And, states with the highest rates of imprisonment continue to have high rates of crime while states with low rates of imprisonment have low crime rates (Irwin & Austin, p. 149). Imprisonment experiments in California and Texas (with imprisonment rates of 384 and 636, respectively) "have done little to reduce crime or the public's fear of crime" (ibid, p. 152). As another example, mandatory minimum sentencing in Delaware, instituted in 1989, has been equally ineffective. William DiMascio writes that, as of 1996, "despite a 45% increase in felony drug offenders between bars, no reduction in illicit activity in that state has been realized" (DiMascio, p. 3). Thus, increasing incarceration rates appears to have little, if any, impact on crime itself.

An important aspect of the current crisis is that people of color, especially Blacks, Latinos and American Indians are increasingly bearing the brunt of America's lock-up, "get tough" mentality (Irwin & Austin, 1997; Donziger, 1996; Rosenblatt, 1996; Walker, et. al. 1996; Churchill & Vander Wall, 1992). In the 1930s approximately 75% of prison admissions were white while 22% were African-American. By 1992 those figures were reversed: "29% of prison admissions were white, while 51% were African-American and 20% were Hispanic...Ninety percent of the prison admissions for drug offences are African-American or Hispanic" (Donziger, p. 103).

Equally disturbing is that between 1980 and 1994 the number of women, primarily women of color, entering state and federal prisons grew by 386%, compared to an increase of 214% for men (Irwin & Austin, pp.162-163; see also Donziger, 1996 ch.6 and Kurshan, 1992 pp.331-358). Currently, over 60% of incarcerated women are African-American or Latina, convicted largely of "shoplifting, prostitution, or

other economic crimes" (Lichtenstein & Kroll, 1996, p. 21). And, as Jeffrey Reiman's work documents, the overwhelming evidence is that the criminal justice system is heavily biased against the poor: from the way crime is defined and legally encoded, to the Courts, and to incarceration itself (Reiman, 1996). As Walker, Spohn and DeLone, and others have documented, the American criminal justice system does not treat all who enter it equally. The burden of the current imprisonment frenzy is thus being borne all out of proportion by the nation's poor white and non-white population.

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No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

—Universal Declaration of Human Rights, Article 5

Fed a steady diet of "get-tough" rhetoric by the media, politicians and well financed lobbyists, the American public has apparently bought in to this punitive mentality with little resistance (Greene, 1997 p.53; Donziger, 1996 pp. 68-73; Surette, 1996; Krause, 1991 p.240; see DiMascio, 1997 pp. 44-45, for an important qualification of this). Fear of crime has increased while serious crime remains at or below levels of 20 years ago (Silverstein, 1997; Donziger, 1996 chp.1; Zimring & Hawkins, 1994). Steven Donziger points to the *U.S. News & World Report* report from January 1994 as an example of the production of fear (Donziger, p. 72). In a cover story on violence in America *U.S. News* referred to a "scary orgy of violent crime," the "wave of violence" and the "relentless growth" of crime despite the fact that, according to the report of the National Criminal Justice Commission, "the incidence of violent crime had not risen in the last twenty years" (ibid). These types of stories have contributed to a shift from support for the more rehabilitative correctional model of the 1960s and 1970s to a more punitive, vengeance driven one in the 1980s and '90s (Irwin & Austin, 1997; Shichor & Sechrest, 1996). Nowhere are the effects of this shift more evident than in the prisons themselves. For example, many politicians, eager to appear tough on crime, have introduced or are planning to introduce legislation that takes away the "privileges" to which prisoners now have access. There is a general sense, on the part of people who have likely never seen the inside of a prison, that life inside the walls is too comfortable. The state of California, for example, is currently planning to institute random drug tests, remove weightlifting equipment, and even remove many law books from prison libraries (Morain, 1998).

(a)

Perhaps the most disturbing single development in American prisons in the last 30 years is the emergence of the super-max units and prisons. Originally created as prisons within prisons in response to the political organizing by Black Muslims and other prisoners in the 1960s and '70s security housing units (SHUs) or control units now hold between 2 and 10% of states' prison populations (Weinstein, 1995; Kupers, 1996). As to the purpose of these control units, a former warden at Marion Federal Penitentiary has stated that, "The purpose of the Marion Control Unit is to control revolutionary attitudes in the prison system and in the society at large" (reprinted in Olsen in Rosenblatt, p. 40). Although the roots of control units roots precede the current get tough mentality, it is likely that the increase in SHUs and control unit prisons can also be linked to a shift in public attitudes and public policy. (It should be noted, however, that it is possible that *both* can be traced to the civil, especially urban, unrest of the 1960s and '70s).

Control units generally keep individual prisoners in total isolation, away from other prisoners and guards. The editors of *The Celling of America* write:

Control units are prisons inside prisons, stark and grim modern dungeons where prisoners

spend 22-24 hours a day in their cells. Sometimes as small as 70 square feet, the cells are the size of an average bathroom. Exercise is taken in mesh-ceilinged outdoor cages, or in internal cells no larger than the prisoners' own, with only a chin-up bar to mark a difference. Educational and psychological programs are severely curtailed if they exist at all. (Burton-Rose, Pens & Wright, p. 187)

As is to be expected, the experience of confinement in control units is devastating. Putting aside the question of whether or not those confined in the control units "deserve" what they get it may be at least a little helpful to pay attention to first hand accounts of control unit confinement (I will address the question of who gets sent to control units and how in a moment). Ray Luc Levasseur, an inmate at ADX Florence (the country's most advanced super-max prison) writes:

I am deeply cornered in their prison. My sight is diminished, but I maintain my vision. I see their hand in the use of four point "restraints" to spread-eagle prisoners, something inherently abusive regardless of the excuse. I see forced feedings, cell extractions, mind medications and chemical weapons used to incapacitate. I see a steady stream of petty hassles, harassments, verbal barrages, mind-fuck games, disciplinary reports, medical neglect, and the omnipresent threat of violence. Airborne bags of shit and gobs of spit become the response of the caged.

The minds of some prisoners are collapsing in on them. I don't know what internal strife lies within them, but it isn't mitigated here. One prisoner subjected to four point restraints (chains actually) as shock therapy, had been chewing on his own flesh. Why is a prisoner who mutilates himself kept in ADX? Is he supposed to improve his outlook on life while stripped, chained and tormented by a squad of guards and prison functionaries?

Some prisoners rarely come out of their cells. Others never come out. I don't know why. Meanwhile, psychologists with heads full of psychobabble roam the tiers supposedly sniffing out pockets of mental instability. (Levasseur, 1997, p. 207)

Not surprisingly, control units in general are repressive, abusive places and indeed have a history of extreme brutality. The list is extensive and includes the "police riots" at Marion Federal Penitentiary (the first prison in the US to be condemned by Amnesty International, in 1987) and scores of other incidents (Burton-Rose, Pens & Wright, 1998; Rosenblatt, 1996; Perkinson, 1994; Dowker & Good, 1992; Olivero & Roberts, 1987).

Most recently, a grand jury in California indicted eight prison employees at Corcoran State Prison with staging fights between inmates (often from rival gangs) for entertainment and then falsifying reports on the fights to cover up their roles in instigating them. In this particular case inmate Preston Tate, an African American, was shot and killed by guards during a fight with Latino inmates that the guards themselves had staged. The case grew out of a federal investigation into a series of allegations, *all centering on practices in Corcoran's SHU*, made by prison employee "whistle blowers" (Arax & Gladstone, 1998 p. A30). It is worth noting that dependence on whistle blowers will only serve to under represent the actual incidence and extent of abuses, as complaints by prisoners themselves are usually ignored and/or responded to with more abuse, and a guards' "code of silence" functions to keep these types of leaks to a minimum. In fact, the Prisoners Rights Union of California reported on the abuses and "cockfights" at Corcoran's in 1989, *9 years before the grand jury indictment* (Weinstein & Cummins, 1996 p. 320 n. 13). Thus, sociological and criminological research into this topic will have to engage more directly with prisoners and prison activists if the extent and nature of abuse is to be accurately represented in the academic literature.

Another serious concern with the control units is their use to discipline mentally ill patients. After a tour of

over a dozen state prisons, Terry Kupers, M.D., stated that one of the most noticeable aspects of the prisons was the "large number of mentally disordered inmates who are housed in disciplinary segregation units because of rule-breaking and violent behavior" (Kupers, 1996 p. 193). Kupers' experience is not anomalous. Donald Specter uses the class action suit of Ralph Coleman (*Ralph Coleman et al. v. Pete Wilson*) to illustrate the state of California's unconstitutional treatment of mentally ill prisoners (Specter, 1994; see also Rosenblatt, 1996 pp. 92-99). According to Coleman, who bases his account on the 1989 Stirling Report and the 1993 Carp Report (both done in conjunction with the California Dept. of Corrections):

Given the current [prison] population, California's prison system thus holds almost 10,000 prisoners with a current major mental illness, another 20,000 with other serious mental disorders, while approximately 18,000 prisoners need some form of treatment on any given day. The CDC currently has the capacity to house only 737 prisoners in a psychiatric hospital and about 3,000 in residential treatment programs. (Specter, pp.110-111)

The ruling in the case found that California's treatment of mentally ill prisoners violated the Constitution's 8th amendment prohibiting cruel and unusual punishment. The majority of mentally ill prisoners were not and are not receiving adequate, if any, treatment for their illnesses. The reason the ruling is significant to a discussion of control units is that, as Kupers observed, assignment to these units is one way that prison administrators deal with mentally ill inmates. Specter writes that prisoners:

who because of their illness cannot control their behavior are perceived by prison officials strictly as management problems and are punished for their misbehavior through longer prison terms and are often put in the "hole" [solitary confinement] for months, where psychiatric services are even more scarce. Some of them end up in the Security Housing Unit at Pelican Bay, where they inevitably become worse due to the severe isolation and the reduced stimulation in that housing unit (ibid, p. 109).

What this suggests is that the policies governing transfer to the control units themselves point to serious patterns of administrative abuse (Dowker & Good, 1992). Thompson and Susler point out that in many jurisdictions transfer to a control unit is considered an administrative, rather than a punitive, measure (Thompson & Susler, p. 306; Irwin & Austin, 1997 p. 89). This means, the authors argue, that a prisoner has no legal recourse with which to challenge the transfer: "A punitive transfer, on the other hand, would require at least the minimum requirements of due process" (ibid).

Furthermore, the designation of the transfer as an administrative measure means that a prisoner can be held in the control unit indefinitely. Again, with a punitive measure prisoners are required to be returned to the general prison population at the end of their segregation term (ibid.). Control unit policies are thus ripe for abuse. Perkinson writes:

In fact, the designation of a prisoner's security level [which determines the type of prison they will be assigned to] is an arbitrary process, and anyone who antagonizes prison officials, through prison organizing, legal work, verbal defiance, political affiliation, or, more rarely, through actual violence, can be labeled an acute security risk [and thus sent to a control unit]. (Perkinson, p. 124)

Indeed, a 1985 congressional report on Marion Federal Penitentiary found that 80% of the inmates there did not warrant the security classification which landed them in Marion in the first place (ibid.). Thus, yet another aspect of the control units which is cause for alarm, especially given their use to neutralize prisoner activists, is the way that, even more so than prisons in general, they function outside the view of public and judicial eyes (Dowker & Good, p. 146).

For example, at Pelican Bay in California transfer to the control unit is governed by the Institutional Classification Committee. The decisions of the Committee, according to Corey Weinstein and Eric Cummins, "range from the vindictive to the arbitrary, and are often based on vague information from confidential informants" (Weinstein & Cummins, p. 313). Of this issue generally, Irwin and Austin write "Administrators...can exercise almost unrestricted discretion in assigning prisoners to a lockup unit" (Irwin & Austin, p. 89).

Weinstein and Cummins report that about half the cases heard by the Pelican Bay Committee involve suspected gang membership, one of the classifications that warrants disciplinary segregation (Weinstein & Cummins, p. 312). As with segregation generally the process of being classified as a gang member is of a "highly discretionary and arbitrary nature" (Irwin & Austin, p. 102). For example, one way prisoners get out of a SHU is to reveal the identity of gang members in the general population of the prison. However, because of retaliation from the gang, doing so would obviously be very dangerous to the prisoner; so often prisoners will "falsely [accuse] enemies of being gang members [or] try to name the lone wolf, the mentally unstable, the individual entrepreneurs or anyone too weak to retaliate" (Weinstein & Cummins, p. 313).

As Perkinson (and the comment by a former Marion warden quoted above) suggest prisoners face assignment to control units and solitary confinement for simply criticizing prison authorities. In 1998, for example, Dannie Martin was sent to solitary confinement for writing an article for the *San Francisco Chronicle* that criticized the prison administration at Lompoc, California's federal prison (Niederpruem, 1996 p. 14). The *Chronicle* later went to court on Martin's behalf. More recently, Adrian Lomax, a prisoner in Wisconsin, was assigned to the prison's TLU (disciplinary segregation unit) for publishing an article in a local paper (Burton-Rose, Pens & Wright, 1998 p. 193). The article, according to the prison administration, "encourages disrespect for captain Patricia Garro. The article encourages inmates to defy the captain's authority and ability to control a particular situation...Possible violations of DOC 34016 Threats, 30271 Lying About Staff" (reprinted in *ibid*). Lomax was found guilty of the charges and sentenced to 368 days in the TLU. Of his sentence and its effect on his ability to continue writing about the prison, Lomax writes:

There is a satellite library in the seg unit but it doesn't have much. And get this: one must wear handcuffs and a waist chain while using the seg library. You can hardly even pull a book off the shelf, much less read it. And if you get the book off the shelf, don't drop it on the floor because it's staying there. But here's the best part: they only let us have pens for two hours a day, pass 'em out at seven p.m. and pick 'em up at nine. Refuse to give a pen back? Riot gear and mace, of course. We can have pencils all the time but good luck trying to get a guard to sharpen one for you. So guys over here perfect the art of sharpening pencils with their thumbnails.

I'm sure the prison officials love the beauty of locking me up in seg for writing an article, then denying me the use of a pen. (Lomax, 1993 p. 194)

The preceding points out one of the more troubling aspects of the use of control units. Aside from the brutality and ineffectiveness (if the goal is deterrence or rehabilitation) of the control unit "solution" prisoners and prison activists make it very clear that SHUs, whatever their stated purpose, function as a ever present threat to those who might "cause trouble" inside the prisons. Although prison administrators usually refer to control units as being reserved for the most violent, incorrigible prisoners, activists and prisoners argue that while the units do confine the "extreme products of our violent culture [they] serve just as often to put away jailhouse lawyers, Queers, those with organizing potential, and others whom prison officials see as a threat to their order" (Rosenblatt, p. 302). Referring to a 1991 report, *The Myth of Humane Imprisonment*, Mumia Abu-Jamal writes that the study "found that jailhouse lawyers (men and

women self-trained in law and legal procedure) were by a wide margin the largest single group in disciplinary units. Blacks, the mentally handicapped, gang members, political prisoners, homosexuals and AIDS patients, were also groups with disproportionate numbers in disciplinary units" (Abu-Jamal, 1993 p. 191).

Originally developed, as mentioned above, in response to political unrest inside and outside the prison walls, SHUs thus typically house gang members, suspected gang members, revolutionaries, jailhouse lawyers, and prison organizers (Irwin & Austin, 1997; Rosenblatt, 1996, pp. 92-93; Weinstein & Cummins, 1996; Abu-Jamal, 1993; Churchill & Vander Wall, 1992). The last three groups warrant particular attention (see above for a brief discussion of gang membership and disciplinary segregation). For example, warden Jim Story of Colorado's Florence control unit prison (the nation's most advanced, opened in 1995) "admits that prisoners will be sent to the control unit for being the 'leader or significant participant in a work or food strike'" (in Perkinson, p. 123). A 1989 report by the Prisoner Rights Union of Sacramento, California found that "the group of prisoners most frequently abused is jailhouse lawyers. The most common form of discipline is solitary confinement" (Dowker & Good, 1992 p. 143).

One of the more disturbing examples of the political uses of control units is the Lexington High Security Unit (HSU), an underground, 16-bed women's prison in Kentucky (and since closed after intense international and national pressure) (O'Melveny, 1996). Similar to other control units the HSU at Lexington was an isolation unit. "The severe isolation of the HSU was accompanied by sensory deprivation and often by extreme voyeurism and sexual harassment by the mostly male staff, as well as sleep deprivation, overt hostility by guards, and completely arbitrary rules and rule changes" (ibid, p. 126). According to O'Melveny, "The Bureau of Prisons made no secret of the political basis for the designation of the first women sent to this unique experimental control unit" (ibid. 323). These women included Alejandrina Torres, linked to the FALN, and Susan Rosenberg, linked to the FALN and the Black Liberation Army (ibid). After a tour by the General Board of Global Ministries of the United Methodist Church, the group included in its report its concern that the HSU "was a secret experiment in political persecution" (ibid, p. 328). In 1988, a federal judge ruled that the Bureau of Prisons and the Justice Department had "unlawfully designated prisoners to Lexington based on their past political associations and personal beliefs" (ibid). Lexington was closed in 1988, but activists and prisoners argue that its operations were simply transferred to a newer women's prison in Marianna, Florida.

The final indictment leveled against the control units is their failure to even remotely rehabilitate prisoners for release into the general prison population, much less for release from prison. The overwhelming conclusion by people who have spent time observing control units and their effects on prisoners is that they produce more violence in the prisoners under their charge. Dr. Stuart Grassian, a Harvard psychiatrist, in a famous study of the effects of solitary confinement on prisoners in Walpole, MA, wrote that prisoners developed:

vivid hallucinations of sight, sound, smell and touch; dissociative features including sudden recovery "as from a dream" with amnesia for the events of the psychosis; agitation and motor excitement with aimless violence; delusions, usually described as persecutory. (reprinted in Weinstein & Cummins, p. 312)

Grassian also conducted a more recent study of Pelican Bay in accordance with a federal class action suit against the prison (Perkinson, p.120). Grassian concluded that Pelican Bay's SHU "takes the most out of control of the prison population and makes them much more out of control by the time they leave" (ibid). Using a government consultant's report, Olivero and Roberts point out that in the case of Marion, violence was worse there than it had been in its predecessor, Alcatraz, over which Marion was supposed to be an improvement (see also, Irwin & Austin, pp. 96-97).

The conclusion activists, prisoners and researchers reach is that control units, and current prison

conditions in general, produce *more* violent prisoners, who are for the most part eventually going to be released from prison. Illustrating the possible consequences of this is an example provided by Ray Luc Levasseur:

Last year [1996], a prisoner released from the isolation and brutality of California's notorious control unit at Pelican Bay killed a cop before he got home and unpacked his bag. Apparently, someone forgot to explain the finer points of deterrence to him. The response of the state representative from the district including Pelican Bay was illuminating. He introduced legislation mandating that released Pelican Bay prisoners be transported directly to their destination so that when the bodies drop it will be in some other bailiwick, and not stain the Department of Corrections. (Levasseur, 1997 p. 209)

Irwin and Austin conclude that, "It is far from clear that the expanded use of lockup [control units] has made prisoners easier to manage. However, lockup certainly has a very negative effect on the prisoners who experience long periods of isolation in the various lockup units" (Irwin & Austin, p. 100). Of course, activists point out, producing more violent prisoners serves to justify more repressive measures and more prison expansion. We will return to this issue of "planned failure" below.

Since they were introduced in the 1970s super-max units and super-max prisons have become an increasingly common form of incarceration, and are used as models for other prisons in the US and elsewhere (Rosenblatt, 1996; Dowker & Good, 1992). It seems this is one of the reasons prisoners and activists focus so much attention on the use of control units. In fact, the trend is disturbing enough to have earned the condemnation of Human Rights Watch:

Human Rights Watch deplores the fact that 36 states have followed the example of the maximum security prison in Marion, Illinois [the first modern day prison of this type], to create super-maximum-security institutions. The states have been quite creative in designing their own "maxi-maxis" and in making the conditions particularly difficult to bear, at times surpassing the original model. (*Prison Conditions in the United States*)

In light of prisoner and activist writings, therefore, the incidents and events discussed above are not simply aberrations in an otherwise properly and humanely functioning control unit prisons. They are instead examples of pervasive, widespread *patterns* of abuse and injustice that have in essence become institutionalized (c.f. Rosenblatt, 1996 pp. 92-99). Sociologists and criminologists should pay particular attention to the link made by activists and prisoners between the rise of these repressive institutions and the general increase in inequality that the nation has experienced under Reagan/Bush/Clinton. In particular, the various critical analyses done by prisoners and activists of control units provide essential insight into the day to day workings of social control, of which the control units make up the extreme and essential end of a social control continuum (Dowker & Good, 1992). Dowker and Good write, "Just as control units suppress the prison population, so prisons act in our poor, African-American and Latino communities. It is not exaggerating to say that hardly anyone in these communities escapes the shadow of the 'criminal justice' system" (Dowker & Good, pp. 143-4).

(b)

Another area that receives a great deal of attention by activists and prisoners, and very little attention from most academics, is prisoner resistance. Prisoners are far from passive about the brutality and injustice they are subject to by the state. The existence of control units in the first place attests to this. However, prison "disturbances" are either ignored or misrepresented by the media and the little academic literature that does exist on this subject is often less than illuminating (c.f. Gendreau, Goggin & Law, 1997; Montgomery, 1997; Boin & Van Duin, 1995; Porter, 1994). The fact is that, from immigration detention centers to the most sophisticated federal penitentiaries and control units, prisoners are actively resisting

the deteriorating conditions and the escalating abuses found on the inside. This resistance takes both violent and non-violent forms and ranges from spontaneous, nonplanned actions to well planned and coordinated ones. Furthermore, we must also consider incidents of prison violence, rioting, etc. that are provoked by conditions such as overcrowding, but aren't explicit or conscious acts of resistance, as part of a continuum of resistance against the very policies that promote these conditions. Finally, aside from the disturbances themselves, activists and prisoners argue that an important component of understanding these uprisings involves looking at the role of the media.

One of the more serious uprisings in recent years occurred after the House of Representatives, in mid October of 1995, rejected the recommendations of the U.S. Sentencing Commission to reduce the 100 to 1 sentencing disparity between crack cocaine and powdered cocaine (Pens, 1996). According to WBET radio in Washington D.C., 38 prisons reported some type of disturbance following the ruling, and the Prison Activist Resource Center in Berkeley reported confirmation of uprisings in 16 federal prisons, resulting in the entire federal prison system being placed on lockdown status (ibid, pp. 244-5).

More recently, close to 400 prisoners in New Folsom prison (California) staged a 1 day work strike on the 11th of August, 1997 in response to imposed or planned restrictions by the Department of Corrections, including "a ban on weightlifting, family visits, rehabilitation programs, vocational training, packages from home, and canteen" (Wisely, 1998). A month later a series of disturbances occurred in Folsom's segregation (control unit) unit that prison spokesperson Lt. Jay Schievelbein, in a candid moment, said was probably related to the earlier work strike (ibid).

In November of 1997 an uprising took place on death row at Ohio's Mansfield Correctional Institution. Sonny Williams a former prisoner and current coordinator of the Ohio Prisoner's Rights Union states that "I know from my contact with prisoners that it was the conditions on death row and the repression against the Lucasville Five that were the main reason for the uprising (Prison Legal News March 1998, p. 17)." The Lucasville Five had gone on a hunger strike in 1996 "to protest the isolation and specific punishments focused on them. There was another hunger strike lasting for 30 days in 1997" (ibid).

Although I wasn't able to locate any information on whether prisoner resistance has been increasing as a result of the punitive shift in corrections, there is evidence that prison resistance is both underreported and misrepresented by the media (see Niederpruem, 1996 for a brief discussion). Prison activists and prisoners point out that because prisoners have little, if any, access to the media, the information about these disturbances are based almost exclusively on press reports by prison officials. Also, when reported, prison disturbances rarely reach the national news media and are limited to coverage by local media in the area the prison is located. Since so many prisons are located in rural areas with small populations, it is no surprise that many people hear very little about prisoner resistance and the conditions that spark these incidents.

According to Dan Pens, the media reported the uprisings associated with the sentencing disparity decision widely, but relied almost entirely on statements from Bureau of Prison officials, who denied or downplayed any relationship between the Congressional ruling and the disturbances. After reviewing 30 newspapers, Pens found only one quote from a prisoner involved (ibid, p. 244). There were, however a few quotes from unofficial sources, including the president of a union representing prison guards, who stated "The inmates said they were trying to send a message to the U.S. government. They said the [100 to 1 sentencing] law is racially motivated" (quoted in ibid).

1995 also saw a series of sit-down strikes and other disturbances in Arizona in response to the effects of then Governor Symington's "get tough" policies (Stough & Pens, 1994/96). State officials reported that a number of the disturbance were really incidents between black and white inmates, while prison activists

contend that the repressive measures of the state and severe overcrowding led to the uprisings (racial incidents are *reported* to be the number one cause of prison disturbances. Dissatisfaction with rules and regulations were second. [Montgomery, 1997 p. 32]). Also in 1995, an incident in which five prisoners at California's Calipatria maximum security prison stabbed a sergeant, resulting in the prison being placed on indefinite lockdown, was represented by prison officials as a planned attack with no motive. What was not reported was that prison guards had beaten another prisoner earlier that day who was from the same gang as the five who assaulted the sergeant. According to Pens, the assault "was apparently a calculated response in retaliation for the earlier beating" (Burton-Rose, Pens & Wright, pp. 34-35).

In September of 1995 there was an uprising at Clallam Bay Correctional Center in Washington state, coming just months after another incident at the same facility that caused \$30,000 worth of damage (Wright, 1996). The latest incident resulted in the prison being placed on lockdown status for four days. According to Washington state prisoner, Paul Wright, "The amazing thing about this latest incident wasn't so much that it received little attention from the corporate media, but the blatantly untrue headline 'Prison Riot Lacks Motive' in the *Peninsula Daily News* article by Mike Dawson. The subheading of the article read: 'Corrections: Probe Shows Inmates Were Without Grievances'" (Wright, p. 36). *Prison Legal News* later contacted prisoners at the facilities and found that they in fact had a number of grievances, ranging from a small law library, to store prices and staff corruption (ibid, pp. 36-38).

These are just a few examples of the types of resistance prisoners are engaging in and the representations of these incidents by prison officials and the media when they are covered at all. It should be remembered that these incidents are only a small sample of a pattern of resistance, and prisoners and prison activists make it clear that they are a result of regressive and punitive prison policies and the effects of these policies on prison life. Furthermore, the uprisings themselves surprised few if any of the prisoners and activists keeping track of the state of corrections. Most predict that continued overcrowding, increasing brutality and increasingly repressive prison policies will only guarantee more uprisings. "Prisoners at Florence and other federal institutions warn that overcrowding, continual harassment, and ever-harsher sentencing have pushed prison populations to the brink of explosion" (Perkinson, p. 128).

What also demands our attention here is the response of prison officials to these types of uprisings. By and large, prison officials have little tolerance for prisoner resistance of any kind, no matter what the particular grievances or methods. Thus the responses are usually swift and brutal. Their responses also typically target not only the prisoners involved in the disturbance, but also anyone unlucky enough to be in the area. Not infrequently, as in the case of a lockdown, the whole prison population is punished. In the Ohio death row disturbance, in which a prisoner overpowered a guard and opened up all the cell pods with the guard's key, officials waited 5 hours to retake the unit. According to first hand accounts "guards could have come into the unit any time and peacefully regained control" (*Prison Legal News*, March 1998, p. 17). Instead, 60 highway patrol officers and 50 prison guards stormed the unit and fired up to 13 canisters of tear gas. Prisoners, most of whom had nothing to do with the actual overpowering of the guard, were cuffed, maced and severely beaten. Guards then proceeded to move through the unit destroying prisoner property (ibid).

Aside from the violence, the most striking aspect of prison officials' response to inmate resistance is in the different treatment of violent and non-violent protests. Adrian Lomax argues that it is often the non-violent protesters who are treated more harshly. Many times, participants in violent incidents will face a sentence in segregation, but leaders of food strikes, hunger strikes and other non-violent forms of protest face transfer to prisons in other states and longer sentences in control units (for example, 38 prisoners involved in the work strike at Folsom were sent to SHUs at Pelican Bay and Corcoran). Lomax writes that "With the extreme malicious persecution of nonviolent protester... and the lack of an operational grievance system, it is no surprise that prisoners turn to violent protest.... Every act of violence by prisoners strengthens the correctional administrators' hand" (Lomax, 1998 [1992]). Violence, in other words, gives requests by prison officials for more funds an appearance of legitimacy (ibid).

The control units and the issues surrounding them are not aberration in the prison system as a whole. Prisoner activists and prisoners' rights activists have documented extensive physical and psychological abuse, arbitrary rules and enforcement (including transfer to control units) for political and organizing activities in the general prison population as well. On the other side, prison administrators appear to do everything they can to keep abuses out of the public eye (e.g., Arax & Gladstone; Olivero & Roberts). Given that the nation's prisons are severely overcrowded, often understaffed, are unable to provide any sort of adequate medical treatment to inmates, and rule by force, it is not surprising that prisoners resist. Punitive policies that fail on the outside also fail on the inside, and this is especially true of the control unit "solution." The failure of control units and the persistence of prisoner resistance are only example of the failure, indeed the counter productiveness, of the prison system as a whole (more on this in section III).

(II)

While arrests and convictions are steadily on the rise, profits are to be made—profits from crime! Get in on the ground floor of this booming industry now!

—brochure for a conference on private prisons, Dec. 1996 (reprinted in Silverstein)

The emerging prison-industrial complex is without a doubt one of the central, if not the central, concerns of the prisoner and activist writers. Within the context of a post-Cold War global order and economy, these writers argue, the prison industry has quickly become the largest and most profitable growth industry in the United States (cf. Silverstein, 1997a, p. 156). I have been able to identify four aspects of this economy based on their prevalence in the prisoner/activist literature. They are: the use of prison labor; the prison service, goods, and construction sector; the return of private for-profit prisons; and, prisons as economic development tools. As I hope will become apparent, the discussion of these issues by prisoners and activists places the emergence of the prison-industrial complex within the context of a shifting U.S. and global economy. The explicit political-economic framework used in these analyses is, however, firmly grounded in an historical sensibility. The work, therefore, is by and large an example of materialist history.

With the fall of the Soviet bloc and the apparent triumph of neo-liberalism, the U.S. military industrial complex began to feel in earnest the impact of the recession that had been building for 15 years. Military bases were closed, military contractors began laying off workers and many communities that had been economically dependent on defense dollars from the government began to experience serious economic downturn. At about the same time the downsizing phenomenon gained media attention, eating away at even middle class job security, and Wall Street began its current, record breaking bull market. More generally, the nation's economy had been suffering for almost 10 years when the prison construction boom began in earnest, in the early 1980's. Real income has been on a 24 year downward spiral (Bureau of Labor Statistics, 1997), manufacturing jobs are being replaced by service jobs, which pay \$5 less on average per hour (Mishel & Bernstein, 1996), and Manpower Inc., a temp agency, has recently passed General Motors as the nation's largest private employer. The gap between rich and poor continues to grow. The United States now has the largest income disparity in the industrialized world.

The "response" to the dismal state of the economy has been as severe as the conditions which produced it. Prisoners and activists, among a host of others, point out that the poor, especially Black and Latino poor, have become the scapegoat for America's economic hardships (Burton-Rose, Pens & Wright, pp. 4-5). Affirmative action, social welfare, and a number of other programs are under attack if not totally vanquished. Anti-immigration is also on the rise once again. In fact, the Immigration and Naturalization Services may be enjoying prosperity parallel to that of the Bureau of Prisons. Between 1993 and 1998 the INS border patrols doubled from 4,000 to 8,000 agents and INS officials are planning a "\$330 million technology overhaul that would create an 'electronic wall' along the border [with Mexico]" (*Los Angeles*

Times, 3/17/98, p. A5).

As the editors of *The Ceiling of America: An Inside Look Inside the U.S. Prison Industry* point out, the "new politics of post-Soviet bogeymanism have struck prisoners particularly hard...Prisoners make an especially easy target for attracting the fear and loathing of the American public. Prisoners have no economic or political power whatsoever. They make the perfect scapegoat" (p. 5; see also Irwin & Austin, 1997, p. 5). Thus, prisoners and crime form a core of the elements that have moved in to fill the economic, as well as the ideological, space that has opened up in the last 25 years. They have, in other words, become targets in what *The Wall Street Journal* has called the Cold War of the 1990s (Thomas, 1994, p. A1).

(a)

We have a lot of talented people locked up in the state of Texas.

—Greg Skeens, warden at Lockhart Renaissance and Work Facility, a minimum security prison run by the Wackenhut Corrections Corporation

Prison labor in the United States netted a total of \$8 billion in 1995, working for a variety of government and private operations (Bloomer, 1997 p.16) and all told, approximately 90,000 state and federal prisoners are involved (Wright, 1997, p. 26). In addition to the work prisoners do running prisons, inmates also do a variety of work for the public and private sector. In 1995 alone the Federal Prisons Industries Inc. (UNICOR) netted a profit of \$46 million on \$459 million in sales, producing everything from missile components to road signs to executive furniture for government use (Lichtenstein & Kroll, 1996 p.30). States are also in on the action and have well established prison industry programs, from Florida's PRIDE (Prison Rehabilitative Industries & Diversified Enterprises) to California's PIA (Prison Industry Authority). The list of large corporations taking advantage of the low cost captive workforce is equally impressive. Microsoft, MicroJet, Eddie Bauer, TWA, and Lexus are just some of the companies that make or have recently made use of prison labor in one way or another (Wright; Pens, 1996; Brown, 1995).

The economic incentives to using prison labor are not hard to identify. As prisoners and activists point out, inmates have no right to collective bargaining, no real health insurance, are not covered by minimum wage laws or the Fair Labor Standards Act in most cases, and can be hired and fired at will (Lichtenstein & Kroll, p.31). Prisoners in Delaware, for example, "saved the state \$25 million by working for 15 cents an hour constructing a new prison...[while] four states do not pay prisoners anything for production work" (ibid.). In some cases inmates do make minimum wage or more, but most of that money is taken by either the federal government or the state government to cover anything from "cost of corrections" to social security to mandatory savings accounts (Pens, 1996, p. 48). Even in instances where pay is at minimum wage, in other words, inmates actually see only a fraction of what they have earned. Although local, state and the federal government all seem to benefit from convict labor, it is corporations that appear poised to make the most of this arrangement.

In 1994, for example, the Dept. of Correction (DOC) in the state of Washington, using tax payer money, built a 56,000 square foot industrial building next to the Washington State Reformatory and has thus far attracted a number of businesses, including Elliot Bay Metal Fabrication and Redwood Outfitter, Inc. The state charges only \$1 per month in rent (ibid., p.49). At the Lockhart Renaissance and Work Facility, just outside of Austin, Texas, Chatleff Controls, Inc. and Lockhart Technologies Inc. each pay \$1 a year in rent (Bloomer, p. 16). The DOC also subsidizes much of the overhead for these companies, including 24 hour security for companies at the Washington State Reformatory facility (Pens, p. 49). Private corporations also benefit from the lack of minimum wage laws in prison. In 1993 Konica Business Machines, Inc. signed a contract with Ohio Penal Industries to use prison labor to recondition Konica copiers (Cahill, 1995/96 p.110). Inmates working on the project were paid between 35 and 47 cents an

hour for their work (ibid.). Ohio inmates also did data entry for Unibase for a base wage of 47 cents per hour (ibid.).

Enforcement of environmental and occupational safety regulations also seems to be compromised inside many U.S. prisons. In Ohio prisoners were used to separate metal from ash streams at a trashburning plant, run by a company called Shaneway, with no protecting clothing or equipment (Cahill & Wright, 1995 p. 112). "Prisoners worked in toxic ash which contained arsenic levels at 2 1/2 times those allowed by OSHA standards; cadmium levels at 5 times; lead at 138 times; and dioxin at levels 770 times the ambient air in the community" (ibid.). Prisoners at Eastern Oregon Correctional Institution were used for removing asbestos hanging off pipes, again without any protective clothing (ibid.). "Both prisoners and their supervisor [a guard] experienced pain in their lungs, coughed up black fluid and had other health problems shortly thereafter" (ibid.).

Activists and prisoners argue that the increasing use of prison labor for private profit represents "a Third World labor model in the heart of America" (Wright, 1997, p. 29; see Churchill & Vander Wall, 1992, pp. 1-19 for further discussion of the economic and political similarities between the First and Third World). In fact, it is precisely the conditions that drew American corporations to Mexico, Thailand, Indonesia, etc. that makes prisons in the U.S. an attractive place to do business. Thus it isn't surprising that another parallel between prison labor and Third World labor is that it can be used to compete with free labor in the industrialized world. It is certainly possible that, given the increasing size of America's prison system, a trend is emerging to use prison labor, on a limited scale, as a replacement for free labor for many of the reasons discussed above. At the very least, the use of prison labor can function as a threat to free workers. In fact, states and correctional institutions are beginning to advertise their captive workforces in much the same way that Third World countries advertise cheap labor and lax labor, safety and environmental regulations in industry publications (c.f. Pens, 1994).

Concrete examples of this trend do exist. Data Processing Accounting Services, for example, moved assembly jobs *back* to the U.S. from Tecate, Mexico in 1992 because of competition. The new domestic location was San Quentin State Prison (Bloomer, p. 17). Even more striking, the 150 male convicts that work for Chatleff and Lockhart at the Lockhart facility are doing jobs that were formerly held by employees of Lockhart technologies. In 1995, however, Lockhart laid off those workers and moved the jobs into the correctional facility (Bloomer, p.16). Again, the reasons for these types of shift seem transparent. As Paul Wright states, with regard to Boeing, "They [prisoners] train for minimum wage and eventually progress to \$7 an hour, unlike those pesky machinists at Boeing's Everett [Washington] plant who earn up to \$30 an hour for the same work" (Wright, 1997, p. 28).

It was opposition from organized labor, based on concerns about unfair competition, that helped to curtail prison labor at the close of the 19th century, and organized labor appears equally concerned about the use of prison labor today. This is not surprising. TWA, for example, "used inmate labor to break strikes. During a flight attendant strike in 1986, TWA turned its reservation clerks into flight attendants and put inmates to work on the phone. The airline company still pays \$5 an hour to inmate reservation clerks at a juvenile facility in Ventura, Calif. That same work, when unionized, pays \$18 an hour" (Bloomer, p. 17). Some proponents of convict labor also see this as a concern. Linda Marin, executive director of Texas-CURE (a prisoner rehabilitation group) has expressed concern that "prisoners would be used as a union-busting tool" (quoted in ibid, pp. 16-17).

The justification for using prison labor seems to have two distinct elements. On the one hand is the punitive model that imprisonment should involve hard labor (be it productive or unproductive in an economic sense), while on the other is a more rehabilitative discourse that stresses the skills inmates learn working, which can then be used to obtain a job after release. Within this spectrum we find a wide range of pronouncements. The head of Arizona's Dept. of Corrections, for example, has stated that "They

[prisoners] will literally be breaking rocks with their bare hands" (Burton-Rose, Pens & Wright, p. 64). A more "subtle," and more revealing, statement is found in the testimony before Congress of Morgan Reynolds, director of the Criminal Justice Center, who asserted that "State and federal prison systems control a huge asset- convict labor- and largely waste its productive potential" (Wright, p. 27).

Of course, neither of these approaches is new (Pen, 1996; Wright, 1994; Melossi & Massimo, 1981). However, what is interesting, and new, is the politics of prison labor in the context of the global economy and, more specifically, within the context of a "race to the bottom" that places so much emphasis on corporate competitiveness. While a number of politicians are using the issue of convict labor as sign of their resolve to "reform" prisons by making prisoners work (Wright, 1997 p. 26), the evidence suggests that prisoners are being drawn into the bottom tier of the global economy. Prisoners, in other words, seem to be joining Third World workers as part of a reserve army of labor (Adamson, 1984 p. 437).

(b)

Time Goes Better With Coke!
—Coca-Cola ad slogan

AT&T estimated that prisoners made \$1 billion in long distance calls in 1995 (Burton-Rose, Pens & Wright, p. 145). Of course, the communications giant was a major beneficiary of this inmate spending. While most prisons were almost self contained, self sustaining institutions at one time, even growing their own food (Wright, 1994 p. 102), today there is what can be called a secondary sector of industries that profit from providing goods and services to state, federal and local institutions (c.f. Christie, 1994). In addition to the companies that provide prisoners with long distance phone services are firms that provide food, healthcare, goods for prison commissaries, transportation of prisoners between institutions, and security technologies. The latter is one of the primary areas of concern that inmates and activists point to, as defense industries are turning to this new market as one replacement for the Cold War weapons market (Lichtenstein & Kroll; Thomas, 1994).

Architects are one example of a group reaping the "secondary economic benefits" of prison expansion (Lichtenstein & Kroll, p. 31). According to the president of the American Institute of Architecture, over 100 firms in the U.S. now specialize in prison architecture (ibid, p. 29). Construction firms are also benefitting from the money being spent on prison construction. John Irwin and James Austin estimate that the typical medium security prison will cost a state \$268,000 per bed in construction and financing alone (Irwin & Austin, p.139). High-tech companies are also beginning to take advantage of the profits to be made in providing for America's imprisoned. The Que-Tel Corp., for example, has begun marketing " a new system whereby prisoners are bar coded and guards carry scanners to monitor their movements" (Silverstein, 1997a, p. 162).

Within the context of a post-Cold War economy a trend receiving significant attention is the conversion of companies that were producing for national defense from communism to production for protection from and containment of criminals (c.f. Donziger, 1996 ch.3). Indeed, the secretary of defense was one of the featured speakers at a conference in 1994 entitled "Law Enforcement Technologies for the 21st Century" with "topics including 'the role of the defense industry, particularly for dual use and conversion' and 'how to penetrate the law-enforcement market'" (Thomas, 1994, p. A8).

Military contractors, seeking to offset military cutbacks (ibid, p .A1), have already started the retooling needed for conversion to a prison economy. As Paulette Thomas of *The Wall Street Journal* points out, "Westinghouse Electric Corp., Minnesota Mining & Manufacturing, GDE Systems (a division of the old General Dynamics) and Alliant Techsystems Inc. are pushing crime fighting equipment and have created

special divisions to retool their defense technology for America's streets" (ibid.). And weapons manufactures, according to Ken Silverstein, "see both public and private prisons as an outlet for 'defense' technology, such as electronic bracelets and stun guns" (Silverstein, 1997a, p. 162). Lands freed up by military base closings also stand to be made use of under this trend. Thomas, for example, writes that "businessmen stood up and cheered...when Democratic Sen. Edward Kennedy announced that Fort Devens would be converted to a federal prison" (Thomas, 1994, p. A8).

The concerns that prisoners and activists raise with regard to the involvement of the defense industries in imprisonment echo the wide ranging objections that President Eisenhower, peace and anti-war activists had to the creation of a military industrial complex; building an economy based on the existence of crime and the imprisonment will only serve to perpetuate both. While this is true of the prison economy in general, and I will return to this below, it is especially important to monitor the involvement of large corporations in this industry, given the influence they have over economic policy and economic life in general. This reasons for this concern become even more apparent when we look at the issue of private prisons.

(c)

Do I see a bright future for these guys? Absolutely, yes.

—Ted Goins, industry analyst, on the future of companies building and/or running private prisons

The crime bill signed into law by President Clinton provides funding for the construction of 125,000 prison cells between 1994 and 2000 (Ferraro, 1997, p. D1). The bill also authorizes "the use of taxpayer funds for prisons that will be built and run by private concerns," according to Ted Goins, an industry analyst with Branch, Cabell & Co. (ibid., D7). The re-emergence of private, for profit prisons is perhaps the most significant development in corrections next to the new role of the military industry. As with the latter, there is big money involved. Privately run prisons are not new to the United States, in fact they were fairly common in the 19th century (Silverstein, 1997; McDonald, p.29). Ironically, private prisons began to disappear around the turn of the century, having been outlawed in most states because of widespread abuse of inmates, severe overcrowding and because prisoners were being farmed out for use as slave labor (Silverstein, 1997 p.8). This is ironic because these conditions have re-emerged, just as the private prison industry is really beginning to take off (Bates, 1998; Silverman).

Although the correctional system as a whole is growing, "private prisons have grown at four times the rate of public prisons, and experts predict their numbers will triple by the year 2000, with revenues topping \$1 billion" (Bloomer, 1997 p.15). Currently, most privately run facilities are low and medium security institutions, including half way houses, "boot camps," juvenile detention centers and Immigration and Naturalization Services' detention centers. These companies, however, have begun moving into the management of larger and higher security facilities (Silverstein, 1997a, p. 158; Tomz, 1996, p. 12).

A number of corporations have already made significant profits from the current boom. The two largest private prison firms, Corrections Corporation of America (CCA) and Wackenhut Corrections Corp. (WCC), who together own 75% of the global market share (Bloomer, p. 15), are both doing a healthy business. CCA's stock quadrupled in value between 1993 and 1997, and in 1994 it earned over \$100 million in revenue for the first time (Silverstein, 1997b, p. 18; Bloomer, p. 15). It is now the sixth largest prison system in the country (Bates, 1998, p. 12). WCC's investors, for their part, "have enjoyed an average return of 18 percent during the past five years and the company is rated by *Forbes* as one of the top 200 small businesses in the country" (Silverstein, 1997a, p. 156). The third largest company, Correctional Services Corp. (formerly Esmor Corrections Corp.) increased its annual revenue from \$6 million in 1990, to over \$25 million in 1995 (Silverstein, 1997a, p. 156). Brian Rutenbur, an analyst for

Equitable Securities Corp. predicted in 1997 that "During the next 12 to 18 months, I expect [private prison] stocks to rise by an average of 40 percent, and perhaps more" (quoted in Silverstein, 1997b, p. 18).

The number of prisoners held in private prisons, now at around 60,000, is estimated to reach 360,000 by the next decade (Silverstein, 1997a p.156; Tomz, 1996, p. 11). A number of analysts argue that private companies and the profits they stand to make are driving the latest leg of the prison building boom and, more specifically, the trend towards using private prisons (Donziger, 1998 p. 24; MacDonald, 1994 p. 29). Steven Donziger, who headed a recent study of the war on crime for the National Criminal Justice Commission, writes that "Based on our study, it [the expansion of the prison industry] has to do with the economic imperatives of the prison industry" (Donziger, p. 24). Activists and inmates appear to agree if the issues that permeate their writings are any indication.

One sign that the private prison industry has arrived and is entrenched for the foreseeable future is the increasing involvement of Wall Street financial and investment firms (Silverstein, 1997a & b). Perhaps both a result and a cause of the performance of "prison stocks" on Wall Street, American Express, Smith Barney, Goldman Sacks, Merrill Lynch and a number of other firms have begun investing in the prison industry (Silverstein, 1997a p.162; Thomas, 1994, p. A1). American Express and General Electric have both invested directly in prison construction and other Wall Street firms have already made large sums "by underwriting prison construction with the sale of tax-exempt bonds" (ibid). According to Silverstein, this is already a \$3 billion industry (ibid).

The argument that politicians and the industry make in favor of privatization is a familiar one. The discourse used by officials and business leaders stresses that, as with any service, the private sector can run prisons more efficiently than the public sector. Douglas MacDonald, a senior researcher in the Law and Public Policy Area at Abt Associates Inc., argues that that the privatization trend is part of a larger effort in the United States by conservative governments to privatize government services (MacDonald p.36) As to the actual savings, the evidence here somewhat contradictory and MacDonald calls the issue an open question (ibid, p. 38). While a number of studies found that private corporations could in fact build and operate prisons more efficiently (see Tomz, 1996 for a brief overview of some of these) a 1996 review of cost comparison studies by the General Accounting Office found that "These studies do not offer substantial evidence that savings have occurred (in Bates, 1998, p. 12). A number of activists even arguer that private prisons end up costing more, both in the short and long run (e.g. Bates, 1998; Lichtenstein & Kroll, 1996, pp. 33-34).

Beyond the issue of cost, activists and prisoners point to a number of disturbing problems that private prisons present, and they are not alone. Groups as far ranging as the American Civil Liberties Union and the American Bar Association to the National Sheriff's Association have come out against private prisons (Bates, 1998, p. 12). Pointing to perhaps the most obvious and most chilling problem, Jenni Gainsborough of the ACLU's National Prison Project writes that there is "a basic philosophical problem when you begin turning over administration of prisons to people who have an interest in keeping people locked up" (reprinted in Silverstein 1997a p.158). Speaking implicitly to this relationship, the chief financial officer of CCA remarked that Clinton's crime bill of 1994 would be "very favorable to us" (reprinted in Thomas, 1994, p. A1).

Of course, corporations in the prison industry, as in any industry, need to make a profit to survive. The reason why the federal government's crime bill was seen as favorable to the CFO of CCA is that it very likely will lead to more arrests and, thus, to an increase in the number of convictions. This can benefit private prisons because of what David Shichor, a professor of criminal justice, calls the "Hilton scheme: You want to keep your hotel always full" (reprinted in Bloomer, 1997, p. 18). Industry analysts and investors have picked up this lingo. *The Cabot Market Letter*, for example, compared CCA to "a hotel that's always at 100% occupancy...and booked to the end of the century" (reprinted in Bates, 1998, p. 13).

A 1995 Prudential Securities report on Wackenhut, recently indicated that "The fine tuning of earnings figures hinges critically on bed count and when new prisons become occupied" (reprinted in Silverstein, 1997b, p. 18). And in its report on CCA, Prudential stated that "Low occupancy is a drag on profits" (ibid.).

A related problem to that of profit and occupancy is the issue of release. Marc Mauer of the Sentencing Project writes "You can imagine someone coming up for probation. The tendency of a private prison will be not to release them" (reprinted in Bloomer, 1997 p.18). Indeed, a 1992 study by the New Mexico DOC supports Gainsborough's concern, finding that "inmates at the women's prison run by CCA lost good time [accumulated credit for good behavior that reduces a prisoner's term] at a rate nearly eight times higher than their male counterparts at a state-run lockup" (Bates, 1998, p. 18).

Some CCA guards in Tennessee also say privately that they are encouraged to write up prisoners for minor infractions and place them in segregation. Inmates in "seg" not only lose their good time, they also have 30 days added to their sentence—a bonus of nearly \$1,000 for the company at some prisons. (ibid)

Another way that private prisons profit is by cutting costs. Eric Bates writes that "Companies receive a guaranteed fee for each prisoner, regardless of the actual costs. Every dime they don't spend on food or medical care or training for guards is a dime they can pocket" (ibid., p.14). Activists and prisoners point out that it is precisely these kinds of cuts that can cause prison uprisings. A detention center for illegal immigrants run by Esmor Correctional Services (now Correctional Services Corp.) "exploded in violence in June 1995 after Esmor hired inexperienced staff, served inmates a substandard diet and shackled detainees in leg irons" (Bloomer, 1997, p. 16). And the private prison companies are also anti-union, "Almost all workers at state prisons get union-scale pay but salaries for private prison guards range from about \$7-\$10 per hour. When workers attempted to organize at Tennessee's South Central prison, CCA sent officials down from Nashville to quash the effort" (Silverstein, 1997a, p. 161).

There is also evidence of an emerging link between profit and punishment at a more macro level. "Private prison companies have begun to push, even if discreetly for the type of get tough policies need to ensure their continued growth" (ibid, p. 159). Wackenhut Chairman Tim Cole, for example, "testified before the Senate Judiciary Committee to urge support for amendments to the Violent Crime Control Act—which subsequently passed—that authorized the expenditure of \$10 billion to construct and repair state prisons" (ibid.). And Governor Newt McWherter of Tennessee, a CCA stockholder, stated in the company's 1995 annual report that "the federal government would be well served to privatize all of their corrections" (ibid, pp. 159-160). CCA and Wackenhut also gave a combined \$150,000 to both Democrats and Republicans during the 1995-96 electoral cycle (Bloomer, 1997, p. 17). Perhaps not surprisingly, "All the major firms in the field have hired big time lobbyists" (Silverstein, 1997a, p. 159).

Finally, the growing role of private companies and investors in the corrections industry is threatening to circumvent the voting public. While often in favor of longer sentences, voters often vote against prison construction bonds (Greene, 1997; Lichtenstein & Kroll, 1996). In a California survey conducted by the Correctional Peace Officers Union, for example, voters favored spending on education over spending on prison construction 78% to 15% (Connolly, McDermond, Schiraldi & Macallair, 1996). With private financing, however, no public approval is required "even though the public will ultimately pay, nonetheless" (Lichtenstein & Kroll, 1996, p. 33). A bond for prison construction was twice voted down by voters in Jefferson County Colorado only to later be turned over to private interests. E.F Hutton then underwrote the \$30 million construction for the prison (ibid).

These are only some of the issues raised by activists and prisoners with regard to the private prison issue; many others exist. Still, these examples should be enough to turn the attention of more sociologists and criminologists to the inherent dangers that this new industry poses. More specifically, they suggest a

number of areas that researchers need to pursue and publicize. In the final section of part II, I will turn to a discussion of the last of the four aspects of the new political economy of prisons; the communities and segments of the population that see prisons as an economic development tool.

(d)

In a recent article on Marion [federal penitentiary] a denizen of the local community was quoted as saying that Marion prisoners should be taken out and shot as part of the deficit reduction plan. This citizen comes from the same pool from which the BOP [Bureau of Prisons] recruits its guards. Bleak economic realities feed such fascistic sentiments. Marion's guards are the descendents of once proud coal miners and factory workers—many unionized. But when the mines and plants closed they were left floundering on their own. Their response is to join up with the nation and state's biggest growth industry: human chattel.

—Ray Luc Levasseur, currently serving a 45-year sentence at ADX Florence

There is no question that prisons are a growth industry, an economic development tool for rural areas.

—Aliccann Wohlbruck, exec. dir. of the National Association of Development Organizations

The major economic changes in the United States in the last 25 years have resulted in the disappearance of countless manufacturing jobs. In the defense industry alone the 750,000 jobs have been lost over the last five years (Pens, 1995, p. 135). I have already discussed one aspect of this in part *b* of this section: the "secondary sector" of prison service providers. This last section, then, can be seen as a discussion of the employment and income derived from the primary sector: the daily operation of prisons. The context within which I will discuss the primary sector is that of prisons as a tool for economic development (Burton-Rose, Pens & Wright, 1998, p. 149; Donziger, 1996, pp. 93-96). The two related areas I will focus on are the siting of prisons in economically depressed rural areas and the opportunity that prison expansion offers for jobs as prison guards. As with the other three parts of this section, it is important to keep in mind the macro-economic shifts that have occurred and are occurring as a backdrop to the politics of the primary prison sector.

While rural communities once fought to keep prisons out of their areas, prisons have recently become a relative attractive addition to rural communities that have lost manufacturing jobs (e.g. Bloomer, 1997; Brooke, 1997; Thomas, 1994b; Carlson, 1991; Krause, 1991). In fact, rural communities today often have to compete and lobby to attract prisons to their communities (Bloomer, 1997; Brooke, 1997; Carlson, 1991). The reason for this shift in attitudes is relatively easy to pinpoint. The bottom line, according to Judge Alfred Pawelek of Karnes County, Texas "was we needed jobs. J-O-B-S...we were looking at empty classrooms if we didn't do something" (in Bloomer, 1997, p. 15). The communities scrambling to attract prisons are the very same communities hit by deindustrialization, the export of manufacturing jobs, and changes in the post-Cold War defense economy. In the coal field region of southwestern Virginia, for example, one prison has already been built and three more are planned for an area that has seen 30,000 vanish since the 1950s (Thomas, 1994b, p. B1). Local officials have also been communicating to the state that the region, which had a 20% unemployment rate in 1994, "would be a prime location for privately built and run prisons that may be seeking a home" (ibid, p. B8).

Del Norte county in northern California has a similar story. Mill closings and layoffs beginning in the early '80s led to an unemployment rate of around 20% by 1990 (Parenti, 1997; Krause, 1991, p. 251). The county is now home to California's state of the art Pelican Bay State Prison. Fremont County, Colorado, is another example. Experiencing high unemployment in the '80s from mine closings and a weak ranching

industry, it now has 13 federal and state prisons and one prisoner for every free person (Brooke, 1997 p.20). Residents of Fremont County's Canyon City were eager enough for the benefits off a prison that they raised \$125,000 and paid for the 600 acres where Florence Federal Penitentiary sits (ibid).

In a way prisons are one of the few alternatives low income rural communities have. As Paulette Thomas writes "Rural communities...are often priced out of contests to attract manufacturers, as local development agencies in more prosperous areas offer aggressive packages of tax breaks, cheap loans, free land and more. But there's less competition when it comes to prisons" (Thomas, 1997b, p .B1). And, to be sure, the economic benefits of prisons are real. Katherine Carlson points out that a 500 hundred bed facility will provide 200-300 jobs and several millions of dollars in payroll (Carlson, 1991, p. 213). The four federal prisons in Fremont County that have opened since 1994 employ 1,000 people with an average salary of \$30,000 and 3,100 jobs in all are provided by the areas prisons (Brooke, 1997, p. 20). Unemployment in the county has gone from 11% in the mid-'80s to 4% in 1997 (Brooke, 1997, p. 20). Pelican Bay prison in Del Norte County California is currently the largest employer in the county.

The explosion in prison construction has thus created many badly needed jobs in rural (as well as some non-rural) communities. In contrast to many of the jobs created in the 'new economy,' however, "these are stable jobs [and] won't vary with seasons and economic climate" (Thomas, 1997b, p. B8). As Mayor Ruth Carter of Canyon City puts it, "We have a nice, nonpolluting, recession-proof industry here" (Brooke, 1997, p. 20). In a brochure aimed at rural communities, the Federal Bureau of Prisons writes "with local economies ailing in many parts of the country local leaders often see a potential federal prison as a recession-proof economic base" (Lichtenstein & Kroll, 1996, p. 23). There is evidence to support these claims. In the first half on the 1990s, prison employment rose by 31%, to 347,320 jobs (ibid). The state of California alone, between 1984-1994 "added a whopping 25,900 prison employees, substantially more than were added to all other state departments combined (16,000). By one estimate, hiring for prisons has accounted for 45% of the growth in all California jobs in that ten year period" (Pens, 1995, p. 135).

As a point of comparison, during that same period, California lost over 8,000 jobs in higher education (Connolly, McDermid, Schiraldi & Macallair, 1996, p. 1). In other words, unlike education, "This industry can grow in bad times as well as good because the crime rate goes up during recessions, and that means jail populations go up as well" (Brian Rutenbur, analyst for Equitable Securities Corp., reprinted in Silverstein, 1997b, p. 19; see also Lichtenstein & Kroll, 1996, p. 23). As Paulette Thomas writes, "With much of the federal budget [1994] cut for deficit reduction, practically the only new area of spending is in crime fighting and prisons" (Thomas, 1997b p.B1). In another article for *The Wall Street Journal*, Thomas adds that the "budget [for building and repairing federal prisons] would see a 68% increase over the next five years to \$7 billion in 1999 [and] would take \$22 billion in cost savings derived from slashing 252,000 government jobs and apply it to law enforcement" (Thomas, 1994a, p. A1).

The primary sector of the prison economy is subject to the same types of critiques that are made of the prison industry's other aspects. Namely, serious problems present themselves when one group of people benefits economically from the imprisonment of another. The state of California, according to a number of prisoners and activists, is already feeling the effects of just such a conflict in the context of prison guard employment (Davis, 1996; Donziger, 1996, pp. 96-97; Pens, 1995). For example, Dan Pens, incarcerated in Washington State and the co-editor of *Prison Legal News*, documents the rise and increasing influence of the California Correctional Peace Officer's Association (CCPOA) in state politics (Pens, 1995, pp. 134-139). Pens points out that in 1980 there were 5,600 members of the two guard unions that existed, and the average salary was \$14,400 (ibid, p. 134). By 1995, the now united CCPOA had 23,000 members and the average guard's salary was \$44,000 plus benefits, "\$10,000 more than the average teacher's salary" (ibid). CCPOA is now the most powerful union in the state (Davis, 1996; Pens, 1995).

According to Pens and Mike Davis, CCPOA and its president, Don Novey, have used this power to "keep Sacramento in a permanent state of law-and-order hysteria" (Davis, 1996, p. 74). CCPOA has been able to

do this, they contend, because of the money and resources it has access to. The union collects \$8 million a year in dues "and, it expends twice as much in political contributions as the California Teachers Association, although it is only one-tenth the size" (Pens, 1995, p. 135). With proposition 184 (three strikes) "proponents of the measure—led by CCPOA and Michael Huffington- outspent opponents (primarily the California Teachers Association) 48-1 (\$2 million to \$25,000)" (Davis, 1996, p. 75). CCPOA also gave almost \$1 million to Pete Wilson's 1990 campaign and "\$76,000 to the 1992 re-election campaign of David Elder, the chair of the state assembly's Committee on Public Employment and Security—the very same committee that rules directly on the pay and benefits of prison guards" (Pens, 1995, p. 136).

There are also a number of more subtle problems that arise from the primary sector of the prison industry. For example, prisoners have pointed out that siting prisons in rural areas has a many negative, if indirect, consequences. Most residents in these rural areas are white, while most of the prisoners are Black and Latino. As Lichtenstein and Kroll write, "Prisons, filled with unemployed people of color from the inner cities, are being sold to economically depressed rural communities as a source of jobs for their growing numbers of unemployed—who are usually white" (Lichtenstein & Kroll, 1996, p. 23). Many prisoners argue that, intentionally or not, this leads to an increase in racial tensions that serves to divide people who have similar economic concerns and interests by exploiting racial divisions.

Another consequence for prisoners of siting prisons in rural areas is that it becomes that much more difficult to maintain ties with family, friends and community, as most prisoner are from urban areas (Irwin & Austin, 1997, p. 66). At Pelican Bay, for example, "since 60% of the inmates are from Los Angeles, which is 900 miles away with no available air transportation, the prospect for regular visits from inmates' families is extremely remote" (ibid, p. 99). The end problem is that the siting of prisons in locations that are difficult for urban residents to visit makes rehabilitation and the integration of the inmate back into his/her community more difficult (ibid. p. 84 n. 11; Gibbons & Pierce, 1991, p. 382).

Finally, the effects on poor rural communities themselves also has its negative side. While prisons do provide needed jobs and revenue, and aside form the moral questions involved, the politics of using prisons as an economic development tool bring us back to the parallels with the Third World. Much like Third World nations competing to attract foreign investment, rural communities fighting each other for prisons risk engaging in a race to the bottom and becoming dependent on their community's new employer and the crime that supports it. There is already ample evidence that these communities are bargaining from a position of weakness (Bloomer, 1997; Parenti, 1997; Brooke, 1997, Thomas, 1994b). While communities like Fremont County actually raised the money to buy the land that the prison will be built on, many Texas towns try to attract prisons by offering free country club memberships to top officials (Bloomer, 1997, p. 14). And as Christian Parenti documents in the case of Pelican Bay prison, the dependent status of the community can lead to a dangerously disproportionate influence by the prison on local politics and local criminal justice institutions (Parenti, 1997).

What differentiates the primary sector from the other aspects of the prison industry is that it involves a direct relationship between imprisonment and the employment and livelihood of a whole sector of workers. The parallel here, of course, is the defense industry. The firms stay in business, "retool" and move to another industry. In the process, thousands of jobs are eliminated. Given the economic stake that middle and working class employees of the defense industry had in maintaining a war economy, it will be important to monitor the development and entrenchment of an "incarceration mentality" among the expanding sector of corrections workers and corrections communities. Social scientists would also do well to monitor and track the implications this aspect of the prison economy will have for race and class relations. Coupled with the profit motives of defense firms, private prison firms and firms that employ prison labor, this last aspect of the prison economy is an important part of the emerging prison-industrial complex.

Directors of corrections now oversee a vast corporate-like conglomerate of prisons, work release centers, and parole units supported by increasingly sophisticated accounting and computerized information systems. Many of the senior staff who work in the corporate headquarters have no experience in running prisons but have expertise in accounting, information systems, and planning.

—John Irwin & James Austin

The examples and issues discussed above are meant to point to the most general and most fundamental critique of the prison-industrial complex; specifically, the inherent danger in an entire economy with "a vested interest in the proliferation of prisons" (Lichtenstein & Kroll, p. 29), much the same as the Cold War economy had a vested interest in war. The bottom line here is that the supply of the "raw material" for a prison economy hinges upon not just maintaining, but actually increasing the incidence of crime and/or enlarging the scope of activities punishable by imprisonment. If the industry is to continue growing, in other words, incarceration rates, length of sentences and convictions must also grow. Thus the fundamental contradiction in the profit/employment-punishment relationship lies in the actual ability of incarceration to really reduce crime and improve public safety, as these are nominally the intended functions of the war on crime.

The contradiction is a straightforward one. If the prison-industrial complex is successful, it will be the cause of its own demise. If it fails, it will either be discredited or this failure will be used to expand the industry. From the point of view of the prison business, then, failure is much more likely to lead to success. While I have focused on the political economy of incarceration, and will continue to do so, it is worth noting that both Weberian and Durkheimian perspectives are consistent with a political economic approach in this case. That is, as prison administration continues to become more corporatized and bureaucratized, these bureaucracies will continue to seek to maintain themselves. Their continued privatization and closer link to private interests may alter the nature of this 'protection' in important ways from the past, when prisons were more firmly separated from the market, but the general tendency will likely remain the same. Also, because the industry has an at least an economic imperative to grow, the nature of deviance will implicitly need to be redefined or expanded along its current trajectory. Indeed, what is referred to as the politics of post-Soviet boogeymanism can be seen as a new aspect of the national discourse on deviance.

In the last section of the paper I turn to the implications of an industry that is in many ways designed to fail. Although there are a number of approaches one could use to investigate this topic, the approach overwhelmingly used by prisoners and activists is an economic one, or at least its fundamental frame of analysis is economic. The emphasis on this approach is not hard to understand in light of the both the people who are mostly affected by incarceration (i.e. the poor) and the role that private interests and economic development play in the politics of incarceration.

(III)

Prisons in this country have become such a big business that they have made power moguls out of ordinary people...We spent a whole morning on this with one man listing prison connected parasites as the others would name them and explain how they were connected with the prison business. Before too long, we had a list so long we couldn't believe it. The economy would fall apart if they didn't have us—the fodder—to occupy their prisons. Prisons are a hustle for millions of people.

—Standing Deer

Sociological and criminological research consistently finds that imprisonment as it is currently constituted does not significantly, if at all, reduce crime. Their findings thus confirm what many prisoners have learned through first hand experience: prisons neither rehabilitate nor deter. Be that as it may, the federal

and state governments are pushing ahead with prison expansion, sentencing "reform" and policies designed to make the prison experience more uncomfortable. Therefore, if the conclusions of researchers and prisoners are accurate we will witness over the next 20 years the further expansion of a system that is designed to fail (Reiman, 1994).

Arguing that the prison system is designed to fail does not, as Jeffrey Reiman points out, imply a conscious conspiracy to maintain a criminal population or a certain crime rate (Reiman, 1994, p. 136). However, while there is little likelihood that the prison system fails because conscious planning has made it so, we can still say that the failure is organized. In other words, the failure is a logical outcome of a regime of policies, ideologies and practices that are more often than not mutually reinforcing in producing that particular outcome. Simply put, the argument posits that the failure of the prison system to reduce crime and/or rehabilitate offenders is the result of multiple, usually related causes. Whatever the complexity of the causes, however, what activist scholars and prisoners point out is that the corrections system is organized in a way that benefits the wealthy at the expense of the poor. As Jeffrey Reiman documents, it is "the rich and powerful in America, those who derive the greatest advantage from the persistence of the social and economic system as it is currently organized, [who] reap benefit from the failure of criminal justice" (Reiman, 1996, p. 136). Thus, intentional or not, the prison system functions as an instrument of class rule.

It is beyond the scope of this paper to discuss the extent to which the policies, ideologies and practices that produce prison failure are the logical result of members of a class pursuing their "objective" interests. However, given that this is the link made and documented by activists and prisoners, it is important to keep it in mind as I discuss the various strands of prison policy and practice that are implicated in the failure of the prison system. That is, the failure takes on a specific significance within the context of political economy. While reducing modern punishment to a supposed function is highly controversial within academia (see Garland, 1990 for a discussion of the various sociological approaches to punishment), prisoner and activists appear to have no qualms subsuming ideological/cultural issues (e.g. "politics of fear," scapegoating, etc), in the last instance, under fundamentally economic imperatives.

While I have mentioned two important aspects of prison failure already (control units and prison siting in rural areas), this failure can actually be seen at most points on the corrections continuum. The first instance in which the prison system fails is in the very act of sentencing. The nation's "get tough" mentality has led to increases in arrests, convictions and length of time served (DiMascio, 1997; Austin, 1996). Public officials have, in effect, promised "that the great expansion of prison populations would reduce crime in our society" (Irwin & Austin, 1997, p. 138). The policies resulting from the belief that putting more people in prison for longer periods of time are well known. Most states and the federal government have adopted some form of "three strikes" laws, truth in sentencing laws and mandatory minimums (Austin, 1996). In 1994 Georgia and Washington states each passed "two strikes" laws and California passed a "one strike" rape bill (Burton-Rose, Pens & Wright, 1998, p. 18). These measures do not, as far as the research can tell, promise to significantly reduce crime rates (DiMascio, 1997; Irwin & Austin, 1997; Austin, 1996; Reiman, 1996).

On a related front, new, tougher policies are also being implemented on the release side of the prison system. For example, between 1980 and 1993 parole violations increased by 413% (Irwin & Austin, 1997, p. 116). Irwin and Austin argue that this trend

...is attributable in large part to dramatic changes in the nature of parole supervision and the imposition of increasingly more severe conditions of supervision on parolees. Instead of a system designed to help prisoners readjust to a rapidly changing and more competitive economic system, the current parole system has been designed to catch and punish inmates for petty and nuisance-type behaviors that do not in themselves draw a

prison term (ibid).

National prison admission data from 1992 show that 16% of admissions for that year were due to technical violations of parole (ibid, p. 22).

While these policies have failed to reduce crime they have had a significant impact on prison crowding (Austin, 1996; Joyce, 1992). By 1994 prisons nationwide were overcrowded by an average of 20% (Irwin & Austin, 1997, p. 65). As a number of inmates and activists point out, this crowding is in part responsible for increasing prison violence (c.f. Burton-Rose, Pens & Wright, 1998, p. 241). Thus there exists a possible link between "get tough" policies, failures in their own right, and increasing violence inside prisons (Montgomery, 1997). David Shichor and Dale Sechrest write "There is an increased probability that prison violence, which is already has reached a high level in America, will continue to rise in the wake of the growing numbers in prison and the percentage of convicts sentenced to long term incarceration under three-strikes laws" (Shichor & Sechrest, 1996, p. 272). James Austin concurs. He notes that many correctional officers and prison officials "feel that 'three-strikers' represent a higher management risk population because these inmates...will have no incentive to conform to the prison's disciplinary regime (Austin, 1996, p. 156)." Reid Montgomery argues, in an article on riots for *Corrections Today*, an industry publication, that "Large, crowded institutions are ripe for rioting, and this includes most American prisons today (Montgomery, 1997, p. 29)."

Another recent change in conditions inside prison that has been linked to an increase in violence is the campaign against inmate "privileges" (Morain, 1998). In California, for example, new grooming requirements have already caused an uprising at Folsom, a medium security prison. Over 1,000 inmates "threw flaming toilet paper and sheets over the tiers, banged on cell doors, and refused to eat on New Year's Day in protest" over the restrictions, which have also been criticized by the CCPOA (Wisely, 1998b p.9). California also banned weight lifting earlier this year, another move that prisoners argue will produce rising tensions inside the state's prisons, as lifting weights is one of the few options inmates have to reduce stress (Morain, 1998, p. A16; Wisley, 1998c, p. 5). The state, as I mentioned earlier, is also considering removing most law books from its prisons.

Overcrowding and the rollback of options for inmates continue despite the evidence and warnings by prisoners and activists that these types of measures increase stress, tension and the likelihood of violence and prisoner unrest (c.f. Burton-Rose, Pens & Wright, 1998; Perkinson, 1994). The specific measures being implemented in California are part of a national trend to turn prisons into, in the words of former Arizona governor, Fife Symington, "a hellhole [to which] no man will ever want to go" (in Stough & Pens, 1994/96, p. 64; see also Burton-Rose, Pens & Wright, 1998; Irwin & Austin, 1997; Surette, 1996). The actual effects of these types of policies, however (which, it should be remembered, are occurring at the same time as vocational and educational programs are disappearing), will be to increase prison violence. According to a prison psychiatrist, commenting on the weight lifting ban, "When you take one of the few effective means of reducing...stress away, you are guaranteed to have problems in the population" (in Wisley, 1998c, p. 5). Matthew Jay, an inmate at California's Solano State Prison, says of the possible law book ban "If that access is taken away, we are no longer in a prison. We are in a war camp...When rights are taken away we're left with no alternative but to react. We want to prevent that" (in Morain, 1998, p. A16).

This pattern of deteriorated prison conditions is apparently not confined to the world of adult corrections. A recent Justice Department investigation found that Georgia's juvenile justice system is "grossly overcrowded" and "abusive" (*San Francisco Examiner*, March 22, 1998, p.A7). According to the investigation:

...guards routinely stripped young inmates naked and then locked them in their cells for days, education programs were virtually nonexistent, and...many of the large number of

mentally disturbed inmates "degenerated" because of a serious lack of appropriate care. (ibid.)

The investigation also found that the system was holding approximately 8,000 status offenders (runaways, truants and children who are difficult to control, according to their parents) (ibid). It stated that the "punitive conditions [were] 'particularly harmful'" to status offenders, who are normally not housed in state institutions (ibid). Similar Justice Dept. investigations over the last three year also found overcrowding in Kentucky's juvenile prison system and "a pattern of sexual abuse and brutality by guards in Louisiana's juvenile justice system" (ibid). If the effects of prison conditions on juveniles are the same as those on adults, and there is little reason to believe they are not, then we can assume that juvenile justice system is breeding a similar failure to its adult counterpart.

The pattern and cycle of failure become easy to see. From sentencing, to parole, to prison location and prison conditions the correctional system is designed to fail. Furthermore, there is evidence to suggest that this failure is institutionalized in both the adult and juvenile corrections systems. The combined effect of the new sentencing laws, prison overcrowding and the campaign to turn prisons into "hell holes" are potentially catastrophic. According to Franklin Zimring, "85% of persons receiving stiffer sentences under the three strikes law were convicted of a nonviolent offense" (in Burton-Rose, Pens & Wright, 1998 p.24). And overall, the new policies have resulted in significant numbers of nonviolent offenders serving longer prison sentences (c.f. DiMascio, 1997; Irwin & Austin, 1997). Given the conditions inside prisons (e.g. violence and lack of rehabilitative programs), there is obvious cause for concern that the prison experiences of nonviolent offenders make it more likely that, once released, they will be unable to reintegrate back into society, will reoffend, and end up back in prison for an even longer sentence (Irwin & Austin, 1997). Irwin and Austin write:

We should be concerned by the fact that the prison systems are spewing out such damaged human material, most of whom will disappear into our social trash heap, politely labeled the "homeless" or the underclass or, worse, will violently lash out, perhaps murdering or raping someone, and then be taken back to the dungeon. (Irwin & Austin, 1997, p. 106)

Prisoners and a number of activists, however, argue that the increases in violence are used as political fodder to pass tougher crime legislation and impose longer prison sentences, thereby starting the cycle over again by further overcrowding prisons. Abdul Olugbala Shakur, a prisoner at Pelican Bay's SHU, argues that the California Dept. of Correction's (CDC) decision to reintegrate prison yards was actually meant to justify the construction and opening of Pelican Bay. Until 1987, the CDC had a policy stating that members of known rival gangs and groups were to be separated to reduce violence. According to Shakur, the statistics suggest this was an effective policy (Shakur, 1995, p. 188). After the reintegration, however, the increase in violence was noticeable and was duly reported by the media (ibid.). Shakur writes "We realized then that the CDC was using us as a means to develop the propaganda (and statistics) to justify the construction (and over \$200 million price tag) of Pelican Bay Prison" (ibid.). Speaking of the increase in violence at Corcoran after reintegration, Weinstein and Cummins write that "Prisoners allege that the cock fights [fights staged by guards, discussed above]—often directed against Latino prisoners—were instigated to 'prove' that the Corcoran SHU was inadequate and to justify transfer of prisoners to the newly constructed Pelican Bay SHU" (Weinstein & Cummins, p.320 n.1 Based on the report of the Prisoners Rights Union of California). As I stated at the beginning of this section the failure of the prison system is seen as significant by prisoners because it functions as an instrument of class rule, albeit in a myriad of mediated and unmediated forms.

It remains to be seen exactly what effects the prison-industrial complex will have on the links between prisons and the economy, but certainly the emerging link between incarceration and profit contains the potential to perpetuate current corrections policy. As discussed above, evidence is already emerging

linking the for-profit prison industry and punitive legislation inside and outside the prison walls. Furthermore, the activist and prisoner literature on the prison-industrial complex make clear that the failure of corrections to reduce crime is now also benefiting working class adults and many rural communities by providing jobs, tax revenues and a whole new industrial base. While there is much in this picture to fill in, given the evidence they provide it would seem difficult to ignore the interpretation of the prison industry made by its inmates.

(IV)

Under conditions of peace the warlike man attacks himself.
—Friedreich Nietzsche

The goal of this paper has been to provide readers with a summary of the issues that prisoners, prison activists and progressive scholars see as central to the prison crisis in America. I would like to conclude by using this summary in two related ways. One, I want to compare it briefly to the more conventional academic literature that exists on these issues and, two, I want to suggest some future areas for research that are grounded more in what people intimately involved with America's prisons point to as critical. What I intend to argue is that social scientists doing research on prisons, crime and criminal justice need to work more closely with prisoners and non-prisoners who are active in the prison reform/abolition movement and that research agendas be generated from this interaction. While this is obviously happening in a number of cases (as this paper documents), it certainly does not appear to be the norm. On the contrary, collaboration between scholars and prison administrators and policy makers is the most apparent "practical" relationship.

My finding is that there is little overlap between the work being done by social scientists and that being done by prisoners and activists. Although my search is only a sample of the social scientific literature, it is extensive enough to indicate trends. What I found was that there virtually nothing on control units, prison labor (except for historical work) and the secondary economic sector. There is, however, a small body of literature dealing with prisoner resistance and prisons as economic development. Finally, private prisons and the failure of prisons to rehabilitate or deter both have fairly large bodies of literature. Even in the cases when there is a body of conventional academic literature, though, it differs in important ways from the prisoner and activist literature. While conventional studies (and conventional journalism) often contain useful information they can be characterized primarily by their approach to the particular phenomenon they are researching. A familiar dichotomy emerges in these two literatures: institutional reform v. institutional transformation.

Aside from the issues of control units, prison labor and the secondary sector, for which there was really no academic literature, much of the academic literature on prison issues tacitly assumes the managerial perspective of prison administrators and/or the perspective that crime and criminals are the problem (Kupers, 1996 is one exception on the issue of solitary confinement. Although this is, strictly speaking, a medical article it does contextualize the confinement issue in critical ways). Thus these works tend to take on a policy/problem solving approach rather than the approach of activists and prisoners, which is to situate specific issues within the larger socio-political context of the prison crisis and class politics.

The differences are evident in a number of the areas that both literatures address. With regard to prison riots, for example, the primary concern of the academic literature is on managing and/or predicting prison disturbances (e.g. Gendreau, Goggins & Law, 1997; Montgomery, 1997; Boin & Van Duin, 1995). Reid Montgomery, an associate professor of criminal justice at the University of South Carolina, concludes his piece on prison riots for *Corrections Today*, "Hopefully, this article has helped you assess your facility's strengths and weaknesses in riot prevention" (Montgomery, 1997, p. 33). Boin and Van Duin conclude their own piece on "Prison Riots as Organizational Failures" with the advice that "Crisis planning and

preparation...will have to become a routine task of prison management" (Boin & Van Duin, 1995 p.75). Inquiries into the causes of uprisings tend to stop at the prison gate. That is, conditions such as overcrowding are held as static, independent variables. Montgomery, for example, writes that "Crowding *cannot* be eliminated" before beginning his discussion of managing disturbances (Montgomery, 1997 p.29 emphasis added).

The prisoner and activist literature, on the other hand, almost always links disturbances to social, economic and political processes and events outside of the prison walls. The effect is to counter the view that prisons are insulated and isolated from larger socio-political realities. The prison uprisings in 1995 following the congressional decision on the crack/cocaine sentencing disparity laws are very much misrepresented if we view them simply as 'management problems' or if they are examined strictly as problems within particular institutions. As Christian Parenti points out, in his review of *The Celling of America*, "[What] were billed as 'race riots' with no coherent demands were in fact riots—marked by unprecedented racial solidarity—protesting disparities in [crack/cocaine] sentencing guidelines" (Parenti, 1998, p. 32). The claim by officials that these were random race riots therefore dovetail nicely with academic approaches that portray uprisings as undesirable phenomena that can be stopped through institutional responses (such as separating the races).

Using the issue of prison riots as illustrative of the general difference between the academic and activist literature allows us to chart courses for future research that can overcome this divide. In fact, overcoming this divide is itself a new agenda and will necessarily accompany any subsequent transformation of criminological research. Adopting this agenda will include engaging with the activist literature and sustained self criticism of current research. With regard to the latter, we need to be more critical of the various institutional, financial, professional and ideological forces that currently shape our research agendas *and* be more open to criticism of our work made by activists and prisoners. As to the more specific, issue-oriented areas for future research, I offer the following as possible examples:

- I mentioned earlier that a number of activists are drawing comparisons between the use of prison labor in the US and low wage labor in the Third World generally. This presents an interesting opportunity to merge criminological research with the sociology of development (which has also made note of the "Third Worldization" of the First World). Another way to make this comparison is to explore the relationship between cheap Third World labor/repressive political regimes and cheap prison labor/repressive police and criminal justice institutions. The issue here is the extent to which these institutions function to guarantee low wage labor and to maintain control over potentially rebellious populations. Furthermore, prison labor in the US can also be situated within the context of conditions in poor urban communities of color. That is, prison labor can be understood as part of a continuum of surplus value extracted from America's "underclass." Adding the framework of development affords us a more comprehensive perspective in these national processes that can be linked to more global processes. A similar melding of criminology and development could also prove useful in analyzing immigration detention centers in the US, a much neglected component of current research on the prison system.
- While some of the criminological literature has exposed the link between prison overcrowding and crime policy (c.f. Zimring & Hawkins, 1994; Joyce, 1992) and even the link between overcrowding and "disturbances" (Montgomery, 1997), there needs to be research done into the full triangle: the relationship between policy and uprisings. The same is true for the relationship between deteriorating conditions (e.g. the removal of rehabilitative programs, weights, etc) and uprisings. Although the theory of "relative deprivation" attempts to explain this relationship, it sheds little light on the role of administrative and/or government policy in contributing to uprisings. Government policy in particular is important, be it at the state or national level, because its significant role in prison uprisings undermines the notion that irresponsible, incompetent rogue

administrators alone contribute to deteriorating and abusive conditions that in turn can incite resistance. It is also important to investigate the responses of administrators and public officials (as well as media coverage) to prison riots. The claim by prisoners that these responses often contribute to future disturbances needs to be taken seriously. What it suggests is that disturbances are partially produced by the "normal" functioning of the institution. Again, the focus is not on the failings of individual prisons/administrators (as it is in the academic literature) but on the structural contributors to prison riots. Research should seek to re-politicize what administrators and the media try to de-politicize.

- There is a pressing need for research into the increase in use and construction of control units. Because there is so little research in this area, there is substantial work that needs to be done. For example, while it is well established that control unit conditions produce mental illness and violence, there is a need for more research on the function of control units within the prison. This could be linked to research on disturbances and more generally to the "designed failure" model of the prison system. The emergence of control units could also provide further insight into the contemporary nature of punishment and the vengeance model of incarceration.
- The use of prisons as a tool for economic development in rural areas raises a number of issues about the prison crisis. One of the more pressing, as mentioned above, is the impact that this phenomenon might be having on race relations in rural communities. Another is the overall impact the prison economy will have on rural areas over time, economically, politically and socially. Finally, the use of rural areas for prison siting can be incorporated into the Third World/First World framework in that rural communities often compete for prisons in much the same way the Third World competes for First World investment. The result is a "race to the bottom" that pits rural communities against each other. In an attempt to be the lowest bidder, these communities often offer tax abatements, cheap land, etc. This approach to researching the rural prison links it to both the state of the national economy and to larger international economic trends.
- Perhaps the largest and most daunting new area of research is the prison-industrial complex. In fact, every other area mentioned can be incorporated under this rubric (though it need not be), as could many that have not been mentioned. At the most general level, I would argue that the features of the contemporary prison economy and the role of private enterprise, in whatever form, in that economy are the framework for research into the prison industrial complex. It is unclear at this point whether or not the emerging institutions will reach as far and as deeply as the military industrial complex or whether it will even take the same form. It is important, however, that the criminological scholarship keep abreast of developments, in whatever direction, in this area.
- Finally, criminology needs to make its research more accessible to the public, to prisoners, and to activists. Here there are many possibilities. Balancing writing between academic journals and more popular media outlets is one way to do this. For example, academics can subscribe, give support and submit articles to prisoner and activist publications and the progressive/alternative media generally. This means, however, that conventional academic writing will have to be translated writing for the non-specialist. We also need to avoid pimping prisoners. For example, academics can organize teach-ins on their campuses and in their communities. As much as possible, we can also try to get the results of our research into the mainstream media. The point is to try and institutionalize these types of activities within the academy. Thus we should also encourage our students to develop non-academic as well as academic writing and communications skills. Without this last step our work will always remain marginal.

To close, I reiterate my overall objective, which is to present the voices of activists and prisoners in an attempt to convince academics that the information and analysis they provide is crucial to the project of

keeping criminology relevant. All good intentions and impeccable methods aside, without the insights of people subjected to the reality of prisons in America the scholarship on crime and punishment will remain incomplete. Without grounding our work in the actuality of crime and punishment we cannot realistically hope to capture their complexities or their true implications for the social world. Only with this type of transformation of the criminological project can we hope to be relevant, critical and accurate.

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