The Committee to End the Marion Lockdown (CEML) was founded in 1985 to fight against the brutality of the United States Penitentiary at Marion. In 1987, we wrote that by the year 2000 the U.S. might have 1,000,000 people in prison. At that time U.S. prisons held 561,000 people, and most of our friends thought the notion of 1,000,000 prisoners was foolish.

The least controversial observation that one can make about American criminal justice today is that it is remarkably ineffective, absurdly expensive, grossly inhumane, and riddled with discrimination. The beating of Rodney King was a reminder of the ruthlessness and racism that characterize many big city police departments. But the other aspects of the justice system, especially sentencing practices and prison conditions, are every bit as harsh and unfair.

The Roadside Chain Gangs are returning to Alabama! The men will wear striped uniforms, as they did in this 1937 photo. They will be shackled together with leg irons and will work from "can't see in the morning to can't see in the evening," just like the slaves did. The purpose is to humiliate and degrade the prisoners. The New York Times quotes Alabama's Prison Commissioner, Ron Jones, on his decision to revive chain gangs: "People say it's not humane, but I don't get much flack in Alabama."

Consider the racial nature of imprisonment in the U.S. Using U.S. Census and estimates derived from the Bureau of Justice Statistics, we have calculated imprisonment rates as of June 1994. These are shown in Table 2.
In the fall of 1994, the U.S. announced that it would house its one millionth human being to prison in June, more than five years sooner than the projection that was considered foolish just a few years ago. What we would like to do in this paper is examine the growth of imprisonment in the U.S. We will then analyze the nature of crime, and then the relationship between crime and imprisonment. Since crime and imprisonment are in fact not closely related, we will conclude the article by discussing why the U.S. is sending so many people to prison.

IMPRISONMENT

In addition to a million people in prison there are those in jails (about 500,000), those on parole (about 600,000), those on probation (about 3,000,000) and those in juvenile facilities (about 100,000). It is difficult to grasp the enormity of these numbers. For example, the number of people in prison would comprise the 9th largest city in the U.S. The number of incarcerated individuals is greater than the number of people who live in 13 states. The number of people under the control of the "criminal" justice system is almost two times larger than the number of people who live in Nicaragua or Chicago. The number of people in the U.S. who were arrested last year (14,000,000) is much larger than the population of Cuba.

Placing a million human beings in prison is an extraordinary landmark, the number of prisoners today being about five times larger than it was 20 years ago. This growth has more than kept up with the population. Between 1925 (when official imprisonment statistics were first organized) and 1971, the imprisonment rate remained on the order of about 100 per 100,000. Then, in 1972, the imprisonment rate began to soar and is still soaring. Graph 1 on the next page shows this trend. Today the imprisonment rate is 373 (per 100,000 population), almost four times higher than it was in 1972.

International Comparisons

In 1991 the Sentencing Project, an independent organization based in Washington D.C., issued a report titled "Sentencing and Human Rights in the U.S." In one year later, the gap had widened, and was wider still one year later. In 1992 the U.S. had an incarceration rate of 519 compared to South Africa's rate of 368. Furthermore, in 1990 the incarceration rate for Black men in the U.S. was 3,109 compared to 729 for Black men in South Africa. In 1992 this differential had increased: the rates were, respectively, 3,822 and 851. Thus, in 1990 the incarceration rate for Black men in the U.S. was 4.3 times greater than the rate for Black men in South Africa. Two years later that ratio had increased to 4.5.

Table 1 provides some of the incarceration rates assembled by Mauer. Among other observations, it is interesting to note that the competition between Washington, D.C. and Moscow continues as the newly formed country of Russia has just overtaken the U.S. as the country with the highest imprisonment rate in the world. We can see from the table that Black people are 8.5 times more likely and that Hispanic people are 3.9 times more likely to go to prison than are White people.

Further examination of these statistics reveals the depth of their meaning. For example, if instead of the usual per 100,000 people, we employ percentages (per 100 people), we see that 1.489% of all Black people (and 0.176% of all White people) will be in prison at any given moment. Using census data we can calculate related figures: 3.0% of all Black males will be in prison on a given day in 1994 as will 6.0% of all Black men aged 18-44 and 7.6% of all Black men aged 25-29.

We can also consider some other research findings: * In 1992 there were more Black men in prison (583,000) than in college (537,000)* One out of every four Black men will go to prison in his lifetime* 30% of Black men aged 20-29 in Chicago were arrested in 1993* 42% of Black men aged 18-35 in Washington, D.C. were under some form of criminal justice control in 1992* 56% of Black men aged 18-35 in Baltimore were under some form of criminal justice control in 1992

The New Crime Bill

A new "crime" bill has just been passed by Congress. This bill will render the horrific numbers discussed above small by comparison. In addition (cont. on next page)
Political scientists and criminologists have started to estimate the impact that this bill will have on imprisonment. John Irwin and James Austin, two criminologists who often prepare publications for the prestigious National Council on Crime and Delinquency, have estimated in their new book entitled It's About Time that a package of laws such as those included in the new crime bill would result in over 9 times as many people being imprisoned. Thus, if we multiply by 9 the 6.0% noted more to send a person to prison than it would to support a family of four. Interestingly, about 300,000 families of four or 1.2 million people could live for what it will cost just to implement the new three-time loser laws. Noting the surging hunger in the U.S., the Bread for the World Institute has just determined that $10 billion would be enough to expand the Women, Infants and Children (WIC) food program to assure that there were no longer any hungry people in this category. This is less than two years of payments for the three-time loser law. Or, consider this. According to a report from the American Bar Association, all the state taxes of 18 average taxpayers in Delaware are required to keep one person in prison for a year; and the money spent to build a prison in Wisconsin would pay for 11,000 children to attend Head Start.

What is Crime?

This is not as simple a question as it appears. For example, the UCR only contains crimes that are reported to the police, by some estimates only 40% of the total. (In 1992 there were about 34,000,000 crimes reported to the NCVS and 13,000,000 to the UCR.) On the other hand, the NCVS does not include the crime murder (since its victim can’t report it) nor crimes for which there is no reporting victim, like most drug-related crimes. Also not included are all white collar crimes, like the savings and loan frauds, and much more.

Let’s look at each. But first let’s look at murder since this is the easiest to measure and thus is the crime we know most about. About 25,000 people were murdered in the U.S. last year. As Graph 2 shows, the murder rate in the U.S. was about 10 (per 100,000 population) in 1930 and about 10 in 1990 — almost no change at all in 60 years. Similarly, the murder rate in 1993 (9.3) was just about what it was in 1973 (9.4).

Has Crime Been Increasing?

Graphs 3 and 4 on the next page show crime that is measured by the NCVS. As you can see, since 1973, when the NCVS was initiated, the index of all NCVS crimes has decreased rather steadily while the violent crime index has stayed constant. Graphs 5 and 6 show crime that is measured by the UCR, also since 1973. Here an uneven pattern of increases and decreases is present for all crimes while violent crimes increased steadily and dramatically.
aged 18-44 would be in prison on any given day if all projected aspects of the new “crime initiative” are implemented. Irwin and Austin note similarly: “[The Crime Bill] would mean that most of the nation’s 5.5 million black males aged 18-39 would be incarcerated.” Other estimates of the potential impact of the crime bill have suggested a smaller but still devastating impact.

There is much that is speculative about this estimate, and that must remain so given the unfolding details of the new crime bill. Other specifics would have to be taken into consideration to refine the estimates above, such as estimating the impact of an aging prison population, determining how much of the “crime” bill will actually be funded, etc. Whatever these refinements, the numbers will remain staggering. Never before has any society at any time used imprisonment in this fashion. The impact that this will have on the Black community is difficult even to fathom.

**Finances**

Much has been written about the financing of the “criminal” “justice” system (CJS). Just a few figures here will suffice. Funding for the CJS has increased seven-fold over the past 20 years, from $10 billion to $74 billion a year, with $25 billion spent for incarceration. This, however, is all spare change compared to what may follow, depending upon which aspects of the new crime bill are implemented. For example, it has been estimated that the “three-time loser” provision itself will cost $5.7 billion annually and require an additional $21 billion in prison construction costs. It has also been estimated that the crime bill could cost as much as an extra $351 billion over the next ten years.

Since not many of us have this much money in our pockets, or even in our bank accounts, let’s try to understand just how much it really is. It costs much more to send a person to prison for a year than it does to send that person to Harvard. In fact, it costs

Since the UCR and the NCVS measure crime in different ways, they present different views of appointed task forces, answers the question the same way: “No.” We would like to sketch just some of the arguments which illustrate this lack of relationship.

1) Let us consider the data presented above. We can see that over the past 20 years one measure of crime (the NCVS) has decreased by 26% and the other measure (the UCR) has increased about 47%, and the imprisonment rate has increased by 200%. In addition, consider the fact that the UCR (Graph 5) increased from 1973 to 1980, decreased from 1980 to 1985, and then increased about the same amount between 1985 and 1990. These changes took place while imprisonment rates spiraled equally upward during both of these intervals. When all of this is added together, it is clear that putting enormous numbers of people into prison has not reduced the crime rate. A recent report from the National Council on Crime and Delinquency presents these data in a summary form that is
reproduced here in Table 3.

| Table 3. Changes in Correctional Populations Between 1990 and 1990. |
|------------------|-----------------|------------------|
| Population       | 1980            | 1990            | % Change |
| Probation        | 1,118,097       | 2,670,234       | 139      |
| Jails            | 165,994         | 403,019         | 146      |
| Prisons          | 329,821         | 771,243         | 134      |
| Parole           | 220,438         | 531,403         | 141      |
| Total            | 1,832,350       | 4,375,903       | 139      |
| UCR Index Crimes | 13,400,000      | 14,500,000      | 8       |

2) Consider the funnel effect, which demonstrates why most crimes don't even come into contact with the criminal justice system. Joan Petersilia, former president of the American Society of Criminology, and an employee of the conservative Rand Corporation, in an article entitled "Building More Prison Cells Won't Make a Safer Society," notes: "Of the approximately 34 million serious felonies in 1990, 31 million never entered the criminal justice system because they were either unreported or unsolved." Thus, she continues, only 10% of all crime ever reached the courts, about half of these resulted in convictions, and about a third of these resulted in imprisonment — less than 2% of the total amount of crime.

3) Over half of all murders are committed by people known to the victim. In addition, virtually all murder is committed in fits of passion that are immune to rational consideration of consequences. We are not saying that murderers should be incarcerated. We are saying that incarceration will not prevent murders. Similarly, it has been demonstrated again and again that the death penalty does not deter murder. These latter observations are illustrated by the data in Graph 2, which shows that the averting crimes in the early 1980s than in the 1970s, despite a near doubling of the U.S. prison populations in less than ten years.

* From the Correctional Association of New York: "The state's new policies have been staggeringly expensive, have threatened a crisis of safety and manageability in the prison system, and have failed to reduce the rate of crime or even stop its increase. After almost ten years of getting tough the citizens of New York are more likely to be victims of crime today than in 1971. Moreover, the largest rise in crime came at the end of the decade, during 1980-81, well after the introduction of more severe sentencing practices."

Even the Director of Corrections of Alabama understands this situation: "We're on a train that has to be turned around. It doesn't make any sense to pump millions and millions into corrections and have no effect on the crime rate."

WHAT DOES IT ALL MEAN?

We have examined imprisonment, crime, and the relationship between the two. What can a reasonable person conclude?

Elliott Currie has written an insightful book on crime and imprisonment. In this book, Currie poses the question why the U.S. keeps pumping billions of dollars into the CJS, which everyone, he acknowledges, knows doesn't work: "If we know as much about crime as I think we do, why haven't we already acted on that knowledge more consistently and constructively." In other words, Currie is asking why the U.S. continues to pursue imprisonment strategies that don't work. The only answer that Currie can find for his question is that the U.S. doesn't understand what the research is showing. This is an extraordinary answer which shows where liberals must wind up on such a question. Here is a system that is spending $74 billion a year and Currie thinks it acts the way it does because it cannot find someone to explain what the research is saying. Let us try another possible answer.
over the past 60 years, through periods of little imprisonment and through periods of massive imprisonment; through periods of the use of the death penalty and through periods when the death penalty was not used.

4) Consider the question of supply. There is a virtually unlimited supply of people who will commit crimes associated with drugs. As soon as one person is removed from the labor market, another replaces him or her. Prisons will never be able to dent this supply.

5) Virtually all experts agree that prisons cause people to become even more deeply embedded in a life of crime. Recidivism rates are over 50% within three years in most states.33 34

6) The following comments are by people in the field who one would expect to be supportive of imprisonment. Thus their denials of the impact of imprisonment on crime merit attention:

- By a criminologist: "Incapacitation appears to have been only slightly more effective in

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We would suggest that a system with these characteristics might be seen, not as a crime prevention system, but as a system whose foremost purpose is to control of people of color. Remember what events preceded the growth in imprisonment that started in 1972. That year followed in the midst of the
F.B.I.'s COINTELPRO program; the assassination of dozens of leaders of the Black Liberation Movement and the imprisoning of hundreds more; the assassination of George Jackson on August 21, 1971; and the rebellion at Attica on September 9 - 13, 1971. Then just a few months later, the imprisonment rate started to spiral upwards, and has not yet stopped doing so. Furthermore, 1972 was also the year that the first Control Unit was opened — as one wing of the U.S. Penitentiary at Marion.

When this historical context is added to the statistics about crime and imprisonment and the rampant racism of U.S. society, it seems clear that the hypothesis that prisons are institutions for control of people of color is a far more viable one than the notion that prisons are an effort to prevent crime. In fact, the only support for the latter hypothesis would appear to be the assertions of some of those who run the prison system and politicians.

It seems worthwhile to elaborate on this point. There is no viable evidence that prisons prevent crime. There is an abundance of evidence, a small proportion of it presented above, that prisons don't and can't prevent crime. In addition, every serious analysis of the history of incarceration reveals the same historical thrust: prisons and other systems of punishment are for social control, not crime control. For example, in 1939 Rusche and Kirchheimer wrote a very important book showing that the systems of imprisonment throughout history were simply reflections of the economic systems that existed at given times. These systems were not about crime prevention; they were about the relations of production. Foucault, in his seminal book, Discipline & Punish, has shown that the evolution of state punishment had little to do with crime and everything to do with the exertion of the state to maintain its power: "... one would be forced to suppose that the prison, and no doubt punishment in general, is not intended to eliminate offenses, but rather to distinguish them, to distribute them, to use them" or: "We are aware of all the inconveniences of prison, and that it is dangerous when it is not useless. And yet one cannot 'see' how to replace it. It is the detectable solution, which one seems unable..."
CEML believes that one of the main functions of progressive struggle is to counter the prevailing ideology. If this is correct, then fighting to establish the real purpose of the “criminal” “justice” system is meaningful work. At the same time, it is not easy work, to say the least. Many progressive publications show no understanding of or interest in these issues. We in CEML have often posed the slogan “Not One More Cell,” only to be opposed by other progressive people. When we have asked why they disagree, they note that crime is a serious problem and we have to offer some solutions. We couldn't agree more that crime is a serious problem, and that solutions are needed. But prisons have nothing to do with preventing crime. They haven't; they don't; and they can't — ever. Until we all understand this and have the courage to put forward the notion that we need real solutions, not diversions which are nothing more than racist attacks on people of color, we will not be able to move our pursuits for a human society any further.

This gives us still one more reason to fight against law and order hysteria and the racist use of imprisonment in our society. Rather than devoting our resources and energies to proven failed strategies like the use of massive imprisonment, we should instead pursue those strategies which will build a truly human society and thus prevent crime. These strategies include struggling to eliminate white supremacy and poverty while building an economy that meets human needs rather than the desires of profiteers. Rather than creating a nation of prisons we should be allowing the emergence of a nation of human beings.

April 1995

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