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# Color Bind

*Prisons and the New American Racism*

**Paul Street**

**D**EFINED SIMPLY as overt public bigotry, racism in the United States has fallen to an all-time low. Understood in socioeconomic, political, and institutional terms, however, American racism is as alive as ever. More than thirty years after the heroic victories of the civil rights movement, Stanley Aronowitz notes, "the stigma of race remains the unmeltable condition of the black social and economic situation."

Consider a recent *Chicago Tribune* article that appeared well off the front page, under the title "Towns Put Dreams in Prisons." In downstate Hoopston, Illinois, there is "talk of the mothballed canneries that once made this a boom town and whether any of that bustling spirit might return if the Illinois Department of Corrections comes to town." Seeking jobs and economic growth, Hoopston's leaders are negotiating with state officials for the right to host a shiny new maximum-security correctional facility. "You don't like to think about incarceration," Hoopston's Mayor is quoted as saying, "but this is an opportunity for Hoopston. We've been plagued by plant closings." The mayor's judgment is seconded in the *Tribune's* account of the considerable benefits, including dramatically increased tax revenues, that flowed to Ina, Illinois, after it signed up to become a prison town a few years ago.

Two things are missing from this story. The first is an appropriate sense of horror at the spectacle of a society in which local officials are reduced to lobbying for prisons as their best chance for economic growth. The second concerns the matter of race. Nowhere did the reporter or his informants (insofar as they are fully and accurately recorded) mention either the predominantly white composition of the

keepers or the predominantly black composition of the kept in the prison towns that increasingly look to the mass incarceration boom as the solution to their economic problems. As everyone knows, but few like to discuss, the mostly white residents of those towns are building their economic "dreams" on the transport and lockdown of unfree African-Americans from impoverished inner-city neighborhoods in places like Chicago, Rockford, East St. Louis, and Rock Island.

This second absence is consistent with the politically correct rules of the new racism that plagues the United States at the turn of the millennium. There is a widespread belief among whites—deeply and ironically reinforced by the demise of open public racial prejudice—that African-Americans now enjoy equal and color-blind opportunity. "As white America sees it," write Leonard Steinhorn and Barbara Diggs-Brown in their sobering *By the Color of Their Skin: the Illusion of Integration and the Reality of Race*, "every effort has been made to welcome blacks into the American mainstream, and now they're on their own... 'We got the message, we made the corrections—get on with it.'"

## "Going Downstate"

Corrections, indeed. Nowhere, perhaps, is the persistence and even resurgence of racism more evident than in America's burgeoning "correctional" system. At the turn of the twentieth century, *blacks are 12.3 percent of U.S. population, but they make up fully half of the roughly two million Americans currently behind bars.* On any given day, 30 percent of African-American males ages twenty to twenty-nine are "under correctional supervision"—either in jail or prison or on probation or parole. And according to a chilling statistical model used by the Bureau of Justice Statistics, a young black man age sixteen in 1996 faces a 29 percent

chance of spending time in prison during his life. The corresponding statistic for white men in the same age group is 4 percent. The remarkable number and percentage of persons locked up by the state or otherwise under the watchful eye of criminal justice authorities in the United States—far beyond those of the rest of the industrialized world—is black to an extraordinary degree.

This harsh reality gives rise to extreme racial dichotomies. Take, for example, the different meanings of the phrase “going downstate” for youths of different skin colors in the Chicago metropolitan area. For many white teens, those words evoke the image of a trip with Mom and Dad to begin academic careers at the prestigious University of Illinois at Urbana-Champaign or at one of the state’s many other public universities. But for younger Chicago-area blacks, especially males (just 6 percent of the state’s prisoners are female), “going downstate” more likely connotes a trip under armed guard to begin prison careers at one of the state’s numerous maximum- or medium-security prisons. Indeed, Illinois has 149,525 more persons enrolled in its four-year public universities than in its prisons. When it comes to blacks, who make up 12.25 percent of the public university population, it has 5,500 more prisoners, making blacks 66 percent of the state’s prisoners. For every African-American enrolled in those universities, at least two are in prison or on parole in Illinois.

Similar differences of meaning can be found in other states with significant black populations. In New York, where the relevant phrase is “going upstate,” the Justice Policy Institute and the Correctional Association of New York report that in the 1990s more blacks entered prison just for drug offenses than graduated from the state’s massive university system with undergraduate, masters, and doctoral degrees combined.

In some inner-city neighborhoods, researchers and advocates report, a preponderant majority of black males now possess criminal records. Criminologists Dina Rose and Todd Clear have found black neighborhoods in Tallahassee, Florida, where every resident can identify at least one friend or relative who has been incarcerated. In many predominantly

black urban communities across the country, it appears, incarceration is so widespread and commonplace that it has become what the U.S. Bureau of Justice Statistics director Jan Chaiken recently called “almost a normative life experience.” Boys are growing up with the sense that it is standard for older brothers, uncles, fathers, cousins, and, perhaps, someday, themselves to be locked up by the state.

### Labor Market Disenfranchisement

Researchers and advocates tracking the impact of mass incarceration find devastating consequences in high-poverty black communities. The most well known is the widespread political disenfranchisement of felons and ex-felons. The economic effects are equally significant. African-Americans are disproportionately and often deeply disenfranchised in competitive job markets by low skills, poor schools, weakened family structures, racial discrimination in hiring and promotion, and geographic isolation from the leading sectors of job growth. When prison and felony records are thrown into that mixture, the results can be disastrous. It is not uncommon to hear academic researchers and service providers cite unemployment rates as high as 50 percent for people with criminal records. One study, based in California during the early 1990s, found that just 21 percent of that state’s parolees were working full time. In a detailed study, Karen Needels found that less than 40 percent of 1,176 men released from Georgia’s prison system in 1976 had any officially recorded earnings in each year from 1983 to 1991. For those with earnings, average annual wages were exceedingly low and differed significantly by race: white former inmates averaged \$7,880 per year and blacks made \$4,762.

In the most widely cited study in the growing literature on the labor market consequences of racially disparate criminal justice policies, Harvard economist Richard Freeman used data from the National Longitudinal Survey of Youth (NLSY). Limiting his sample to out-of-school men and controlling for numerous variables (drug usage, education, region, and age) that might bias upward the link between criminal records and weak labor market attachment, Freeman found that those who

had been in jail or on probation in 1980 had a 19 percent higher chance of being unemployed in 1988 than those with no involvement in the criminal justice system. He also found that prison records reduced the amount of time employed after release by 25 percent to 30 percent.

More recently, Princeton sociologist Bruce Western mined NLSY data to show that incarceration has "large and enduring effects on job-prospects of ex-convicts." He found that the negative labor market effects of youth incarceration can last for more than a decade and that adult incarceration reduces paid employment by five to ten weeks annually. Because incarceration rates are especially high among those with the least power in the labor market (young and unskilled minority men), the U.S. justice system exacerbates inequality.

This research is consistent with numerous experimental studies suggesting that the employment prospects of job applicants with criminal records are far worse than the chances of persons who have never been convicted or imprisoned. It is consistent also with evidence from labor market intermediaries dealing with ex-offenders. Project STRIVE, an established job-placement program that mainly serves younger minority males in inner-city Chicago, reports that it placed thirty-seven of fifty ex-offenders in jobs last year, leaving a 26 percent unemployment rate even for people who went through an especially successful program. The Center for Employment Opportunity in New York City is another "successful" program. Focused specifically on ex-offenders, it fails to place nearly a third of its clients. Another standard bearer in the field, "Project Rio" of the Texas Workforce Commission, claims to process fifteen thousand inmates a year. After one year, a little over two-thirds of parolees who go through Project Rio hold jobs. More telling, since most ex-offenders are thrown into the labor market without the benefit of a transitional employment program, just 36 percent of a group of Texas parolees who did not enroll in Project Rio had a job one year after their release. And "even when paroled inmates are able to find jobs," the *New York Times* reported last fall, "they earn only half as much as people of the same social and economic background

who have not been incarcerated."

The obstacles to ex-offender employment include the refusal of many employers even to consider hiring an "ex-con." Employers routinely check for criminal backgrounds in numerous sectors, including banking, security, financial services, law, education, and health care. But for many jobs, employer attitudes are irrelevant: state codes place steep barriers to the hiring of ex-offenders in numerous government and other occupations. At the same time, Western notes, "the increasingly violent and overcrowded state of prisons and jails is likely to produce certain attitudes, mannerisms, and behavioral practices that 'on the inside' function to enhance survival but are not compatible with success in the conventional job market." The alternately aggressive and sullen posture that prevails behind bars is deadly in a job market where entry-level occupations increasingly demand "soft" skills related to selling and customer service. In this as in countless other ways, the inmate may be removed, at least temporarily (see below), from prison, but prison lives on within the ex-offender, limiting his or her freedom on the outside.

#### A Vicious Circle

The situation arising from mass black incarceration is fraught with self-fulfilling policy ironies. At the very moment that American public discourse in racial matters has become officially inclusive, the United States is filling its expanding number of cellblocks with an ever-rising sea of black people monitored by predominantly white overseers. Echoes of slavery haunt the new incarceration state, reminding us of unresolved historical issues in the United States of Amnesia.

Mass incarceration is just as ironically juxtaposed to welfare reform. Even as the broader political and policy-making community is replacing taxpayer-financed "welfare dependency" with "workforce attachment" and free market discipline leading (supposedly) to "self-sufficiency" and two-parent family stability among the urban "underclass," criminal justice policies are pushing hundreds of thousands of already disadvantaged and impoverished blacks further from minimally remunerative engagement with the labor market. It does this by

warehousing them in expensive, publicly financed, sex-segregated holding pens, where rehabilitation has been discredited and authoritarian incapacitation is the rule.

Droves of alienated men are removed from contact with children, parents, spouses, and lovers, contributing to the chronic shortage of suitable male marriage partners and resident fathers in the black community. Black humor on Chicago's South Side quips that "the only thing prison cures is heterosexuality." A connection probably exists between rampant sexual assault and sexual segregation behind prison bars and the disturbing fact that AIDS is now the leading cause of death among blacks between the ages of twenty-five and forty-four.

**I**NCARCERATION deepens a job-skill deficit that is a leading factor explaining "criminal" behavior among disadvantaged people in the first place. "Crime rates are inversely related," Richard B. Freeman and Jeffrey Fagan have shown, "to expected legal wages, particularly among young males with limited job skills or prospects." The "war on drugs" that contributes so strongly to minority incarceration also inflates the price of underground substances. Combined with ex-offenders' shortage of marketable skills in the legal economy, it creates irresistible incentives for the sort of income-generating conduct that leads back to prison. The lost potential earnings, savings, consumer demand, and human and social capital that result from mass incarceration cost black communities untold millions of dollars in potential economic development, worsening an inner-city political economy already crippled by decades of capital flight and de-industrialization. The dazed and embittered graduates of the prison-industrial complex are released back into a small number of predominantly black and high-poverty ZIP codes and census tracts, deepening the concentration of poverty, crime, and despair that is the hallmark of modern American "hyper-segregation" by race and class.

Meanwhile, prisoners' deletion from official U.S. unemployment statistics contributes to excessively rosy perceptions of American socioeconomic performance that worsen the political climate for minorities. Bruce Western

has shown that factoring incarceration into unemployment rates challenges the conventional American notion that unregulated labor markets have been out-performing Europe's supposedly hyper-regulated employment system. Far from taking a laissez-faire approach, "the U.S. state has made a large and coercive intervention into the labor market through the expansion of the legal system." An American unemployment rate adjusted for imprisonment would rise by two points, bringing the U.S. ratio much closer to that of European nations, where including inmates raises the joblessness rate by only a few tenths of a percentage point. Counting prisoners would raise the official black male unemployment rate, which Western estimates at nearly 39 percent during the mid-1990s (including prisoners). Western and his colleague Becky Petit find that, when incarceration is factored in, there was "no enduring recovery in the employment of young black high-school drop-outs" during the eight-year Clinton employment boom.

By artificially reducing both aggregate and racially specific unemployment rates, mass incarceration makes it easier for the majority culture to continue to ignore the urban ghettos that live on beneath official rhetoric about "opportunity" being generated by "free markets." It encourages and enables the new, that is, subtler and more covert racism. Relying heavily on longstanding American opportunity myths and standard class ideology, this new racism blames inner-city minorities for their own "failure" to match white performance in a supposedly now free, meritorious, and color-blind society. Whites who believe that racial barriers have been lifted in the United States think that people of color who do not "succeed" fall short because of choices they made or because of inherent cultural or even biological limitations.

#### **Correctional Keynesianism**

The ultimate policy irony at the heart of America's passion for prisons can be summarized by the phrase "correctional Keynesianism": the prison construction boom fed by the rising market of black offenders is a job and tax-base creator for predominantly white communities that are generally far removed from urban mi-

nority concentrations. These communities, often recently hollowed out by the de-industrializing and family-farm-destroying gales of the "free market" system, have become part of a prison-industrial lobby that presses for harsher sentences and tougher laws, seeking to protect and expand their economic base even as crime rates continue to fall. They do so with good reason. The prison-building boom serves as what British sociologist David Ladipo calls "a latter-day Keynesian infrastructural investment program for [often] blight-struck communities.... Indeed, it has been phenomenally successful in terms of creating relatively secure, decent paid, and often unionized jobs."

According to Todd Clear, the negative labor market effects of mass incarceration on black communities are probably minor "compared to the economic relocation of resources" from black to white communities that mass incarceration entails. As Clear explains,

*Each prisoner represents an economic asset that has been removed from that community and placed elsewhere [emphasis added]. As an economic being, the person would spend money at or near his or her area of residence—typically, an inner city. Imprisonment displaces that economic activity: Instead of buying snacks in a local deli, the prisoner makes those purchases in a prison commissary. The removal may represent a loss of economic value to the home community, but it is a boon to the prison [host] community. Each prisoner represents as much as \$25,000 in income for the community in which the prison is located, not to mention the value of constructing the prison facility in the first place. This can be a massive transfer of value [emphasis added]: A young male worth a few thousand dollars of support to children and local purchases is transformed into a \$25,000 financial asset to a rural prison community. The economy of the rural community is artificially amplified, the local city economy artificially deflated.*

It's a disturbing picture, even in this cynical age, full of unsettling parallels and living links to chattel slavery: young black men being involuntarily removed as "economic assets" from black communities to distant rural destinations where they are kept under lock and key by white-majority overseers. It is difficult to

imagine a more pathetic denouement to America's long, interwoven narratives of class and racial privilege. The rise of correctional Keynesianism is one of the negative and racially charged consequences of technically color-blind political-economic processes.

### An Analogy

Historical folklore romanticizes the large number of British and European convicts and ex-convicts who peopled and prospered in colonial North America and Australia. But, leaving aside the question of how many of those ex-offenders thrived, much less survived, the transplanted convicts of earlier eras landed in largely agricultural societies not yet based on waged and salaried labor and concentrated private monopolies in the means of production and distribution. It is vastly more difficult for an ex-offender to re-enter the U.S. modern capitalist society in which the preponderant majority of working-age persons must find someone willing to "take the risk" (make the investment) in hiring them. A more telling and accurate historical analogy in their case—and the racial consistency rightly suggests considerable historical continuities of race and class—is found in the economic and labor market circumstances faced by America's suddenly free former slaves after the Civil War. Woefully short on capital, skills, and education, they attempted to enter a society that still despised and coerced them.

**T**O BE SURE, it is no simple matter to determine the precise extent to which mass incarceration is simply exacerbating the deep socioeconomic and related cultural and political traumas that already plague inner-city communities and help explain disproportionate black "criminality," arrest, and incarceration in the first place. Still, it is undeniable that the rush to incarcerate is having a profoundly negative effect on black communities. Equally undeniable is the fact that black incarceration rates reflect deep racial bias in the criminal justice system and the broader society. Do the cheerleaders of "get tough" crime and sentencing policy really believe that African-Americans deserve to suffer so disproportionately at the hands of the criminal jus-

tice system? There is a vast literature showing that structural, institutional, and cultural racism and severe segregation by race and class are leading causes of inner-city crime. Another considerable body of literature shows that blacks are victims of racial bias at every level of the criminal justice system—from stop, frisk, and arrest to prosecution, sentencing, release, and execution. These disparities give legitimacy to the movement of ex-offender groups for the expungement of criminal and prison records for many nonviolent offenses, especially in cases where ex-convicts have shown an earnest desire to go straight.

**F**URTHER AND deeper remedies are required. These include a moratorium on new prison construction (to stop the insidious, self-replicating expansion of the prison-industrial complex), the repeal of laws that deny voting rights to felons and ex-felons; amnesty and release for most inmates convicted of nonviolent crimes; decriminalization of narcotics; the repeal of the “war on drugs” at home and abroad; revision of state and federal sentencing and local “zero tolerance” practices and ordinances; abolition of racial, ethnic, and class profiling in police practice; and the outlawing of private, for-profit prisons and other economic activities that derive investment gain from mass incarceration. Activists and policy makers should call for a criminal-to social-justice peace dividend: the large-scale transfer of funds spent on mass arrest, surveillance, and incarceration into such policy areas as drug treatment, job-training, transitional services for ex-offenders, and public education regarding the employment potential of ex-offenders. They should call for the diversion of criminal justice resources from crime in the streets (that is, the harassment and imprisonment of lower-class and inner-city people) to serious engagement with under-sentenced

crime in the suites. More broadly, they should seek a general redistribution of resources from privileged and often fantastically wealthy persons to those most penalized from birth by America’s inherited class and race privilege. America’s expanding prison, probation, and parole populations are recruited especially from what leading slavery reparations advocate Randall Robinson calls “the millions of African-Americans bottom-mired in urban hells by the savage time-release social debilitations of American slavery.”

The ultimate solutions lie, perhaps, beyond the parameters of the existing political economic order. “Capitalism,” Eugene Debs argued in 1920, “needs and must have the prison to protect itself from the [lower-class] criminals it has created.” But the examples of Western Europe and Canada, where policy makers prefer prevention and rehabilitation through more social democratic approaches, show that mass incarceration is hardly an inevitable product of capitalism. And nothing can excuse policy makers and activists from the responsibility to end racist criminal justice practices that significantly exacerbate the difficulties faced by the nation’s most disadvantaged. More than merely a symptom of the tangled mess of problems that create, sustain, and deepen America’s insidious patterns of class and race inequality, mass incarceration has become a central part of the mess. For these and other reasons, it will be an especially worthy target for creative democratic protest and policy formation in the new millennium. ●

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