

"Progress is impossible without change, and those who cannot change their minds cannot change anything."

George Bernard Shaw

"The Need for Advocacy from a Prison Perspective"

Prison is America's symbol and instrument of punishment, liberally imposed on those convicted of crimes within the criminal justice system. Its primary function is to warehouse criminals in a punitive environment to teach them a lesson. Our use of prisons is exceptional. As a nation we are only 5 percent of the world's population but house 25 percent of the world's inmates (1). In the last three decades of the "tough on crime" campaigns, the U.S. incarceration rate has increased 500 percent (2) and state prison populations have increased more than 700 percent (3). Today, there are an estimated 2.26 million people incarcerated in state and federal prisons (4).

Discovering, recommending, and promoting innovative ideas to stem the never-ending flow of humans entering its gates is not part of its mission. Yet, hidden within its bowels may be the most unrecognized source of the very ideas to develop the kinds of advocacy efforts that will help address the systemic causes to some of our most intractable social challenges that play a part in imprisoning so many people.

Three times in the last 100 years the menacing effects of some of society's most intractable social problems have been so pervasive they have reached epidemic proportions. The "social wars" waged against alcohol, illicit drugs, and sex crimes have seen America endorse over-reaching political and judicial measures, along with opening public coffers, to forcibly eradicate these perceived social "evils."

In order to bolster public support, proponents of prohibition went as far as passing the 18th Amendment to the U.S. Constitution (prohibition on alcohol) in an effort to weave a moral imperative for abolishment into the very fabric of American philosophy. The "war on drugs" ushered in a core strategy of being "tough on crime" which has since become the norm in dealing with virtually any social ailment. Maya Schenwar, editor-in-chief of the nonprofit progressive news organization Truthout (truth-out.org) and author of *Locked Down - Locked Out* observes: "In the eighties and nineties in particular, coinciding with the height of the war on drugs, there was an emphasis on 'law and order' in politics; harsher sentencing, stricter penalties, more capital punishment. Politicians were eager to prove they were 'tough on crime'. Of course, that didn't mean funding measures that would actually reduce crime, such as education, mental-health care, or homes for the homeless, it meant incarcerating massive numbers of people" (5).

Authors James Austin and John Irwin, *It's About Time, America's Imprisonment Binge*, noted that political leaders from both parties, along with special interest groups advocated "their simplistic but appealing message that to solve the crime problem we needed to escalate the use of imprisonment" (6). Political science professor at the University of Pennsylvania, Marie Gottschalk, also the author of *Caught: The Prison State and Lockdown of American Politics* writes, "The reach of the carceral state today is truly breathtaking. . . . It has grown so extensively it has begun to metastasize. . . radically remaking conceptions of citizenship as it creates a large and permanent group of political, economic, and social outcasts" (7). F.H. Bradley, a proponent of "tough on crime" and imprisonment supporter from the 1970s and 1980s once wrote, "Punishment is punishment, only where it is deserved. We pay the penalty, because we owe it, and for no other reason whatever than it is merited by wrong. . . . Punishment is required to register society's disapproval of the actions of the offender as expressed in its rules and laws" (8). Punishment in-and-of-itself is based on a societal need for vengeance which is at the core of the prison system's mission. It is assumed to be a necessary and indispensable part of our society's ability to maintain social order and teach the offender a lesson. This sets the stage for how our prisons operate.

Consider these little referenced facts and judge for yourself if this is the kind of social outcomes you had in mind from your investment in the American prison system:

- The incarceration rate in the U.S. is 730 inmates for every 100,000 population, more than any other single nation on earth, including Russia, who imprisons their citizens at a rate of 532 per 100,000. The prison populations of India, Japan, Norway, Sweden, Germany, Netherlands, France, Italy, and Canada combined are less than that of the U.S. (9) Collectively, they represent 1.62 billion people (10) with an average incarceration rate of 82 inmates per 100,000.
- There are 832 percent more women in prison today than there were in 1977 (11).
- Black people are 13 percent of the U.S. population but 40 percent of the U.S. prison population (12).
- Besides those in prisons, the U.S. has another 5.3 million people under some form of government supervision (13). There are an estimated 16 million American citizens with felony records (14).
- America spends \$80 billion annually to maintain its prison system (15). "The annual cost per inmate in state prisons now averages \$31,286, more than a year at most colleges" (16), costing an estimated \$156,430 for five years of incarceration, \$312,860 for ten years, and \$625,720 per inmate for a twenty year sentence (17). As a point of reference, the median wage for an American family is \$35,228 per year (18).
- "5.3 million Americans - 1 in every 40 voting age adults - are currently denied the right to participate in democratic elections because of a past or current felony conviction. . . ." "In several American states, 1 in 4 black men cannot vote due to a felony conviction" (19).
- In America, you are twice as likely to go to prison (estimated 2.26 million inmates) as to serve in the armed forces (estimated 1.4 million service personnel) (20).

"As of 2008, about three-quarters of a million people were directly employed by correctional institutions as guards, supervisors, and other support staff. Many more were employed in corrections through the multi-billion-dollar private corrections industry, 'which constructs, finances, equips, and provides health care, education, food, rehabilitation, and other services to prisons and jails.' As a point of comparison, the entire workforce of the auto-manufacturing sector totaled 880,000 people in 2008. . . ." One in 8 state employees are involved in corrections (21).

- Prisons are now promoted as an industry to "jump start" ailing rural economies (22) and marketed as a "rare growth industry" for communities suffering from "regional depression" (23).

- As of 2013, "The national recidivism rate for those who have been imprisoned had climbed to 67.5 percent" (24).

Robert Ferguson, professor of law at Columbia University writes in his new book *Inferno; An anatomy of American Punishment*, "The consequences of incarceration are, if anything, just alarming. . . . Just as worrisome is the magnitude of the situation, a magnitude on such a scale that it begins to define the country itself" (25).

Prohibition lasted fourteen years and never accomplished its goal to abolish the use of alcohol, in fact, "It encouraged disrespect for the law and fostered the development of substantial criminal enterprises" (26), as a result, the 18th Amendment was repealed in 1933. The twenty-six-year long campaign of the "war on drugs" has not freed our society from illicit drugs. In June 2011, the opening sentence of the report issued by the Global Commission on Drug Policy describes the drug war ". . . as a failure and call[s] for a paradigm shift in global drug policy. . . ." The Global Commission members "recognize that the use of force will not decrease [drug] consumption" (27). Celebrated crime writer Don Winslow and author of both *Dog and The Cartel*, stories that follow the history of the "War on Drugs", elaborates on the Global Commission's findings lending support to the notion that sometimes the remedy is worse than the disease:

The "War on Drugs" is a trillion-dollar failure. We spend billions of dollars pursuing drugs and billions imprisoning people that probably shouldn't be in prison. We have troops in Central America chasing drug dealers, we have Special Forces and Marines. Meanwhile, this war has killed a hundred thousand people in Mexico - and that doesn't include 22,000 people missing. And people in this country barely seem to notice. We've become conditioned to go, "Well, Mexico is corrupt, that's Mexico." But I would ask the question, "What kind of corruption do we have? What kind of corruption do we have in our soul that makes us the world's largest market for drugs, which is what fuels and funds this violence. . . ."

". . . Until we have a fundamental change in the way we think about these issues, it is not going to get any better. The "War on Drugs" is more of a problem to the United States than the drugs are" (28). In his article "Captive Market", published in the February 2015 *Harper's Magazine*, Michael Ames gives a unique summary of the situation when he writes, "[It's] the feeling that we overcorrected, that it isn't the drugs or the crime but the efforts to defeat them that now cause the greatest social harm. . . ."

Both of these societal wars give affirmation that the solutions to our social problems lie beyond our long-standing strategy to legislate, prosecute, and punish (incarcerate) our way to a healthier, more moral society. Ohio State University professor Michelle Alexander and author of *The New Jim Crow* points out, "People assume that mere changes in the law will produce a major social transformation, even if our underlying consciousness didn't change. . . . These developments in and of themselves [will] not produce social changes" (29). "More government spending or regulation doesn't necessarily lead to better outcomes", notes Michael J. Boskin, Professor of Economics at Stanford University and senior fellow at the Hoover Institution. He states that "If that were true, Washington D.C. would have the best public schools in the country and California's prisons would be the envy of the world. We are not short of societal problems. Some are even potentially amenable to sensible government solutions. But sensible, let alone cost-conscious and target-effective, government solutions are in much shorter real-world supply than most people suppose" (30). Schenwar postulates "Incarceration serves as the default answer to many of the worst social problems plaguing this country - not because it solves them, but because it buries them. By isolating and disappearing millions of Americans, prison conveniently disappears deeply rooted issues that society - or rather, those with the power in society - would rather not attend to. . . . Prisons do not disappear problems, they disappear human beings" (31). Considering the above comments, don't such ideas produce a sense of magical thinking; believing that a certain outcome will follow a certain action despite all the evidence to the contrary?

Oliver Wendell Holmes wrote, "A page of history is worth a volume of logic." Despite this truism and our experience with the less-than-desirable outcomes of prohibition and the "war on drugs", society wages its third significant campaign, the "war on sex offenders." This new war "has uncanny parallels with the war on drugs. These include the unbridled demonization of a group of offenders [and] skyrocketing incarceration rates for sex offenders. Incapacitation, containment, and punishment of convicted sex offenders dominate discussion of how to stem sexual abuse in the United States" (40): Same mindset, same tactics, different target. Perhaps Ferguson expresses the reality of the situation best when he writes, "The law is hardly ever reform minded on its own. It makes its decisions by turning to the past to solve the problems of the present, and punishment in America has outstripped previous perceptions. Legal systems are invariably comfortable with where they are. They depend on the status quo and profit from it" (33).

What kinds of social outcomes should we expect from the strategies implemented by a nation like America when addressing its most intractable social challenges? Isn't society's investment in early intervention and prevention significantly cheaper and more humane than a heavy investment of our resources in post-incident remedies and long-term treatment for victims? At what point do the social "war" strategies include an equally aggressive, well organized, adequately funded, and

publicly visible component for education and prevention addressing the systemic causes of our social problems? When we share critical information with others, don't we empower them to make more informed decisions about their own safety and well-being and increase the likelihood they will avoid the ill effects of the social problem? Last and perhaps most importantly, which overall social "war" philosophy gives a society the best chance to actually solve the problem, preventing the harm a social ill can cause or reacting to the harm that it has caused? These are two entirely different perspectives that produce two entirely different outcomes. One seeks and saves and the other searches and destroys. Which option creates the least amount of collateral damage in the process of "attacking" the problem and ultimately provides the most long-term societal value at the end of the campaign?

If you have ever been imprisoned yourself or have experienced a loved one's imprisonment, then you have been exposed to a world that you never knew existed in America. For first-time offenders, there is nothing in their past that could have ever prepared them for this nightmare. Once inside, you are provided with a unique and most disturbing perspective of what the prison institution really is and what it ultimately does to someone who is totally immersed in its toxic environment day after day, for years on end. It is infectious, like an untreated cancer that invades and contaminates every part of the inner being. The longer you are exposed to it without some kind of intervention, the more of you it consumes. While incarcerated, you are declared by society to have no value, and you are individually of little or no importance to the prison system. Your most profound role is a single statistic; your life is reduced to a number and managed as part of an inventory that translates to a revenue producing commodity.

The whole philosophy of punishment is the basis for creating an environment that is unimaginably dysfunctional, dismissing normalcy as irrelevant, and is both socially and personally polarizing and demeaning for the inmate. The prevailing attitude of many of the correctional staff - not all of them - is that inmates are less-than-human and therefore have a diminished sense of reasoning, limited ability to comprehend, and a muted threshold for emotional distress and physical pain. Often - not by everyone - you are treated as less-than-human and such a perspective both cheapens life and makes it look disposable. There is no genuine life in prison; it is merely a trivial and petty existence, and it becomes a monumental task to occupy the vast amount of space that is created when time is lived only minute by minute, day after day, in some meaningful and productive way. At the same time, "doing time" begins to separate and disconnect you from the daily lives of those you care about, quietly eroding the bonds that once held the relationship in place.

Creating an environment that focuses on a person's failure does nothing more than reinforce the failure until it becomes his new identity and destiny. When people see themselves as failures and hope for a better future vanishes, there are few alternatives other than returning to the familiar past. Often, prison perpetuates the final phase of personal failure bringing it full-cycle upon the inmate's release, paving the way, 67.5 percent of the time, for a future encounter with the judicial system. The system has unreasonably written off most inmates as unreachable, pushing their lives beyond the point of fixing. Since addressing the personal needs that brought them here is secondary to confinement and punishment, the skills they do learn are those that are needed to survive this experience. These new skills are of little value to society when they are released and merely add to the community toxicity that is both unwanted and unnecessary. This, however, is not necessarily the way things have to be, or even should be. Prison could be instructive and inmates could leave mentally and physically healthier than when they arrived, consequently, helping to reduce the possibility they will reoffend. This goal is not unachievable because of the lack of resources, technology, or society's intellectual capabilities, but by design. Jeremy Travis, president of John Jay College of Criminal Justice and chairman of the National Academy of Sciences (NAS) commented, "Our mass incarceration reality is a matter of choice. . .not. . .crime. Once you come to that bracing realization then you have to say . . .Can't [we] choose something else" (34)?

Associate professor of conflict resolution studies for the University of Winnipeg and author of *Changing Paradigms* Paul Redekop observes, "Imprisonment was originally intended as a last resort. But instead it became the standard, with a tendency toward longer sentences and, in the United States, a tendency toward mandatory sentences. Then when an offender provides testimony to the failure of the system by reoffending, the standard response is to imprison for an even longer time. . . ." Punishment by imprisonment has become a historical practice for our country, passed from one generation to the next, supported by force of habit (35), and the use of punishment is so pervasive that as a society "We are persistently and almost exclusively reliant on prison as the appropriate response to crime" (36). So much so, that America appears to be devoid of any remedies outside of mass incarceration.

From what we have written so far, you might get the idea that we don't think much of prison. We don't, but not for the reasons you might think. It wasn't that long ago that many of us, like many of you, had careers and were productive members of society. Many of us were active in the local, state, and national political processes, financially contributing to and supporting candidates who shared our opinions and fundamental beliefs. We too, supported 'tough on crime' initiatives without any real knowledge of what exactly that catchy three-word slogan was actually enabling government to do with our vote of support and subsequently our taxes. Like you, we assumed that all individuals locked-up in prisons belonged there.

We assumed that what happens to them while in prison they deserve, and we thought that there is never enough punishment that can be inflicted upon them because of their crime. How wrong we were to hold to such insane perceptions! We spend so much time and make such a huge financial commitment to develop an elaborate network of prisons but care so little for the people we throw into them. How can we possibly expect that an unabated philosophy of vengeance towards those who transgress our laws will make us a better society with little to no regard for addressing the root social causes that bring so many through those gates?

Our opinions can change, and should change, when firsthand experiences challenge our preconceived notions formed by social influences. Had we not come to prison, then these uninformed beliefs about this institution, its use, and those we incarcerate would have gone unchallenged. Once you experience something for yourself, the false perception that you once knew, as the truth is replaced with the actual truth.

Our objections with prison are not that they shouldn't exist. They have a role in society. We, who are imprisoned, deserve consequences for our actions. Our objections are based on the belief that it is wrong to mislead the American public that mass incarceration will solve our social issues. It will not. Depending on the social challenge and media-saturation of a specific event or social problem, emotions and political rhetoric drive legislative and judicial remedies to the public forefront, virtually dismissing the importance of incorporating the most powerful strategies of our intellectual arsenal: educational programming and preventative services. Benjamin Rush, a signer of the Declaration of Independence and America's first Surgeon General, wrote in 1798, "In contemplating the political institutions of the United States, I lament that we waste so much time and money in punishing crimes and take so little pains to prevent them." (37) Two hundred and sixteen years later, scholars like Ferguson note, "Americans [choose to] focus on the aftereffect of violence, not the mundane and more effective prevention of it" (38).

The political and judicial systems have made incarceration a double-edged sword. On one hand, they want the inmate to act right when released and to become a productive member of society. Yet, on the other hand, they deliberately place numerous barriers in front of the inmate to make that goal difficult to achieve. They don't want to invest the money to give them the skills they need to compete in society when they leave. Your crime becomes your identity and the label of "felon" makes a difference in the public's definition of a person's worth in society forcing you to settle for a smaller destiny. The post-incarceration restrictions simply help to dig a deeper hole to crawl out of when the inmate returns home.

NOTES

- (1) Robert Ferguson, *Inferno: An Anatomy of American Punishment* (Cambridge, MA: Harvard University Press 2014) 216
- (2) *ibid.*, 16
- (3) *ibid.*, 216
- (4) *ibid.*, 6
- (5) The Sun, "Criminal Injustice: The Failure of Mass Incarceration", June 2015, 9
- (6) James Austin and John Irwin, *It's About Time, America's Imprisonment Binge* (Belmont, CA: Wadsworth Publishing 2012), xiii
- (7) Marie Gottschalk, *Caught: The Prison State and the Lockdown of American Politics* (Princeton, NJ: Princeton University Press, 2014) 2
- (8) Paul Redekop, *Changing Paradigms: Punishment and Restorative Discipline* (Waterloo, Ontario: Herald Press, 2008) 13
- (9) Gottschalk, *Caught*, Figure 1.1, Incarceration Rates, Selected Countries and Groups
- (10) The World Almanac: *Book of Facts 2015* (New York: World Almanac Books 2015) 732-733 - Current Populations and Projections for Countries and Other Areas
- (11) The Sun, "Criminal Injustice", 6
- (12) *ibid.*, 8
- (13) Jeff Manza and Christopher Uggen, *Locked Out: Felon Disenfranchisement and American Democracy*, (New York: Oxford University Press, 2006) bullet point - inside jacket cover
- (14) *ibid.*, 9
- (15) Gottschalk, *Caught*, 32
- (16) Ferguson, *Inferno*, 217
- (17) My calculations are based on the current cost estimate for incarceration and projected over the stated years with no consideration to inflation
- (18) The World Almanac, *Books of Facts 2015*, 56 - Median Income by Race, Hispanic Origin, and Sex 1948 - 2013
- (19) Manza and Uggen, *Locked Out*, front inside jacket cover
- (20) The World Almanac 2015, 137-138 - U.S. Dept. of Defense, Active Personnel as of 2014, U.S. Army (512,107), U.S. Navy (325,513), U.S. Air Force (327,747), U.S. Marines (189,231), U.S. Coast Guard (40,636)
- (21) Gottschalk, *Caught*, 32
- (22) *ibid.*, 2
- (23) The Atlantic, "A World Without Work", July/August 2015, 51
- (24) Ferguson, *Inferno*, 16
- (25) *ibid.*, 16
- (26) World Book Encyclopedia 2010, "Prohibition in the United States", vol 15 (P), 815-816
- (27) The Wall Street Journal, "More Calls for Drug War Cease-Fire", June 11, 2011
- (28) Rolling Stone, "A Trillion-Dollar Failure", July 2015, 38
- (29) The Sun, "Throwing Away the Key", February 2011
- (30) The Wall Street Journal, "The anatomy of Government Failure", October 26, 2012
- (31) Maya Schenwar, *Locked Down, Locked Out* (Oakland, CA: Berrett-Koehler Publishers, 2014) 2-3
- (32) Gottschalk, *Caught*, 196
- (33) Ferguson, *Inferno*, 4
- (34) USA Today, "Ditch Dirty Harry's War On Crime", August 3, 2015
- (35) Redekop, *Changing Paradigms*, 26
- (36) James and Irwin, *It's about Time*, 9
- (37) Benjamin Rush, *A Defense of the Use of the Bible as a School Book*, 1798
- (38) Ferguson, *Inferno*, 180

101 - "Bureau of Justice Statistics study that shows that about two-thirds of released prisoners are re-arrested within three years, and four in ten are returned to prison in that time. In doing so, they have fostered the mistaken public belief that many released prisoners go on to become serious repeat offenders and are the main drivers of crime rates.

"Recidivism rates have been valorized as the key indicator of the return that states, municipalities, and taxpayers are receiving for their investment in the correction system.

102 - "Critics of the carceral state frequently claim that two-thirds of released offenders recidivate within three years, without noting that this is the re-arrest rate, not the rate at which released offenders are returned to prison for committing new crimes."

102 - "Nonetheless, the report still contributed to the common misperception that most released prisoners are habitual offenders who cycle in and out of prison and pose major threats to public safety."

104 - "nationally, about four out of five released prisoners are placed under some form of supervision, which can range from a period of few months to a lifetime."

Jeremy Travis and Christy Visher, *Prisoner Reentry and crime in America*
(New York: Cambridge University Press, 2005) 252.

106 - "The fixation on recidivism rates to gauge the performance of correctional systems is problematic for other reasons. It ignores the fact that larger political, social, and economic forces - not penal policies alone - drive recidivism and crime rates."

121 - "As of 2009, the incarceration rate was about 2,300 per 100,000 for non-Hispanic blacks, 1,000 per 100,000 for Hispanics, and 400 per 100,000 for non-Hispanic whites."

121 - "If current trends continue, one in three black males and one in six Hispanic males born in 2001 are expected to spend time in prison during their lives. The figure for white males is about one in seventeen."

121 - The U.S. incarceration rate for whites is low in comparison to the rates for African Americans and Hispanics. but it is high when compared to the overall incarceration rates of other industrialized democracies.

127 - A special report to Congress by the U.S. Sentencing Commission in 1997 found that African Americans accounted for nearly 90 percent of all the people convicted of federal crack offenses, even though the majority of the crack users are white. From 1988 to 1995, federal prosecutors did not bring a single white person to trial under the crack provisions in seventeen states, which included major cities such as Boston, Denver, Miami, Los Angeles, Dallas and Chicago."

"A people confident in its laws and institutions should not be ashamed of mercy."
Justice Anthony Kennedy

165 - "Furthermore, as time elapses, people age out of crime."

165 - The so-called non, non, nons; nonviolent, nonserious, nonsexual offenders. Legislative and policy efforts that focus attention on the non's reinforces the misleading view that offenders should be defined forever by the seriousness of the offense that initially sent them away. For the remainder, "Now the crime is the essence of the criminal." (166)

177 - "The most persuasive studies suggest that increases in the severity of punishment have at best only a modest deterrent effect. Evidence is mounting that doing time likely increases the recidivism rates of certain offenders, and that for some people, the more time served, the greater the risk of reoffending."

177 - "Furthermore, the evidence that people age out of crime is compelling. Researchers have persistently found that age is one of the most important predictors of criminality."

177 - "Older offenders and lifers released from prison after serving lengthy sentences are much less likely to return to prison due to the commission of new serious crime than are younger offenders who have served shorter sentences."

196 - "Over the past two decades, sex offenders have become a major target of political energy and public fears in the United States. It is hard to imagine a group of offenders that has fewer advocates than they do. Despised, vilified, and misrepresented in the media, sex offenders are widely viewed as noncitizens entitled to little more than a 'bare life' that has been 'stripped of the political and legal right' that shield much of the rest of the society. The incapacitation, containment, and banishment of convicted sex offenders dominate discussion of how to stem sexual abuse in the United States.

"The broader public has been a willing conscript in this new war on sex offenders, which has uncanny parallels with the war on drugs. These include the unbridled demonization of a group of offenders, skyrocketing incarceration rates for sex offenses, eroding civil liberties, and the federalization of what had once been largely a matter for local or state law enforcement. Evidence-based research and budgetary considerations have been no match for politicians, other public figures, and members of the media willing to exploit public fears of sex offenders for political and other payoffs."

197 - "Taken together, these measures amount to what some have characterized as an 'apartheid regime' for convicted sex offenders. The spate of laws targeting sex offenders raises troubling questions about the misallocation of resources and about the creation of yet another group of permanent 'internal exiles' or second-class citizens in the United States."

197 - 198 - "Over the years, the war on drugs bled into the rest of the criminal justice system. It paved the way for the wide-case militarization of police forces and the evisceration of key constitutional protections in both drug and no-drug cases. It also set important precedents for radically expanding the prison beyond the prison that consigns released offenders to permanent second-class citizenship. Likewise, the war on sex offenders is setting important punitive precedents for expanding the prison beyond the prison not just for released sex offenders but also for a whole range of other groups and individuals deemed undesirable by law enforcement officers, government officials, and the broader public."

198 - "Government officials, politicians, other public figures, and the media have long portrayed sex offenders as people with 'permanently depraved soul[s]' who are beyond redemption."

199 - "Between 10 and 20 percent of state prisoners are new serving time for sex offenses; in some states, however, the rate is nearly 30 percent."

204 - To civilly commit a person in the State of Virginia costs around \$100,000 per year.

204 - "Even if they are not subject to civil commitment after serving their time, many former sex offenders remain deeply enmeshed in the carceral state. This is thanks to the proliferation of registration, community notification, and residency restrictions. They impose many hardships on registered sex offenders, including well-documented cases of harassment, threatening phone calls, property damage, loss of employment and residence, physical assaults, and, in a few cases, death by vigilantes.

"The huge number of post-release restrictions imposed on sex offenders in the United States is exceptional. At least half of dozen other countries have sex offender registries, and other are contemplating establishing them. The United States is exceptional in the broad scope of the registries. In other countries that require certain sex offenders to register, the registration period is typically brief, and the information is only available to law enforcement officials, not to anyone with Internet access. Countries that consider wide-scale community notifications laws have largely rejected them. Based on the experience of the United States, they have determined that these laws do not greatly enhance public safety but do spark vigilante violence and other negative consequences that impede the successful reintegration of former sex offenders back into society."

205 - "As of 2012, there were about 725,000 registered sex offenders in the United States - or about twice one in five hundred people. Since nearly all of them are men, this means that about one in 160 adult males is a registered sex offender - or about double the number from a decade ago."

205 - "At the high end are Oregon and Arkansas, with rates of 400 to 500 registered sex offenders per 100,000 people, or about twice the national average of 230. At the low end is Pennsylvania, with about 100 registered sex offenders per 100,000 people."

210 - "... thanks in part to Jessica's Laws and Chelsea's Law, which mandate lifetime GPS supervision for many sex offenders, GPS programs in California cost an estimated \$36 per sex offender per day - or about \$13,000 a year, which is nearly one-third more than the cost of traditional parole supervision. In 2011, the state spend about \$88 million to electronically monitor nearly 7,000 sex offenders."

211 - "Their [sex offender] re-arrest rates within the first three years of discharge are still relatively low - about 5.3 percent."

211 - "But a study of all males arrested for sex offenses in New York State between 1987 and 2006 that compared arrest patterns before and after creation of the state registry found that 95 percent of the arrests were of people who had not previously been convicted of a sex crime."

213 - 214 - "Sex offender laws have not greatly enhanced public safety and have been very costly in many other respects. They have infringed on a wide range of protected rights, including the right to privacy, freedom of movement, and physical safety. The push over the past two decades to create reduced-rights zones for sexual offenders had established disturbing precedents to expand those zones to other groups or individuals deemed undesirable."

214 - "They [today's 'sexual predator' laws] have provided politicians and other public figures with a highly visible symbol to express their commitment to fighting sexual violence without addressing the primary sources of such violence. Ritual exile, one of their main weapons in the war against sex offenders, misleads society into thinking that the primary threat to public safety come from stranger who must be banished. However, friends, acquaintances, and family members are responsible for more than 90 percent of all sexual abuse of children and nearly 90 percent of all sexual abuse."

214 - "All the expensive punishments and restrictions heaped on sex offenders over the past two decades show that states, municipalities, and the federal government are willing to bear enormous social and fiscal costs to wage this war."

241 - "While society in the United States gives the example of the most extended liberty, the prisons of the same country offer the spectacle of the most complete despotism."

241 - "But the enormous prison beyond the prison that consigns millions of people who are not fully in prison or fully a part of society to legal and civil purgatory remains largely invisible. People with criminal records are enmeshed in a series of rule, regulations, and controls about working, voting, residency, and personal behavior that severely limit their political and civil rights and that tightly control their daily lives."

251 - "A prison sentence has a long-term impact, considerably reducing the lifetime wages, employment, and annual income of former inmates."

251 - "The enormous ^{GROWTH} ~~truth~~ in political, social, and economic inequalities in the United States due to the carceral state and other factors has remained invisible or understated. One reason why is because people who have been captured by the state in prison and jail are not captured in standard social survey.>

251 - "The failure to include felons and ex-felons in such survey impairs the development of data-driven, evidence-based public policies. It also compromises evaluations of what works. Furthermore, it reinforces the liminal social and political status of prisoners, felons, and ex-felons in American society."

255 - "Near 200 counties nationwide have at least 5 percent of their 'residents' in prison, and about twenty counties have more than 20 percent of their 'residents' incarcerated."

256 - 257 - "By branding people with criminal records as second-class citizens, it cuts them off from many of the things associated with forging healthy identities and desisting from crime over the long run - education, steady employment, supportive relationships, and meaningful community connections through civic and other activities. The prison beyond the prison helps to solidify the 'condemnation scripts' in which former offenders cannot envision a different - and better - way of life."

257 - "As it continues to metastasize, the carceral state is not only upending individual lives and certain communities but is also upending key democratic and governing institutions in the United States. It is compromising election results, creating disturbing gradations of citizenship, and distorting major demographic and other databases."

258 - "Experts on crime and punishment now generally agree that changes in public policy - not dramatic changes in criminal behavior - propelled the decades-long prison boom in the United States."

259 - "Major decarcerations that have occurred in other places and at other times came about primarily as a result of comprehensive changes in penal policy rather than by mounting a sustained attack on structural problems and the root causes of crime."

259 - "While reentry should be a priority, we cannot focus only on those who are being released. We need to reduce the number of people who are sent to jail or prison in the first place and to decrease sentence lengths and time served."

259 - "Another [need] is that too many people are serving time in U.S. jails, prisons, and detention centers that are abusive and degrading. These facilities need to be opened up to independent oversight to ensure that all prisoners and detainees are housed in safe, healthy environments that are respectful of human dignity."

260 - "The only legitimate long-term solution to this crime crisis is to alleviate the root causes of vast and growing inequalities in the United States."

261 - "If we are serious about alternatives to incarceration, then community-based mental health and substance abuse programs will need major infusions of cash so that the penal system is no longer the primary line of defense to address these major public health problems."

262 - "Prisons and jails exacerbate many social ills that contribute to crime and poverty and are unlikely to significantly rehabilitate anyone."

265 - "The BOP has mostly ignored the little known but potentially powerful 'second look' provision of the Sentencing Reform Act of 1984. This measure permits a sentencing judge to reduce a sentence if the court finds 'extraordinary and compelling' circumstances."

265 - "In 2007, the U.S. Sentencing Commission adopted a new rule that set out no limit on what constitutes 'extraordinary and compelling circumstances,' but little changed at the BOP. To the dismay of penal reform advocates and some members of Congress, the BOP has made scant use of several other important options at its disposal to reduce the time served for federal inmates."

267 - "So far, U.S. prosecutors 'have escaped the kind of scrutiny and accountability that we demand of public officials in a democratic society. While police forces have become substantially more transparent and publicly accountable over the past several decades, prosecutors' offices are actually far less transparent today than decades ago. Most of their decisions are 'total discretionary and virtually unreviewable.'"

272 - "...prisons unfortunately became the mental institutions of last resort for many seriously ill people."

274 - "The invisibility of the millions of people behind bars has made it extremely difficult to alter the negative portrait that members of the general public have in their head of people who have been convicted of a crime. They are simply prisoners and criminals. As such, they often are denied their humanity and denied any right to democratic accountability, much as slaves were in the United States."

278 - "It is 'one thing to prevent crime by improving social conditions or by making people more capable and productive. It is another thing altogether to prevent crime by frightening unproductive, desperate, and alienated people with the threat of arrest and incarceration if they break the law."

279 - "What we do know conclusively is that states and countries that spend more on social welfare tend to have lower incarceration rates, and high rates of inequality are associated with higher rates of imprisonment and here rates of crime."

Marie Gottschalk

Caught; The Prison State and the Lockdown of American Politics

(Princeton, NJ: Princeton University Press 2015)

Gottschalk, Caught, (page #)

ibid., (page)

1 - "The reach of the carceral state today is truly breathtaking. It extends well beyond the estimated 2.2 million people sitting in jail or prison today in the United States. It encompasses the more than eight million people - or in one in twenty-three adults - who are under some form of state control, including jail, prison, probation, parole, community sanctions, drug courts, immigrant detention, and other forms of government supervision. It also includes the millions of people who are booked into jail each year - perhaps nearly seven million - and the estimated 7.5% of all adults who are felons or ex-felons.

"The carceral state directly shapes, and in some cases deforms, the lives of tens of millions of people who have never served a day in jail or prison or been arrested. An estimated eight million minors - or one in ten children - have had an incarcerated parent. Two million young children currently have a mother or father serving time in state or federal prison."

2 - "Hundreds of rural communities have chased after the illusion that constructing a prison or jail will jump-start their ailing economies."

2 - "The U.S. penal system has grown so extensive that it has begun to metastasize."

2 - The carceral state has been radically remaking conceptions of citizenship as it creates a large and permanent group of political, economic, and social outcasts."

2 - "Millions have been condemned to 'civil death', denied core civil liberties and social benefits because of a criminal conviction. An estimated six million people have been disenfranchised either temporarily or permanently because of a criminal conviction. This is about 2.5 percent of the total U.S. voting age population, or one in forty adults.

3 - The ways in which elites, interest groups, the media, and social movements define and frame an issue can powerfully influence not only public opinion but also public policy. Under certain circumstances, framing an issue in a new way can release tremendous new forces that transform the public debate.

5 - ... "and a stint in prison or jail would continue to be a rite of passage for many African Americans."

7 - "As the 'rehabilitative ideal' was cast out in the 1970's, more prisoners were depicted as brutal, hardened criminals who were neither deserving nor capable of rehabilitation and redemption.

7 - ... the United States can do more to promote public safety and save money by reducing its reliance on prisons and by ending expensive, misguided criminal justice adventures like the war on drugs."

8 - The U.S. incarceration rate of 730 per 100,000 is still the highest in the world and rivals the estimated rate that citizens of the Soviet Union were being sent to the gulags during the final years of Stalin's rule in the early 1950's."

8 - In 2011, the Department of Justice projected that by 2018 the federal prison population would grow by nearly 12 percent."

9 - Most prison costs are fixed and are not easily cut. The only way to seriously reduce spending on corrections is to shut down penal facilities and lay off correctional staff."

15 - The historical norm for inmates from 1925 through the early 1980's was 120-130 per 100,000, much more in line with other advanced industrial countries.

21 - To be sure, over the past 150 years, a national guarantee of the right to vote has essentially developed. Constitutional amendments have imposed important limitations on the capacity of states for disqualifying citizens from voting. In 1870, the Fifteenth Amendment prohibited the denial of the right to vote based on race. In 1920, the Nineteenth Amendment prohibited denying the right based on sex. In 1964, the Twenty-Fourth Amendment eliminated poll taxes in federal elections. The Twenty-Sixth Amendment in 1971 extended the right to vote to those 18 and older.

22 - "Criminal justice is fundamentally a political problem, not a crime and punishment or a dollars-and-cents problem. A huge penal system is well on its way to becoming the new normal and a key governing institution in the U.S."

26 - "Prison is insatiable. It devours everything in its path and swallows whole anything that attempts to deter it. All these years I have spend inside, I have observed just how effectively the system crushes it opposition."

Kenneth E. Hartman, *The Trouble with Prison: Essays from the Prison in America*
(East Lansing: Michigan State University Press 2013) 184.

Hartman has swerved more than three decades in the California prison system. His is an award-winning author and founder of The Other Death Penalty Project.

26 - "Mounting budgetary and fiscal pressures will not be enough on their own to spur cities, counties, states, and the federal government to make deep and lasting cuts in their incarceration rates and to address the far-reaching political, social, and economic consequences of the carceral state."

27 - "Labor costs account for about three-quarters of the expense of operating a prison.

27 - "Prisons spend on average more than twice as much to incarcerate an elderly person than a younger one, or about \$60,000 to \$70,000 a year, because older inmates have greater health-care wages."

32 - Mass incarceration exerts a 'Keynesian, stabilizing effect, to be sustained for economic reason,' especially during a downturn in the economy. The huge incarcerated population in the Unites States artificially lowers the official unemployment rate for males by at least 2 percentage points, making the U.S. economy appear more successful than it actually is."

32 - "Local, state and federal spending on corrections was upwards of \$85 billion in 2012. The country spends over \$100 billion on police and over \$50 billion on judiciary."

32 - One in eight state employees works in corrections.

32 - As of 2008, about three-quarters of a million people were directly employed by correctional institutions as guards, supervisors, and other support staff. Many more were employed in corrections through the multi-billion-dollar private corrections industry, which constructs, finances, equips, and provides health care, education, food, rehabilitation, and other services to prison and jails. As a point of comparison, the entire workforce of the auto-manufacturing sector totaled 880,000 people in 2008."

39 - The Great Recession has hastened this race to the bottom as budget cutters targeted so-called nonessential prison services such as educational, substance abuse, and vocational programs that help reduce recidivism sand were already grossly underfunded."

39 - Furthermore, independent oversight of U.S. prison and jails is minimal or nonexistent compared to other Western countries."

41 - "Prisons, jails, and criminal justice institutions are among the least transparent and democratically accountable institutions in the United States."

43 - "The American Correctional Association has established a minimal set of standards for the accreditation of U.S. penal facilities, but only a tiny fraction of the country's jails and fewer than half of its prisons are accredited. Furthermore, the ACA, which is heavily dependent on the corrections industry for its funding, can hardly be considered an independent watchdog. ACA standards are important in maintaining some level of accountability, but they are primarily procedural and formulaic. ACA visits are highly structured, with much advanced warning. Inspectors focus primarily on ascertaining what the written procedures of an institution are, rather than observing whether those procedures are actually followed."

Europe follows a system that allows for outside oversight called the European Prison Rules.

47 - "Governing under the influence of deficit hysteria, state official have been making cuts to their corrections and criminal justice budgets that do not save much money. But these cuts have further eroded the quality of life in U.S. jails and prisons."

47 - "Moreover, the prison boom created and empowered new political and economic interest that have a large stake in maintaining the carceral state. Prison guards' unions, private prison companies, public bond dealers, and the suppliers of everything from telephone services to Tasser stun guns compose a 'motley group of perversely motivated interests' that has coalesced 'to sustain and profit from mass imprisonment. They become masters at promoting prisons as economic saviors for distressed communities while keeping the real cost concealed. Furthermore, claims about the growing fiscal burden of the carceral state have provided a huge political opening for the privatization of prisons and the unbridled exploitation of penal labor."

48 - "These groups have been deeply engaged in a project to reengineer the carceral state so that it can withstand calls for its retrenchment or dismantling."

52 - "... public officials in California and elsewhere were promoting prison construction as a key tool of economic development, especially in rural areas."

52 - 'Rural counties with prisons do not have lower unemployment rates or higher per capita incomes than rural counties without prisons."

52 - Prisons also fail to generate significant linkages to the local economy, because local businesses often are unable to provide the goods and services needed to operate penal facilities."

55 - "Along with Texas and Florida, Arizona became a 'trailblazer that ultimately reshaped the national landscape of prisoner litigation' by greatly restricting prisoner access to the federal courts and limiting federal judicial oversight."

59 - "In 2011, nearly half of UNICOR's \$900 million in revenues came from military contracts, making it the country's fifty-sixth largest military contractor, a position that was on par with that of Xerox."

"Over the years, UNICOR has sought to rebrand itself and diversity its products and services. Federal prison administrators view expanding UNICOR's production and contracts as a key means to offset the costs of the growing federal prison system and to enhance prison security and safety by keeping inmates busy. For the federal governments, it is cheaper to keep inmates occupied by investing in prison factories rather than by investing in counseling, drug treatment, and educational programs to keep them busy."

65 - "Contrary to what many critics of the prison industrial complex claim, the private prison industry was not a leading cause of the prison boom. Rather, mass incarceration helped transform the private prison sector into a powerful and nimble political player that today poses a major obstacle to dismantling the carceral state."

67 - "The tens of millions of dollars that the private prison industry invested in the government over the years through lobbying and campaign contributions at the local, state, and national levels also helped turn the tide in favor of privatization despite growing evidence that private prisons do not do it better for less."

"As of 2010, 8 percent of all state and federal prisoners were held in private facilities."

68 - "Put it another way, the for-profit prison industry constitutes the country's fourth largest prison system. CCA is the fifth largest prison operator, just behind the federal Bureau of Prisons, California, Texas, and Florida."

69 - "Diversification has been another key survival strategy for the prison industry. Riding the reentry and recidivism wave in public policy debates, private prison companies have sought to become leaders in providing what GEO describes as the 'corrections lifecycle.' This includes substance abuse and mental health treatment, probation and parole services, and electronic monitoring."

69 -- In 2010, political contributions for the three largest prison companies were at their highest point in a decade. Between 2004 and 2014, stock values for CCA and GEO increased by 250 percent and 500 percent respectively."

70 - "A recent analysis of dozens of private prison contracts found that the majority of them guarantee that states will maintain 80-100 percent occupancy rates or else pay a fine to the company running the prison."

75 - ALEC [American Legislative Exchange Council] and the for-profit bail industry have become leading advocates for solving the prison overcrowding and budget crises by creating a private market for probation and parole modeled after the commercial bail system."

75 - "The United States is one of just two countries that permit for-profit bail bonding."

76 - "Together with ALEC, it has [The American Bail Coalition (ABC)], promoted model legislation that call for releasing people from prison before they have served their full sentence if they have the means to post conditional bail. This would essentially establish bonding companies as private probation and parole agents in ways reminiscent of how the ignominious convict-leasing system operated."

7 - How can the same time be used for a different outcome?

4 - They depend on the status quo and profit from it

4 - It turns to the past to solve the problems of the present.

3 - With 2.26 million people held in overcrowded and abusive prison systems as late as 2010, with one out of nine state workers employed in prisons, and with parts of the country spending more on incarceration than on education.

Morris R. Cohen, "Moral Aspects of the Criminal Law," Yale Law Journal, April 1940

136 - "We have let this happen as a people without thinking of the human cost. here and elsewhere in American punishment, we have created suffering the makes no sense inn normative terms. ...State and federal prisons also destroy people with little or no concern form the outside would, and we need to stop and realize why this is happening."

130 - "Look at how many of the standard policies in imprisonment change. The profit motive dictates that you keep as many people as long as possible instead of preparing them for a return to civil life. The state pays you by the prisoner, and a half-filled facility is not a money maker. Overcrowding becomes an aspiration instead of a problem. Correction and rehabilitation mean nothing in private prison. They are expenses instead of concepts.

130 - The number of correctional officers has mushroomed to meet parallel increases in incarceration rates. Correctional officers fill 493,100 positions in the United States in 2010. Incredibly, one in nine state government employees now works in corrections.

128 - "Anyone who has complete control over another human being is likely to exploit it at some point.

65 - Pain denotes "suffering or loss inflicted for a crime or offense", and "punish" means "to cause an offender to suffer for an offense."

18 - "When someone has been judged guilty and the appellate and collateral review process has ended, the legal profession seems to loose all interest."

Anthony M. Kennedy "Speech at the American Bar Association Annual Meeting", August 9, 2003: Associate Justice, Supreme Court of the United States

18 - Kennedy confirms that "our resources are misspent, our punishments to severe, our sentences too long."

17 - Justice Kennedy agrees that the current prison system actively seeks "to degrade and demean the prisoner," and he concludes "A purpose to degrade or demean individuals is not acceptable in a society founded on respect for he inalienable rights of people."

Chief Justice Warren Burger, "No Man Is an Island" (address to the American Bar Foundation), American Bar Association Journal 56 (April 1970): 326

218 - "Research conducted over the past two decades reveals consistent support for rehabilitation as a correctional goal."

218 - "The United States spends well over \$80 billion annually on prison costs."

"How to cut Prison Costs", New York Times, November 11, 2012

216 - America has less than 5 percent of the world's population but nearly 25 percent of its prisoners.

216 - "State prison populations increased more than 700 percent between 1972 - 2011. This has turned imprisonment into a 'strictly custodial function'. There is a 'new penology' and it 'seeks not to deter or rehabilitate individual offenders but merely to warehouse..."

217 - The annual cost per inmate in state prisons now averages \$31,286, more than a year at most colleges.

214 - The American prison system is a 'paradoxical entity. It may be the only industry in the United States that thrives on poorer and poorer performance.

"Much of the inefficiency, an inefficiency that trades in human cargo, is hidden from view and kept hidden by groups that prosper in the waste of other people's life's."

213 - "They are a blight on national integrity and shame every citizen who knows about them and then ignores them."

"No one currently living in the United States should want to ignore conditions that turn nonviolent first offenders into experienced criminals. Many inmates handle prison by adapting to their transgressive environment, and they reemerge in public life more dangerous than when they entered. High recidivism rates are the product of prison life in twenty-first century America. If a system is broken - and this one is - everyone should want to fix it."

197 - "...system that is currently so brutal that anyone who looks must see that it does not work well for anyone who is not making money off it.

191 - To be aware of a problem but not its dimensions is where injustice often lies.

187 - the whole idea of shaming

185 - Jailbird - A dehumanizing stigma describing a prisoner. In the metaphor of capture, it indicates what inmates can never do: they can never fly away or escape the category they have assumed.

182 - One part of the answer to the punitive impulse is especially disturbing because it reflects an offshoot of the pleasure in imposing it. The levels of shame that Americans heap on the fallen in their midst may be the culture's most unattractive trait.

180 - Americans focus on the aftereffect of violence, not the mundane but more effective prevention of it.

173 - They must either come up with a new idea or find a new way of phrasing an old idea that will lead in a new direction.

173 - The hope has to be that sooner or later the growing size of the problem will drive new assessments.

172 - An intractable problem is one that a community recognizes but cannot solve despite realization of the need.

141 - Americans like to think of themselves as belonging to a society of opportunity in which exceptionalism give identity. Success, no matter how achieved, is admired, and it has a corollary. Failure is your fault and close to a social sin. If you are also in jail through that failure, you have proved yourself to be unsocial as well as antisocial in a consensual culture. You have become a complete failure who no entitlement to standing in the world. You are a loser in the common struggle for success, and you deserve to be where you are.

138 - Responsibility for massive incarceration and what might be done about it depend on awareness.

138 - On the whole, the problem of imprisonment and in general of punishing those who violate the law is one of the most disheartening ones that face modern civilization. It represents the breakdown of human intelligence as well as good will. It shows perhaps the ugliest phase of our human nature.

Paul Redekop
Changing Paradigms; Punishment and Restorative Discipline
(Waterloo, Ontario; Herald Press, 2008)

8 - The legitimacy - indeed, the necessity - of punishment is a central pillar of our culture. In our homes and schools, we take for granted that we must punish children so they will grow up healthy. When a crime occurs, we assume punishment is good for the offender and is what the victim and the community need.

9 - It is human nature to want consequences, to balance the score, to achieve a kind of reciprocity when something wrong happens. But is punishment the only or the best way to achieve this?

9 - Redekop offers healthier ways to achieve the same ends and a more satisfying and peaceful society.

12 - This would require that the offender take responsibility for offenses committed, thus allowing the victim to experience a sense of vindication. Then the victim could declare the matter resolved, and there was thus no need for the courts to pursue it further.

13 - Everywhere that it is was used, it was clear that punishment did more harm than good. It was again and again proven to be futile at best and terribly harmful at worst, whether it was employed in the justice system, in the family, in schools, or anywhere else.

15 - In the process, we see how it is the humiliation and degradation resulting from punishment that causes the greatest harm.

20 - Nor do they account for the dysfunctional consequences of ritual punishment in perpetuating cycles of violence and aggression.