

Incarceration Nation: The Rise of a Prison-Industrial Complex

by Andrew Bosworth / November 8th, 2008 (Dissident Voice)

In a nation originally founded on personal liberty, almost two and a half million Americans are behind bars. No doubt, violent criminals should be in jail, but most Americans are not aware that well over half of the inmates are jailed for non-violent offenses, many of which are extremely petty: possession of marijuana, public intoxication, street hustling, prostitution, loitering, bouncing checks, failure to produce identification, and even writing graffiti.

Consider this fact: The United States has less than 4 percent of the world's population but almost 25 percent of the world's prisoners. Amazingly, the US has a higher incarceration rate than China, Russia, Iran, Zimbabwe and Burma. Out of 1,000 people, more Americans are behind bars than anywhere in the world except in Kim Jong-Il's Neo-Stalinist North Korea, which is basically one giant Gulag.

Why is this happening? Inmates have become the raw material for a prison-industrial complex, shoring up perpetual profits for McJails. Corporate prisons are paid on a per-prisoner/per-day basis, and thus they lobby hard for longer mandatory sentences. Inmates also provide cheap labor, and they are about to become, once again, guinea pigs for pharmaceutical trials. All of this signals the conversion of people into valuable "bio-mass."

Incarceration makes sense, politically. Prisons provide jobs to rural and small town Americans who would otherwise be unemployed. These workers and their families represent votes, especially in the South, where electoral majorities are White and electoral minorities are Black. The drug war is, in large part, a race war by other means.

Study after study documents the following: African Americans are disproportionately stopped and searched; African Americans are disproportionately arrested; African Americans are disproportionately charged; and African Americans are disproportionately convicted. And all felons are disenfranchised, never to vote again.

Texas is the most enthusiastic jailer in the nation. The Lone Star State has become the Lock-Down State. It has the highest incarceration rate in the nation (which in turn has the highest rate in the world). Texas insists upon locking up people like

Rodney Hulin, a 16 year old African American who was convicted of setting a dumpster on fire. His sentence was 8 years in an adult prison. Despite pleading to be removed to another section, prison officials refused to extract him from the general population. Hulin was repeatedly raped and infected with HIV, and he ended the nightmare by hanging himself in his cell. But what is a 16-year-old doing in an adult prison? It is not that uncommon:

The United States has 2,225 adolescent offenders incarcerated and serving life without the possibility of parole. The United States is the only country in the world that continues to sentence children to life without the possibility of parole....

Florida has 713 child inmates who have received adult sentences of 10 years or more for crimes committed before their 17th birthdays.¹

Even “progressive” states like California are pushing mass incarceration, locking up the hapless and the marginal. Billy Ochoa, for example, is serving 326 years in a “Supermax” (super maximum security) prison for welfare fraud. Billy is an addict, an inept burglar, and not-very-good trafficker of food stamps. Under California’s “Three Strikes and You Are Out” law he is locked up in a tiny cell for 23 hours a day.

In Arizona, among other places, incarceration fits into a Blood-and-Soil subculture: anti-immigrant, anti-minority and neo-fascist. Maricopa County Sheriff Joe Arpaio, for example, delights in humiliating inmates, making them wear pink and sleep in tents in 100 degree weather. Arpaio even reduced inmate food intake to sub-human levels:

Arpaio makes inmates pay for their meals, which some say are worse than those for the guard dogs. Canines eat \$1.10 worth of food a day, the inmate 90 cents, the sheriff says. “I’m very proud of that too.”²

Arpaio, as America’s Uber-Jailer, even puts women in chain gangs and then boasts about obtaining “free labor” for the State. Stalin would have been proud. Instead of being jailed for human rights abuses, Arpaio enjoys high approval rates in the Phoenix area.

So the prison-industrial complex gets fatter and the prisoners get thinner. Both private and public prisons are cutting corners on guard training, libraries, education centers and even food. From Florida:

Mushy bland broccoli stems accompanied by a greasy mystery meat endowed with undercooked rice is as good as it gets for inmates behind bars...

The Senate has proposed slicing \$6 million from the current prison food budget, while the House wants to cut \$11 million.

Basically, Florida wants to lower the quality of prisoner food from this already-miserable level:

‘The quality of the food is substandard,’ said a relative of an inmate at Marion Correctional Institution in Lowell, who asked not to be named because she feared retaliation against the prisoner. ‘The preparation is haphazard. They’re supposed to wear hairnets and gloves. You find hair in your food and you find a Band-Aid in your food. Things are so overcooked it’s mush, or it’s not cooked at all.’³

Texas, Florida, California and Arizona have vast quantities of prisoners. Of course, we’ll never know how many prisoners are even guilty. They’ve been locked up through mass “plea bargaining” agreements. Here’s the deal: Plead guilty to a lesser crime (to something you might not have done) and go to jail for 3 years or risk a trial and the chance of doing 10 years. It’s a no-brainer.

Plea bargaining runs against the grain of the Fifth Amendment’s right to a fair trial. It specifically contradicts the US Constitution, Article III, Section 2: “The trial of all crimes, except in cases of impeachment, shall be by jury.” That seems pretty clear. Theoretically, an individual can choose to forfeit his or her own civil liberties, but the Constitution is degraded when plea bargaining becomes standard operating procedure, when it becomes a conveyor belt for mass incarceration, feeding inmates to hungry corporate prisons.

At this pace, the US is in danger of witnessing the development of a Gulag to jail the entire *lumpenproletariat*, the flotsam of society, a large and growing segment of the population, under-educated and under-employed. (But don’t fret too much, since news about jails seldom makes the mainstream press.) Women are now the fastest growing population of inmates, and many of them are young mothers with babies. Sarah B. From, with the Women’s Prison Association, explains:

Nearly two-thirds of women in state prisons are there for nonviolent offenses; most are mothers. Their children face the emotional and

developmental effects of separation, and the public incurs additional costs related to the child welfare system.

Most women in prison report histories of substance abuse, mental health issues and past trauma — factors that contribute to the crimes they commit. Prison does little to address these issues or to decrease the likelihood of recidivism.⁴

Immigrant women and their children are beginning to experience long-term detention. This too has been privatized, as Steve Watson and Paul Watson report:

The federal government is accepting bids on the contracts from county governments or private companies to build and run the “family detention centers...

The T. Don Hutto detention center, which is privately run by a company called Corrections Corp. of America, currently interns political asylum seekers who came to the U.S. on legal visas. Most of them are families including pregnant women and children who have never been accused of any wrongdoing but are forced to endure squalid conditions inside literal internment camps...⁵

Every major human rights group condemns family detention centers as sites of “collective punishment” (which might be classified as “concentration camps” under international law). Of course, the federal government promotes a sanitized image of detention centers in order to hide the fact that the Hutto center, for example, is a retro-fitted prison.

The Immigration and Customs Enforcement (ICE) is selling the concept of detention centers as miniature cities, models of healthy living. As Anna Gorman reports for the *Los Angeles Times*:

The agency calls for minimum-security residential facilities that would provide a “least restrictive, nonsecure setting” and provide schooling for children, recreational activities and access to religious services.⁶

This ICE propaganda is reminiscent of the Nazis, literally. Several years before the Nazis began their extermination campaign, they invited film crews onto concentration camps to show how happy the residents were with their schools and facilities...

Work Shall Set You Free

In the 1970s, a Supreme Court Justice, Warren Burger, proselytized for more leeway as to what kinds of “projects” prisoners could work on. Before too long, Congress amended the laws. In a Great Leap Backward, the US Congress has repealed two federal laws (the Hawes Cooper Act and the Ashurst-Sumner Act) that virtually outlawed prison labor, making it a felony to move prison-made goods across state boundaries. Stamping state license plates for cars was generally acceptable, but these Acts tried to end the leasing out of prisoners to private companies; they tried to eliminate prison-plantations and “factories with fences.”

By 1990 it was permissible for prisoners to produce products entering the stream of interstate commerce. Many of the largest corporations in America have exploited prison labor in what might be called “Operation Sweatshop.” Starbucks, Microsoft, Boeing, Victoria’s Secret and other companies have participated in prison labor programs.

Now, the federal government is taking the entire concept of prison labor to a new level: The Federal Inmate Labor Program. Details of the program can be found on the Pentagon’s own website. Documents released as far back as 2005 establish “Procedures for establishing a civilian inmate prison camp on Army installations.” Sample text from the Federal Inmate Labor Program:

b. The Army is not interested in, nor can afford, any relationship with a corrections facility if that relationship stipulates payment for civilian inmate labor...

(3) No photograph, film, nor video may be taken or made of any inmate labor detail or member for any reason without prior written permission from both (name of the Army organization) PAO and (name of local federal corrections facility) officials.⁷

In other words, the federal government is seeking unpaid laborers from among the pool of prisoners who would not be incarcerated long-term in other nations — non-violent and petty offenders who do not need constant guard. Just as in the Third Reich, federal authorities wish to convey their good intentions; in this case, they seek to enrich the life of prisoners:

“(2) Providing meaningful work for inmates...”

So it is not surprising that inmates are becoming guinea pigs for medical experiments and drug testing. Big Pharma faces a shortage of experimental subjects. Ian Urbina, in the *New York Times*, explains how the pharmaceutical lobby is on the verge of changing — or reversing — federal law:

An influential federal panel of medical advisers has recommended that the government loosen regulations that severely limit the testing of pharmaceuticals on prison inmates, a practice that was all but stopped three decades ago after revelations of abuse...

The discussion comes as the biomedical industry is facing a shortage of testing subjects...⁸

In fact, it is precisely because of pharmaceutical experiments that federal law began to protect prisoners in the late 1970s. Technically, under a Department of Health and Human Services regulation (45 CFR 46), prisoners are supposed to receive the same “protection of human subjects” as children and pregnant women. As the law currently stands, the only research that may be conducted with prisoners has to be material to their lives. Prisoners may not be used, under current law, as a “population of convenience.” But all this may soon be rolled back.

The profit motive worms its way into all aspects of prison life. The executives of these for-profit prisons sponsor “tough-on-crime” legislation and even line the pockets of politicians who back “mandatory sentencing” laws. It’s all profitable. On correctionscorp.com there is a separate section for investors.

Corrections Corporation of America is the nation’s largest owner and operator of privatized correctional and detention facilities and one of the largest prison operators in the United States, behind only the federal government and three states.

A recent analysis of the prison industry by Leslie Berestein is telling:

The industry leaders’ stock prices have rebounded. Since 2001, CCA shares have split twice and multiplied tenfold, closing recently at \$26.17. The GEO Group, which changed its name from Wackenhut Corrections in 2003, has also completed two stock splits and seen its stock value jump from roughly \$2.50 a share in early January 2001 to \$26.76 recently.

Meanwhile, the industry has broadened its political influence, spending more to lobby agencies such as the Department of Homeland Security and the Bureau of Prisons.⁹

A nation that once represented personal liberty, the United States, has become the world's most ardent incarcerator, turning the hapless and marginalized into inmates, cheap laborers, and guinea pigs for pharmaceutical trials.

Call your broker...

1. Maria E. Castagliuolo, "State Metes Living Death Penalties to Children," *Florida Issues*, 5 April 2008. [\[□\]](#)
2. News Report, "[Arizona Criminals Find Jail Too In - 'Tents.'](#)" July 27, 1999. [\[□\]](#)
3. Dara Kam, "Vendor, Lawmakers Suggest Cutting \$11 million from Prison Food Deals," *Palm Beach Post* Capital Bureau, 29 March 2008. [\[□\]](#)
4. Sarah B. From, "Letter to the Editor," *New York Times*, 24 April 2008. (Sarah B. From is Director of Public Policy and Communications Women's Prison Association). [\[□\]](#)
5. Steve Watson and Paul Watson, "[Federal Government Taking Bids On Construction Of Internment Camps.](#)" *Infowars.net*, 19 May 2008. [\[□\]](#)
6. Anna Gorman, "[Immigration Agency Plans New Family Detention Centers.](#)" *Los Angeles Times*, 19 May 2008. [\[□\]](#)
7. Government Report, [Federal Inmate Labor Program](#), Department of the Army, 14 January 2005. [\[□\]](#)
8. Ian Urbina, "[Panel Suggests Using Inmates in Drug Trials.](#)" *New York Times*, 13 August 2006. [\[□\]](#)
9. Leslie Berestein, "['Private Prison Industry' Experiences Boom.](#)" Copley News Service, 11 May 2008. [\[□\]](#)

Andrew Bosworth, Ph.D., is author of [Biotech Empire: The Untold Future of Food, Pills, and Sex, & Profit, Power, and the War on Your Health](#). he can be reached at: aaabos@gmail.com. [Read other articles by Andrew](#), or [visit Andrew's website](#).