Dismantling the Prisonhouse of Nations:

A Socialist Prison Reform Proposal

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The USA: Prisonhouse of Nations

The United States deserves the title, the Prisonhouse of Nations¹:

- The US imprisons more of its citizens than any nation in the world.

(http://www.kcl.ac.uk/depta/law/research/icps/worldbrief/) As of midyear 2008 over 2.3 million US citizens were behind bars and the prison population continues to expand
as a result of the growing inequality and increasing marginalization of working people across the nation. (http://www.ojp.usdoj.gov/bjs/prisons.htm)

• The US is also a world leader in executing its citizens, following only the repressive political regimes of China, Iran, and Saudi Arabia in the number of executions in 2008. The US and Japan are the only states in the developed world that continue to impose capital punishment on their citizens. (http://www.amnesty.org/en/death-penalty)

Both of these repressive social practices -- mass incarceration and the continuing use of the death penalty -- are direct results of the reactionary US prison policies that have been in effect for the last 30 years. This Socialist Prison Reform Proposal (SPRP) provides a starting point to reverse these trends of political repression and secure justice for working people in the US. The following analysis of incarceration and capital punishment establishes the credibility and urgency of the Five Strategic Objectives of the SPRP set forth below.

Capitalism and Incarceration

Prisons in the USA have three central functions: two overt and one covert. The overt functions are to punish criminal offenders for their illegal acts and to protect the community from dangerous individuals. The covert function is to serve as warehouses for superfluous elements of the working class. This covert function, which has resulted in mass incarceration in the USA today, is the primary target of the SPRP.
Chart 1, based on US Department of Justice (USDOJ) data, summarizes the history of incarceration in modern America.

The incarceration rate in chart 1 is the number of prisoners per 100,000 population of the nation at large, a standard measure of incarceration that allows for comparisons across time.

It is obvious from chart 1 that the history of incarceration in modern America can be divided into two distinct periods: the pre-1980 era of oscillating imprisonment rates and the contemporary period of explosive prison population growth. Examining the two eras separately highlights how the function of the US prison system has changed in modern times.
Chart 1a reveals the details of the relationship between capitalism and incarceration during the pre-1980 period.

The covert economic function of the US prison system (warehousing the unemployed) is clearly evident in the pre-1980 period. A close look at the incarceration trend in chart 1a reveals a dramatic rise in imprisonment rates during the period of the Great Depression (1929-1939) when the warehousing function of US prisons became firmly established; a lesser, but significant, increase throughout the protracted recession of the late 1950s and early 1960s; and
another dramatic upsurge in incarceration following the Vietnam War. By 1979, the incarceration rate in the US (137.3 per 100,000) had surpassed the highest rate of the Great Depression (137.1 in 1939).

Chart 1a also records significant decreases in imprisonment rates during the peak years of World War II (dropping to 99.7 per 100,000 in 1946) and even lower during the Vietnam War (94.3 per 100,000 in 1968), when manpower demands in the US were at all-time highs because of war mobilization.

The relationship between capitalism and incarceration changed fundamentally in the 1980s.

**Mass Incarceration: the Triumph of Neoconservative Prison Policy**

Chart 1b tracks the explosive growth of incarceration in the USA under the neoconservative prison policy instituted in the 1980s.
Beginning at a level above the highest point of the Great Depression (139 per 100,000 in 1980), the US incarceration rate grew to 509 per 100,000 by midyear 2008 (a 266 percent overall increase) and now stands at the highest rate of any nation in the modern world. In view
of the growing trends of economic inequality and marginalization and without meaningful reform of the US criminal justice system, incarceration rates in the US are likely to continue to rise even higher.

The neoconservative policy of mass incarceration in the USA has also produced the largest prison infrastructure in the world, numbering 1,668 state and federal facilities in the year 2000. Over 50% of these structures were built under neoconservative prison policy in the last two decades of the 20th century (Census of State and Federal Correctional Facilities, 2000, [http://www.ojp.usdoj.gov/bjs/]).

Despite the record size of the US prison infrastructure, a crisis of prison overcrowding is brewing. The State of California, with the nation's largest prison system, is currently under a Federal court order to reduce its prisoner population by one-third because of the state's financial inability to provide adequate healthcare for inmates. ([http://www.nytimes.com/2009/02/11/us/11prisons.html?r=1&pagewanted=print]) State prison systems nationwide are facing similar crises.

The last major factor to take into consideration for understanding the US policy of mass incarceration is the striking variation of imprisonment rates between regions of the nation.

The Southern Prison Belt

Regional variations of incarceration rates in the US are illustrated in map 1.
Map 1:
Incarceration rates, top 20 states, 2005
(Rates per 100,000 population, national average: 676 per 100,000)

The top 20 states, ranked by incarceration rates, are shaded on map 1. All 20 states imprision their citizens at rates well above the national average of 676 per 100,000. However it is the top 10 that are of special significance to understanding the phenomenon of mass incarceration in the US because it is their extremely high rates of imprisonment that inflate the national average. These top 10 states, with rates from the high of 1,138 per 100,000 in Louisiana to 808 per 100,000 in Arizona, constitute a Prison Belt that extends across the southern US.
The political significance of the Southern Prison Belt, which coincides with the stronghold of neoconservatism in the US, will become clear in the analysis of capital punishment that follows.

**A Note on the Incarceration of the Black Working Class**

Although all working class people have been subjected to increased political repression, including incarceration, during the last 30 years, the brunt of the assault has fallen on the Black community. Official USDOJ statistics reveal the degree of racial disparity in incarceration in the US. The midyear 2008 prison census reported that there were 4,777 Black male inmates in state and federal prisons and local jails per 100,000 Black males compared to 1,760 Hispanic male inmates per 100,000 Hispanic males and 727 white male inmates per 100,000 white males. ([http://www.ojp.usdoj.gov/bjs/prisons.htm](http://www.ojp.usdoj.gov/bjs/prisons.htm))

The future for the Black working class in the US under neoconservative prison policy is bleaker than their current predicament. In an in-depth 2003 study, the USDOJ reported that in 2001 16.6% of all adult Black men in the US had spent time in prison compared to 2.6% for white males and predicted that the lifetime chances of going to prison for men born in 2001 would increase to the disastrous level of 32.2% for Black males and more than double to 5.9% for white males. ("The Prevalence of Imprisonment in the U.S. Population, 1974-2001", [http://www.ojp.usdoj.gov/bjs/pub/pdf/piusp01.pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/piusp01.pdf)).
Examining similar racial and regional disparities in the imposition of the death penalty discloses the political link between mass incarceration and capital punishment in the US.

**Capital Punishment**

The brutal history of repression in the US is nowhere more apparent than in the issue of capital punishment. Between 1930, the first year for which reliable death penalty statistics are available and 1967, the last year of killing before a short-lived national moratorium on executions, 3,859 persons were executed under civil (non-military) authority in the US. Of this total, 54 percent of all persons put to death in the nation were Black citizens and 61 percent of all executions took place in southern US states. ([http://www.ojp.usdoj.gov/bjs/cp.htm](http://www.ojp.usdoj.gov/bjs/cp.htm))

Chart 2 offers a graphic overview of the use of capital punishment in the US since the middle of the 20th century.
Chart 2 presents the number of executions of citizens per year as reported by the USDOJ and analyzed in detail by the Death Penalty Information Center (http://www.deathpenaltyinfo.org/).

Although the total number of executions in the US is far overshadowed by the rate of mass incarceration, the state killing of poor and powerless citizens must be seen as a critical political issue -- the retention of capital punishment in the US symbolizes the willingness of the
neoconservative wing of the ruling class to impose the death penalty to maintain the social order that serves their interests.

The modern history of the death penalty depicted in chart 2 shows that the total number of executions in the US declined steadily during the late 1950s and early 1960s, ceased altogether under a legal suspension of capital punishment that lasted from 1968 to 1976, and, paralleling the trend of mass incarceration, skyrocketed in the 1980s and 1990s. In the peak year of 1999, the number of executions surpassed the high number of state killings in the mid-1950s. However, chart 2 shows that, unlike incarceration rates that are continuing to rise, the number of executions has declined steadily since the beginning of the 21st century as jurors and the public at large have begun to question the practice of state killing.

The secondary trend depicted in chart 2 shows that most prisoners in modern America have been executed in southern US states which account for only about 35% of the US population. While it is readily apparent in chart 2 that the trend of executions in the southern states determines the US total execution rate, the chart also illustrates a significant change in that historical trend -- since the restoration of the death penalty in 1976, the southern states proportion of all executions has risen to 81% of the national total compared to 61% for the period before the national moratorium on capital punishment. In other words, more US executions take place in southern states than ever before.

Like the policy of mass incarceration, the imposition of the death penalty falls heaviest on the Black working class -- the racial disparity in executions was 54% Black in the pre-
moratorium period and 35% of the total since the death penalty was reinstated despite the fact that Black Americans consistently hovers around 12% of the population.

A close look at the battle over capital punishment in the US at mid-century shows that it was a defining political struggle that set the stage for the escalation of executions under neoconservative rule during the 1980s and 1990s.

The Mid-20th Century Movement to Abolish Capital Punishment in the US

The movement to abolish capital punishment in the mid-20th century was an integral part of the civil rights struggle in the US. The abolition initiative was spearheaded by the NAACP Legal Defense Fund (LDF), a dedicated group of civil rights lawyers that mounted an assault on the constitutionality of capital punishment. LDF efforts led to the landmark decision by the US Supreme Court in *Furman v. Georgia* (1972) that ruled that the imposition of the death penalty in the cases before the court (*Furman v. Georgia, Jackson V. Georgia, and Branch v. Texas*) had been arbitrary and capricious and therefore constituted "cruel and unusual punishment" in violation of the Eighth Amendment and the due process guarantee of the Fourteenth. A national moratorium on executions ensued.

Southern states scrambled to reinstate the death penalty by rewriting their capital punishment laws to meet Supreme Court standards of due process. The effort, led by the states of Georgia, Texas, and Florida and backed by neoconservative forces from southern California and neocons in the federal government, was successful. In 1976 the US Supreme
Court accepted changes in state criminal law and reaffirmed the constitutionality of the death penalty in the case of _Gregg V. Georgia_.

The resumption of state killing after the _Gregg_ decision was restrained, and for a short time it looked like the US might join the rest of the western world in shunning capital punishment. Executions resumed in 1977, but during the first six years after the restoration of the death penalty, only six prisoners (three in the South) were executed. However, as neoconservative Republicans consolidated their hold on state power, government sanctioned killing escalated sharply, peaking during the 1990's, the heyday of neocon rule.

**The Restoration of Capital Punishment in the USA -- Another Neocon Victory**

Map 2 tallies executions in the US since the restoration of capital punishment in 1976.
The overlap between maps 1 and 2 is striking -- the states that execute the most tend to be located in the Southern Prison Belt\textsuperscript{11}, illustrating the correspondence between the use of capital punishment and the adoption of mass incarceration prison policies in the southern US, the seat of neoconservative Republican political power. A closer examination of death penalty practices in Texas, Oklahoma, and Virginia, the three states that have accounted for 68% of all executions in the southern states since 1976 and 56% of all executions in the nation during the same period, reveals the prime mover of capital punishment in the US -- neoconservative enthusiasm for state sponsored killing.
Death Penalty Central

The trends of executions in the states that have killed the most prisoners in modern US history expose the deadly connection between the imposition of the death penalty and neocon rule.

Chart 3 documents the trends of executions in Texas, Oklahoma, and Virginia.
The State of Texas, which has accounted for 69% of all executions in the southern states since 1976 and 39% of all executions in the nation during the same period, must be recognized.
as Death Penalty Central -- no other state even comes close. The spike in executions in Texas occurred during the governorship of George W. Bush who signed the death warrants of 151 men and 1 woman during his term as governor of the state (1995-2000) before he moved on to the office of President of the US. Executions in Texas are continuing regularly under the governorship of James Richard (Rick) Perry, Bush’s neoconservative successor, who presided over his 200th execution in June of 2009, exceeding the body count of his predecessor. With a current execution tally of 440, a death row population of 358, and continuing neoconservative rule, it is probable that Texas will retain the title of Death Penalty Central of the US.

The number of executions in the states of Oklahoma and Virginia, though not approaching the level of sate killing in Texas, clearly represent a second tier of executions. The time overlap of the trends in the three states indicates common ground.

The trend of executions in Oklahoma reflects the same neoconservative commitment to the death penalty that Bush demonstrated and Perry is maintaining in Texas. Chart 3 shows that only three executions took place in Oklahoma in the 18 year period between the resumption of capital punishment and the governorship of Frank Keating (1995 to 2003) , a neoconservative Republican who served in high positions in both the Reagan and George H.W. Bush administrations before becoming governor. State killing accelerated and spiked under Keating and dropped off immediately after he left office.

Chart 3 also tracks the parallel trend of executions under neocon Republicans in the State of Virginia. Governors of Virginia are restricted to a single term, but Republicans George F. Allen and James (Jim) Gilmore III, who served consecutive terms (1994-1998 and 1998-2002),
presided over 63% of the executions that have occurred in modern Virginia, establishing a neocon legacy of death similar to those of Texas and Oklahoma. As chart 3 illustrates, executions dropped dramatically after Gilmore left office.

The third tier execution states of Missouri and Florida also deserve attention. Missouri did not resume executions after the moratorium until the governorship of neocon Republican John Ashcroft, who later served as Attorney General under George H. Bush, and Florida, one of the first states of the nation to resume capital punishment, has executed regularly throughout the modern period.

The trends of executions depicted in chart 3 show how capital punishment, like the policy of mass incarceration, has been embraced by neoconservative Republicans. As an open challenge to these reactionary polices that have been wielded as tools of repression against poor and marginalized workers for the past 30 years, the Socialist Prison Reform Proposal offers the following strategy.

**Five Strategic Objectives of the SPRP**

The neoconservative prison reforms of the 1980s and 1990s consolidated the US prison system as an essential agency of the state that serves the needs of capitalism at the expense of working people and their communities across the country. The neocons announced their reactionary strategy in the "Taking Back Our Streets (TBOS) Act", a major component of the "Republican Contract with America" (http://www.house.gov/house/Contract/CONTRACT.html)
and vigorously set about imposing their agenda on federal and state governments. The USA's present status as the Prisonhouse of Nations is the consequence.

In sharp contrast to the reactionary prison policy of mass incarceration currently in effect in the US and the retention of the death penalty, the SPRP offers a starting point for dismantling the Prisonhouse of Nations and securing justice for working people.

The five key objectives of the SPRP are:

1. **Abolish Capital Punishment.** Capital punishment has been a major tool of repression in the US from the time it was used to control slaves and immigrant workers in colonial America through its continued use in the southern states today. The utilization of state sanctioned killing by neoconservative political forces in pursuit of their repressive crime control agenda outlined in the TBOS Act reached its zenith with the passage of the Anti-Terrorism and Effective Death Penalty (ATEDP) Act in 1995 that streamlined the execution process by restricting prisoners' rights of *habeas corpus*, the rule of law that allows inmates to challenge their convictions. (Capital Punishment Update, http://monthlyreview.org/1204vogel.htm)

The SPRP calls for the immediate abolition of capital punishment in the US. The current policy of state sponsored killing sanctioned by the US Constitution must be replaced by law based on the principle of the inalienable right to life recognized in
Article 3 of the *Universal Declaration of Human Rights.*


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2. **Downsize the US Prison System.** While incarceration in the US will never be eliminated, it can be dramatically reduced by putting an end to its repressive function and focusing on legitimate criminal justice operations.

The **SPRP** advocates the development of both social initiatives and prison policy reforms to facilitate the downsizing of the US prison system.

Social initiatives must include socioeconomic reforms that provide genuine educational and employment opportunities for all citizens, while prison policy reforms should include proven alternatives to incarceration such as effective substance abuse programs, family support services, mediation/victim reconciliation programs, fines/restitution, community supervision and service, alternative education opportunities, and job training/placement services.

In addition to reducing bloated prison populations, downsizing the system will offer the opportunity to modernize US prison facilities. According to the USDOJ, in the year 2000, 22% of all US prisons were over 50 years old and over 20% of the oldest buildings had been in use 100 years or more ([Census of State and Federal Correctional Facilities, 2000,](http://www.ojp.usdoj.gov/bjs/) [http://www.ojp.usdoj.gov/bjs/](http://www.ojp.usdoj.gov/bjs/)). Many of these older facilities are unfit for human habitation and should be demolished.
In view of the profound negative impact of mass incarceration on the lives of millions of citizens and targeted communities across the nation, the \textbf{SPRP} calls for the immediate downsizing of the US prison system.

3. \textbf{Stop the War on Drugs.} The War on Drugs that began in the 1980s and was reinforced by federal and state legislation during the 1990s has been the central strategy of repression in the USA for the past 30 years. Selective law enforcement and adjudication practices, mandatory minimum sentencing, and mandatory life imprisonment ("three strike and you're out") have given neoconservatives the tools of repression that they have used to implement and maintain a policy of mass incarceration. It is time to end the War on Drugs, which from its inception has been a war on working people, especially national minorities.

The \textbf{SPRP} calls for an immediate end to the War on Drugs and insists on the establishment of programs that treat drug problems as what they really are -- public health problems. The \textbf{SPRP} also calls for amnesty, restitution, and full rehabilitation for prisoners who were clearly casualties of the War on Drugs.

4. \textbf{Demilitarize Law Enforcement in the US.} Under the banners of Law and Order and the War on Crime, the neoconservatives converted many law enforcement agencies in the US into paramilitary units of repression (Overkill: The Rise of Paramilitary Police Raids in

The **SPRP** advocates demilitarizing law enforcement agencies in the US and refocusing them on their primary duties to serve and protect all of the citizens under their jurisdiction.

5. **Restore the Rights of Prisoners.** Incarceration deprives criminals of certain rights and privileges that they enjoyed in free society, but prisoners do not lose all of their rights as citizens. Specifically, they are protected from cruel and unusual punishment under the Eighth Amendment of the US Constitution. Supreme Court rulings have established that prisoners are entitled to the "minimal civilized measure of life's necessities." The Court has listed these needs as "food, clothing, shelter, medical care and reasonable safety" as well as "warmth and exercise." iv

The rights of prisoners have been undermined by the staggering costs of mass incarceration -- currently over $70 billion a year is being spent on what the USDOJ classifies as corrections ([http://www.ojp.usdoj.gov/bjs/](http://www.ojp.usdoj.gov/bjs/)). The authors of the current neoconservative prison policy recognized the fact that prison conditions in the US have been established and are maintained primarily through prisoner initiated litigation, and sought ways to restrict prisoners' access to the courts. This objective was realized to a

The SPRP calls for repealing the PLRA as the first step in restoring the civil rights of prisoners.

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Make no mistake about it -- the USA is solidly entrenched as the Prisonhouse of Nations. During the past three decades politicians from both the Republican and the Democratic parties have contributed to its construction and maintenance by jumping on the bandwagons of Law and Order, The War on Drugs, and most recently, The War on Terror.

There is no doubt that dismantling the Prisonhouse will require significant structural adjustments in local, state, and the national economies. Under neoconservative rule, direct expenditures for prisons have increased 660% while police and judicial expenditures have increased 429% and 503% respectively (http://oip.usdoj.gov/bjs/eande.htm). Total employment in the criminal justice system grew 86% from 1982 to 2003, and now stands at nearly 2.5 million with a payroll of over $9 billion a month (http://www.ojp.usdoj.gov/bjs/pub/pdf/jeeus03.pdf).

The vested interests in the US prison system are huge, but this edifice that reinforces inequality cannot be allowed to stand. The current political crisis presents great danger and great opportunity. Repression in the US can continue to escalate, or it can be confronted and turned back. What must be kept in mind is that the Prisonhouse was created and is sustained
by capitalism -- the end of institutional political repression in the USA will only be accomplished through socialist reform.

**Why Socialist Reform?**

The historical relationship between capitalism and incarceration (chart 1) and the history of the death penalty (chart 2) in the US reveal why prison reform must be part of a socialist agenda for the nation. All prior prison reforms in the US, most notably the reactionary prison reforms of the 1980s and 1990s, have been prison restructuring to meet the demands of the capitalist economy. The covert function of prisons -- the warehousing of elements of the working class that have been displaced in the US economy -- is inherent to capitalism. Working people are valued only for their labor power and when it is no longer needed (e.g., when cheaper labor is available offshore) they become superfluous to capitalist production. Modern prisons, like the poor houses of the past, have become warehouses for those displaced and marginalized in modern America.

The failure of the mid-20th century movement to abolish capital punishment in the US illustrates the impossibility of meaningful prison or criminal justice reform under the rule of capitalism. In that abortive challenge to the death penalty, the Supreme Court ultimately ruled that state sanctioned killing was not "cruel and unusual punishment" and is therefore permitted under the US Constitution.
But it must be remembered that the US Constitution was written by rich men who were more dedicated to the preservation of their private property rights and attendant privileges than to protecting the rights of common men. While Article V of The Bill of Rights guaranteed that no person shall "...be deprived of life, liberty, or property without due process of law...," statutory law and judicial decisions have allowed the agents of capitalism to determine the legal processes of depriving working people of their lives and liberty. Both the continuation of state killing and the mass incarceration of modern times are the direct outcomes of the "due process" of law dictated by neoliberal capitalism.

A Time of Crisis

Crises in the capitalist economy have historically produced crises in the prisons. The economic collapse of the Great Depression created massive prison overcrowding in the Western world. In Europe, the crisis sparked prison reform and, in several countries, resulted in amnesty for economic and political prisoners. In the US, work relief programs such as the Civilian Conservation Corps and direct economic aid to working class families took pressure off the prison system, but the prison problem was never confronted directly -- respite came through the manpower demands of World War II when even prisoners were drafted into military service. The military manpower demands of the Cold War and the wars in Korea and Vietnam postponed a general prison crisis, but it has finally arrived with the massive economic displacement and marginalization of working people that has accompanied neoliberal globalization.
The current economic crisis presents an opportunity to confront the prison problem in the USA in the context of building a national economy that serves the needs of the majority. Only a socialist state based on the political principles of liberty, unity, and social justice can dismantle the Prisonhouse of Nations.

The **Socialist Prison Reform Proposal** offers a starting point for a renewed struggle for social justice in the US.

(end)

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2. The State of Missouri is not an exception to this tendency. Missouri has historically been a border state between the Midwest and the South that demonstrates characteristics of both regions. The fact that Missouri is in the second tier of incarceration rates and third tier of executions reflects its affinity to the South.
3. A detailed analysis of how the US prison system was co-opted by the neoconservative Republicans is available in "Globalization and the Incarceration of the Black Working Class." [http://combatingglobalization.com/articles/globalization_and_the_incarceration_of_the_black_working_class.htm](http://combatingglobalization.com/articles/globalization_and_the_incarceration_of_the_black_working_class.htm)
5. For a succinct comparison of the political principles and practices of socialism to those of capitalism see "The Socialist Alternative" at [http://combatingglobalization.com/articles/the_socialist_alternative.html](http://combatingglobalization.com/articles/the_socialist_alternative.html).