

Political Economy, Race and Justice

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Abstract

The purpose of this dissertation is to critically discuss the evolution of African Americans in the United States. The concern is that despite gains during the Civil Rights Movement the black race has continued to experience; exclusion, exploitation, and discrimination although at present somehow this is 'hidden'.

African Americans are disproportionately imprisoned in the United States. They account for over 50 per cent of the prison population but account for only 13 per cent of the general population. This statistic is in no relation related to an increase in offending rates. This is all in consequence to changes in policy and practice in the last forty years. These changes in the economy and law and policy in particular have in consequence meant that African Americans are still being denied full integration and citizenship. This means they are still being blocked politically, economically and socially.

This research discusses the simultaneous transformations and implementations since the 1970s this is inclusive of the neoliberal project, the 'war on drugs' and the 'prison industrial complex'. It becomes apparent that these all interlink and help to keep political and economic elite interests in increased wealth through profitability, at the expense of the black race.

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Chapter One – Background

The United States of America is the leader in the Western world when it comes to the advance of capitalist societies. With this in mind, the United States now also houses the largest prison population and incarcerates more citizens than any other industrialised country (Mauer, 1999; Bobo & Thompson, 2006). This is a contentious relationship and one which merits further investigation. With the American penal system increasing at such a prolonged and rapid expansion over the last thirty-five years, punishment and prisons are now big businesses. So much so, that the industry itself has been named through academics in the area of interest, as the ‘Prison-Industrial-Complex’ (Davis, 1998; Schlosser, 1998). What is most shocking but nevertheless is in fact true is the overrepresentation of African-Americans within each and every separate and individual part of the criminal justice system (Rosich, 2007). Young, black male African Americans are dramatically and disproportionately affected by incarceration to extreme levels. Consequently, the result is that, ‘for the first time in national history, African-American’s make up the majority of those walking through the prison gates every year’ (Wacquant, 2001a: 96). This overrepresentation of young black men in particular is central to the consequences of the implementation of numerous changes in the last thirty-five years (Brewer & Heitzeg, 2008) and will be the focus of this research.

The aim is to highlight the significance of these developments and to clarify that these transformations in particular have had negative effects on some citizens’ lives, particularly on visible minorities. Areas impacted include: economic life, changes in ideologies of punishment, changes in law, policy and practice, and changes in political fields alike. Each of these aspects has resulted in the unprecedented continual cycle of incarceration for some, sometimes as many as fifty per cent percent of whole populations from African- American communities, who are either in jail on probation or on parole (Tonry, 2012). This in turn, can have a dramatic impact on people’s lives, both positive and negative dependent upon your standing in society. Although this research is predominately concerned with the last thirty to thirty-five years, it will examine possible historical legacy of why things are as they are in the present era. It will argue that all of the noted areas of significant change were and still are inextricably linked. Concluding that the consequences of such decisions results in the modern day hidden repressive discrimination, or, similarly, as Smith and Hattery (2010: 389) had likened modern day incarceration as the ‘extension to the outdated plantation slave economy and Jim Crow segregation’. To summarise, a new modern form of racism or as, Davis (1998) had coined ‘masked racism’. Contrary to popular belief, under no circumstances does this enormous housing of inmates have any reflection on rising crime rates, as Wacquant (2004: 61) maintained, the prison population was ‘utterly disconnected from crime trends’. Therefore, research needs to look beyond the advertised crime statistics and victimization surveys.

The concern is that imprisonment in the United States has become a tool for managing the most marginalized poor and excluding them from what society has to offer. According to Western (2006: x) ‘prisons and jails in America are part of a novel system of social inequality’. In the same way, Davis (1998:np²) reported that it had ‘become the response of the first resort to far too many of the social problems that burden people who are ensconced in poverty’. The development of prisons housing populations of poor has everything to do with globalisation and capitalism and the rise of the neoliberal era (LeBaron, 2008). This

² (np) Available from: http://colorlines.com/archives/1998/09/masked_racism_reflections_on_the_prison_industrial_complex.html [Accessed 25 October 2012].

isn't a peculiar development; Marxism suggests that social organisation is linked to the mode of production, that economic activity even in historical periods dominated of 'ancient' or 'feudal' or 'capitalist' societies is fundamentally the transition from one mode to another. Moreover, the notions of institutions of law, politics, morality, philosophy, and religion, will be forced to adapt to fit the conditions of economic life (Garland, 1991: 85). Although Marx did have insight of a class struggle around the mode of production in the given historical period more recently, work building on this observation Rusche and Kirchheimer (2005, [1939]) stressed the relationship between penal institutions and the economic requirements of the mode of production. In this sense the state will be more forgiving when work is abundant; alternatively, when the availability of production is in shortfall, the state will be less forgiving when it comes to the meeting out of punishment. Arguing that class struggle is central to this role and punishment is linked to the economic interests of the dominant class (ibid).

If punishment is linked to the economic interests of those in power, the history is that African Americans have continually bared the brunt of such repressive measures from the more dominant elites historically. Pashukanis argued that 'penal practice was a mechanism of class rule embodied in a legal form which seeks to disguise class content' (Garland, 1991: 113). Although this was more noticeable in the past, at present it is less obvious. Previously, African Americans have at separate times in history over the last four hundred years been systematically placed as the inferior class (Bobo & Smith, 1988). Additionally, discrimination and racial prejudice experienced by African Americans and other minorities has deep roots in America's history (Rosich, 2007). Until the 1600's black people were free, comparable with white's until 1680 when the slave codes were enacted. These had prevented blacks from owning property, to be educated, assemble in public together, or to own weapons (Burriss-kitchen & Burriss, 2011). Regarding discrimination, Burriss-Kitchen and Burriss suggest that 'it was essential that the recognition of racial identity, subordinating Blacks, exist prior to slavery so that dehumanisation was part of the character of a nation that embraces slavery' (ibid: 3), additionally, the slave codes had instigated the colour of crime, with blacks also being punished more severely than whites. Blacks would also be punished for being unemployed, which would inevitably come in the form of 'whippings, enslavement or re- enslavement, lynching, and mutilation' (McIntyre cited in Burriss-Kitchen & Burriss, 2011: 3).

In the period of Jim Crow segregation up to 1965, blacks were still suffering the perpetuating exclusion and racism. Although the 'disappearance of overt bigotry, demands for strict segregation, advocacy of governmentality enforced discrimination, and adherence to the belief that blacks are the categorical intellectual inferiors of whites' had decreased (Bobo & Smith, 1988: 185-6). However, it has been argued that the 'tenacious institutionalised disadvantages and inequalities created by the long slavery and Jim Crow eras are now popularly accepted and condoned under modern free-market or laissez-faire racist ideology' (ibid: 186).

More recently the Civil Rights Act of 1964 was supposed to be progress after much unrest during the Civil Rights Movement. Black people were to be integrated into society, were to be incorporated into schools, assured employment and housing and voting opportunities (Tonry, 2012). This is when the noted discrimination and racism becomes less obvious. This research discusses the last thirty five to forty years of major changes and new implementations. The possibility of an on-going problem of discrimination, which continues to benefit political and economic elite's ruling classes and the very rich. The United States prison population currently stands at over two million inmates (Garland, 2001) and over 70

per cent of that population comes from black and other ethnic minority populations. Controversially, this figure is a complete reversal from one that was 70 per cent white at mid-century (Smith & Hattery, 2010: 392). This is a startling extreme considering that African Americans make up just 13 per cent of the general population and other ethnic minority groups make up even less (Rosich 2007). Therefore, the remainder of the dissertation will seek to find the causations of this overrepresentation and will endeavour to find out if these can be attributed to the new 'hidden discrimination' which continues to benefit the political and economic elite.

Methodology & Chapter Summaries.

To adequately answer the research question it will not be possible to do primary research as the research topic is based in the United States of America and also is incorporating a review of literature past and present to seek evidence of the topic hypothesis. The theory which evidence will be provided for is that ‘there have been significant political and economic transformations which have continued to repress, exclude and exploit marginal African American men to benefit the political and economic elites involved’. Throughout the next few chapters evidence will be presented to help argue and highlight how the described transformations and changes that have been implemented to make this all the more easier.

Chapter 2 – will discuss a change in economics through the implementation of neoliberal era. It will show how through deindustrialisation, privatisation, free-market economics, and restructuring of the welfare state and tax systems and impacts these have had. The result of which is that the rich has done very well and the poor have become poorer having suffered devastating consequences due to these transformations.

Chapter 3 – offers discussion on the war on drugs and sentencing practices under such legislation. Why this war has been associated as being a war against black through conscious policy decisions and to what extent these sentencing practices are just and proportionate with a discussion on sentencing disparities.

Chapter 4 - will discuss the continual cycle of imprisonment and the growth of the prison industrial complex. It will include aspects of corporate interests, the use of prison labour and the growth of the prison industry and related industries and to what extent these are ingrained and tied up within the overall economy in the United States.

Chapter 5 - will be the concluding chapter and will connect all the previous chapters’ arguments and suggest that while this hidden racism is not unknown it has been chosen to be ignored to benefit both political and economic elites.

Chapter Two - Neoliberalism

The neo-liberal implementation during the 1970s was initially put forth as a theory, an ideology, and a set of political and economic practices. It proposes that ‘human well-being can be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong property rights, free-markets and free-trade’ (Harvey, 2007: 2). It was promoted to initiate and stimulate economic growth, through deregulation and privatisation under free-market economics, and the belief that the state should limit its capacity from interfering into markets it did not comprehend (Stegar & Roy, 2010). Although more recently, Harvey (2009:np³) suggested the definition of neo-liberalism

to be more like ‘a class project, masked by a lot of neo-liberal rhetoric about individual freedom, liberty, personal responsibility, privatisation and the free-market’. The project itself and the ‘policies enacted represent the immediate interests of extremely wealthy investors and less than one thousand large corporations’ (Chomsky, 1999: 7). It would be in their interests to want weak labour costs, and minimal state interference to enable established class advantages to continue (MacLean, 2007). The most damaging change(s) that came along with the neo-liberal ideological principles was the retrenchment of the welfare state, along with the intensification of the ever increasing criminal justice system related industries and the continual expanding growing number of prisons. As Wacquant (2009: 1) had noted, it was a ‘a transition from the social state to the penal state’...’the ‘invisible hand’ of the deregulated labor market to the ‘iron fist’ of an intrusive and omnipresent punitive apparatus’.

Post Civil Rights era, the great migration began in the early 20th century, when many African- Americans escaped the Jim Crow segregation of the south and migrated north (Storyville, 2013) albeit to inner city neighbourhoods and to ‘blatant residential segregation’ (Walker,

Spohn & DeLone, 2012). They acquired jobs in the booming factory and industry sectors; and in turn, made some progress in their evolution of African-American citizenship (Western, 2007), to the extent that they were now employed, had access to housing and welfare, and had the ability to vote (Unnever & Gabbidon, 2011). In a human rights sense, this was seen to be enough for blacks to be able to be integrated into society and receive full citizenship and therefore overt discrimination and the exploitation as blacks being seen as inferior to whites ceased to exist any longer (ibid). Having never received any rights like these during the times of slavery and then the Jim Crow segregation decades, it seemed on the surface that these victories were in fact working and progress was made for a short time up to early 1970s.

Nevertheless, Tonry (2012: viii) has argued at present that,

‘few whites actually believe in white supremacy or the racial inferiority of black people, and that political candidates no longer make appeals to racism, it is also true that too many black Americans are poor, disadvantaged, uneducated and the story is as much about poverty as it is about crime and race’.

³ - (np) Available from: <http://www.counterpunch.org/2009/03/13/is-this-really-the-end-of-neoliberalism>
[Accessed 5 January 2013].

The contention is that neo-liberal policies were ‘conscious policy choices’ (Koechlin, 2012: 3), purposely and deliberately designed and implemented in response to the ‘domestic gains that had previously been achieved by the subordinate classes’ even (LeBaron, 2008: 61). In this sense, progress made in the 1950s and 1960s, wealth gaps between the middle and upper class was decreasing, as it was between the working and middle classes (Walker, Spohn & DeLone, 2012). The nation state was at this time providing a more welfare centred approach during the Fordist-Keynesian period post Great Depression, during the 1930s. Set in place to ameliorate social inequalities, and consequently helping class mobility. Accordingly, Wacquant (2001b: 405) acknowledged, the Keynesian state ‘was the historic vehicle of solidarity, and whose mission was to counter the cycles and damaging effects of the market to ensure the collective ‘well-fare’ and to reduce inequalities’. The state also had partial regulation and controls over: economic practices, wages, exports, and public goods. But most important, was both political and public support for a criminal justice system that was underpinned by rehabilitation when it came to imprisonment (Garland, 2001; Western & Wilderman, 2009; Wacquant, 2010a). Both of these changes in welfare and criminal justice policies Wacquant (2010a: 197) has suggested are interlinked; and that it is not a rise of ‘criminal insecurity but rather the rise in social insecurity’.

To summarise, this means the state reversed previous policies and responded to the pressures from corporations to: open the markets, privatise public resources, stop social spending and divert funds from public resources and cutting budgets in health care provisions and welfare and education (Harvey, 2007). In short, this was the limited state neo-liberal political and economic elites required for business (Stegar & Roy, 2010). At the same time, these cuts coincided with increased spending on criminal justice systems and related bodies (Wacquant, 2012) which will be discussed in chapters three and four. This was particularly prevalent of the prison industry, including the privatisation of prisons and some related criminal justice systems and public educational institutions (Fine & Ruglis, 2009). Finally, these are due to the capitalist transformations both political and economic, which are the consequences of globalisation under neo-liberalism.

The consequences of these transformations including (deindustrialisation, privatization, free-markets economics, and the restructuring of both the welfare and tax systems) as argued, have all attributed in and thus contributed to many social changes, and consequently, in social restructuring. These transformations can be exposed by the intensification and in some cases creation of: racial segregation, ghettorization (Wacquant, 2001a; Western, 2006; Walker, Spohn & DeLone, 2012), ‘mass-incarceration’ (Tonry, 1995; Davis, 1998; Mauer, 1999; Garland 2001; Wacquant 2001a; Western, 2006, Western, 2007), high unemployment, abandoned neighbourhoods, rising insecurity and inequality (Walker, Spohn & DeLone, 2012), and ultimately, resulting in an enormous increase in terms of inequality of income distribution and poverty (Koechlin, 2012). Which it has been found results in a precarious workforce (Standing, nd⁴) and arguably, surplus to requirements populations and communities, more often than not these populations also come from the lowest end of the economic and social strata (Reiman & Leighton, 2010).

With the rise of the neo-liberal free-market economy, competition, deregulation and the industrial sector of the economy now eroded - eliminating entry level jobs historically

⁴ - (nd) Available from: The Precariat: Basic income in the Politics of Paradise. [Internet], Available from: http://www.guystanding.com/files/documents/The_Precariat_-_Basic_Income_in_a_Politics_of_Paradise.pdf [Accessed 5 January 2013].

available to the poor (Walker, Spohn & DeLone, 2012: 107). While factories were closed and in turn these inner city areas left abandoned, the decaying ghettos (Wacquant, 2010b: 74) already with deep concentrations of segregation (Walker, Spohn & DeLone, 2012). Economic opportunities occurred in the service sectors of the economy, either white-collar professional level jobs or minimum-wage service jobs such as fast-food industries. The poor could not compete for the professional level jobs (ibid: 108). Consequently, 'insecure and short-term jobs are becoming more common, making life itself insecure, restless and hard to plan – in a word, precarious' (Jonsson, 2012: np). To clarify, the neo-liberal revolution has helped in imposing insecure labour (Wacquant, 2010b⁵). Consequently, Reiman & Leighton (2010: 29) found that 'over the past 35 years, black unemployment has remained slightly more than twice the rate of white unemployment'. Teenage rates of unemployment for African Americans stand at 49 per cent (Walker, Spohn & DeLone, 2012). Thus, Brewer (2004: 117) suggests that the 'U.S Welfare State policy in the current period must be understood in the context of global economic restructuring. These processes are deeply shaped for African diaspora peoples by race'.

Since 1979 the market has been the core organising principle of the economy and society. Theoretically, this was to improve efficiency and raise economic growth so as to advance the welfare for all. However, it transpires that the 'welfare and tax systems are organised so that the gap between high and low income groups has become more not less obvious' (Hutton, 1996: 170). In 2010, the black median family income was just 61 per cent of that of whites. The benefits of the economic growth have gone to those at the top of the income distribution scale. Since 1976, it has been found that 58 per cent of all income growth ended up in the pockets of the top 1 per cent (Koechlin, 2012). It has also been found in the United States, there is no likelihood the poor can increase their chances and unsurprisingly the situation has become much worse since the credit crunch in 2008 (Walker, Spohn & DeLone, 2012).

As Koechlin (2012: 3) contends

'there are five reasons for rising inequality, rising incomes of the rich since the 1970s, rising inequality among 'the rest' (the bottom 90 per cent), unequal distribution of wealth in the United States, a weak and insufficient response of the US government to end all this, and also the declining class and income mobility in the United States'.

Despite this accumulation in wealth, the rich never do reinvest into areas that need investment and fail to provide what they promise (Harvey, 2009). It is also known that trickle-down economics does not work. Therefore, it certainly seems it is 'profit over people' (Chomsky, 1999). The proponents of welfare restructuring in the United States Wacquant (2012: 4) states are the 'ideological launching pads for the war against the welfare state, which is inseparable from the refusal of full integration for African Americans'. Welfare reforms and enacted legislation had enabled or even forced individuals into work under welfare which is now redesigned as 'workfare' programs. Under these provisions, 'the recipient must accept any job or assimilated activity offered to her, whatever the pay and working conditions, on pain for forsaking the right to assistance' (Wacquant, 2004:

⁵ - (np) Available from: Jonsson, S. (2012) The Contained. *Eurozine*. [Internet], Available from: <http://www.eurozine.com/articles/2012-07-27-jonsson-en.html> [Accessed 5 January 2013].

59). Welfare became repacked as 'workfare' and is an extension of the prison systems punitive apparatus in a supervisory capacity consisting of 'reorganizing social services into an instrument of surveillance and control' (Wacquant, 2004: 58).

Able bodied young men have always found access to welfare assistance met with the impossible. The extreme restructuring of the welfare state was in response to the 'tide of dispossessed families, street derelicts, alienated jobless youth, and the despair and violence that was intensifying' (ibid). Accordingly, the conduct of the dispossessed and dependant citizens must be closely supervised and, whenever necessary, corrected through rigorous protocols of surveillance, deterrence, and sanction, very much like those routinely applied to offenders under criminal justice supervision (Wacquant, 2004: 59-60). For this reason, Piven and Cloward (1972) maintained that the welfare state has been used to regulate the poor, and the relief function of the state is tied to a process of social control. Despite the fact that African Americans have fundamentally always been the ones that have ultimately suffered the most oppression and exclusion and exploitation that society and its participants had to offer historically.

In consequence social and economic conditions are worse today than what they were during the 1970s in real value terms. Growing disparities due to the restructuring of the nation state (economy, welfare, criminal justice system, education, income and wealth, erosion of minimum wage), have led to a severe and more crucially a disproportionate stratification along class and racial lines (Koechlin, 2012). While social spending on the needy populations was decreased or made so difficult to obtain that individuals never received such entitlements, the welfare spending on the very rich increased (Brewer, 2004). The least able economically are disproportionately black and poor. Many fathers are absent due to periods of incarceration (chapters three and four), 'families are formed without male providers and this is largely the outcome of economic restructuring and state transformation, black exclusion along racial lines contemporarily and a deeply rooted sexual division of labor: productive and reproductive' (Brewer, 2004: 128). Often these families are labelled, 'disreputable', 'undeserving', and increasingly 'a permanent drain on the state'. Neoliberals and capitalists agree today that these people are not 'entitled' to public aid' (ibid).

Coincidentally, when the great migration from south to north did happen, the areas in which these populations were sent to happened to be isolated, and separated (Storyville, 2013). These areas Wacquant (2009: 82) would concur were to become the ghettos which served as an 'ethnoracial prison'. This meant that the areas became deeply and disproportionately concentrated along racial and ethnic lines and in turn leading to extensive disparities that persist today. To put another way, 'changes in housing patterns among people of color resulted in a greater concentration of disadvantage in certain areas, and this has a direct impact on crime in poorer neighborhoods' (Walker, Spohn & DeLone, 2012). The fact is that these areas simply lack economic opportunity (Storyville, 2013). In some former industrial states there are up to 50 per cent of young African American men who have criminal records, and it is estimated three out of four young black men (and nearly all those in the poorest neighbourhoods) can expect to spend some time in prison (Braman, 2004, cited in, Alexander, 2012: 6-7). These figures are striking, and will be discussed in greater detail in chapters three and four.

Unsurprisingly, due to the fact that these communities have such a large proportion of absent fathers, they are no doubt severely under resourced. They are not only lacking in male providers and good role models, and peer influences but are also plagued by inequality and poverty in comparison to areas that are less racially segregated. The populations in these

communities suffer from persisting ‘stigmatization and permanent marginalization’ (Alexander, 2012: 12). African American men are targeted through the criminal justice system, while the women are targeted as being welfare dependant and are forced into work under any provisions (Brewer, 2004). It has also been found that African American youths are excluded too. In this sense, being warehoused and experience being targeted in over policed and under resourced ‘zero tolerance’ failed schools (Fine & Ruglis, 2009; Alexander, 2012).

It has been found that education in schools within these areas is often inadequate; the reality is that these populations receive an entirely different syllabus all together. Most controversial is the fact that these schools in urban, poor inner-city neighbourhoods often have exit examinations to be able to graduate with a college diploma whereas in more eloquent, non segregated schools these examinations simply do not exist (Fine & Ruglis, 2009: 20) argue that ‘educators and youth negotiate conditions of systematic miseducation and criminalization’. There are universal findings that the prison population is characterised by a massive racial stratification, but also that inmates who do not have a collage diploma black or white can expect an increased likelihood of spending time in prison (Western, 2007). In short, the contention is that ‘neo-liberal policy produces disadvantage for youth of color and academic wings for young white people – especially the wealthy’ (Fine & Ruglis, 2009: 20).

Another notion to the neo-liberal era is the focus upon ‘individual responsibility’ rather than a collective aim to acknowledge that inequalities persist as with the period of the Keynesian system. Blame is now proportioned to the person for not succeeding. There is individual responsibility and blame for failing to: get an education, not having a job, being poor, or failing to keep up with the rest of mainstream society. In this sense, the state is passing the blame for its failure to provide for all its citizens, and instead as Wacquant (2010: 213a) argued comes the notion of ‘the cultural trope of individual responsibility’. This in itself produces the categories ‘deserving’ vs. ‘undeserving’ and the stigmatisation and further marginalisation of these groups as either a single target at a time which suits at that specific time, such as men, women or youths or as whole problem populations.

Meanwhile, the economic elites continue to increase their wealth on a scale well beyond what has been seen in history. The income of the top 1 per cent from 1977 to 2007 increased by 275 per cent, while those at the bottom of the income scale wealth actually decreased by 20 per cent (Koechlin, 2012:19). The United States government have been very generous to the rich, especially in the last 35 years. One example was the tax rates on income in the 1980s, was cut from 70 per cent to 35 per cent (Koechlin, 2012: 13). All this unequal distribution and inequality plays a part the perpetuation of poor and marginal populations who are not to blame entirely themselves as the administration would have society believe. It is through conscious policy decisions in which political and economic elites have designed and implemented to impede the progress of a race which has suffered exclusion and subordination of the ruling classes time and time again.

As mentioned, class mobility in the United States is almost unheard of, for that reason the ‘American Dream’ simply does not exist, not for an individual with skin of colour (Hocschild, 1996; Alexander, 2012) anyway. The ‘American Dream’ is the promise of freedom and prosperity and the ability to climb up the economic ladder providing one engages with society and works hard. Before the banking crash in 2008, it was more difficult to see the severity of the urban black poor, due to the increase in credit expansion and also the sub-prime mortgage scandal. Black and poor whites were offered mortgages in their areas making the great gains of the elite less noticeable. The problem was that these mortgages had

intentionally higher rates of interest and came with higher risk of failure to be able to pay back. Sub-prime lending was 125 per cent of the market value of the property. When the crash did take hold most foreclosures were again concentrated in urban poor black neighbourhoods and as well as losing their jobs they lost their homes as well (Walker, Spohn & DeLone, 2012). This in turn reverses and further entrenches the positioning of African Americans within society.

It is noteworthy to consider before chapter 3, in what (Wright, 1997: 53) has likened this whole battle to be:

‘In the case of labor power, a person can cease to have economic value in capitalism if it cannot be deployed productively. This is the essential condition of people in the ‘underclass’. They are oppressed because they are denied access to various kinds of productive resources, above all the necessary means to acquire the skills needed to make their labor power sealable. Understood this way, the underclass consists of human beings who are largely expendable *from the point of view of the logic of capitalism*. Like Native Americans who became landless underclass in the nineteenth century, repression rather than incorporation is the central mode of social control directed toward them. Capitalism does not need to the labor power of unemployed inner city youth. The material interests of the wealthy and privileged segments of American society would be better served if these people simply disappeared. However, unlike in the nineteenth century, the moral and political forces are such that direct genocide is no longer a viable strategy. The alternative, then, is to build prisons and cordon off the zones of cities in which the underclass lives’.

This research will discuss what Wright has suggested throughout later chapters.

Chapter Three – The War on Drugs

Starting in the 1960s and intensifying in severity during the 1970s and 1980s, was a reversal in attitudes not only as discussed already in economic and welfare practices; but also from an underlying ideological belief in rehabilitation in regards to punishment to an extremely harsh, punitive and retributive philosophy. Subsequently, Alexander (2012) contends that this shift in tough punitive attitude was instigated towards problems associated with communities of colour since the gains of the Civil Rights Movement. Problems in this sense were the progress which African Americans had made. Western (2006: 49) noted, ‘this period of rapid social change ushered in a new economy characterized by urban deindustrialisation, and a new politics, characterized by law and order appeals’...’the economic demoralization of less-skilled urban blacks in the 1970s presented a vulnerable target for the punitive turn in criminal justice’. From the 1970s onwards, incarceration was no longer to rehabilitate offenders back into the community once their sentence was served. Rather, the focus of imprisonment was now for incapacitation and deterrence and also for punishment (Western, 2006: 2). Rafts of legislation were implemented throughout the next three decades, and these implementations it has been said, have been the most harsh and severe sentences in the history of America (Tonry, 2012).

Most notable was the proliferation of resources and economic investment and interest to fight the so-called war on drugs. Since President Nixon announced in 1971 that drug abuse was enemy number one in the United States (Storyville, 2013), a subsequent ‘war’ has followed. This was in despite the fact that known drug use was actually in decline in the run up to the prompting of the war on drugs (Tonry, 2004). This means that these changes in practices

were not led or implemented on fact based evidence, if it was then there would have been increased drug use at the time (Simon, 2011). This would have given some indication for the explained reason for the so-called drugs war. Thus, Tonry (1995) concluded, that the war on drugs was to achieve political not policy objectives for electoral ends. With growing support for these changes amongst white suburban voters due to rising feelings of insecurity coinciding with urban unrests from the changes and redesign in economic and welfare policies (Western, 2006). Crime and also law and order rhetoric was popular, and therefore, a punitive attitude amongst law makers and the rest of mainstream society ensued. Alexander (2012:74) maintained, 'in barely a decade the war on drugs went from being a political slogan to an actual war'. Unsurprisingly, and ultimately no different to other wars, is the reality that every war needs an enemy (Storyville, 2013). In the same way, every war needs someone to be its victims.

It is irrefutable that the war on drugs has impacted and caused damage to the lives of the majority of the individuals involved who consequently end up incarcerated in the United States. Or alternatively, are under the supervision of the criminal justice system, either on probation or on parole; or both. Mauer and King (2007, cited in Alexander 2012: 60) found that since the war began 31 million individuals have been arrested under drug laws alone. On top of this, evidence suggests universal findings that these implementations were deliberate and foreseeable that it would disproportionately affect black and other ethnic minority populations the most (Tonry, 1995; Rosich, 2007; Western, 2007; Davis, 2008; Tonry, 2012). This again, can only be attributed to the fact these populations that were known to be already surplus to the new economic order, but were now also the enemy and consequently became the victims of the so called war on drugs. It would seem impossible to believe a war against the urban black poor is still in full pursuit today, as was in the slavery and Jim Crow eras. Furthermore, that it is taking place within America's own individual states, and against its own citizens. However, the war on drugs is still continuing to this day, and its enemy it seems is the black community (Goode, 2002). Therefore, not so controversially, 'it is entirely possible that, to the architects of the drug war, racial disparities represent that very ugliest of military concepts- collateral damage' (Goode, 2002: 41). Again, as noted, this is no different from any other war. Indeed, as Alexander (2012: 84) contends, 'once arrested, ones chances of ever being truly free of the system of control are slim, often to vanishing point'.

It has been found that the war on drugs depends on the prison label not the prison time (Alexander, 2012). The legislations that have impacted on the increase in the prison population since the 1970s, includes crime control policies such as mandatory minimum sentencing, truth-in-sentencing, and the "3-strikes" legislation (Rosich, 2007: 5). Drug laws require a mandatory minimum time an individual will spend incarcerated, no matter what the circumstances. The three strikes legislation means that no matter what felony is committed at the time of the second conviction because there are now two prior felonies this now in consequence leads to an automatic mandatory life sentence received there and then (Alexander, 2012). So in reality, in most cases, the individual on the receiving end often did not have the chance to commit a third felony and now spends the remainder of life incarcerated no matter how long that might be. The Anti-Drug Abuse Act 1986 was implemented into law which included mandatory minimums for the distribution of cocaine including a more severe punishment for the distribution of crack cocaine which Alexander (2012: 53) rightly confirms 'crack is associated with blacks, more than powder cocaine, which is associated with whites'. Bobo and Thompson (2006: 454) acknowledge, 'there has been a sharp rise in black incarceration driven by policy changes and not by changes in rates of violent crime or illegal drug use'.

These sentence disparities were not minor. In fact, they were totally disproportionate on every level. The 1986 Crime Control Bill is said to have done the most damage to black offenders. This legislation required a mandatory minimum sentence of five years for crimes involving 100 grams of heroin, 500 grams of cocaine, or just 5 grams of crack (Burris-Kitchen & Burris, 2011: 13). For this reason it is referred to as the 100-1 law (Tonry, 2012). Coincidentally, as Welch (2007: 279) maintained, 'crack was generally recognized as a relatively inexpensive drug that was predominately used by impoverished racial minorities'. This does not mean in reality that blacks use drugs more than whites, rather, that blacks were more likely to be caught with cheaper drugs such as crack cocaine and in smaller amounts instead of the more expensive powder cocaine. This is why this 'war' can and has been associated with being a 'war against blacks' (Welch, 2007) as Burris-Kitchen and Burris (2011: 12) observed, 'Nixon's War on Drugs was an all-out attempt to completely destroy and incarcerate the entire Black race'. These sentences including mandatory minimums require disproportionately severe punishments ranging from five years to thirty years to life (Tonry, 2012: 21). It was found that convictions of small quantities of drugs are often punished more severely than people convicted of burglaries, robberies and sexual assaults (ibid). In the same manner, prison terms under three-strikes laws for minor crimes are longer than ones served by most people convicted of rape, robbery or murder (ibid: 21). Controversially, almost nobody goes to trial and plea bargain, simply the threat of a mandatory minimum of 10-20 years causes many to plead guilty for a shorter sentence. Because of this, it is undeniable there will be thousands of innocents are in prison (Alexander, 2012). These practices go against the philosophy that sentences must be proportionate to the crime committed and therefore are unjust.

When it comes to the consumption and the distribution of illicit drugs blacks are no more likely to participate in either of these activities than are whites (Tonry, 2012). Research suggests drug usage and patterns of contact with drugs are similar across most racial and ethnic groups. Welch (2007: 279) found, 'specifically, Whites account for almost 75% of the nation's illegal drug users, and Blacks account for 13%, which is consistent with their representations in the greater U.S. population'. Although, in the same year a report by Rosich (2007: 7) found drug usage was far lower for blacks in comparison to White and Hispanics including crack cocaine. Between the years 1985-1995, there was an increase of 478 per cent in incarcerated drug offenders alone (Mauer, 1999: 34). Additionally, by 1999, 85 per cent of those serving long sentences under crack cocaine laws were African American (Rosich, 2007: 6). With this in mind, how does a prison population get filled with African Americans who do not consume drugs more in fact even less so than whites yet these are the ones who continue to be sentenced and sent to prison every year. Even though evidence of these disparities exists, it has not slowed or reversed policies as such (Tonry, 1995). In the concluding chapter details of some acknowledgement and implementation that has recognised the impact and severity and disproportion within these sentences, although this still remains disproportional.

It is helpful to relate these findings back to what Rusche and Kirchheimer, (2005: 206, [1939]) had suggested that punishment itself was in 'the needs of the politically dominant group in its struggle to maintain power'. In order to do this, they state that 'many minor offences (whole categories or merely individual cases) are singled out as injurious to the welfare of the nation and are classed with the more serious crimes' (ibid: 206) additionally, although first written in 1939, Rusche and Kirchheimer (2005: 207, [1939]), make a point that still resonates today in relation to maintaining class positioning. They argued that 'the question of a fundamental revision in the policy of punishment seems to be further away today than ever before because of its functional dependence on the given social order'. Moreover, it has been found that the relationship between drug use cycles and punitive anti

drug policies, with the harshest sentences adopted when drug use is declining (Tonry, 2004: 100).

In consequence, twenty years after the drug war began one third of black men aged 20-29 on an average day in 1995 were in jail, on probation or on parole (Tonry, 2012: 11). Black males are now imprisoned at eight times the rate of whites (Western, 2007). Whilst one in three black men will spend time in prison throughout their lives, the figure is one in twenty five for whites (Welch, 2007). Despite evidence that drug usage among different races is at similar levels, it has been reported in some states that 80 to 90 per cent of all drug offenders admitted to prison have been African-American (Wacquant, 2009: 77; Alexander, 2010: 25). Arguably this will be due to police practices which target inner city communities (Tonry, 2012) for easier arrests and in higher numbers. Additionally, crime rates and criminal behaviour have no direct impact in the rising prison population. For this reason Goode (2002: 41) argued, when it came to the war on drugs, 'one of its possible meanings is that African Americans are targeted for arrest specifically *because they are black*' or poor.

There are few legal rules that constrain the police when it comes to the war on drugs (Alexander, 2012). This means the police can seize people virtually anywhere, and it has made the round-up of millions of Americans for non-violent drug offences relatively easy (Alexander, 2012: 61-63). On top of this, it has been found that the incentives and rewards that the police departments benefit from such arrests and practices by taking and keeping property. It has been found that a 'substantial proportion of law enforcement agencies are dependent on civil asset forfeiture as a *necessary* budgetary supplement (Worrall, 2001: 171; Blumenson & Nilson, 1998). Controversially, police are known to go on 'fishing' expeditions to carry out such practices. Guilt does not need to be proven and many innocents have their property taken (cash, cars and even homes) even when they are not charged with any crime and are innocent of any crime. For this reason Alexander (2012: 78) argues the state has given local police an enormous stake not in the success on the war on drugs but its perpetual existence.

Chapter Four - The Prison-Industrial Complex

It has been found post Civil rights era the structure and dynamics of carceral expansion in America changed (Wacquant, 2010). The rate of imprisonment in the United States is now higher than in any other western country (Western, 2007). Lawmakers were backing tough on crime bills without considering new prisons were needed to house inmates being sent to them (Mulch, 2009). The outcome of this was that overcrowding in America's prison system became a huge problem (Lilly & Deflem, 1996; Schlosser, 1998). In consequence, the number of prisons and prison related industries has increased to keep up with the demand over the last forty years (Smith & Hattery, 2006) Accordingly, Mauer (1999: 1) observed, 'societal use of incarceration that was virtually unique by world standards'. It is also apparent that the majority of this increase is related to the policy implementation and sentencing practices under the war on drugs (Smith & Hattery, 2006; Brewer & Heitzeg, 2008; Mulch, 2009). In addition, the prison industrial complex includes more than 3300 jails, more than 1500 state prisons and 100 federal prisons (Brewer & Heitzeg 2008: 637) while they continue to be filled with non-violent offenders (Parenti, 2001; Smith & Hattery, 2006). The explosion in the prison population it has been said is both a force for and a product of the "prison industrial complex" (Schlosser, 1998; Davis, 1998) which is said to be a merge of economic and political interests in promoting corporate profits and elite power from incarceration (Chang & Tompkins, 2002).

The Prison industrial complex has been compared to the Military Industrial Complex because of the similarities of the profitability of business-government linkages between military production and public punishment (Davis, 1998). In addition, the prison industrial complex is a term that is used to describe the significance of the involvement of private, for-profit enterprise in the corrections system. Two major categories of the prison industrial complex comprise of: prison privatization and prison industrialisation (ibid: 45). It has been found that the prison industry itself now accounts as the third largest corporate sector in the United States economy (Wacquant, 2012; Storyville, 2013). It has also been reported that 2,200,000 individuals are employed by the police, corrections or the courts. Well above the figure for those employed in higher education or public welfare (Herzing & Burch, 2003: 22). Thus Mulch (2009: 75) believes, 'there can be no doubt that private prison companies are in business to generate profits'.

In their quest for profits businesses need to drive down costs and in this respect there is no doubt 'corporations exist to make money' (Mulch, 2009: 76). Brewer and Heitzeg (2008: 625) argue that, 'multinational globalization in search of cheaper and cheaper labor and profit maximization is part and parcel of the growth of the prison industrial complex'. The Justice System Improvement Act was implemented, allowing a seemingly limitless supply of prison labor (Thompson, 2012). Previous centuries had used the labour of inmates but in between this has died down since it was no longer seen as profitable (Schlosser, 1998). However, the implementation in 1973, which coincides with the war on drugs harsh sentences had enabled corporations to access 'cheap labor in ways that businesses had not been able to do for nearly a century' (Thompson, 2012: 41). Parenti (2001: 231) notes that 'it would appear that America's 1.8 million prisoners are becoming a third world within, a cheap and bountiful labor reserve already trapped by big business'. Also noting that prison labour is not driving expansion, but rather 'prison labor is important politically and ideologically it is quite pernicious' (ibid: 232). In so far that it makes the prison look efficient, moral and useful (Parenti, 2001: 232-237). Nevertheless, whether prison labour is profitable on the whole or not, it has not stopped a magnitude of corporations seeking contracts and exploiting the labour of inmates (Davis, 1998; Schlosser, 1998).

Later in 1995 a loophole to bypass paying minimum wages to inmates through the 1979 Justice System Improvement Act (Thompson, 2012), and the Prison Industry Enhancement Certification Program (PIECP) expanded accessibility even further. Consequently, it is said that up to 80 per cent of federal and state prisoners work during their time in prison (Chang & Tompkins, 2002: 55). With dozens of Fortune 500 companies extracting their labour (Smith & Hattery, 2006). Wages are nonexistent if you are imprisoned in some states and well below what would be paid on the outside even lower than what would be paid for third world workers (Davis, 1998). Another point is that from what wages are paid which could vary from \$0.12-\$1.15 (Thompson, 2012: 41) deductions in the form of bed and board, family support, victim restitution and family support are extracted. As Parenti (2001: 237) points out, 'while simultaneously turning a profit for some well-meaning, innovative entrepreneur'.

Between 1979 and 1996 all PIE-employed prisoners were paid a total of \$75 million, from which \$5.5 was paid for victim restitution, \$16 million went for room and board, \$4.4 million for 'family support', and \$8.9 million for federal, state and local taxes' (Hallinan, 1998, cited in Parenti, 2001: 237). It has been found that well over 600,000, and probably close to a million inmates is working in prisons and jails in the United States (Thompson, 2012). Also found is that these 'corporations are able to pocket extraordinary profits made by saving labor costs (Smith & Hattery, 2006: 16). As well as taking jobs from mainstream society and

instead exploiting cheaper labor costs inside prisons, and at the same time grossly violating health and safety conditions (Thompson, 2012).

Prison construction is another side to the private prison industry in which can and has involved copious amounts of companies. The private prison companies themselves that run the facilities, the builders and contractors that build the prisons, and also the suppliers of everything from catering companies, to suppliers of transport, architecture firms and other subcontractors (Parenti, 2001). Together with another 312 companies providing goods and services (Lilly & Deflam, 1996). The Corrections Corporation of America is the nation's largest private prison company after buying out U.S. Corrections Corporation, and the second largest is Wakenhut Corrections (Schlosser, 1998). It has also been found that up to another 16 different private prison companies are running facilities (Parenti, 2001). Schlosser (1998: 64) confirmed that, 'private-prison companies are the most obvious, the most controversial, and the fastest-growing segment of the prison-industrial complex'.

Private prisons companies bid for contracts and also lobby for continued harsh sentences. It has been suggested that they were lobbying and donating literally hundreds of thousands of dollars for tough-on-crime legislation (Sudbury, 2004). Because prison rates continue to increase so too does the building of prisons and the need to continue to fill them. Smith and Hattery (2006: 16) found attitudes of, 'we must impose harsher and longer sentences and we must continue to funnel inmates into prison'. This is because the industry relies on punitive anticrime measures for profits. According to Sudbury (2004: 15-16)

'Such tactics have mainly achieved the promotion of privatization in states previously ambivalent or opposed and the generation of tough-on-crime legislation leading to larger prison populations. Ultimately, the political influence of the prison industry has led to the opening up of new markets and the creation of more commodities – criminalized bodies'

The reality of this is that increasingly private actors have more participation in the exercise of punishment of crime – an essential government function, into private hands. To increase their markets it is in their interests to want to deny inmates due process, increase length of sentences and lobby for harsher policies that create more imprisonment (Chang & Thompkins, 2002: 53).

The private prison industry as shown is currently the third largest corporate sector in the United States (Storyville, 2013). There is another argument as mentioned, of the vast amount of different businesses involved in the private prison industry. That is companies involved in the purchasing of goods and services (Lilly & Deflem, 1996). For this reason, 'it is essential to situate criminal justice, as an institution, within its wider economic and political environment' (ibid: 4). Consequently, Sudbury (2004: 13) acknowledged, the idea of punishment for profit usually focuses on the privatization of prisons, but also publicly owned prisons generate profits for supplies, catering companies and telephone companies that charge high rates for reverse calls. As well as providing labour on the outside like cleaning highways (ibid) or when the recent BP Oil corporation chose to hire prisoners for its clean-up operations because they could extract and average seventy-two hour working week from each man and pay them nothing (Thompson, 2012). There was also failure to provide adequate protection against crude oil and chemicals that could damage every system in the body. The inmates that wanted to protect their health run the risk of staying in prison longer (Thompson, 2012). In their quest for profits private prison companies often hire inadequately trained staff, cut costs with dangerous staffing levels, low staff pays, and

frequent escapes and violence goes on at a much higher rate than public institutions (Mulch, 2009). Parenti (2001: 222) found that private prisons become known for their lack of services, brutality, frequent escapes, and inmate violence. Because of their need to create profits it cannot be denied of the possibility of private for profit run prisons will also cut corners by 'skimping on expenditures for the feeding and care of prisoners' (Lilly & Deflem, 1996:14).

Locally, individual states also seemingly cannot seem to resist the lure of the private prison industry neither, Herzing and Burch (2003: 23) found that:

'rising corrections budgets account for increased annual costs that often force communities to choose between funding libraries, schools and vital public services and cellblocks' ...'as more sustainable opportunities for economic development in rural America have diminished, these communities increasingly are targeted for new prison construction'

Prison building has become a key economic development strategy for rural towns devastated by economic restructuring brought about by globalisation (Sudbury, 2004). Due to the size of the industry in America, 'it has woven mass incarceration into the fabric of the global economy' (ibid: 13). What is clear is that of all new prison admissions two-thirds of them are black or Latino (Parenti, 2001: 17). The last thirty to forty years has brought about massive economic and political changes in response to capitalism especially under neoliberalism. What is in conflict is the need to exclude and rid society of those left surplus to requirements in the new economic order (Wright, 1997). And the other reality is that these very same surplus populations are needed (Rusche & Kirchheimer, (2005, [1939])). As Parenti (2001: 238-239) confirms 'capitalism always creates surplus population, needs surplus populations, yet faces the threat of political, aesthetic or cultural disruption from those populations'. It seems true that is the fact of what to do with these surplus populations at any given time in history. Prison and criminal justice policy are about managing these contradictions (ibid). It would also seem in contemporary America the way to manage these individuals is to send them to prison and start the cycle of incarceration to benefit the elites involved in this 'industry of punishment'. Finally, when it comes to the question of the profitability of the crime and punishment industry Lilly and Deflem (1996: 15) warn:

'to ignore, for example, the potential impact of \$22 billion in annual sales, or the potential explanatory value of more than 300 U.S corrections or corrections-connected companies (some with direct connections to the military-industrial complex), is to be analytically myopic and politically naive'.

As the facts show, Parenti (2001: 217) emphasises 'in the prison economy, people of color are the fodder'.

Chapter 5 - Conclusion

The facts speak for themselves, in the United States African Americans are overrepresented at every stage of the criminal justice system (Rosich, 2007). The prison population currently stands over 2 million (Davis, 1998; Garland, 2001) which is a reversal from one which was filled with 70 per cent white mid-century to one which is now filled with 70 per cent black and other ethnic minorities (Smith & Hattery, 2010: 392). Yet African Americans in their entirety only account for 13 per cent of the general population ethnic minorities even less

(NCCD, 2009). One in three black males will spend some time of their lives in prison (Welch, 2007), and are also incarcerated at eight times the rates for whites (Western, 2007). And one third of black men are supervised under the criminal justice system (Tonry, 2012: 13). However Post Civil Rights, 'the expectation for fairness in application of the law without regard to race has only grown' (Bobo & Thompson, 2006: 465).

Changes in policy and practice have all occurred in the last thirty-five to forty years which is concurrent to post Civil Rights gains. All of the transformations in welfare, criminal justice (Wacquant, 2009), the war on drugs legislation (Alexander, 2012) free markets enterprise, and deregulation (Harvey, 2007) and growth of the prison system are all related (Parenti, 2001). Additionally, the ideology and belief in rehabilitation when it came to punishment, to a retributive stance and to a belief in incapacitation, and the notion of individual responsibility (Wacquant, 2010), all of these have been conscious policy decisions which were known would affect black and ethnic minorities the worst (Tonry, 1995; Rosich, 2007; Western, 2007; Davis, 2008; Koechlin, 2012).

Neoliberalism it becomes apparent is liberal when it comes to the top classes and extremely punitive towards the lower classes, especially towards those at the bottom (Wacquant, 2012). With the wealth of the very rich (top 1 per cent) increasing their wealth since 1977 by 275 percent, while the poorest wealth actually decreased by 20 per cent (Koechlin, 2012: 13). As Harvey (2009: np⁶) had maintained, it was a 'class project masked by a lot of neo-liberal rhetoric about individual freedom, personal responsibility, privatization and the free-market'. To suggest that it was to advance the welfare for all, while those at the bottom continue to suffer the most. It is also true despite the gains from civil rights era that African Americans still continue to suffer disadvantage. A median income for a black family is just over 60 per cent that of whites (Koechlin, 2012). It is not surprising that things are worse today than in the 1970's. Controversially, even recently it's been found that 93 per cent of the banking bailout recovery monies in 2010 ended up in the pockets of the rich (ibid). Equally important, is there is a huge structural problem that continues to be ignored when it comes to the evolution of the positioning of African Americans in the United States (Storyville, 2013).

Youths are set to fail and denied the ability to educate themselves in inadequate under resourced schools (Fine & Ruglis, 2009). The state denies its responsibility for its failure to provide for all of its citizens. Furthermore these individuals are from areas which are found to be highly segregated (Wacquant, 2001; Western, 2007), 'despite federal and state laws outlawing housing discrimination, residential segregation persists today' (Walker, Spohn & DeLone, 2012: 110). These communities are also severely under resourced due to been previously abandoned through economic restructuring (Walker, Spohn & DeLone, 2012). On top of this, the state conveniently ignores the fact that there is a massive unequal distribution in income and wealth, more today than ever in history (Koechlin, 2012). This is no doubt, a lasting legacy of the slavery and Jim Crow eras (Bobo & Smith 1988). Simply put, the gains of the civil rights victories and the integration of blacks into mainstream society through: voting rights, access to housing, education and welfare becomes clear was not nearly far enough (Unnever & Gabbidon, 2011). Bobo & Thompson (2006: 468) insist that presently social policy is driven mainly by a punitive and retributive logic. That this is a sure path to deepening racial polarization and a further weakening of the legal system's claim to fairness and legitimacy'.

⁶ (np) Available from: <http://www.counterpunch.org/2009/03/13/is-this-really-the-end-of-neoliberalism> [Accessed 5 January 2013].

However, it is known that for over 400 years blacks have been placed as the inferior class which has impeded their progress. All the noted areas of change since the Civil Rights Movement have continued to oppress, control, exploit, target, exclude and further marginalise and stigmatise an entire race. Wright (1997: 53) had warned 'they are oppressed because they are denied access to various kinds of productive resources, above all the necessary means to make their labor power sealable'. In consequence to criminal behaviour Merton's (1968: 233) strain theory warned how frustration at blocked opportunities forces individuals to crime to try to obtain the same materialistic success as those who can legitimately enjoyed by the middle classes.

Coinciding with the war on drugs was the reversal of attitudes in ideologies in punishment from rehabilitation to a harsh retributive emphasis on incapacitation (Western, 2006). Despite drug use being in decline (Tonry, 2004) and on top of this, knowing again the least able economically which are the black and the poor would be affected the most (Tonry, 1995; Davis, 2008; Rosich, 2007; Western, 2007; Tonry, 2012). A lack of or rather no interest at all to acknowledge the disparity in the severity of sentences under the crack-cocaine and powder cocaine laws and the damage it was doing to these communities (Storyville, 2013). As noted in chapter three, this has recently been amended under the Obama administration. However, this still remains disproportional and currently stands at 18-1 (ibid). Why has this not been changed all the way to make it proportional is the question that remains to be answered. Because of this the disparity could still be referred to as being 'color blind' drug laws (Smith & Hattery, 2010). Under no circumstances is this so called war on drugs being won. It is not reducing the availability of drugs or offenders. Drugs are purer, cheaper and more available than ever (Tonry, 2012; Storyville, 2013). According to Burris-Kitchen & Burris (2011: 14) the criminal justice system and the war on drugs should be exposed for what it truly is: a social control mechanism and an assault on people of color.

Increased resources on the war on drugs corresponding with the retrenchment of the welfare state and changes in the labor market has been argued is the new mechanism of the government to keep control of these surplus populations (Piven & Cloward, 1972). Also found is every 'war' needs an enemy. Black people and the poor are the target, as Goode (2002: 41) confirms these populations represent 'collateral damage' again no different from any other war. Alexander (2012) had a point when noting that one's chances of being free from the system of control are slim to vanishing point. The reason for this is because of the fact that once released from prison it remains to be seen how it can be expected that one can fit back into society and live a legitimate existence. Wacquant (2010c) argues the point of being re integrated into a society in which one was never integrated to start with. The reality is that in many states in the United States once a prisoner is released can no longer: live in public housing, receive grants, food stamps, gain employment, education or vote (Brewer & Heitzeg, 2008; Alexander, 2012; Storyville, 2013), or what is called additional 'invisible punishments' which excludes communities of colour politically, economically and socially (Brewer & Heitzeg, 2008: 628). This means they are totally denied and excluded from all that a person requires to be able to remain in a legitimate existence.

On top of this offenders have severe restrictions put on them when there are released on probation or parole. When it comes to recidivism two thirds of all parolees are rearrested within three years, most arrests within the first six months (Rosich, 2007). Probation and parole violations are now due almost entirely to the war on drugs (Alexander, 2012). Things that could send an offender to prison could be missing an appointment or failing a drugs test despite no drug treatment for the offender and the question of money to get to and from

these appointments (ibid). It becomes apparent why these populations are rearrested and as argued start a cycle of incarceration, due to having the prison label applied and then excluded and disfranchised and hidden from the rest of society. Once incarcerated they are hidden, excluded and exploited by the masses of corporate actors involved in the criminal justice industries of punishment, they are their commodities, their fodder (Parenti, 2001). There for profits and business. The problem with this is the authority in the exercise of punishment and the question of justness and legitimacy. Increasingly punishment is now in the hands of private and corporate business elite so far removed from the discipline itself and who do not hold the responsibility for it. This means these elite who make the decisions and receive the profits are increasingly unaccountable, and hidden from the rest of society. Possibly accounted for and hidden under commercial confidentiality. This raises questions of morals and legitimacy and how far it really is 'profit over people' (Chomsky, 1999).

Sentences for non violent drug offenses are unjust and disproportionate when evidence shows some of these non violent drug offenders serve more time than some offenders that have committed violent robberies, sexual offences, and even murder (Tonry, 2012). Judges have even acknowledged the severity in the disproportion in these unjust sentences (Alexander, 2012). It cannot be denied that blacks use drugs less than whites, yet are overwhelmingly the ones that seem to be targeted and punished under such legislation (Tonry, 1995; Tonry, 2012). Is it because what Rusche and Kirchheimer (2005, [1939]) had suggested, because of the functional dependence on the current social order. That is to maintain white supremacy and the subordination of African Americans in the face of civil rights victories. The outcome in some of these areas and communities which are highly segregated in turn shows the devastating impacts these policy decisions are having when the fact is that 80-90 per cent of all drug offenders in some states sent to prison are African American (Wacquant, 2009: 77; Alexander, 2012: 25). To re quote Wright (1997: 53), 'the underclass consists of human beings who are largely expendable from the logic of capitalism' ... 'repression rather than incorporation is the mode of social control directed towards them. Capitalism does not need the labour power of unemployed inner city youth'.

Controversially the legislation under the war on drugs can and has been changed. When the cannabis law was sending masses of young white people to prison and releasing them with the criminal label it was amended (Tonry, 1995). It is also true that police and state departments are profiting from these arrests and the taking of property from individuals at the same time. Alexander argues that lots of small arrests can be as profitable as major big time busts (Alexander, 2012). Already known is it is far easier to arrest more small time easy picking dealers from the streets. This is very problematic when you consider what the offender faces once given the label of ex con and what this means once released.

The question is what imprisonment for if it is filled with easier to manage non violent drug offenders who hold no risk to the security of the public. The correctional system in the United States is a multibillion dollar public enterprise (Rosich, 2007: 19). The problem with the prison industry is no matter how many prisons are built the system will continue to be filled and the problem of overcrowding will never be solved. It is controversial the fact that the prison system now accounts for the third largest corporate sector in the America (Storyville, 2013). There is a significant amount of business interests tied up with the private prison industry. Whether these corporations have interest as whole industries, or suppliers, contractors or public or private personal interests, these continue to be involved in this industry of punishment (Lilly & Deflem, 1996). The exploitation of inmate labour is also significant considering up to one million are working at any one time (Thompson, 2012). Because of its interconnectedness in the outside economies and the connections of the

government and corporate relationships who determine want and need, and in turn literally donate millions of dollars for contracts or harsher sentences, it remains to be seen how this is not profit over people (Chomsky, 1999). The result of which is that the punishment industry in America is now embedded into the fabric of the global economy (Sudbury, 2004).

It becomes clear that in contemporary United States, the populations that are disproportionately black and poor, that are surplus to requirements are to be dealt with by becoming the fodder (Parenti, 2001) and sent through the prison gates each year. The majority of offenders are drawn from a background of poverty, foster homes, minimal education and work history, often from a family that is incarcerated and many with mental disabilities and drug and alcohol addictions (Wacquant, 2009). Once this label is applied and the offender returns back into the community, it remains to be seen how long it will be before the perpetuation of prison/ghetto cycle will begin and end (Wacquant, 2001a). Most likely the story will be that eventually the offender will get a third strike felony and be sent to prison one more time but this time for the remainder of their life. The cycle of mass incarceration is no doubt a major tool for managing, excluding, disappearing, disfranchising, and for discrimination, what Alexander (2012) calls the new Jim Crow. Alternatively, it is the continued denial of political, economic, educational and civil rights (Burris-Kitchen & Burris, 2011).

The war on drugs targets those who are not conforming to mainstream society's expectations and criminalises them. Once individuals have the criminal 'label' they are completely excluded, disfranchised and cut off. While the criminal justice system will profit from any seizures through civil asset forfeiture, so too will the interests of those tied up in the industry of punishment when they are sent to prison. These people are hidden once they are in the system and the rest of mainstream America are under the illusion that the war on drugs takes place abroad not in their country. Because black neighbourhoods are targeted by police it is unsurprising that 'white' America has no idea of this 'war' taking place in almost every state (Storyville, 2013).

Profits are made in every aspect of the neoliberal project, the war on drugs, and the prison industrial complex. So too is class and racial advantages. The very same control, exploitation, exclusion and oppression is continuing through criminalisation, exclusion from housing, voting, jobs, education, welfare, just like the force and exploitation of inmate labour and forced into work programmes for wages far below what can sustain a living still profiting the elite involved either way. What this research suggests is that all of these interlinked minor elements together make up a hidden way which enables the racism and discrimination towards the African American race, but in such a way that it is hard to see unlike slavery and Jim Crow eras. The question is whether this is just for profit, to keep white supremacy, power, or racism or maybe all of these things. It cannot under any circumstance be by accident. If it was, it certainly would have been acknowledged because the facts are self explanatory. Simply instead it is ignored and the United States will continue to deny they have a problem when it comes to: equal opportunity, discrimination and race and racism. Meanwhile African Americans continue to be denied, politically, economically and socially and in equality in the law.

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