



Race, Class, and Gender of Prisoners

Race, class, and gender powerfully influence our life chances, shaping where we go to school, work, and reside, whom we marry, and how long we live. They intersect in numerous complex ways, both within the prison and outside. Prisoners are disproportionately likely to be poor, male, and members of minority groups, particularly African American and Latino(a). To that extent, the penal population does not reflect the outside community at all.

SIDEBARS:

Gender, Race, and the War on Drugs

U.S. SOCIETY AND THE PENAL POPULATION

In 1997, Erik Olin Wright estimated that 50% to 60% of the U.S. population were working class, since they were employees who neither owned nor controlled capital. Members of the owner class made up about 15% of the population, while capitalists employing 10 or more people represent 1% to 2% of U.S. citizens. The remaining percentages Wright divided among various professional-managerial class fractions.

Of the 281,421,906 persons the U.S. Census Bureau counted in 2000, 75.1% were white, 12.5% were Hispanic or Latino, and 12.3% were black or African American. American Indian and Alaska Native represented about 1%, Asians 3.6%, and Native Hawaiian and other Pacific Islanders represented around 0.1%. In April 2000, women comprised just over half of the U.S. population (U.S. Census Bureau, 2000).

In contrast, most prisoners are either jobless or working poor. Although African Americans comprise just over 12% of the U.S. population, nearly half of those incarcerated in prisons are black. Finally, women make up on average only about 7% of the nation's confined, meaning that about 93% of the prison population are men.

CLASS

Sociologists typically divide capitalist society into four classes: (1) The *capitalist class* owns productive capital, seeks profit in the market, and buys labor power. Such people may run factories or some other kind of industry. (2) The *professional-managerial class* is the most privileged of the employee classes. These individuals, such as CEOs of corporations, do not own significant capital, but they control labor power. In contrast, (3) the *working class* owns no significant capital and sells its labor power for wages. Workers, like factory employees on an assembly line, only marginally control labor power. Finally, (4) the *industrial reserve* is comprised of workers who cannot sell their labor. This group of people is also sometimes referred to as an "underclass."

The dynamic of capitalism, or capital accumulation, underpins the historical development of the United States. Striving to maximize profit and gain competitive advantage, capitalists use strategies of wage suppression, mechanization and automation, and scientific management to reduce production costs. Increasing output per worker throws more people into the industrial reserve or forces them into low-wage labor markets. The business cycle exacerbates labor market volatility.

Social scientists have long noted the connections between systems of punishment and economic structure. In *Capital*, written during the 1860s, Karl Marx (1867) describes the plight of the industrial reserve. He theorizes that class structure and economic processes are major determinants of crime and punishment. Studies by Georg Rusche and Otto Kirchheimer (1939), Richard Quinney (1980), and Jeffrey Reiman (2004) support Marx's thesis. Punishment under capitalism these scholars propose reflects the needs and interests of dominant social classes

Private control of property gives elites the structural capacity to shape the direction of the law and state activities. If popular forces and rapid social change threaten class privilege and system legitimacy, the coercive arm of the state expands and intensifies its activities. Likewise, empirical studies find that the strains of impoverishment and marginalization increase the likelihood that members of the working class will resort to street crime and suffer coercive controls.

During the past 30 years, prisons have been filling with people drawn from the ranks of the poor. Inmates in prisons and jails are mostly illiterate, likely high school dropouts, and are either jobless or working at low-wage jobs at the time of their arrests. We find further evidence of the class character of criminal punishment in the categories of offenses for which the state punishes individuals. About half of those incarcerated in state prisons in the mid-1990s were there for crimes against property or for violating statutes regulating the morality of the working class, for example, the war on drugs. The capitalist state has historically used drug controls to control workers; the most well-known case was the constitutional prohibition against alcohol. Industrialists who desired a sober workforce were out front in campaigning for alcohol prohibition. Elites have likewise pursued prohibitions against heroin, marijuana, and more recently cocaine, with clear class interests behind them.

Who will *not* face prison for socially harmful behavior also reflects the class character of punishment. A number of scholarly papers and books exposes activities by the upper classes amounting to hundreds of millions of dollars in theft and fraud. Moreover, corporate activities result in considerable personal injury and loss of life. Yet, the state administratively segregates affluent offenders and conventional criminals. The most notable contemporary instance of the special treatment corporate offenders enjoy is the Enron bankruptcy debacle. Enron, a natural gas pipeline company, engaged in illegal accounting practices. In the summer of 2003, executives of Citigroup and J. P. Morgan, major bankers of Enron, avoided jail time by settling with the federal government for \$300 million. Government lawyers acknowledged that bank executives knew of and participated in Enron's illegal conduct. Such privileges for the well-to-do are reminiscent of practices in medieval Europe, where elites could avoid corporal punishment by paying fines.

RACE

After the Civil War, *de jure* separation of races in formal residential and occupational segmentation and a system of status offenses known as "Jim Crow" replaced racial slavery. Strict labor rules passed by Southern governments, known as "Black Codes," compelled many African Americans to return to the plantations. Although Congress overturned Black Codes in 1866, state-sanctioned race oppression in the forms of convict leasing programs and chain gangs were widespread by the end of Reconstruction in 1877. More than 90% of convict laborers were black. Alongside criminal controls, state legislatures passed comprehensive segregation laws. The Supreme Court officially sanctioned Jim Crow in 1896 with *Plessy v. Ferguson*. American apartheid would last several decades.

A string of court decisions and civil rights legislation during the 1950s and 1960s dismantled Jim Crow. However, *de facto* racial organization reproduces racialized statuses and material group disparities. Racial segregation in the post-civil rights period still possesses the essential characteristics of a racial caste system based on hereditary and ascribed statuses with a high degree of endogamy, as marriage within one's own racial group remains the norm. Thus, in the wake of the civil rights struggles, a new articulation of racial caste emerged, one manifest in ostensive race neutrality and repressive criminal justice policies. Although the state and culture of the United States have become less overtly racist in formal law and language, institutional racism remains a major part of American social life.

With the shift in racial policy, the numbers of African Americans in U.S. prisons and jails drastically increased, while the proportion of white men in prison declined. Between World War II and the early 1970s, the proportion of blacks in prison averaged about 30%, up from about 20% in 1928. At year-end 2002, 45% of all male inmates in state and federal penitentiaries were African American. According to statistics published by the Bureau of

Justice in 2000, 10.4% of African American males between the ages of 25 and 29 are in prison, compared to 1.2% of comparable white males. Imprisonment on this order of magnitude harms family and political life. Prisons deprive millions of African American families of their fathers, brothers, and sons. Due to disenfranchisement policies in various states, millions of African American men find themselves controlled by laws they played no role in forming.

African Americans are not the only racial group experiencing overrepresentation in America's correctional institutions. Nationally, more than 60% of prisoners are from racial and ethnic minority backgrounds. Statistics published by the Justice Bureau show that 2.4% of Hispanic males between the ages of 25 and 29 are in prison. At year-end 2002, Latinos, mostly male, comprised 18.1% of prisoners under state and federal jurisdiction. Discriminatory patterns appear differently depending on jurisdiction and region. Because of the history of relations between Native Americans and the federal government, American Indians are overrepresented in federal prison statistics. For example, some 60% of juveniles in federal custody are American Indian. In Alaska, where 16% of the state population is Native American, one-third of state prisoners are American Indian (Harrison & Beck, 2003).

GENDER

The turn toward mass **incarceration** has not bypassed women. Although men are 15 times more likely than women to be imprisoned in federal or state correctional facilities, the **rate** at which women are being admitted to U.S. prisons has nearly doubled since 1980. By 1997, seven times more women were incarcerated at state and federal facilities than in 1980. At year-end 2002, nearly 1 million women were under some form of correctional supervision. Around one-tenth of those persons were in prison. Women now constitute 6.8% of all prison inmates. The three largest jurisdictions—Texas, California, and the federal system—incarcerate a third of this number. During 2002, the number of **female** prisoners rose 4.9%, more than double that of men (2.4%) (Harrison & Beck, 2003).

Incarceration of women is often particularly harmful to families. Imprisoned women are mothers to about 1.5 million minor children. Seven in 10 women under correctional supervision have minor children. Poor and minority women are more likely to be punished than middle-class white women. For example, nearly two-thirds of women on parole are white, while nearly two-thirds of those confined in jails and prisons belong to a racial or ethnic minority. Nearly one-third of women admitted to prisons are on public assistance at the time of arrest, and only 4 in 10 women in state prison report full-time employment. Well over one-third have incomes of less than \$600 a month.

The typical profile of a **female** prisoner in America is a single mother, young, impoverished, and poorly educated, with at best minimal work experience and job skills. Physical and sexual abuses mark her past, and she abuses drugs and alcohol. If not incarcerated for prostitution, petty theft, or simple possession, she is likely a prisoner because of her involvement with a man arrested for drug dealing. In exchange for a reduced sentence, his testimony against her led to her conviction and **incarceration**.

MAINSTREAM EXPLANATIONS

Assuming that rising crime **rates** account for all or most of the increases in prison population, mainstream social scientists have tried to explain why crime **rates** rose for the general population during the period of prison expansion. The researchers have given special attention to the situation African Americans face. Researchers cite Federal Bureau of Investigation (FBI) statistics to support an argument that the growth in the number of African American prisoners is the result of increasing **rates** of crime that disproportionately involve blacks. *Uniform Crime Report* (UCR) data show a slow but steady climb in **rates** of street crime throughout the 1950s and 1960s, followed by a steep and unstable increase during the 1970s. By 1980, the crime **rate** was double its 1970 level. The UCR also shows blacks committing proportionately more street crime given their representation in the population than other ethnic groups. According to the FBI, blacks consistently accounted for nearly 50% of

violent crime arrests and for more than 30% of property crime arrests during the 1980s, a period of rapid prison growth. Victimization data compiled by the U.S. Justice Department support the UCR finding, although the disproportionality is much less.

Observers marshal these figures to support two major explanations. In one account, rooted in a New Liberal orientation, residential segregation, industrial segmentation, and large-scale domestic trends such as white flight concentrate blacks trends such as white flight concentrate blacks in criminogenic inner-city environments. Living in these conditions leads to overrepresentation in crime for two reasons. First, blacks (and Latinos) tend to dominate various forms of street crime and the sex and drug trades. Second, ordinary policing is concentrated in impoverished minority neighborhoods where crime **rates** are higher. The other explanation, issuing from conservative quarters, implicates cultural traditions in the creation of criminogenic environments. Attributed characteristics of black culture, for example, include negative attitudes toward learning and achieving, lack of self-reliance, poor labor force attachment, an inability to delay gratification, promiscuity, and violent tendencies. Conservatives point to the black family structure as the main culprit. **Female**-headed households are overrepresented among black families. According to conservatives, liberal welfare policies during the 1950s to 1970s fostered a culture of dependency. These developments combined with liberal permissiveness in criminal justice policy to drive up crime **rates** among blacks.

There is reason to doubt the assumption that underpins both arguments—the belief that *crime causes punishment*. First, since the UCR is the product of police departments, it more likely reflects police behavior rather than actual crime patterns. Growth in UCR statistics during the 1970s and 1980s reflects a combination of policing practices and better reporting and superior computer record keeping by law enforcement. Data from the National Crime Victimization Survey (NCVS) indicates that crime remained stable or declined during this period. Since the NCVS is a scientifically conducted survey and the UCR is not, there is good reason to accept its findings over those of the UCR. Second, leaving aside drug offenses, levels for the three crimes for which people are most often incarcerated—namely, murder, robbery, and burglary—remained relatively stable between the mid-1970s and mid-1990s. Third, the relationship between demographic trends and **incarceration** is contradictory. After 1990, **incarceration rates** should have declined, since the proportion of those of prime **incarceration** age declined as a proportion of the population. Yet, **incarceration** skyrocketed.

What then explains the dramatic rise in the prison population? First, the state has criminalized more behaviors, especially drug offenses. The state has expanded criminal categories, especially those that encompass the behaviors of minorities, which creates more criminals and increases the likelihood of more nonwhite prisoners. For example, in 1986 Congress passed the Anti-Drug Abuse Act of 1986, establishing severe mandatory sentences for crack cocaine possession. The bill made sentences for crack cocaine possession 100 times greater than those for powdered cocaine. This was with the knowledge that the only real difference between crack and powder cocaine was the race of the people using them: African Americans are more likely to use crack cocaine. Before mandatory minimums for crack offenses, the average federal sentence for blacks was 11% higher than for whites. Four years after the changes in drug sentencing laws, the average federal sentence was 49% higher for blacks. By 1997, African Americans were accounting for 84% of the defendants convicted of crack cocaine offenses. Second, there has been a trend in the likelihood of imposing sanctions on defendants and lengthening prison terms.

THE RACIAL ECONOMY OF MASS INCARCERATION

During political wrangling over civil rights in the 1950s and 1960s, the domestic economy, affected by the government's response to the Great Depression, World War II, the Cold War, and globalization, underwent dramatic restructuring. As domestic changes in industry and the expanding state sector created opportunities for educated and skilled whites, industrial reorganization transformed labor markets, racializing the industrial reserve. By the 1960s, the proportion of unskilled labor in the workforce had declined to historic levels. Since blacks were concentrated in the labor-intensive industrial sectors dependent upon unskilled labor, the effects

were for them devastating. At the end of the Great Depression, black unemployment was only a little greater than white unemployment. By the 1960s, black unemployment had risen to more than twice that of whites. Growth in mechanization and automation was occurring side by side with capital migration from inner cities to the suburbs and from the North to the South. Federal, state, and local authorities facilitated disinvestments by rewarding businesses that relocated firms out of the central cities with tax breaks, subsidized loans, and assistance in organization and infrastructure. The resulting “Rust Belt” contained at its core an impoverished peripheral zone with high **rates** of joblessness and job instability.

As a consequence of these forces—the changing needs of capital, growing structural unemployment, domestic macroeconomic reorganization, ghettoization, and white flight from the cities—already impoverished and marginalized black communities became even more desperate and isolated. Whites in their suburban dwellings, cut off from the plight of the city, turned against social programs that benefited urban areas. This emerging national profile offset the gains blacks made on political and legal fronts during the civil rights struggles. Political elites and the corporate media depicted black discontent and urban distress as a problem of law and order. Governments expanded the criminal justice system at all levels and charged law enforcement with the task of cleaning up the crisis of political legitimacy. A series of severe economic crises in the 1970s and 1980s fueled the drive for mass **incarceration**. Class, caste, and crisis intersected to fill an expanding penal capacity with millions of human beings of color. To be sure, politicians did not plan much of this. Present circumstances, largely driven by impersonal forces, emerged over a period of decades. Nonetheless, elites devised and implemented criminal justice policy with knowledge of racially disparate outcomes (Tonry, 1995). Moreover, racial politics motivated many policymakers.

CONCLUSION

In the United States, where more than 2 million individuals are incarcerated, certain minority groups and persons living in poverty are at much greater risk of being counted among those in prisons and jails. If the U.S. criminal justice system is a barometer of inequities in the United States, and much research indicates that it is, then this nation's inequities are great indeed. The toll of **incarceration** on the individual, as well as on the family and the community, is incalculable.

Recent trends in **incarceration** do not bode well for the future. If the United States had continued to imprison individuals at the **rate** it did in the period 1980–1993, critics pointed out, nearly two-thirds of black men (about 4.5 million) and one-fourth of Latinos (about 2.4 million) between the ages of 18 and 34 would be incarcerated by the year 2020. Though in recent years the **rate of incarceration** has slowed considerably, there are signs that imprisonment is again picking up its pace, and further growth in prison populations will at any **rate** worsen the situation of those groups upon whom the burden of **incarceration** falls most heavily. Moreover, while officials of local depressed markets believe prisons promise economic growth, the weight of massive custodial structures on society, especially in light of the fiscal crises confronting many states, may eventually become too great to sustain.

The vast majority of those entering prison today will one day return to society. Given the negative effects of **incarceration** on persons and communities—prisonization, stigma, constrained education and job opportunities, restricted political participation, family disruption, and lost time—this manner of dealing with lawbreakers is both practically and ethically problematic. Since people who enter prison are among the most deprived of U.S. citizens, **incarceration** further hobbles those whom society has already disadvantaged. Even if the criminal justice system could achieve equity in terms of race and class, the United States must still face the long-term negative consequences, the growing fiscal burden, and the moral impropriety of mass **incarceration**.

—Stacey Rena Candler

—Andrew Austin

Gender, Race, and the War on Drugs

A twenty-one year old African American woman was sentenced to 15 years and 8 months for a nonviolent, mitigating role in a drug conspiracy with her live-in boyfriend. The young woman worked two jobs and attended school full time. Fifteen minutes after arriving home from a long sixteen-and-a-half-hour shift at the community hospital, she was thrown to the floor, staring into the deep barrels of guns pointed at her head by the police and ATF squad. All she could do was wonder, baffled and bewildered, as she lay there in astonishment. During the trial that followed, there was no evidence that she conspired to be involved with the illegal sales of drugs. However, the prosecution made it seem like the woman, living in a low-budget apartment with Rent-a-Center furniture, was living the life of a kingpin and worked only to support her boyfriend's drug sales. In reality, her only "conspiracy" was arriving home 15 minutes before the raid of the police and the ATF squad.

How could this happen? When Congress passed these drug laws, did they think of the innocent people that would be involved? According to statistics, more than 85% of people arrested for conspiracy are given sentences ranging from 10 years to life without the possibility of parole. How is it possible that kingpins are serving less time than people who are considered minor participants? What can be done to change these laws? Yes, there are organizations trying to change the course of the war on drugs, but no one seems to care about the women and men already locked up for simply knowing a person.

Arrested and convicted, I sit here to tell this story. All of this happened to me seven years ago. I didn't kill anyone, kidnap anyone, blow up the World Trade Center, or conspire to make terrorist threats or attacks. My only crime was being in a romantic relationship. It is so unfair what has happened to me—each night my boyfriend would come home as if he were on his last dollar, making sure that the evidence of his sins was not seen by me. I now sit here in a federal prison camp directly across the street from John Walker Lindh, an American who aided the Taliban in Afghanistan, who received only four years and four months more time than I did. Other people are coming and going with two months to a year for a similar "crime" to mine, and I can't help but feel envious and jealous knowing that they will be home soon with their families while I am sitting here. I have tried every appeal, I have tried to write to the judge and the prosecution, and I have tried for a clemency, but there has been no hope for me. I am now 29 years old. When I should be home married and having children, I have missed a great big chunk out of my life. I sit here between three slabs of cement and wonder when my day will come.

Stacey Rena Candler, *Federal Prison Camp Victorville, Adelanto, California*

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Entry Citation:

Candler, Stacey Rena, and Andrew Austin. "Race, Class, and Gender of Prisoners." *Encyclopedia of Prisons & Correctional Facilities*. Ed. . Thousand Oaks, CA: SAGE, 2004. 802-08. *SAGE Reference Online*. Web. 1 Aug. 2012.



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