2.2 The Mass Incarceration Movement in the United States of America

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Abstract

Throughout this discussion about mass incarceration in the United States of America (USA), the authors provide a description and analysis of incarceration rates within the USA. An overview of comparative international trends in incarceration rates, conditions of confinement in American jails and prisons, an analysis of the USA's transition from indeterminate to determinate sentencing, as well as, some of the economic and social costs of the USA's mass incarceration are also discussed. The paper concludes with suggestions on how the momentum of the mass incarceration movement in the US can be lessened, and what American life, liberty, and the pursuit of happiness might look like in the 21st Century.

Résumé

En débattant de l'incarcération de masse aux États-Unis d'Amérique (USA), les auteurs présentent une description et une analyse des taux d'incarcération au sein des U.S.A. Après une présentation générale et comparative des tendances internationales relatives aux taux d'incarcération, puis des conditions de détention dans les prisons et établissements pénitentiaires américains, ils présentent aussi une analyse de la transition que les U.S.A. ont opérée des peines indéterminées vers les peines déterminées ainsi que du coût économique et social de l'incarcération de masse dans ce pays. Ce chapitre conclut par des suggestions permettant de limiter l'avènement du mouvement d'incarcération de masse aux États-Unis et envisage à quoi pourrait ressembler la vie américaine, la liberté et la poursuite du bonheur, au 21e siècle.

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2. Introduction

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness" (Declaration of Independence, July 4, 1776). Historically, the United States of America (USA) has championed freedom, but some things have changed. Why does the United States imprison so many people? Even while the red, white, and blue waves on many distant shores, the homeland descends into darkness (Richards, 1998, 2009).4

This growth in incarceration within the United States has been one of the most systematically executed government undertakings, affecting one in every 32 people residing in the United States (Bureau of Justice Statistics, 2010). While White Americans are certainly not immune to this movement (with one in 15 White Americans under the supervision of one of the 51 American correctional systems), this movement has disproportionately affected minority groups with one in three African American males (between the ages of 20 and 29) and one of 10 Latino men serving time within an American prison or jail (see Irwin, 1985) or under some alternative supervision, such as probation or parole (Austin and Irwin, 2002). Nonetheless, the majority of citizens appear to accept the high rates of incarceration in the US, without notice, without resistance, and without considering the costs. These high rates of imprisonment are what we discuss as the "mass incarceration movement in the USA".

After providing an overview of incarceration rates in the USA and comparative international trends, this paper discusses the conditions of confinement in American jails and prisons, explanations as to why the US transitioned from indeterminate to determinate sentencing, some of the economic and social costs of mass incarceration in the US, and what might be done to mollify the momentum of the mass incarceration movement in the US. We conclude with a brief discussion of what American life, liberty, and the pursuit of happiness might look like in the 21st Century.

4 See Richards 1998, 2009: Enron’s biography of Foucault contains a chapter entitled "Lesson from the Darkness" which refers to what he learned from Jean Genet, his own students, and French prisoners about his country’s penal system. Foucault first became interested in prisons when a number of his students at the University of Vincennes were arrested in the Paris (May 1968) demonstrations, and later when the French police, 2,000 strong, arrested students at the university. In 1971, while at the College de France he would write Discipline and Punish: The Birth of the Prison. Michelle Perrot (1986: pp. 76-77) wrote, “A great book about society’s dark side, it fed on this lesson from the darkness.”

2. Mass incarceration rates in the United States

The USA is now 40 years into the mass incarceration movement. This American Gulag (Richards, 1990), predicated on an "imprisonment binge" (Austin and Irwin, 2001, p. 1) or "race to incarcerate" (Mauer, 2006, p. 1) quickened in 1980 with the election of President Ronald Reagan whose administration quickly emphasized and supported "tough on crime" policies, especially those for drug crimes.5 During a span of 18 years (1980-1998), the number of adult Americans incarcerated in American state and federal prisons increased from just under 330,000 to over 1,300,000 nearly a 400 percent increase in the number of adults in American prisons (Austin and Irwin, 2001).

By 1998, as noted by Austin and Irwin (2001), one might have fairly suggested that more than seven million Americans were being supervised by one of America’s many correctional systems, including persons in jail or prison, or on probation or parole. Yet, these numbers only refer to those adults incarcerated in state or federal prisons, and excluded children incarcerated in juvenile facilities, individuals incarcerated in military prisons, and persons serving time in the community. There are another 600,000 people in jail, with nearly 3.8 million on probation, and nearly 713,000 on parole. In 1998, 6.3 million adults – about one of every 31 adults – are under some form of correctional supervision; in 1980 the ratio was one of every 91 adults. Furthermore, the growth in jail, probation, and parole populations are quite similar to the prison population increases.

It should also be noted that between 1970 and 2000, the general population in the US rose by less than 40 percent, while the number of people incarcerated rose by more than 500 percent (King & Mauer, 2005), suggesting that such enormous increases in the prison population cannot be simply explained by a surge in the size of the American population.

Still, even these staggering numbers do not account for all persons under some form of correctional supervision. Not counted in the six million are 506,000 children in juvenile facilities (public and private), nearly 2,300 adults held by the military, 18,000 in US Territories, and 1,600 in Native American jails and detention facilities.

The seven million figure also fails to count the tens of thousands of men, women, and children incarcerated by the U.S. Immigration and Customs Enforcement (ICE) in the ‘Hot Gulag’ (Kahn, 1996, pp. 14-70) prisons. Many of these tent prisons, called service and processing centres by ICE, have emergency capacities of 10,000 prisoners. Thousands of ‘Marielitos’, Cubans without criminal

5 While it was President Richard M. Nixon who officially declared a ‘War on Drugs’ in 1972, the war on drugs and its associated Draconian policies did not begin to be implemented with force until the backing of the Reagan administration. Each successive Presidential administration (George H.W. Bush, William Jefferson Clinton, and George W. Bush) continued to support the ‘war on drugs’ with harsh sentencing policies for drug traffickers, as well as, drug users. It is still too early to tell whether or not the Obama administration will continue this support.
convictions, are being held indefinitely, some have been in custody for over 20 years "waiting for the end of the world" (Kahn, 1996: 139). These prisoners drop out of the official census when moved from jails or prisons to ICE prisons.

Estimating the number of persons incarcerated by US authorities is further complicated by correctional terminology. Richards (2009a, p. 109; see also Richards, 1998) wrote:

"Correctional figures are also understated because the correctional net is so complex as to confuse the definition of terms. Juvenile justice may include diversion, probation, reform schools, teen court sanctions, drug courts, hospitals, substance abuse programmes, jails and prisons. Probation may be granted as an alternative to incarceration, as a split sentence (prison then probation), a second sentence to be served after prison. Parole refers to post-prison custody including life-time parole, intensive supervision, and special parole (Federal parolees upon revocation are returned to prison without credit for street time)."

Another distinction should be made between estimating the number of persons in custody on a given day (day estimates), compared to the number over the course of a year. This is especially relevant when looking at jail figures. Richards (2009a, p. 108) wrote:

"Jail figures are day estimates that do not include the millions of people arrested and released every year without being charged, charges dismissed, or bail granted. Lynch (1996: 297) estimates that the 300,000 day population turns over, like inventory in a parts warehouse or groceries on the shelf at Safeway, once every five days resulting in 22.5 million persons in local lock-up in the course of a year, with many persons jailed numerous times."

Finally, we must also note that the USA occupies many countries with its vast military machine. We have no reliable estimates on the number of foreign nationals imprisoned in US facilities at home or abroad, as many have been detained without due process, trial, or conviction. Some prisoners are being detained in secret CIA prisons, or military prisons, inside and out theatres of war. We do know, considering the lengthy wars in the Middle East, that the numbers must be considerable.

By 2010, counting all person incarcerated by the US at home and overseas, we estimate that the USA has over eight million people in some form of correctional custody. This includes over 2.3 million people confined in more than 5,000 facilities, including jails and prisons operated by the 50 states, the federal government, the U.S. military, and private corporations. The adult prison population represents no more than one-fifth of the entire correctional industrial complex.

Returning to our discussion of just the prisoners in the USA, we estimate approximately 21 percent are pre-trial detainees, 59 percent are foreign nationals, 9 percent are women and 0.4 percent are children. Thirty-seven states, in the US, have incarceration rates greater than 500 per 100,000 people. Five states incarcerate approximately one percent of their entire population: Louisiana (1,138 per 100,000); Georgia (1,021 per 100,000); Texas (976 per 100,000); Mississippi (955 per 100,000); and Oklahoma (919 per 100,000). These state figures do not include federal incarcerations, which are 62 per 100,000 US citizens (World Prison Brief, 2010).

The unprecedented growth in US incarceration rates has resulted in jails and prisons operating at about 110 percent of capacity. The official capacity of the prison systems are, approximately, 2,093,021 (828,413 for local jails, 1,142,129 for state prisons, and 122,479 for federal prisons) which is much less than the approximate 2.3 million incarcerated (World Prison Brief, 2010). "The fact that so many Americans, including hundreds of thousands who are a threat to no one, are incarcerated means that something is wrong with our criminal justice system and the way we deal with both dangerous criminals and those whose behavior we simply don't like" (Keene, as cite in Pew Center on States, 2009).

3. US incarceration and comparative international trends

Unfortunately, despite the American ideas of liberty and freedom, the USA leads the world in imprisonment. "As Americans, we think of ourselves as free people. And we think that our freedoms are central to what sets us apart from the rest of the world. It is ironic, then, that in America more people are denied these freedoms by law than in any other Western nation: we lock up more citizens per capita than any other nation that has bothered to count its prisoners" (Clear, 1997, p.xiii). The irony is compounded by the fact that many other advanced industrial nations, for example all of Western Europe, with similar social economic formations, and culture, continue to manage lower crimes rates without resorting to mass incarceration (see, Kensey, 'Europe' in this volume).

The world population in 2008 was estimated to be 6.75 billion. As of December, 2008, more than 9.8 million people were being held in penal institutions throughout the world, and almost half of those were held in the United States. The US has the highest prison population rate in the world (Walmsley, 2009). The World Prison Population List (Walmsley, 2009) provides details on the number of prisoners held in 218 independent countries and dependent territories. The ten countries/territories with the highest rates of incarceration per national population are listed in Table 1.
Table 1. Countries/Territories with the Highest Incarceration Rates.

<table>
<thead>
<tr>
<th>Country</th>
<th>Prison Populations (Including detainees)</th>
<th>Approximate Rate Per 100,000 National Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>USA</td>
<td>2,304,115</td>
<td>756</td>
</tr>
<tr>
<td>Russia</td>
<td>891,738</td>
<td>629</td>
</tr>
<tr>
<td>Rwanda</td>
<td>58,398</td>
<td>604</td>
</tr>
<tr>
<td>St. Kitts &amp; Nevis</td>
<td>232</td>
<td>587</td>
</tr>
<tr>
<td>Cuba</td>
<td>60,000</td>
<td>531</td>
</tr>
<tr>
<td>USA Virgin Isles</td>
<td>555</td>
<td>522</td>
</tr>
<tr>
<td>British Virgin Isles</td>
<td>555</td>
<td>522</td>
</tr>
<tr>
<td>Palau</td>
<td>97</td>
<td>478</td>
</tr>
<tr>
<td>Belarus</td>
<td>45,426</td>
<td>468</td>
</tr>
<tr>
<td>Belize</td>
<td>1,334</td>
<td>455</td>
</tr>
</tbody>
</table>

All the major European nations have rates of incarceration well below even 50 percent of the top ten nations, see Table 2.

Table 2. Incarceration Rates among European Countries.

<table>
<thead>
<tr>
<th>Country</th>
<th>Estimated National Population</th>
<th>Prison Populations (Including detainees)</th>
<th>Approximate Rate Per 100,000 National Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>USA</td>
<td>303.35 Million</td>
<td>2,293,137</td>
<td>756</td>
</tr>
<tr>
<td>Austria</td>
<td>8.35 Million</td>
<td>7,709</td>
<td>95</td>
</tr>
<tr>
<td>Belgium</td>
<td>10.73 Million</td>
<td>??</td>
<td>??</td>
</tr>
<tr>
<td>United Kingdom: England &amp; Wales</td>
<td>54.56 Million</td>
<td>83,392</td>
<td>153</td>
</tr>
<tr>
<td>Northern Ireland</td>
<td>1.78 Million</td>
<td>1,562</td>
<td>88</td>
</tr>
<tr>
<td>Scotland</td>
<td>5.18 Million</td>
<td>7,893</td>
<td>152</td>
</tr>
<tr>
<td>Denmark</td>
<td>5.49 Million</td>
<td>3,448</td>
<td>63</td>
</tr>
<tr>
<td>Finland</td>
<td>5.30 Million</td>
<td>3,379</td>
<td>64</td>
</tr>
<tr>
<td>France</td>
<td>62.40 Million</td>
<td>59,655</td>
<td>96</td>
</tr>
<tr>
<td>Germany</td>
<td>82.16 Million</td>
<td>73,203</td>
<td>89</td>
</tr>
<tr>
<td>Ireland</td>
<td>4.39 Million</td>
<td>3,325</td>
<td>76</td>
</tr>
<tr>
<td>Italy</td>
<td>59.86 Million</td>
<td>55,057</td>
<td>92</td>
</tr>
<tr>
<td>Netherlands</td>
<td>16.44 Million</td>
<td>16,436</td>
<td>100</td>
</tr>
<tr>
<td>Norway</td>
<td>4.74 Million</td>
<td>3,276</td>
<td>69</td>
</tr>
<tr>
<td>Spain</td>
<td>46.62 Million</td>
<td>73,587</td>
<td>160</td>
</tr>
<tr>
<td>Sweden</td>
<td>9.72 Million</td>
<td>6,770</td>
<td>74</td>
</tr>
</tbody>
</table>

Three-fifths (59%) of all countries in the world have incarceration rates lower than 150 per 100,000 national population, including the US border country Canada (115 per 100,000), which has a total incarcerated population of 38,343 (including young offenders). Compared to Canada, Mexico has a slightly higher incarceration rate (200 per 100,000), but that is still substantially lower than the US rate (Walmsley, 2009).

4. Conditions of confinement in US prisons

Inside the fence, behind the wall, millions of Americans live in this parallel world. These men, women, and children are warehoused (Irwin, 2005) in cages, or crowded dormitories, for a few or many years. Richards wrote (1998, p. 123):

"American convicts are subjected to degradations that most people are unable to comprehend, and do not want to know about. These are not security technologies, they are the program. Prisons were built to destroy people (Abbott, 1981). These prisons operate to break the resistance and bend the will of prisoners."

The conditions of confinement continue to deteriorate as the prison population grows. Government spends billions on new prisons, concrete and steel, and more staff, and precious little on vocational, educational, medical, or social work programming that might help the prisoners. Richards wrote (2008, Foreword, p. xiii):

"Today, unbeknownst to most people, the USA is being transformed into a convict nation. The American landscape is literally littered with jails, prisons, and correctional facilities of various configurations, built here or there over the last 20 years. We have special prisons for men, women, juveniles, even drug offenders, traffic offenders, and sex offenders. There are so many prisons now a pilot can literally navigate a plane at low altitude across the country at night guided by the high security lighting of correctional institutions and penitentiaries. Nevertheless, unless you are absolutely blind, nobody can miss them, and still the public knows so little about what happens behind the razor wire and fences, inside the walls, where men and women live in absolute peril and quiet desperation."

This convict nation (Austin et al., 2001; Ross and Richards, 2002, 2003, 2009) lives in thousands of separate facilities, most built in the last few decades, and ranging...
from minimum to super maximum security. Most prisoners will spend their entire period of incarceration in general population with about 15-20 percent in what's known as special management units.

Generally, minimum-security refers to camps with no fences or low security facilities with a single perimeter fence. Medium-security facilities have heavy razor wire double fences, while maximum security may have both fences and fortress like walls with gun towers. Most convicts reside in medium and maximum-security facilities.

Medium security prisons, traditionally 'reformatories' for young adult prisoners, and referred to as 'gladiator schools' by prisoners, have added security features like double fences, gun towers, and internal control architecture that resembles higher security institutions. The old reformatories, built in the early 1900's, were built of stone and or bricks and steel to be 'junior penitentiaries' with cellblocks of cages, industrial workshops, and some vocational and educational programmes.

There are two styles of new construction medium security institutions. The first is built of steel and concrete, with a yard, and separate buildings for administrative offices, factories, recreation and programs, and housing units. The housing units are separate buildings, with individual 'pods', with a few hundred prisoners each, and are usually one or two floors tall. These 'units' organize prisoners into disciplinary steps, with each building representing different levels of privilege. For example, there may be a building for reception and departure (R & D), a unit for new prisoners, and additional units for ascending levels of good behaviour.

In addition, each prison may have special cellblocks for administrative segregation (ad seg) or special housing units (SHU) for disciplinary violators (typically called 'the hole' by prisoners), protective custody (PC), medical prisoners, the mentally ill, or special treatment programs (e.g., residential drug therapy, sex offender treatment, etc.). Prisoners are moved from one unit to another as they are evaluated, disciplined, or isolated as decided by the prison administration.

The second style is a cheaper version built with minimal consideration for the daily needs of prisoners. Many states are beginning to contract with private prison corporations that build and manage new prisons quickly constructed consisting of little more than security perimeters and housing units. The housing units are pods with single bed cells, often filled with two prisoners or more, with a metal door, toilet and sink, and communal showers at the end of each tier.

One example of these units is ADX Florence (CO) operated by the Federal Bureau of Prisons, which is the highest security prison in the US. This prison was built not only to eliminate escapes, but also to defend from outside attack. The 'outrider' (a guard that patrols outside the fence or wall) at medium and maximum-security facilities is a correctional officer in a pick-up truck armed with a shotgun, who drives around the prison perimeter. The Florence outrider is a white armoured personnel carrier (a tank without a cannon). This super maximum facility maintains a strict discipline, with few privileges, which does not allow for the normal 'controlled movement' of prisoners from cells to the dining hall, work assignments, and recreation. There are 550 permanently lock down one man cells, but only half of these are occupied at any given time. The empty cells are reserved for prisoners that may be transferred in from rebellious or rioting institutions. The convicts are locked down 23 hours a day and may be allowed one hour of exercise a day in a private room. They eat all their meals in their concrete cell, are subject to a nightmare of prisons security protocols, including four point spread eagle restraints, forced feedings, cell extractions; mind control medications, and chemical weapons used to incapacitate prisoners.

Despite the wretched life behind bars, Irwin (2005, p. 9) reminds us that prisoners have social agency: "Prisoners do not simply comply with the
Indeterminate sentencing refers to sentencing policy where a judge may sentence a convict to, for instance, a minimum sentence of 10 years, but the convict may be released after serving some fraction of the sentence, for example, 50 percent, 33 percent of the 10 years, based on the judge's discretion, or the parole board's decision. The determination of the term of imprisonment is not final and the convict may still be released before the expiration of the sentence.

Indeterminate sentencing is a form of sentencing that means the length of the sentence is not fixed at the time of sentencing. It allows the judge to consider the circumstances of the case and the offender's behavior while in prison before deciding on the final term of imprisonment. This system is often seen as a means to promote rehabilitation and reduce the risk of recidivism.

However, critics argue that indeterminate sentencing can create uncertainty and unpredictability for convicts and their families. It can also result in a significant number of convicts being released before they have served the full term of their sentence, which can lead to public safety concerns. Additionally, it can make it difficult for convicts to plan for their future and reintegrate into society.

In contrast, determinate sentencing refers to sentencing policy where the length of the sentence is fixed at the time of sentencing. It is a system that provides certainty to convicts and their families, as the term of imprisonment is set at the time of sentencing. This system is often seen as a means to address public safety concerns and to ensure that convicts serve their full sentences.

However, some argue that determinate sentencing does not always lead to effective rehabilitation and can result in longer sentences for minor offenses. It can also lead to a cycle of incarceration and recidivism, as convicts may not receive the necessary support and rehabilitation while in prison.

The American transition from indeterminate to determinate sentencing was a result of political and social changes in the United States. The rise in crime rates and the increasing emphasis on public safety led to a shift in policy towards determinate sentencing. This change was also influenced by the work of scholars such as Norval Morris and David H.天 (1974), who argued for a more rational approach to sentencing.

The shift from indeterminate to determinate sentencing has had significant implications for the criminal justice system in the United States. It has led to longer sentences for minor offenses, increased prison populations, and a greater emphasis on rehabilitation. However, it has also resulted in a system that may not always effectively address the root causes of crime and recidivism.

To explain the conservative Republican and the liberal Democrat's arguments about prison reform, we need to understand the context of the times. The conservative Republican argument was based on the idea of limited government and individual liberty. They believed that the government should not involve itself in the private lives of its citizens, and that the criminal justice system should focus on protecting society from harm. The liberal Democrat argument was based on the idea of social justice and the prevention of social harm. They believed that the government had a responsibility to provide a safety net for its citizens, and that the criminal justice system should focus on rehabilitation and preventing future crime.

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6. The costs of mass incarceration in the US: economics and racial injustice

Economic costs. Prisons must house, clothe, feed and provide medical care to prisoners, consequently, growth in correctional budgets and America's correctional industrial complex are tied directly to incarceration rates. In 1982, a time when America was just beginning its 'imprisonment binge,' American taxpayers supported a correctional industrial complex that cost them around 9.1 billion dollars annually (Austin and Irwin, 2001, p. 13). By 1995, when the imprisonment binge was well underway and correctional spending had developed into the quickest rising expenditure in state budgets, the cumulative cost to operate America's prisons had increased to 39.8 billion dollars annually (Austin and Irwin, 2003).

As Austin and Irwin (2001) illustrate, however, these figures may vastly underestimate the true annual costs of mass incarceration in the US, because the prison budgets upon which these estimates are based may not include a number of expenditures necessary to operate a prison. For instance, the prison budget may not include related expenses associated with contracted food, medical, mental health, transportation, and legal services (Austin and Irwin, 2003).

If one considers the following facts: 1) the US prison population in 1995 was about one million (Bureau of Justice Statistics, 2001), 2) all US prisoners are mandated by law to have access to a law library and legal representation, 3) all need food, 4) all need transportation at least once during their sentence, 5) some will inevitably need the medical services they are entitled to, and 6) approximately 45 percent of those in federal custody and 56 percent in state custody are suffering from some form of mental illness and are entitled to treatment (Ross, 2008), then the actual cost of running American prisons in 1995 would have certainly exceeded the 39.8 billion dollar estimate. Furthermore, a number of 'indirect costs' such as lost tax revenue from those who are incarcerated, increased state welfare costs for families and children who may have lost their main source of income due to imprisonment, and the fact that prisoners are exempt from state and local real estate taxes, and that prisoners do not usually pay local, state, or federal taxes further increases the true cost of mass incarceration from 39.8 billion dollars to around $45 billion dollars (Austin and Irwin, 2003, p. 221).

In 2008, correctional spending was still the fastest expanding major segment of state budgets. "This growth rate outpaced budget increases for nearly all other essential government services tracked over the same period, from elementary and secondary education (205 percent) to transportation (82 percent), higher education (125 percent) and public assistance (9 percent). Only Medicaid spending grew faster than spending on corrections" (Pew Center on States, 2009, p. 11). State corrections costs now top $50 billion annually (Pew Center on States, 2009). When considering the accuracy of this estimate, one should remember that the Pew Center estimate does not include the hidden and indirect costs discussed by Austin and Irwin (2001, p. 221). As such, it is most certainly an underestimate of the American tax dollars needed to support the philosophies of mass incarceration that are responsible for the birth and growth of the US correctional industrial complex.

Racial injustices.

Beyond the economic costs of mass incarceration lay the social costs that are not always easily measured in terms of economics. America's war on drugs, for instance, has led to Draconian sentencing policies that have intensified the racial discrepancies among America's incarceration rates (Miller, 1998; Mauer, 2006). Policies associated with the war on drugs, such as the anti-drug abuse act of 1986 and the anti-drug abuse act of 1988, may have been designed to keep children safe from drugs by creating 'drug free' zones, but it is debatable whether these laws achieved this goal or whether the danger they were designed to eliminate was as threatening as depicted by legislators (Brownstein, 2003).

What cannot be disputed is the fact that such policies drastically increased the number of drug arrests between 1980 (about 600,000 drug arrests) and 2000 (about 1.6 million drug arrests), and that African Americans adults and juveniles have constituted a significant portion of these arrests (Mauer, 2006). To further illustrate how the war on drugs seems to have disproportionately affected African Americans, one only needs to consider the disproportionate numbers by race within America's state prison population. In 1985, for instance, there were 21,200 White prisoners and 16,600 Black prisoners serving time in an American state prison for a drug offense (Mumola and Beck, 1997). By 1995, the number of White prisoners serving time for a drug offense had increased to 86,100 (a 306% increase), while the number of Black prisoners serving time for a drug crime had increased to 134,000 prisoners (a 707% increase) (Mumola and Beck, 1997).

The fact that such policies would further increase the racial disparities within America's prison was either not considered or simply ignored by both...
Democratic and Republican legislators who were rushing to support a movement toward mass incarceration showed that they were 'tough on crime'. Under the federal anti-drug about act of 1988, for instance, a juvenile (15 years or older) who is arrested for selling drugs within 1,000 feet of public housing will be prosecuted as an adult, while another child caught selling drugs within 1,000 feet of her or his suburban home will be prosecuted as a juvenile. Furthermore, the mandatory sentencing policies associated with both the anti-drug abuse acts of 1986 and 1988 called for a mandatory sentence of five years imprisonment for the possession of five grams of crack cocaine (an illicit drug more predominately used by African Americans than White Americans). Yet, these policies apply the same mandatory sentence of five years for the possession of 500 grams of powder cocaine (an illicit drug more predominately used by White Americans than African Americans).

It certainly does not require someone to earn an advanced degree in a social science to be able to anticipate the impact of such legislation on the number of African Americans and other minorities who would, as a result, be swept away into prison at higher numbers and for longer sentences. One could also easily anticipate the potentially negative consequences of such unfair and Draconian policies on African American families and African American communities as high numbers of African American adults and children are swept out of their families and communities and into the American criminal justice system.

7. Ending America’s mass incarceration movement

The USA is a world power, with incredible resources and a dynamic economy. And yet, it appears that so many of the working class must choose between prison or the military. We know there is still a way to end mass incarceration, if we can find the courage to change our national priorities. Maybe the way to begin is to consider what we need to do for the next generation of Americans. Curry (1998, pp. 81-82) wrote: "Given what we have learned about crime prevention in recent years, four priorities seem especially critical: preventing child abuse and neglect, enhancing children's intellectual and social development, providing support and guidance to vulnerable adolescents, and working intensely with juvenile offenders".

Fortunately, we are beginning to reevaluate our drug laws. Medical marijuana is now legal in many states. We suggest that substance abuse should be seen as a medical issue, a social problem to be managed by medical rather than legal institutions. The decriminalization of all drugs would return social transparency to the problem, provide our country with a new opportunity to understand the many reasons for drug dependency and addiction, and allow for the redirection of scarce resources from imprisonment to treatment.

The US needs to reduce the length of sentencing for all criminal convictions and eliminating mandatory sentence, and so-called 'truth in sentencing'. This means eliminating determinate sentencing, especially the mandatory federal 85 percent, adopted by many states. Miller (1998, pp. 240-241) writes, "Establish 'whole truth in sentencing' legislation whereby the cost to taxpayers of each prison sentence is announced at the time of sentencing. For example, if the cost of incarceration is $30,000 per year, and the sentence is 20 years, the public needs to know they will be paying, at least, $300,000 for that conviction. Finally, we need to seriously consider the danger of mass incarceration. The creation of a professional criminal class, a felon underclass does not bode well for American democracy. The forced reduction of millions of men and women to semi-citizenship, stigmatized, and vilified, walking the streets with nowhere to work, can only mean trouble in the new world to come.

8. Conclusion

The mass incarceration movement is not about 'life, liberty, and the pursuit of happiness'. A convict nation is not a happy place. Without protest, we are frightened, manipulated, and convinced of the need to lock up millions. Since the American recession in 2008, we have seen all the big banks fail, General Motors go bankrupt, millions of people lose their homes, millions lose their jobs, and millions more go to prison. The government lays off teachers, social workers, even fire fighters and police officers. Meanwhile, the Gulf of Mexico fills with oil, global warming scares us all, and the wars in the Middle East continue.

While we still may have some choices in the 21 Century, we need to get our priorities in order. Can we really afford to waste and damage millions of people? Will we find the courage to restore our American ideals, or descend into the darkness of fear? Might we still find a way to restore our collective liberty, before prisons swallow our dreams?

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9. As Mauer (2006) indicates, these sentencing policies apply to first time offenders.

The National Survey on Drug Use and Health, 2002 and 2003 is a survey administered by the Substance Abuse and Mental Health Services Administration that asks Americans to self-report their drug use during the past month. In 2002, the results of this survey showed that African Americans used crack-cocaine at a rate eleven times greater than White Americans (Mauer, 2006).
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