

Race-ing Justice

The Political Cultures of Incarceration

Manning Marable

I

When I was a child, the only two prisons I had ever heard about and knew were Alcatraz and Sing Sing. Alcatraz was the formidable, stone citadel, perched on a small island in the middle of the San Francisco Bay. I saw *The Birdman of Alcatraz*, starring Burt Lancaster, and the film left a deep impression about prison life. I suppose my knowledge of Sing Sing was acquired in a similar fashion. Maybe my images of crime and punishment were derived from Edward G. Robinson or perhaps some other character actor who was usually cast as the hoodlum. Somehow, though, I knew that the phrase "to send him up the river" could only mean a one-way trip along the Hudson River to Sing Sing.

Yet nothing you have seen or have experienced can prepare you for the reality of Sing Sing prison. The prison itself seems literally carved out of the side of a massive cliff that stands just above the Hudson River. Parking is often difficult to find near the prison, so you have to walk a good distance before you come to the outer gate, the first of a series of razor-sharp barriers. The main entrance looks remarkably small, compared to the vast size of the prison. Entering the front door, you find yourself in a relatively small room, with several guards and a walk-through metal detector. Your clothing and other personal items are carefully checked. Permission to go inside the prison is severely restricted, and you must be approved through a review process well before your visit.

On the other side of the entrance area, shielded by rows of steel bars, is a hallway that is lined with wooden benches on either side. It is here that inmates wait before being summoned to their hearings to determine whether they have merited early release. The first time I visited Sing Sing, there were about a half dozen young males, all African Americans and mostly in their twenties, who were sitting nervously on the benches. Most would be forced to wait for hours to have fifteen minutes before the parole board. In fifteen short minutes, they would learn whether they would be released or ordered to serve another term of years behind bars. You could see clearly the anxiety and pain in the face of each man, trying to anticipate the questions of his inquisitors.

As you walk through the prison, you go down a series of hallways, separated by small containments, which have sets of steel bars on either side and are secured by a prison guard. Only one set of doors opens at a time. The guard must lock and secure the first door before you are permitted to walk through the second door. Because the prison was constructed on a side of a cliff, there are also a series of steps that must be climbed to go from one area to another.

At the end of one hallway is Cell Block B. At one time, the guards informed me with considerable pride, Cell Block B was the largest incarceration area of its kind in the world. One must first pass through two steel

Cel.



Cell Block B. Photo by Philippe Cheng

doors separated by a small security chamber. Once through the second door, one enters a vast open space, surrounded by massive concrete walls and ceiling. In the center of this huge room, largely filling up the entire space, is a solid steel cage, five stories high. Every story, or tier, contains 64 separate prison cells, front and back, for a total of 128 cells. The floors of each tier are separated by small railed catwalks and narrow stairwells.

Each cell is a tiny confined space, with barely enough room for a prisoner's toilet, sink, and bed. Prisoners are not allowed to place any clothing or items covering the front of their cells, except when using the toilet. In effect, personal privacy is nonexistent. The massive metal structure is like a huge iron-and-steel echo chamber, where every sound

from tier to tier resonates and can be easily heard. The entire oppressive environment—the pungent smells of sweat and human waste, the absence of fresh air, the lack of privacy, the close quarters of men who have been condemned to live much of their natural lives in tiny steel cages—is so horrific that it is even now impossible to find the words that truly express its reality. Maybe the only word for it is evil.

Even in this man-made hell-on-earth, something in the human spirit cannot be extinguished. Less than twenty years ago, the prisoners of Cell Block B somehow managed to overwhelm their guards, protesting inhumane conditions. For several days seventeen correctional officers were held as hostages. But in the end, the prisoners recognized that

escape was impossible and that this act of resistance was more symbolic than anything else. To demand to be treated as a human being in an inhumane environment is to be a revolutionary.

I had received the invitation to come to Sing Sing from the Reverend George (Bill) Webber, who in 1982 had started the New York Theological Seminary (NYTS) master's degree program. When Bill first began visiting Sing Sing on a regular basis, he observed that there was a small but highly motivated number of prisoners who had finished their bachelor's degrees and wanted to take more advanced courses. As the NYTS program developed, inmates at various correctional facilities throughout New York state were selected for admission and then transferred to Sing Sing. About fourteen to sixteen men were selected every year, with a waiting list of one or more years.

I was taken to the rear quarters of Sing Sing, which consist of religious quarters and chapels of different denominations. At the bottom of a stairwell was the entrance to a classroom. It was here that I met the class of 1999, the men who were enrolled in the program. There was Louis, a twenty-nine-year-old man of Puerto Rican descent, who had already spent twelve years of his brief life inside penal institutions; Kevin, a middle-aged African-American man, articulate and serious, who had been in Sing Sing for nineteen years, and who was now actively involved in AIDS awareness and antiviolence programs within the inmate population; "Doc," a thirteen-year prisoner who planned to be a counselor; Paul, a seventeen-year inmate interested in working with teenagers and young adults after his release; and Felipe, a prisoner for nineteen years, who was preparing for the ministry.

The NYTS program is basically designed to prepare these men for community service. There is a rigorous academic program, where

lectures and classroom discussions are held three hours a day, five days a week. Forty-two credit hours must be taken to complete the degree. Inmates are also required to perform an additional fifteen hours of field service in the prison, which can range from working in the AIDS ward to tutoring other prisoners. Since the program was established, more than 200 men have graduated with master's degrees. Only 5 percent of the inmates who have completed the program and been released were later returned to prison, compared to a New York state repeat offender rate of 42 percent.

The NYTS program is exceptional, in part because so few educational programs of its type exist in U.S. prisons. In 1995, only one third of all prisons provided college course work, and fewer than one in four prisoners was enrolled in any kind of educational or tutorial program behind bars. There are less than 11,000 paid teachers who are employed by penal institutions, or about one teacher per ninety-three prisoners.

One can only imagine the personal courage and determination of these men, most of whom entered prison without high school or GED diplomas. From the first day of their sentences inside Sing Sing, they experienced what the NYTS 1994 program graduates accurately described as "social death":

We are told what we can eat, when we can eat it, and how we must eat it. We are told what type of clothing we can wear, when to wear it, and where we can wear it; when we can sleep and when we cannot sleep; where we can walk and where we cannot walk; when we can show affection to our families and when we cannot show affection; where we can sit and where we cannot sit; where we can stand and where we cannot stand.

Despite the hostility of many prison guards, most of whom come from the same op-

pressed classes of those they are employed to guard, the men involved in the program withstand the daily abuse and harassment. In their own words, "We see ourselves as agents of change."

II

What is perhaps most remarkable about the brutality of Sing Sing prison is that it is not remarkable at all, when judged by the "standards" of other penal institutions. This issue of *Souls* features several extraordinary photographs by Philippe Cheng, depicting scenes of daily life in Angola State Prison in Louisiana. With more than 5,000 inmates at any given time, Angola is one of the largest maximum-security prisons in the United States. The legacy of slavery and Jim Crow segregation, both of which were integral to the history of this Southern state, is firmly rooted in the operations of the facility today. More than three quarters of Angola's inmates are African American, and about two thirds of its guards are white. Inmates are expected to shine the shoes and even wash the private automobiles of prison guards. Every Christmas, Angola's warden sponsors a prison rodeo featuring events "such as 'Convict Poker,' in which four prisoners sit at a table in a ring with a bull who is being urged to charge. Whoever is the last to leave his seat wins \$100, and/or gets gored."

Throughout African-American history, a series of totalitarian institutions circumscribed and defined our socioeconomic life and legal status in society. By "totalitarian," I mean quite literally the overdetermination of all aspects of a group's public and private life by the imposition of institutional power and violence. For two centuries, the black community was confronted with the totalitarianism of slavery. All people of African descent, slave or free, were oppressed and subordinated by this structure of unequal racial power. For nearly a century after the Civil War and Reconstruction, black people experienced the systemic subordination of Jim Crow segregation. Regardless of income, education, or social status, to be black under the totalitarian restrictions of Jim Crow meant confinement to second-class status. In the twentieth century, the construction of the urban ghetto imposed another kind of social control on black development, certainly less pervasive than slavery had been, but in some respects more destructive to the human spirit. Today, the new totalitarian mode of racial domination has become the "prison-industrial complex," fostering political cultures of incarceration: new patterns of black community life, experiences, and traditions largely produced by the systems of criminal justice and the ever-expanding archipelago of prisons across the American countryside.

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To speak of “political cultures of incarceration” is first to identify the destructive character and pervasiveness of public and private security personnel in defining the social space in which African Americans are permitted to exist as a people. In the United States, about four to five million Americans receive criminal records every year. Roughly one in five U.S. citizens has a criminal record. In a society severely stratified by race and class, most of those who are pushed into the penal system are, not unexpectedly, black or brown, and poor. One third of all prisoners were unemployed at the time of their arrest, with the others averaging less than \$15,000 annual incomes in the year prior to their arrest. About one half of the 1.8 million people in federal and state prisons and jails are African Americans. As the researcher J. W. Mason noted,

The proportion of black men in prison—about 6 percent—is approximately 20 times the corresponding rate for white men. . . . In Baltimore, 56 percent of black men are in prison or jail, out on bail, on probation or parole, or being sought on an arrest warrant. At least 90 percent of black men can expect to be arrested and jailed for a non-traffic offense at some point of their lives.²

Although the majority of black prisoners are young men in their twenties and thirties, the fastest growing sector of the penal population consists of men fifty-five years old and above.³

Even outside of the prison walls, the black community’s parameters are largely defined by the agents of state and private power. There are now about 600,000 police officers and 1.5 million private security guards in the United States. Increasingly, however, black and poor communities are being “policed” by special paramilitary units, often called SWAT (“Special Weapons and Tactics”) teams. The

researcher Christian Parenti cites studies indicating that “the nation has more than 30,000 such heavily armed, military trained police units.” SWAT team mobilizations, or “call outs,” increased 400 percent between 1980 and 1995, with a 34 percent increase in the incidents of deadly force recorded by SWAT teams from 1995 to 1998.⁴

What are the political consequences of regulating black and poor people through the criminal justice and penal systems? Perhaps the greatest impact is on the process of black voting. According to an October 1998 study, “Losing the Vote,” produced by the Sentencing Project and Human Rights Watch, two nonprofit research groups, about 3.9 million Americans, or one in fifty adults, have currently or permanently lost the ability to vote because of a felony conviction. In thirty-two states, convicted offenders are not permitted to vote while on parole. In fourteen states, former prisoners who have fully served their terms remain disenfranchised, and in ten of these states, ex-felons are prohibited from voting for life. For African Americans, these figures can be translated into 1.4 million men who are denied the right to vote, compared to 4.6 million who actually voted in the 1996 elections. The racial impact of ex-felon disenfranchisement is truly astonishing:

- In Alabama and Florida, 31 percent of all black men are permanently disenfranchised.
- In five other states—Iowa, Mississippi, New Mexico, Virginia, and Wyoming—one in four black men (24 to 28 percent) is permanently disenfranchised. In Washington state, one in four black men (24 percent) is currently or permanently disenfranchised.
- In Delaware, one in five black men (20 percent) is permanently disenfranchised.

- In Texas, one in five black men (20.8 percent) is currently disenfranchised.
- In four states—Minnesota, New Jersey, Rhode Island, and Wisconsin—16 to 18 percent of black men are currently disenfranchised.
- In nine states—Arizona, Connecticut, Georgia, Maryland, Missouri, Nebraska, Nevada, Oklahoma, and Tennessee—10 to 15 percent of black men are currently disenfranchised.⁵

In effect, the Voting Rights Act of 1965, which guaranteed millions of African Americans the right to the electoral franchise, is being gradually repealed by state restrictions keeping ex-felons from voting. A people that is imprisoned in disproportionately higher numbers, and then systematically denied the right to vote, can in no way claim to live under a democracy.

This issue of *Souls* explores several dimensions of how the criminal justice system is “racialized” in our country today. Some of the articles here were generated by an April 23, 1999, conference sponsored by the Insti-

tute for Research in African-American Studies at Columbia University on the theme, “Race-ing Justice: Black America Versus the Prison Industrial Complex.” We have also included here the voices and writings of prisoners themselves. Increasingly, the dilemma of race seems inextricably intertwined with the glaring inequalities of incarceration and criminal justice, which few leaders in public life have addressed in a meaningful way. And the social destruction continues, as this nation builds about 100 new prison and jail cells every day.

Notes

1. Kristin Eliasberg, “Saddling Prisoners,” *The Nation*, Vol. 267, no. 22 (December 28, 1998), pp. 41–43.
2. J. W. Mason, “The Gulag Society,” *In These Times*, Vol. 20, no. 20 (August 19–September 1, 1996), p. 34.
3. Vince Beiser, “Pensioners or Prisoners?” *The Nation*, Vol. 268, no. 18 (May 17, 1999), pp. 28–30.
4. Christian Parenti, “SWAT Nation,” *The Nation*, Vol. 268, no. 20 (May 31, 1999), pp. 16, 18, 20–21.
5. Jamie Fellner and Marc Mauer, “Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States,” report produced by Human Rights Watch and The Sentencing Project, October 1998.