

Land of the “Free” and Home of the Incarcerated

Introduction

Walmart. McDonald’s. Starbucks. Whole Foods. These beloved big name businesses are just some of the companies and corporations that have an immense stake in the all encompassing Prison Industrial Complex (PIC). According to Tufts University Prison Divestment program, the Prison Industrial Complex, named after the Military Industrial Complex, was a term coined in order to detail the “combined high level interest of the government and prison industry that uses surveillance, policing, and imprisonment solutions to economic, social, and political problems” (*Understanding the prison industrial complex, n.d.*). One imprisonment solution and a considered extension of the PIC are private prisons, also known as for profit prisons. These types of prisons differ dramatically from public or federally run prisons because as Human Rights Watch researcher Chris Albin-Lackey discusses, these prisons are run by third party companies, obtain their budgeting and money from government contracts based on the number of inmates they hold for a certain period of time, and private prisons inhabit offenders who have been arrested for misdemeanors which include but not limited to traffic violations, shoplifting, and people who are not able to make payments towards any fines or probation company fees (Albin-Lackey, 2014). Perhaps the most startling difference and pillar of the private prison industry (PPI) is the heavy reliance on forced prison labor to create everyday products that are made to sell to companies such as those listed above in order to make the PPI a billion dollar industry.

The shift towards expanding the PIC’s can be found in the 1960s according to Pulitzer Prize winner and professor, Heather Ann Thompson, with the start of the War on Crime led by President Lyndon B Johnson and eventually the War on Drugs led by President Richard Nixon which catalyzed the movement towards for profit prisons (Thompson, 2012). Suddenly, the commodification of for-profit prisons and the realization that companies can capitalize upon imprisonment and crime finally integrated politics with the justice and legal system. No longer

had the idea of prisons been defined for rehabilitation means, its goal was to put profit over people and profit over rehabilitation. The capitalistic society of the United States jumped at the chance to make money off of the production of private prisons as an extension of the Prison Industrial Complex and therefore affected the development of the PIC by rapidly expanding to affect the lives and well beings of individuals in American society as well as those trapped under the private prison system, hence causing social and economic consequences.

Money in Mass Incarceration

It is no surprise that money has been a major motivating factor when it comes to the development of the private prison industry and the PIC. Since money has become an important motivating factor in the development and expansion of the PIC through private prisons, it has caused mass incarceration within these prisons because corporations a) don't want to lose money they obtain from state's budgets and b) want to generate enough revenue to proliferate the private prison industry at the expense of those imprisoned by ensuring that the corporations to use their money to hire lobbyists to block prison reform and influence the legal system through harsh sentencing for minor crimes. In their peer reviewed research of PIC Culture, sociologists and professors Earl Smith and Angela Hattery found it costs about \$23,183.69 dollars to house an inmate at a private facility and when multiplied to account for an approximate number of total inmates, that comes to about \$46.3 billion dollars a year for about 2 million inmates a year in the US (Smith & Hattery, 2006). From this data alone, it can be correctly inferred that the PPI is a costly system and even though some of the money actually goes towards the costs of housing an inmate like uniforms, food supply, and bedding, nonetheless, corporations are still being paid to house and fill beds no matter what the crime may be. Essentially, when those cells/beds are empty, corporations lose money which explains why it is advantageous and a clear goal for them to keep prisons at max capacity for as long as they can. This means no matter how severe the crime may be, if at all, individuals can be sent to

prison for extremely long terms where the punishment does not fit the crime and end up losing years off of their life from serving an unfair sentence.

The advantageous goal holds true, as David Shapiro, writer and staff attorney for the ACLU, details in his article how private prisons contribute to the mass incarceration issue that is an aspect of the prison industrial complex. He writes “As incarceration rates skyrocket, the private prison industry expands at exponential rates, holding ever more people in its prisons and jails, and generating massive profits. In 2010, the two largest private prison companies alone received nearly \$3 billion dollars in revenue, and their top executives, according to one source, each received annual compensation packages worth well over \$3 million (Shapiro, 2011). Shapiro explains mass incarceration and private prison industry growth go in tandem with each other and therefore has no signs of stopping due to the large amounts of profits being generated. The revenue and compensation he brings to light that corporations receive is traced back to not only the development of these prisons but again, from the ability to incarcerate as many people as they can. To not lose out on any funding they obtain from state governments, the correlation between rising dollars in the industry and mass incarceration is almost too obvious.

However, the only way to make sure incarceration rates are steady and continue to rise is by hammering down on the legal system that places these individuals in prison first which continues to occur today. According to Hattery and Smith, punishment like elongated sentencing, mandatory minimums of 5 years, felonizing drug offenses (when small possession is considered to be categorized from misdemeanors to felonies) and three strikes rule have been created to keep incarceration rates high and steady in order to make it more likely beds are remaining full (Smith & Hattery, 2006). By attempting to fill prisons at max capacity, Hattery and Smith explain those factors are attributing to the massive growth of prison populations which end up making money for corporations that own private prisons in more of an indirect way. This sort of loophole poses an issue because not only does it explain how malleable the

justice system can be, but private prisons act as a gateway to mass incarceration where prison capacity goes unchecked and can have serious safety consequences.

Similarly, Thompson again explains in her peer reviewed research, “By the 2000s, companies seeking to profit from the nation’s post- 1960s embrace of mass incarceration (such as Walmart, Hewlett-Packard, and McDonald’s) had joined ALEC along with private prison corporations such as the Corrections Corporation of America (CCA), GEO Group, and Cornell Corrections who were ‘lobbying for and passing harsher sentencing for nonviolent offenses including three-strike laws, mandatory sentencing, and truth-in-sentencing’” (Thompson, 2012). These sentencing/punishment techniques mentioned by Hattery, Smith, and Thompson have been designed largely by corporations and individuals hired to influence legislation to push the PIC’s agenda which ends up corrupting the justice system itself. It should be noted that these loopholes and lobbying techniques were not done by individuals who are competent in the legal system so the sentencing techniques don’t hold all too well in effectively lowering crime rates. By reinforcing this type of systematic entrapment, people who genuinely struggle with getting clean for drug possession never have the chance because they are constantly abused by a system that doesn’t care for their wellbeing or even offer a type of rehabilitation. All authors emphasize that the desire to make money creates a cycle of imprisonment which indicates that the continued development and expansion outweighs maintaining human dignity in for profit prisons. Along with this cycle of entrapment remains a predetermined group of individuals who seem to have never escaped the grasp of prison labor and imprisonment.

Pillaging Communities

Subsequently, it comes with almost no surprise that specific individuals of certain communities have been and continue to be targeted when it comes to the large expansion of the PIC. The targeting of impoverished communities, urban and nonurban areas, and communities of color which encompass largely black American men have been some of the highest prison retention rates and populations size the PIC has seen, affecting these communities livelihoods

the most. Professors Rose Brewer and Nancy Heitzeg's peer reviewed research details how criminalization and incarceration has primarily affected communities of color but more specifically looks at how black men have higher rates of incarceration compared to other races. They state, "More than three quarters of a million Black men are now behind bars, and 2 million are under some form of correctional supervision" (Brewer and Heitzeg, 2008). From this data alone, it is obvious that black individuals, black men to be more specific, have undergone unfair treatment when it comes to the growth of the PIC for the benefit of corporations. Plucking them out of their communities, their homes, their very own life and into a life of confinement is borderline predatory. Black bodies are again being used for the exploitation of labor that the authors compare to modern day slavery.

Focusing in on a more specific and recent study, Jessica Simes, Boston University professor and researcher, offers a look at statistics in the state of Massachusetts by concluding that 15% of the state population account for half of all prison admissions and in urban and non urban areas, black individuals are disadvantaged and incarcerated more; prison admissions primarily come from disadvantaged and poor neighborhoods. She continues to argue, "In sum, the regression analysis offers strong evidence of the link between race, crime, concentrated disadvantage and prison admissions. The results show prison admissions spatially concentrate in highly disadvantaged minority tracts and within high-violent crime municipalities and neighborhoods with heightened levels of arrests for drug crimes," (Simes, 2018). Simes's research adds to the above authors' argument a bit more by not only reinforcing a strong link between the prison admission rates and race but adds that in a broader context that minorities, whether in nonurban or nonurban impoverished communities, are too placed at a disadvantage when it comes to incarceration. From the evidence so far presented, the PIC has targeted these communities in order to truly expand at all ends. People who face a life in poverty cannot afford services like a lawyer to defend them and are often minorities, so they are more likely to be sent to jail for those same harsher sentences compared to someone who can afford a lawyer to lessen

the amount of time they are in jail and have a good defense. A coherent racial and geographical bias pokes through the cracks which has the tendency to make cities seen as unsafe, thus the process of over policing begins and has a profound effect on crime rates compared to other areas.

Even though the comparison of statistics may show a higher disparity in urban, minority areas, the current evidence explains that crime rates in the more recent years have decreased but the punishment for those has escalated. As per sociologists and professors at University of Washington Katherine Beckett and Lindsey Beach's quantitative study highlights, "...the justice system's response to crime is most vigorous in nonurban, and especially rural, counties, where more felony arrests for all types of offenses result in a prison sentence....Thus, state policies that expand the number and range of 'statutory hammers' give tough-minded prosecutors and judges (increasingly concentrated in nonurban locales) the tools they need to fill prisons and, in some cases, local jails as well" (Beckett & Beach, 2020). It is no coincidence that both authors found urban areas that are also poverty stricken have high populations of black Americans and other minorities because of the implementation of state policies. Now, judges who are supposed to be impartial until all evidence is shown and prosecutors have the same agenda as corporations and are just as involved, if not guilty, in the expansion of the PIC as the companies. The need to obtain as many inmates as possible for the PIC and PPIs agenda is as clear as ever and has legal implications as well signifying how deep and powerful corporations have been in domination of our legal system. Essentially, all of the authors' research has proven that by locking up majority black men and minorities has led to the villainizing of these individuals which reinforces racial biases. It doesn't take a lot to comprehend that the upholding of racism is thoroughly ingrained in the American prisons system as well as America itself. The pursuit of pillaging cities and other areas leads to a fractured image of life within those communities, snatching people from their homes and livelihoods to be thrown into a never ending cycle in efforts to make billions of dollars that must be considered a violation of some human right and is borderline predatory.

Exploitation of Bodies

When the War on Crime campaign took off under Lyndon B. Johnson administration, good intentions to lessen crime backfired, causing millions of individuals in prisons working for less than a dollar an hour and has continued to become one of the main reasons why the PIC has expanded in a matter of seconds; the continuation of using prisoners for labor to then profit from said labor became a lucrative businesses corporations have installed in private and public prisons alike and because of it, prisoners live's and body's are exploited and are likened to modern day slavery and violation of human rights. In of 2017 a study conducted by Prison Policy Initiative researchers Peter Wagner and Bernadette Rabuy found CoreCivic, a well known corporation that owns and manages private prisons and detention centers, obtained \$911.8 million dollars in federal money that accounts for about 51% of their revenue while GEO Group, a marketed real estate investment trust company that invests in private prisons that claims to work on rehabilitation services, made \$1.84 billion dollars in revenue in 2015. Management and Trading Company, a private prison contracting company, had received \$498 million dollars for its for-profit prisons. The same research concluded that inmates get paid anywhere from 85 cents to \$3.45 an hour for their work, often working for hours on end with no protection or rights (Wagner & Rabuy, 2017). The process is simple, prisoners undergo grueling hours of work to create the products needed by other big named businesses for extremely less than minimum wage just for corporations to turn around and sell them for a substantial amount of profits. The evidence presented by Wagner and Rabuy detail that the only way that these corporations were able to make millions of dollars and turn the Prison Industrial Complex into a billion dollar industry is largely from that exploitation of labor and mass incarceration mentioned previously. What's more is by taking away the ability to be protected under law suggests the amount of harm being done by inmates for the profitability of the industry and who knows what other means are being done if they aren't protected under law that the general public is not aware of. This

perpetuates the lack of care and how easily the PIC has transformed into discarding the lives of others under their system.

This exploitative system roots its origins through the justice system again, where in 1995 according to Thompson, "...corporations had managed to pass a law that allowed them to exploit a loophole in the 1979 Justice System Improvement Act's Prison Industry Enhancement Certification Program and, more specifically, to sidestep the burden of its rule that prisoners be paid the minimum wage...By 2011, prisons had become appealing places for corporations to do business" (Thomson, 2012). From the evidence so far discussed, individuals will stop at nothing to continue to grow what they have if it makes them money, even if that means exploiting the very people of this country to be subjected to hours of labor for the denial of fair payment. Thompson explains that the laws surrounding prison rights and labor system are malleable, loopholes allow for things to be redefined to fit a money making agenda. Without having those said protections as Wagner and Rabuy mention, it's concerning to know that the treatment of prisoners are in the hands of those who have manipulated the system to work for them.

Moreover, with the collaboration of the capitalistic society and the prison boom according to Smith and Hattery, it has caused dozens of national and multinational corporations such as colleges and universities to continue their business with the prison industries that exploit this labor force (Smith & Hattery, 2006). The economy of the United States explained by Smith and Hattery acted as a huge catalyst for the expansion of the PIC through for profit prisons because without that system, the amount of revenue generated would not have amassed to billions of dollars. The outreach from corporations and into colleges and universities shows that the collaboration has manifested itself in almost every corner of the world that seeks to make big profits. In order to make as big of profits that are currently dominating the system, "buying" low and selling high is the pillar of generating massive revenue at the expense of

inmates' livelihoods. Instead of reaping any benefits, inmates are subjected to even more taxing hours of work in terrible conditions that can only be described as sweatshop-like.

All work and no pay is clearly reflective of human rights violations which have technically been “outlawed” in the United States but remain alive and well. So, it should come with no surprise that black Americans have suffered and continue to suffer under the most egregious modern day slavery of forced prison labor. Professors Brewer and Heitzeg found black labor has, “...became increasingly available for use by private agents through the convict lease system and related systems such as debt peonage...Whether this human raw material is used for purposes of labor or for the consumption of commodities provided by a rising number of corporations directly implicated in the prison industrial complex” (Brewer & Heitzeg, 2008). Both professors explain the intersection between forced labor and race is abundantly evident here along with historical implications of slave labor. The more companies that decide to partner with corporations that own private prisons, the more common and popular it becomes and before people realize it, private prisons may well be the only type of prisons to exist even if crimes are less than serious. The PIC development to exploit prisoners' labor rather than deter crime is one of the biggest grievances of the justice systems development. Reliance on prisoners dehumanizes them as individuals and while one could argue that they are paying for their consequences, it has been apparent several times that the punishment one may receive does not fit their crimes. Humans should be treated with a minimal amount of respect, as they are not replaceable objects as the PIC makes them out to be; they're people with capabilities and a consciousness. Prison reform should continue to remain of utmost importance because if private prison companies continue to enforce this type of labor rather than rehabilitation, prisoners are stuck in the cycle of incarceration and it could have treacherous societal effects.

Neglection of the State's People

As mentioned before, the majority of the money corporations obtain to build the institutions of private prisons to expand the PIC come from state's budgets. The money used

does not only just go to the establishment of private prisons but other aspects of the PIC like prison spending for lobbyists and other means for the pursuit of growing the PIC further. In fact, according to Chris Mai and Ram Subramanian, writers from the Vera Institute of Justice, a nonpartisan and nonprofit organization that fights to end mass overcriminalization and incarceration of people of color, immigrants, and those in poverty, Hawaii, Kentucky, Louisiana, Montana, New Mexico, Oklahoma, Tennessee, Utah, and West Virginia had reported their payments to prison spending had exceeded 15 percent in 2015. Louisiana, Montana, New Mexico, and Tennessee, reported their payments contained more than 30% of prison spending (Mai & Subramanian, 2017). But as the PIC continues to loom over the lives of the American people, the substantial amounts of money flowing within the billion dollar industry prolongs the harm done on state's budgets, economy, and even their own population. Naturally, the more money being placed into the PIC and PPI, the less money exists for social programs and rehabilitation services that will actually aid former inmates continue through their lives.

Brewer and Heitzeg continue their arguments by explaining that many states have already been facing shrinking budgets. To quote, "As of 2008, \$146 billion dollars are spent on the criminal justice system which includes the police, court systems, and correctional facilities. The majority of the money in corrections are being put towards incarceration and securities which are 'the most expensive sentencing options'" (Brewer & Heitzeg, 2008). The appropriation of funds by state governments to neglect their citizens' needs through spending the most amount of money on imprisonment rather than social programs showcases the greed capitalization has on the Prison Industrial Complex. By going out of their way to choose the "most expensive sentencing options" communicates the desperateness and lack of genuine care the government has for their people.

Furthermore, what may make matters worse is that state governments, or rather the politicians who run the state governments, are completely at fault for social programs not having the funding they need because they rely too much on channeling money into private prisons and

adding to the funds of the PIC expansion. Kara Gotsch and Vinay Basti of the Sentencing Project write that in New Mexico, “While the legislature never approved the full conversion of the state’s prison system to private hands, prison corporations have contributed generously to political leaders there to ensure the industry’s prominence in the state,” (Gotsch & Vinay, 2018). Politicians who are actively being influenced by not only lobbyists but the corporations themselves show how powerful the ideals of the Prison Industrial Complex have become in drastically changing a system that shapes the discourse and functioning of the modern day American justice and prison systems. Gotsch and Vinay explain the longevity of private prisons and the PIC is directly through getting politicians and governments to focus more funding towards prisons that don’t rehabilitate but reinforce punishment in order to ensure their political spotlight. Ignoring special programs that could actually benefit the state and therefore the country is morally unjust to the individuals who they promise to be a voice for and fight for their rights.

PBS NewsHour journalist Casey Kuhn solidifies these claims by reporting that the government funding for parole and other reentry programs that are supposed to be provided by states are significantly depleted by the amount of money spent on the incarceration of people. Organizations that exist struggle to apply and reapply for funds offered by the government because they run on smaller budgets and are mostly non profits. When they are not competing for grants, they have to resort to fundraising causes that usually do not meet the monetary goal (Kuhn, 2021). Individuals who wrestle with getting clean, trying to find a way out of poverty, or are attempting to adjust to life outside of prison are now left to fight their battles alone and sometimes even turn back to crime when these programs are not fit enough to support them. Kuhn points out that since organizations are left to grapple with lowering funds, the options available are scarce, which is just what the PIC needs and what politicians, corporations, and universities want. If politicians and the government did truly care about the wellbeing of their citizens and didn’t want to lock up individuals as frequently as they do, then we would see more

money funded towards those organizations who struggle with obtaining the correct resources. In funding more money to the PIC and PPI, the true colors of the American justice system show that it really is all about the money and nothing about the people.

The Dynamic Duo: Violence and Recidivism

In the face of the injustices committed by corporations in advancing the PIC, advocates for the continuation of private prisons and further development of the current prison system in the US argue that the numerous economic benefits outweigh the negative consequences. The cost saving effectiveness holds a greater value according to educational source Gale Publishing. They found private prisons and the expansion of the PIC ended up saving taxpayer money, private companies can act quicker when it comes to implementing efficiency, they have more leverage with supplier agreements, generated new tax revenues, new job creations, and increase in private sector spending where they operate. Supporters also mention that private prisons encourage free market competition with no government involvement which equates to better prison standards and lowering operating costs (“For-Profit Prisons”, 2019). Further, "...private prisons are monitored by state inspectors whereas government correctional departments police themselves, with obvious conflict of interest....states can save up to \$15 million a year by outsourcing prisons to private companies.." An interview Louise Grant, a spokesperson for the CCA, points out private prisons can be used to relieve overcrowding and ensure that the entire state correctional system is safer (“Introduction to America's Prisons: Opposing Viewpoints”, 2010). The emphasis of the economic benefits of private prisons of course would be argued by individuals who benefit from the capitalistic society of the United States. But advocates often neglect to mention that these benefits are being done at the expense of human lives. In fact, while the Gale sources claim that private prisons run better and at lowering costs, the conditions within the prisons are astoundingly horrific.

Alex Friedman, long time advocate for prison reform and activist argues, “Prisoners held in for-profit facilities are exposed to higher levels of violence due to the private prison industry’s

business model of reducing staffing costs, which results in higher staff turnover rates, understaffing and instability. Prisoners released from privately-run facilities have higher recidivism rates, thus endangering public safety” (Friedman, 2012). Panning to a more specific example, Timothy Williams of the *New York Times* explains in more detail the state of a Mississippi privately run prison that stood trial. The prison had mass amounts of trouble retaining staff and had the dirtiest, most unclean facilities much to the chagrin of an MTC spokesperson who claimed the opposite. Guards were not able to retain order within the prison, inmates made weapons to protect themselves because they felt unsafe, and nurses and doctors were also understaffed so inmates with mental illnesses were more likely to act out (Williams, 2018). These horrific retellings of life inside of privately run prisons showcases not only how out of touch advocates for the continued use of private prisons are but also the ones who own the prisons themselves. Though it may seem as an advantage of lower operating costs within private prisons, no one can ignore the societal implications of public safety brought forth by Friedman or the danger it brings to not only inmates but staff in these types of facilities brought forth by Williams. Both authors explain that due to the violent tendencies and environment in private prisons, there is no telling what could happen if a prisoner either escapes or is thrust back into a world that runs very differently; and not to mention the absence of qualified staff to help those struggling with drug addiction, mental health, or minor crimes a chance to work on their behavior. The significant gap in knowledge shows that maybe the economic benefits aren't as advantageous as depicted and the analysis does not go deep enough to explain the day to day issues. It is striking that the lack of consistency due to overturning of workers can greatly impact a prisoner's ability to adapt to an ever changing system not only in prison but in the real world as well. The PICs reinforced narrative that human bodies are just as disposable as the next is an extremely volatile narrative because it gives no value to human life, period.

Now one might push back and explain that criminals are criminals, so they should be treated as such and bear the fruits of their consequences from breaking the law and learn from

their mistakes. But if prisons did what they say they would do, recidivism rates in the US would not be as high as they are today. After all, aren't prisons supposed to help keep individuals out of jail so they don't reoffend? Learning from the consequences of one's actions implies that the person will not reoffend; however according to Liz Benecchi, "America's recidivism crisis is far more alarming than any other democratic country in a similar economic bracket. If prison were teaching the 'lessons' corrections workers claim it does, it is concerning that so many of the same prisoners end up back behind bars" (Benecchi, 2021). It's disheartening to learn the reality of the US prison system that has been systematically designed for punishment and profit rather than the rehabilitation of human lives. While economic benefits are great, if a little bit of less than half the population are trapped within jails that are a never ending cycle of abuse and neglect, how good can the benefits be if not everyone is benefiting?

Conclusion

In studying the development of the Prison Industrial system, it has become abundantly obvious that the capitalist economy of the United States has acted as a catalyst for the development of the prison systems put in place by money hungry corporations. By the states jumping at the chance to funnel more money into the private prison industry as an extension of the Prison Industrial Complex, the exploitation of labor is apparent with little to no regard for human life. Mass incarceration is not only a root issue among private prisons growth and the PIC but also has created the targeting of impoverished, urban, and communities of color who are also affected by the legalities of the justice system which has been corrupted to accommodate private prisons demands. All this means is that the way in which the United States treats its prisoners, whether in the private or public sector of prisons, reflects on society as a whole. Citizens of America are just pawns in a game run by politicians, CEOs, and their governments.

These individuals have centrally controlled the narrative of current and formerly incarcerated individuals which has caused apathetic attitudes of the general public towards them. The abundance of social implications of being a former inmate makes it that much harder

to make anew in a world that has already stigmatized them, so lack of resources and job opportunities that will actually do much more for the economy are held back from people who want to prove themselves again. The larger the PIC grows and confines people in its hands, the harder it is to control these narratives that drive the debate of reformation. Prisons were never about helping people, it was about maintaining the power and superiority over individuals society has deemed unworthy of redemption without ever getting that chance to prove themselves worthy again. Reform is the only thing that will save the greater public from the gluttonous corporations and the industry that controls it.

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Author bio:

Kiya Lawler is currently a junior at VCU majoring in Political Science and Public Relations. She completed her work "Land of the 'Free', Home of the Incarcerated" for Professor Frank Cha in her UNIV 200 class. In her free time she likes to read, listen to music, and watch the endless amount of Marvel movies and TV shows.