

HOW WE GOT TO TWO MILLION

How did the Land of the Free become the world's leading jailer?

By Vince Beiser

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Photography by Andrew Lichtenstein and Gregg Segal

In the heart of Los Angeles, just a few blocks from the downtown commuter hub of Union Station, stands a pair of massive concrete towers. Tinted in bland desert tones of beige and dull rose, the angular, unapologetically functional buildings could be some big corporation's headquarters, or a hospital, or perhaps a research facility. Only the windows -- nearly all of them narrow, vertical slits through which nothing can be seen from the outside -- give a clue to what the complex really is: the Twin Towers Correctional Facility, which happens to be the world's biggest jail.

Linking the towers is a low-lying structure called the Inmate Reception Center. This is the first stop for every inmate taken into custody by the Los Angeles County Sheriff's Department. Each day, as many as 6,000 prisoners pass through the IRC's vast labyrinth of hallways and holding areas. It takes a staff of 800 just to log, sort, and monitor them, from booking and fingerprinting to locking them up in cells crowded with other inmates.

Local taxpayers spent nearly \$400 million to build the Towers in the early '90s because older jails were overflowing with arrestees. The jails, in turn, serve as gateways for the 21 new prisons the state has built since 1980. Over the past two decades, the number of inmates in those prisons has grown sevenfold, to more than 160,000. It cost California taxpayers nearly \$5.3 billion to build the new lockups -- and it costs another \$4.8 billion every year to keep them running.

California is no anomaly; over the last 20 years, the number of prisoners has surged in every state in the country. While the nation's population has grown by only 20 percent, the number of Americans held in local, state, and federal lockups has doubled -- and then doubled again. The United States now locks up some two million people. That's far more than ever before, and more than any other country on earth. And the number is still growing.

Most Americans never even see, let alone become ensnared in, the nation's vast correctional system. But the unprecedented prison boom is incurring unprecedented costs -- economic, social and ethical -- that are being paid, one way or another, by everyone in this country. The MotherJones.com Incarceration Atlas, and the articles that accompany it, tally up part of the bill. Drawing on records from a wide range of federal and state agencies, the Atlas provides a state-by-state look at the growing expense of our penal system. It details how many residents of each state are currently imprisoned compared with 1980, the soaring number of nonviolent drug offenders, and the increasing racial disparity in imprisonment. It also shows how the bill for prisons has grown six times faster per capita than spending on higher education, which has actually dropped or remained stagnant in many states.

How did this happen? How did a nation dedicated to the principle of freedom become the world's leading jailer? The answer has little to do with crime, but much to do with the perception of crime, and how that perception has been manipulated for political gain and financial profit. From state legislatures to the White House, politicians have increasingly turned to tough-on-crime policies as guaranteed vote-getters. That trend has been encouraged by the media, which use the public's fearful fascination with crime to boost ratings, and by private-prison companies, guards' unions, and other interests whose business depends on mass-scale incarceration.

Prisons certainly aren't expanding because more crimes are being committed. Since 1980, the national crime rate has meandered down, then up, then down again -- but the incarceration rate has marched relentlessly upward every single year. Nationwide, crime rates today are comparable to those of the 1970s, but the incarceration rate is four times higher than it was then. It's not crime that has increased; it's punishment. More people are now arrested for minor offenses, more arrestees are prosecuted, and more of those convicted are given lengthy sentences. Huge numbers of current prisoners are locked up for drug offenses and other transgressions that would not have met with such harsh punishment 20 years ago.

In return for spending so much more on prisons today -- a nationwide total of some \$46 billion annually -- taxpayers might reasonably expect a corresponding drop in crime. But most experts agree that prisons have done little to make communities safer. A recent study by the University of Texas estimates that while the number of inmates has grown by more than 300 percent since the late 1970s, that growth is responsible for no more than 27 percent of the recent drop in crime. Indeed, many states with the fastest increases in prison populations received no commensurate payback in crime reduction. In West Virginia, for example, the incarceration rate ballooned by 131 percent over the past decade -- but crime dropped by only 4 percent. Meanwhile, in neighboring Virginia, incarceration rose just 28 percent, but crime dropped 21 percent.

Locking up more people only reduces crime if those being locked up are serious criminals, experts say. "If it's a serial rapist, that makes an impact on crime," explains Mark Mauer, director of the Sentencing Project, a research and advocacy group based in Washington, D.C. "But if it's a kid selling crack on the corner, that just creates a job opening for someone else." Most experts agree that a combination of other factors, including the until-recently strong economy, more effective policing, and the decline of the crack trade have done far more than incarceration to cut crime.

The fuse of America's prison explosion was lit in the late 1960s. With a war raging in Vietnam, riots sweeping major cities, and protests roiling college campuses, middle America was hungry for action to restore law and order. In 1968, Congress responded with a major anti-crime bill that doled out millions of dollars to local police and increased the federal government's involvement in local law enforcement. Crime had never been much of an issue in federal politics before, but Richard Nixon made it a central campaign theme that year. Shortly after his election, Nixon added narcotics to the list of America's leading enemies, sounding the call to a national war on drugs. "The abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans," he declared.

Around the same time, states began eliminating the flexibility that judges and parole boards had long exercised in deciding how to punish offenders and when to let them out of prison. Liberals denounced the old system as rife with racial discrimination; conservatives slammed it for being too lenient. Both called for fixed, mandatory sentences for specific crimes. In 1973, New York governor Nelson Rockefeller set a new standard by pushing through what are still some of the nation's harshest sentences for drug crimes, including mandatory 15-year prison terms for possessing small amounts of narcotics. The concept caught on: By now, nearly every state and the federal government have some form of mandatory sentencing.

Mandatory sentencing leaves judges little room to maneuver: Those found guilty are automatically locked up for predetermined amounts of time. "With the power of release taken away from parole authorities, and judge's discretion also removed, it was left by default to the legislatures to set sentencing policy," says Franklin Zimring, a criminologist at the University of California at Berkeley. "Punishment became a political decision." Even archconservative US Supreme Court Justice William Rehnquist thinks these laws have more to do with politics than criminology. "Mandatory minimums," he has said, "are frequently the result of floor amendments to demonstrate emphatically that legislators want 'to get tough on crime.'"

Throughout the 1980s, lawmakers competed with one another to introduce ever-harsher penalties. States like California ratcheted up their anti-drug efforts, deploying helicopters in paramilitary crackdowns on marijuana growers. President Reagan doubled the FBI's budget, boosted spending on federal prisons, and expanded drug prosecutions -- even though crime rates were falling. The crusading spirit was so contagious that even liberals like Walter Mondale, Reagan's opponent in the 1984 election, advocated using the armed forces to fight drugs.

The battle against drugs erupted into full-scale war when a new drug called crack began spreading in the inner cities, bringing with it a surge of violent crime -- and an epidemic of fevered media coverage. "In the summer of '86, members of Congress were literally elbowing each other aside for TV time to talk about drugs," recalls Eric Sterling, who served then as counsel to the House Judiciary Committee. A new wave of laws boosting penalties still higher for drug offenders soon followed. Drugs were taking the place of the Cold War as an issue on which politicians could try to out-posture each other. "In the mid-1980s, there was general prosperity and the Soviets were not

a threat," adds Zimring. "We were running out of enemies. Crack was the narcotic equivalent of the H-bomb scare."

A clear lesson had emerged: For politicians, crime pays. George Bush proved it in 1988, when he summoned the specter of paroled rapist Will Horton to haunt Michael Dukakis out of the election. Bill Clinton topped him in 1992 by leaving the campaign trail to personally deny clemency to a mentally retarded man on death row in Arkansas.

Punishment had become a solidly bipartisan issue. In 1994, with crime on the decline for four years, Congress approved yet another major anti-crime package, raising drug penalties and providing billions of dollars for more prisons and police. In the early 1990s, the federal government and 23 states ratcheted up the mandatory-minimum concept another notch, by passing "three strikes" laws dictating prison sentences of 25 years to life for third felonies. These laws have undoubtedly taken some violent offenders out of circulation -- but they have also handed out life sentences to thousands of people for petty crimes from possessing a stolen bicycle or stealing a spare tire.

By now, federal surveys show there are more than 236,000 drug offenders in state prisons -- more than 10 times the 1980 figure. The surge in the number of drug prisoners has leveled off in recent years, but prison populations continue to grow, thanks in large part to increases in sentencing. Now, "it's less about more people going in than about people staying longer," says Allen Beck, chief of correctional statistics at the federal Bureau of Justice Statistics.

Locking up so many inmates is not cheap. *Design-Build*, a construction trade magazine, estimates that 3,300 new prisons were built during the 1990s at a cost of nearly \$27 billion, with another 268 in the pipeline valued at an additional \$2.4 billion. And construction costs are only the beginning. In Los Angeles, the Twin Towers complex sat empty for over a year after it was completed because the county had run short of money to operate it.

Housing each prisoner costs taxpayers around \$20,000 per year -- money that often comes at the expense of other social programs. Between 1980 and 1996, prison spending shot up in every state, while spending on higher education declined in 19 states. In May, Colorado lawmakers diverted \$59 million earmarked for improving colleges and universities into paying for prison expansion.

The prison boom has also exacted a tremendous social cost. Blacks, Hispanics, and Native Americans are all incarcerated at rates far higher than that for whites. On any given day, nearly a third of all young black males are in prison, on probation, or on parole. Blacks are more likely than whites to be arrested, convicted, and given longer sentences for drug offenses -- despite surveys showing that whites use drugs at the same rate as blacks do.

There are signs, however, that America may finally be sobering up from its two-decade incarceration binge. "Drug courts" that allow judges to order offenders into treatment rather than jail are gaining favor across the country. New York is looking at rewriting its harsh drug laws. Voters in many states have approved medical-marijuana initiatives in recent years. And many political leaders, including conservatives like New Mexico governor Gary Johnson, are calling for a less-punitive approach to drugs. Perhaps partly as a result, in the past few years prison populations have declined slightly in 11 states.

At the same time, a grassroots anti-prison movement is flowering across the country, from student campaigns to force campus caterer Sodexho-Marriott to divest their holdings in private prisons, to advocacy groups like Families Against Mandatory Minimums. "In the '80s all the prison activists were aging '60s people like me," says Ruthie Gilmore, a veteran organizer in California. "But now there are many more young people and families of prisoners, especially mothers, involved. It's still much smaller than, say, the '80s anti-apartheid movement, but it's going in that direction."

But while there are more critics of prisons today, there are also more interest groups with a financial stake in the incarceration complex -- groups with a powerful incentive to ensure that the influx of inmates continues. Private, for-profit prison corporations are a multibillion dollar industry. Other companies reap hundreds of millions of dollars annually by providing health care, phones,

food, and other services in correctional facilities. Many small towns and rural communities, their traditional industries in decline, lobby for new prisons in their areas. Such forces are working actively to increase the number of citizens being locked up. Private prison companies contribute to a policy group called the American Legislative Exchange Council that has helped draft tougher sentencing laws in dozens of states, and the California prison guards union doles out millions every election to tough-on-crime candidates.

The media, especially television, also have a vested interest in perpetuating the notion that crime is out of control. With new competition from cable networks and 24-hour news channels, TV news and programs about crime -- dramatic, cheap to produce, and popular -- have proliferated madly. According to the Center for Media and Public Affairs, crime coverage was the number-one topic on the nightly news over the past decade. From 1990 to 1998, homicide rates dropped by half nationwide, but homicide stories on the three major networks rose almost fourfold.

Such saturation coverage has a direct impact on public perceptions. In one 1997 survey, 80 percent of those polled said that news stories about violent crime increase their fear of being victimized. As a result, it has become "impossible to run an election campaign without advocating more jails, harsher punishment, more executions, all the things that have never worked to reduce crime but have always worked to get votes," concludes George Gerbner, former dean of University of Pennsylvania's Annenberg School of Communications and one of the nation's foremost experts on the media. "It's driven largely, although not exclusively, by television-cultivated insecurity."

While prison growth has slowed in the last couple of years, it's a long way from stopping. From mid-1999 to mid-2000, the number of people behind bars nationwide rose by 56,660. And the Bush administration has made clear that it is committed to continuing the push for more prisons. After all, as governor of Texas, George W. Bush oversaw a correctional system that locks up residents at a higher rate than any other state except Louisiana. The new attorney general, John Ashcroft, and the new drug czar, John Walters, are both renowned hard-liners. And in its very first budget proposal, the Bush team laid out an explicit priority: more money for federal prisons, to the tune of \$1 billion.

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