

PERPETUATING CRIME, CONSOLIDATING POWER

THE RACE & CLASS LOGIC OF MASS INCARCERATION

AN INTERVIEW WITH PAUL WRIGHT

An Inside Look at America's Growing Prison Industry

TOPICS DISCUSSED

- **Playing the Race Card**

In what ways have racism and classism been used by politicians to help shape public policy debates and define the government's priorities?

- **Prison Guard Brutality**

How prevalent are things like sexual assaults, beatings and racial antagonism in prisons today, and why haven't they been stopped?

- **HIV Behind Bars**

What is the condition of health care in prisons, and how does poor treatment there affect people on the outside?

- **Forgotten Slave Labor**

If prisoners want to work, and administrators say it aids in rehabilitation, then what's the problem with bringing jobs into prisons?

- **Today's Banned Books**

Why was your book banned in certain state prisons, and how did you go about fighting that censorship?

Prisons are a means of social control, but in more ways than may you think.

Arthur Stamoulis, Common Courage Press: Hi, and welcome to another edition of Common Courage Press's "Beyond the Book" series. My name is Arthur Stamoulis, and today I'll be interviewing Paul Wright, one of the editors of Prison Legal News, speaking to us from a Washington state prison. Today we're going to be talking about the issues brought up in the book Paul put together with Dan Pens and Daniel Burton-Rose, called *The Ceiling of America: An Inside Look at the U.S. Prison Industry*. Paul, thanks for being with us.

Paul Wright: Thanks for having me, Arthur.

AS: Most of my questions today will be about the issues raised in the book, but I do have one first question about the book itself. *The Ceiling of America* was banned for a while in Michigan state prisons. Could you tell us a little bit about the ban—why there was one and how it got lifted?

PW: Sure. Basically, Michigan prison officials claimed that *The Ceiling of America* incited violence and riots against staff and as a result, they placed the book on a statewide list of banned books. People may have thought that banned books and banned book lists were things of the past, specifically of Nazi Germany in the 1930s. However, such lists are alive and well today, and unfortunately, *The Ceiling of America* made it onto one of those lists in Michigan.

We found out about it when *Prison Legal News* sent a copy of the book to

a Michigan prisoner that had ordered it from us. The mail room at the prison he was at claimed that the book incited violence. At that point the prisoner appealed that claim through his administrative system of appeals and PLN later appealed the censorship to the Director of the Michigan Department of Corrections, a fellow named Dan Bolden. At every step of the way the censorship was upheld.

PLN retained Ann Arbor lawyer Dan Manville to represent us in this long suit to get the book removed from the banned book list. In February 1999, Dan filed a class action suit on behalf of *Prison Legal News*, Common Courage Press and two Michigan prisoners, seeking to lift the ban on *The Ceiling of America*. Apparently Michigan prison officials felt that they were not going to be able to prove their case, because approximately five or six weeks after the lawsuit was filed in federal court in Ann Arbor, they decided to settle. The settlement of the lawsuit included damages to *Prison Legal News* and Common Courage Press, removing the book from the statewide banned book list, and informing Michigan prisoners that the book was no longer banned and that they could purchase it from either Common Courage or *Prison Legal News*.

That's kind of a nutshell version of the history of the lawsuit. As far as the real reason why the book was banned—which for the record doesn't

advocate violence or rioting, as prison officials claim—I believe this is part of the overall trend of the last five or ten years by prison officials around the country to restrict the flow of information to prisoners. This includes in particular any radical critiques of the criminal justice system, where people question the state of affairs that leads to one out of every 150 Americans being locked up behind bars.

AS: The traditional argument in favor of locking people up, in favor of more prisons, longer sentences and harsher conditions, is that prisons act as deterrents which help reduce crime. In fact, after the explosion in the number of prisoners in the past ten or fifteen years or so, it seems as if today crime rates may actually be beginning to drop. What critique do you have of the deterrence argument that we so often hear?

PW: The deterrence argument doesn't really have much of an effect, because as a practical matter most people who commit crimes don't think they're going to get caught. If they don't think they're going to get caught, the punishment is immaterial, and for a certain number of people, especially those who commit, say, for example, crimes of passion or for those who are mentally ill—and the mentally ill make up anywhere between fifteen and twenty-five percent of the number of people in prison today—deterrence just isn't a factor. It's just not something people are thinking about or are concerned about.

And as far as why crime rates are dropping, I believe that has more to do with the improved economic situation. Numerous studies have shown there's a direct linkage between crime rate and the economic situation. The better the economy is doing, the less crime there is. One famous study shows that for every percentage point rise in the unemployment rate, a year later it would lead to a five percent rise in the homicide rate. So I think

that people are crediting the prison expansion with what is in fact simply the fallout of having a relatively good economy at this time.

AS: Do you think that rehabilitation is a major goal of today's prisons?

PW: No, I would say that as both a practical and a political matter, rehabilitation has pretty much completely dropped off the radar screen of the purpose of prisons. I would say the purpose of prisons today is virtually entirely that of punishment and human warehousing.

AS: There's a strong feeling throughout

Anti-prisoner attitudes aren't the result of any natural thinking process. They come about from years of bombardment about what to think by the mainstream media.

much of America that prisoners get what they deserve. I think that a lot of people who say stuff like, "Lock 'em up and throw away the key," have very little concept of what prison is really like. Could you describe what daily prison life is like and how that translates over a period of years?

PW: Yes. One thing I'd like to say though as far as the attitude that many people have that you describe is, the reason that they think this isn't because of a natural consequence of their thinking process. Rather it is the carefully inculcated notion that comes after years of bombardment about what to think by the media. Many people think that prison is a country club. This is one of the right-wing myths that's been propagated, right up there with that of the welfare queen and illegal

immigrants that are living high off the hog, as it were. All of these notions are pushing a specific political model, which is one of greater political repression and a tearing away of the social welfare net.

So, that said, as far as actual prison conditions, they tend to vary across the United States, but for the most part, American prisons are violent, brutal, dehumanizing and overcrowded pits of misery. I don't want to be overly melodramatic or anything, but that's pretty much the daily routine of American prisons. Some of the stuff we describe in the book gives people an inside look of what's going on in prisons. We aren't speaking of sensationalist examples to traumatize people with or anything. We lay out as a matter of fact what a daily reality is.

For one thing, medical care is virtually nonexistent. Prisoners die from what in every other circumstance would be treatable illnesses. There is racism of the most virulent type, that infects the criminal justice system at every step of the way, and we have numerous cases of prison guards and employees being members of racist hate groups and openly acting on their beliefs. We have the exploitation of prisoner labor, where prisoners are forced to work for little or no pay and even private businesses are exploiting the labor of prisoners. And we point out the fact that, as far as the American Constitution goes, prisoners today are literally slaves of the state. Slavery wasn't abolished, it was just limited to prisoners.

These are pretty much the daily reality of American prison life. And as far as impact over the years, I think that common sense would say that it's a bit much to expect to subject people to this type of conditions for years on end and then have anything positive to come out of the experience. It usually doesn't happen.

AS: You talked a little bit about the

media and right-wing people, maybe even mainstream people, trying to push a certain view of prisons on the American public at large. Your book claims that with the fall of communism, the U.S. government and corporate media have largely abandoned what the book calls "the Soviet boogeyman" and have embraced the boogeyman called crime. Could you please explain what purpose a "boogeyman" serves and why they're needed?

PW: We see this as embodying the fact that the ruling class in the United States has largely succeeded in ensuring that poor and working class people view the other poor and working class people as the biggest threat to their existence, and this can be applied at different levels.

As I mentioned earlier, working people and poor people are made to resent people on welfare and poor immigrant workers, and this also includes the criminal defendant and prisoners. And what this does is, rather than leading people to question why it is that they don't have health care as a matter of right, why it is that public schools are woefully inadequate, why they don't have jobs paying a living wage, their attention is focused on the myth of the country club prisoner, for example.

And this also goes to the social roles, too, that prisons play as a tool of social control. Prisons aren't just meant to control the one person out of every hundred and fifty who's in here. The example of the prisoner is meant to control the other hundred and fifty who aren't in prison and let them know that, yes, this could happen to you. One of the ways to ensure that this is an effective example is to make sure that the conditions of prisoners are always worse than the worst conditions on the outside. And so we have kind of a symbiotic effect here where, as conditions for poor people on the outside worsen, so, too, do conditions for prisoners on the inside worsen even further.

As I said, one of the problems that we have is that prisoners are largely serving as propaganda models to divert questions and attention away from the failing of the American social system. People aren't asking why the United States doesn't have a public housing policy, because, of course, we do—it's just called prison. They're building public housing. Prison cells are built for poor populations. This translates into almost every area of public policy.

AS: *Do you think that politicians and the media have used racism and classism to convince people to be more concerned*

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with crime than things with like education or health care, which you mentioned?

PW: Yes. This goes back to Richard Nixon's 1968 campaign where I think it was one of his advisors, either Ehrlichman or Haldeman, who said that the key to winning the 1968 election was to talk about race while not appearing to do so. And one of the code words that entered the political lexicon is that when politicians are talking about criminals, basically it's widely understood that they're talking about poor black people, just as it comes down to when they talk about welfare, it's largely assumed they're talking about black people.

And this is a case where the more subtle, coded racism of the last few decades has replaced earlier, more

obvious and open forms of racism by American politicians. Pretty much, racism is something that permeates all levels of the criminal justice system, as it is employed especially against poor people of color. You see its manifestation in obvious and not-so-obvious ways.

One of the most obvious of them is, of course, federal mandatory minimum sentencing drug laws, in which crack cocaine is much more harshly punished than possession of similar amounts of powdered cocaine. Perhaps not coincidentally, poor black people tend to be arrested at a lot higher rate of possessing and using crack cocaine than white people, so the result is this burden of the enormous mandatory sentences which, we're talking about ten years in federal prison for possessing five grams of crack cocaine, falls largely on minority populations.

Seeing how this translates into reality is just a matter of looking at the numbers. In a large number of state prison systems, such as Illinois, Virginia and other states, eighty percent of the prison system consists of blacks, for example. Black men constitute approximately six percent of the population of the United States, but they make up approximately fifty percent of the more than 3,000 prisoners on death row in America. So, obviously, something is at work here. I'm not a statistics expert, but I think it's pretty obvious that statistically it's unlikely that this is a random occurrence.

AS: *Do you think that the prison system would change dramatically if a large percentage of white, suburban people were in prison—if people involved with corporate crimes were prosecuted, for example?*

PW: Yes, but that goes to the crux of the matter of how prisons are used as tools for social control, and that type of thought that rich people don't commit crimes. They do commit crimes, even violent crimes, but the

fact is that as a general matter, these people do not come to prison. At every step of the way, crimes committed by the wealthy and by corporations are met with either decriminalization, lax or non-enforcement of the laws that exist or the diversion of these violations into the civil justice system or the administrative justice system where they just aren't treated as criminal matters at all.

And that's one of the things that basically middle-class people wouldn't stand for—this type of aggressive law enforcement or criminal penalties and sanctions. This is seen in the fact that about thirty years ago marijuana use was largely punished by prison and jail sentences, but as marijuana use by the middle class increased, penalties and punishments for it decreased. There's a clear correlation there in terms of the crimes that are committed by the wealthy and middle class resulting in less punishment while those committed by the poorer class result in harsher punishment.

AS: *The alleged cocaine use of Texas governor George W. Bush has been getting a lot of press recently. And, while there are a lot of editorials speaking out against the so-called "politics of personal destruction," very few are focusing on what media critic Norman Solomon calls the "politics of prison construction." How do you feel about all this?*

PW: Well, the most obvious thing here is, as I mentioned earlier, that the enforcement of criminal laws is largely a matter of class in this country. George Bush, Jr. currently as governor of Texas presides over the second-largest prison system in the United States. Texas has approximately 140,000 prisoners, and I think on a global scale this makes it one of the third- or fourth-largest prison systems in the world, not just in the United States. No question is being given to the fact that, of those many thousands of Texas prisoners, many of those are in prison for cocaine use

and possession.

It's interesting that the same media forces that demonize drug use by poor people are willing to forgive Bush. They usually focus on the fact that possessing and using cocaine is a felony punishable under the federal laws of this nation and under the laws of the state of Texas, but if George Bush did it when he was younger, so what? It's done with a wink and a nudge, and gets termed a "youthful indiscretion." In the meantime, thousands upon tens of thousands of prisoners languish in state prisons, over which he has control,

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for similar youthful indiscretions. Those cases still get termed serious felonies, and no mercy is to be shown. I think that's the hypocrisy that's been largely ignored by the corporate media.

AS: *Many politicians are arguing that high rates of recidivism are evidence that prison life is getting too easy. What's your take on parole violations, repeat offenses and stuff like that?*

PW: At any given time, approximately two million people are imprisoned and jailed, but another five to seven million are on parole and probation. That means they're still under state supervision and are literally on a short leash back to prison or jail at the whim or discretion of their parole officer or probation agent. While there has been an increase in the number of prisoners, or parolees, I

should say, returned to prison for parole violations, it's important to understand that the vast majority, somewhere in the neighborhood of eighty percent, of all parole violations are what are called technical violations. In other words, the person hasn't committed any new crimes or criminal acts.

Instead, they're being returned to prison for violating the terms of their parole, and this could include everything from getting married without their parole officer's permission, to moving to a different county or address without notifying their parole officer, to being in possession of a beer and all kinds of other things that would essentially be non-crimes or at most trivial offenses. Still in some states like California, a third of new prison admissions every year in that state are parole violators. Most of them are just technical parole violators.

AS: *Prison officials often claim that control units and control unit prisons are necessary to help crack down on violence within prisons. Is this the case, and if not, why are control units so popular among prison administrators?*

PW: One of the most frequently cited lies by prison officials is that control units house what they call the "worst of the worst." And yet, when you ask them, "OK, who are the worst of the worst?", they then have a hard time presenting concrete examples of who exactly is in the control unit. While it sounds good for them to say that control units are used to house prisoners who have attempted to escape, who prey on other prisoners, who assault prisoners and staff, the reality is that that isn't who is in control units.

At any given time, approximately six percent of the nation's almost two million prisoners are being held in segregation and control units. They are kept in these units for long periods of time, where, it's important to

emphasize, they are deprived of all human contact and sensory stimulation.

One of the things that typifies a control unit is that the criteria for being placed in one is very vague. Typically, most prisoners are placed in control units not for violating any prison disciplinary rules, although in some cases they're sent there straight from court. The purpose of control units is largely to control agitators and dissidents within the prison system, as it were. The people who frequently populate these control units happen to be jailhouse lawyers and organizers and prisoners who were respected by other prisoners and have potential leadership roles within the prison population.

AS: *What are jailhouse lawyers, and how exactly do they play into this question?*

PW: Jailhouse lawyers are prisoners, usually self-taught, who know how to file briefs and pleadings in the court system, either challenging their criminal convictions or their conditions of confinement. Jailhouse lawyers usually aid other prisoners in filing materials in court.

In terms of how they play into the system, typically jailhouse lawyers are resented by prison officials because most prison officials tend to see any type of challenge to conditions of confinement as something that directly challenges their authority. This also goes into the fact that, for the most part, there is no accountability in the American prison system. Activities by prison officials, even if they violate state or federal laws, are extremely rarely prosecuted in the court system, and only occasionally is liability found in the civil justice system. And to the extent that civil liability does occur, more often than not it's been as a result of activities by jailhouse lawyers. Hence the resentment.

AS: *Obviously, as an editor of Prison*

Legal News, you're very involved in this question. What sort of access do prisoners have to legal redress and the legal system and information about how the law could work in their favor?

PW: Yeah, well, that's one of the problems. Prisoners' rights of access to the courts is in pretty bad shape and getting a lot worse. Prisoners have never had that much access to either information or to an ability to seek redress in the court, but it's compounded by the fact that, starting off with the get-go, anywhere from sixty to eighty percent of the prison population is illiterate or functionally illit-

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erate, and then of the prison population that is literate, many of those lack the ability or inclination to be able to file materials on their own behalf in court.

One of the things that has happened is that there's been dealt a kind of a one-two punch by the court and by Congress in terms of the ability to find lawyers or any other means of getting into court. First off, the Supreme Court issued a ruling in 1996 called *Lewis v. Casey*, and what this did is, it made it virtually impossible for prisoners to challenge systemic denial of court access. Another Supreme Court decision twenty years ago called *Bounds v. Smith* established the principle that prison officials had to provide prisoners with either a law library or attorneys to assure their court access rights. What the second

ruling, *Lewis v. Casey*, did was to largely reverse the first ruling and say, "Well, prisons don't really have to provide lawyers or law libraries, just some means of getting into court, and this includes having someone help you fill out the question-and-answer form. That's fine."

The result is that we've already seen a number of states limiting those prison law libraries that had provided prisoners with court access. Based on this, Arizona and Idaho are in the process of doing it, California is attempting to do it, and a few other states are going for it. And this has been compounded by the fact that in 1996, Congress enacted the Prison Litigation Reform Act, which, in addition to making it more difficult to get relief in court, had the more profound impact of severely limiting the fees that attorneys who take on and win prisoner civil rights cases can get paid. What that's done is made it virtually impossible for the small, sole practitioners who have typically done prison litigation to take these cases on without going into bankruptcy. So the result is, very few lawyers are now taking on the run-of-the-mill prison cases that they used to, even though even then it was difficult to get counsel to take cases.

This has been even further compounded by the fact that also in 1996 Congress passed restrictive funding on the Legal Services Corporation. The Legal Services Corporation is a nonprofit group founded by Congress for the purpose of providing legal services for low-income people. And among the restrictions that Congress put on the Legal Services Corporation is that they can't provide funding to any groups that represent prisoners. In other words, if the group represents a single prisoner, they lose all their federal funding. So pretty much the combination of actions by the Supreme Court and Congress has basically assured that what was an

already bad situation is only getting worse.

AS: I was hoping you could talk a little bit more about health care in prison, and especially about the condition of prisoners who are HIV+.

PW: One of the chapters we have in *The Celling of America* is called "Dying for Attention," and what that does is lay out as rather typical of the situation prisoner health care in the state of Washington. The state of Washington's health care isn't really any better or worse than in prisons elsewhere in the country, but rather, this is the typical norm, and the typical norm on this issue is pretty bad. In general, prisoners receive very substandard health care.

Many of the doctors who provide the care have had their licenses suspended or are otherwise unlicensed or have been disciplined for everything from raping their patients in their civilian practices to gross incompetence and neglect in the treatment of their patients. That's a common thing. So unfortunately, doctors who can't practice anywhere else find employers in prison systems around the country that are eager to hire them. Not surprisingly, this translates into abuses and neglect and malpractice occurring behind prison walls, but this time prisoners are the victims. So that's a pretty dismal situation.

As far as prisoners with HIV, they face all the same problems with their medical care as other prisoners do. The only difference is that HIV, if not properly treated and managed, can be fatal a lot quicker in prison than it is outside prison. The problems are a lot more serious with this disease. One thing that is typical is prisoners with HIV in prison are frequently diagnosed only within a matter of months before they die. And that's because very few prisons have mandatory testing. So prisoners may be affected with the HIV

virus and not even know it, and as a consequence they don't even seek treatment.

Then the problem for those prisoners who are eventually diagnosed with HIV is compounded by the fact that once they've begun receiving treatment, specifically the protease inhibitor treatment, they require a strict schedule of taking the prescribed medication and any interruption to the schedule or delays in receiving those medications every day results in the virus developing immunity and drug resistance to the treatment. Frequently this is one of

Prison labor is essentially creating a Third World labor model right in the heart of America.

the problems that even prisoners who are getting protease inhibitors in prison face. Due to mismanagement and incompetence by the prison medical staff, they aren't getting the medications in a timely manner, with the result that they do develop drug-resistant strains or treatment-resistant strains of the HIV virus.

One of the reasons people on the outside should be concerned about this is that most prisoners, including those with HIV, are eventually released back into the community. So what we have is prisons actually acting as kind of an incubator for dangerous new diseases and illnesses. And this is nothing new. In fact, that was the role that prisons played back in the eighteenth, nineteenth and earlier part of this century. So it's kind of a historic role, but it's one

that people don't think about.

AS: I want to talk a little bit about the section of the book about work in prison. The argument in favor of bringing in jobs is that they help prepare people for life outside through training, rehabilitation and so forth. You also mention in the book that a lot of prisoners really want to take these jobs. The book says that many are on waiting lists for up to a year just to get this type of work. So what problems do you see with bringing jobs into prisons?

PW: Well, the biggest problem is that prisoners are literally slaves of the state, and that as prisoners, we aren't being adequately compensated for our labor. In other words, I don't have a problem if prisoners are paid at least a minimum wage and get to keep the minimum wage. No problem there. The problem arises when prisoners are paid literally pennies an hour to do the work, or on paper they're paid the minimum wage to perform labor and then the state comes around and takes eighty or ninety percent of it back under various guises. That's where the problem lies.

One of the things that I see prison labor doing is essentially creating a Third World labor model right in the heart of America. One of the canards here is that proponents of prison slave labor claim it prepares prisoners for jobs after release and so forth, but there's a lot of problems with that. For one thing, many of the prisoners that are employed in these jobs are on life without parole. They're never getting out of prison, so what's the point of developing job skills without fair wages there? Secondly, virtually all the jobs that are being done in prison are low-wage, labor-intensive jobs which are basically only being done in prison or overseas. So you've got essentially sweatshops in American prisons competing with sweatshops in Central America and South Asia.

One of the typical examples is garment-making. That's one of the things that has caught on in American prisons. Yet the most obvious question is, How many prisoners are going to get out of prison and get a job as a garment-maker and are going to be able to support themselves and their families making garments on the outside? You know, it's just not happening. That's one of the problems.

The other problem, which people on the outside should be concerned about, is that prison slave labor does put downward pressure on wages and jobs outside of prison. What happens is, every job that comes to the prison has essentially been taken from the free-world community. It comes down to the point of businesses. From a business perspective, why should business owners pay a worker on the outside, say ten dollars an hour, when they can pay a prisoner fifty cents an hour for the same work and on top of that not have to offer any type of benefits, not have to pay unemployment compensation, not have to pay worker's benefit insurance, not have to offer medical or health insurance or even offer vacations or sick days off?

One of the other advantages is in most states, businesses—this is the epitome of welfare capitalism—businesses are getting free rent, they're getting industrial space for free. They aren't paying utilities. A lot of their auxiliary costs are being picked up by the state. So the only people who are benefitting from this are the business owners. I don't believe that the public in the form of the taxpayer is benefitting in terms of receiving any tangible benefits, and I don't believe the prisoners are benefitting from this arrangement, either. However, it does remain popular with most prisoners.

AS: *Why is that?*

PW: This goes back to the Third World labor model. Inside prisons,

due to prison overcrowding, there aren't a lot of jobs available in the first place. Secondly, of the jobs that are available, in some states they pay nothing, in other states they pay minuscule wages.

I'll give you an example. Here in Washington, prisoners who work for the state in for example the prison laundry, the prison kitchen or as janitors, we earn \$0.42 an hour. Prisoners who work for private businesses, on the other hand, can earn anywhere between \$5 and \$6 an hour. Of course, those prisoners will see up to eighty percent of their wages deduct-

In most states, private businesses renting out prison labor is the epitome of welfare capitalism.

ed from their take-home pay, and it may only be \$1 or \$1.50 an hour. But the net result is that the choice prisoners have is between the job that pays a take-home salary of, say, \$1.50 an hour versus the job that pays a take-home salary of \$0.42 an hour. And in this sense, this is what I mean when I say the state has created a sort of Third World labor model in the United States.

It's like the *maquiladoras* that you can go to, these sweatshops in Mexico or South America where you have ten-year-old girls working on sewing machines. They're being paid \$5 a day, and all the girls are very happy to be there and they think that \$5 a day is great. Why is it great? Because the alternative is not having a job at all or having a job that pays, say, \$1 a day. And that's the exact same thing

that's happening in prison.

It's not that prison slave labor is so great, and the slaves are clamoring to be exploited. It's just that the available choices, either total unemployment or jobs that pay substantially less, are so unattractive. So that's kind of, I think, why the slave jobs are so popular.

AS: *One of Dan Pen's chapters about prison labor makes reference to the Coal Creek Rebellion of 1891. Could you briefly explain what that historical event was all about and what hopes there is for something like that to happen again today, not so much in a physical sense, but more in its spirit of solidarity?*

PW: Well, historically prison slave labor has been kind of in the crux of American history. The nation was literally founded on penal servitude, which later spun off into chattel slavery. So one of the things that happened after the Civil War was that the Thirteenth Amendment was enacted. What the Thirteenth Amendment did was ban slavery, except when the person had been convicted of a crime. So this led to essentially the creation of a new slave class. Many of them had recently been black slaves and just were imprisoned and enslaved again.

The dominant form of prison in the late nineteenth century and the early part of this century was what was called the convict leasing system. Under this system, prisons literally leased their prisoners out to private businesses, who could then exploit the labor of prisoners, usually under very harsh, brutal conditions, for their own profit-making purposes.

In Tennessee, the form this took was that prisoners were used for both coal mining as well as to quarry granite and stone. Miners in Tennessee became pretty upset over this because, as I mentioned earlier, they used the prison slave labor to exert downward pressure on the wages of

free people. That's exactly what was happening there. So the miners, in a fit of outrage, burned down the prison stockade and freed the prisoners. And I think they did it twice, in fact; they didn't just do it once. They did it twice in the space of two years in the 1890s.

I think that back then there was a lot more awareness and solidarity among organized labor than there is now. In terms of something like the Coal Creek Rebellion happening now, I think that it's unlikely largely because organized labor in this country is pretty much AWOL from the class struggle business, which is why it is faced with declining membership and a diminished political influence. So while we're seeing an increase in the number of businesses employing prison slave labor—and there's currently legislation pending in Congress which would dramatically increase the exploitation of prisoner slave labor by private businesses—organized labor doesn't seem to show much inclination to get involved on this issue in any meaningful sense.

AS: Raymond Luc Lasseur has a couple of chapters in your book which talk about how prisoners have been met with indifference and even hostility by most of the liberal left. Could you talk first about who Ray Lasseur is, because I doubt many people even recognize his name, and then discuss whether or not you think he's right?

PW: I think Ray knows what he's talking about, because for one thing, he is a political prisoner. The United States currently holds approximately 150 to 200 political prisoners. And by political prisoners, I mean people who are in prison because of their acts against the United States corporate and military industrial complex. Ray was a member of the United Freedom Front, which was a group that between the 1970s and mid-1980s carried out a series of bombings and other attacks on everything from the apartheid regime of South Africa

to the military industrial complex of the United States.

One of the things that seems to mark the liberal left in this country is the willingness to support political prisoners in other countries, yet not to support political prisoners in this country. The result is that while South Africa's apartheid regime has fallen and all the political prisoners held by the apartheid regime for trying to destroy it have been released, in this country Ray Luc Lasseur and his co-defendants Tom Manning, Jaan Laaman and Richard Williams are still in prison and languishing

Why does the United States lock up one out of every one hundred fifty of its citizens? That is way out of whack with the rest of the world.

there with no hope of release in the foreseeable future for their similar actions against the apartheid regime. This has been met largely with silence and indifference by the liberal left in the United States. That's at the political prisoner level.

As far as the liberal and the left response to the issue of crime, this is an issue that has been largely dominated and shaped by the right-wing ideologues and the corporate media, pretty much. A left response to the issue of crime has been largely absent. But then, I think this is also a thing found in all sectors of public policy. Radical critiques of criminal justice policy are sorely lacking, but then so are radical critiques of economic organization, health care provision, schooling and other issues. Those are also sorely lacking, too. So it's not

just the criminal justice issues that are affected by this.

AS: It seems to me that the only prisoners we on the left often hear about are Mumia Abu-Jamal and perhaps Leonard Peltier. What do you think people on the outside should be doing to help prisoners in general and then, sort of dividing that question, what do you think about the notion that political prisoners deserve more support?

PW: I'll answer that in stages. As far as what can be done to help prisoners, I don't look at it like that. I see that as kind of a social worker-type question. That's kind of like being in Germany in 1943 and saying, "Well, what can we do to make life nicer for prisoners in Auschwitz?" I think that's kind of asking the wrong question.

I think we need to get down to the roots of the matter, which is, Why does the United States have a policy of incarceration where one out of every hundred and fifty citizens is locked up? The United States is far out of whack with the rest of the world in terms of both the huge number of people it incarcerates, as well as the length of time it incarcerates them. That's something that needs to be exposed and dealt with. Until it is, I think everything else is largely irrelevant. That's like saying the prison camps in Auschwitz have a really great band. That may be so, but it ignores the underlying policy issues.

I think that's the key question—the fact that the United States has embarked on what criminologist Elliott Curry called "the most thoroughly implemented social experiment in its history," which is mass incarceration. That's what needs to be dealt with. So on the one hand I think that's the main thing, and people can probably deal with that. That's the most important thing. At a smaller level part of the problem is that prison officials aren't accountable to pretty much anyone with

regards to what happens in prison. But then, the bigger question there is again that prisons function largely as they are meant to, so administrator accountability remains, as I say, a smaller issue.

As far as the whole issue of political prisoners, I think a large part of the reason that people in this country are uncomfortable about supporting political prisoners in the United States as opposed to, say, in Central America or elsewhere—I mean, it almost seems a given that the farther away a political prisoner is the more likely he is to get support from Americans—and I think that comes down to having to confront hard issues of dealing with the politics of resistance. Most of the political prisoners in the United States today were activists and still are activists who actively opposed imperialism, who actively imposed the colonization of Puerto Rico and the oppression of black people in this country. Many of them were members of armed groups which actively resisted the racist and imperialist policies of the United States government. And I just think it gets down to the basic point that most Americans are uncomfortable dealing with the fact that there are people who have gone beyond marching around in circles with signs protesting the policies. They actually took steps beyond that in the form of bombings or bank robberies, stuff like that, to protest business as usual and change things for the better that way.

It's interesting you mentioned that it seems that the only prisoners, the only political prisoners, who get political support in the United States are Leonard Peltier and Mumia Abu-Jamal. It is perhaps no coincidence that these are prisoners who claim they are innocent of the charges they were convicted of. They don't claim responsibility for those actions. And in both cases, these were or would have been acts of self-defense by the

individual prisoner, in both Leonard Peltier's case and Mumia's case, which puts them in kind of a different category, I think, than political prisoners such as Ray Lavasseur, who were members of the United Freedom Front or prisoners like Albert Washington or Sundiata Acoli, who were members of the Black Liberation Army. They're kind of in a different category. And it seems that as far as the American left is concerned, they'd just as soon ignore the other political prisoners and ensure that they pretty much remain buried in the concrete tomb known as the

The Wall Street financial firms that bankrolled the Cold War are now also bankrolling the building of American prisons.

American prison system.

AS: *The introduction to the Celling section on prison profiteering makes the claim that many of the companies involved with the prison industrial complex are all old players from the military industrial complex. Could you explain a little bit about the connections between the two?*

PW: One of the things that's happened is that as the Cold War wound down, it wasn't just the propaganda machine that needed a makeover and a shift to a new enemy. This also happened in the corporate military sector as the American military limited its growth and funding. The U.S. government has actually spent a billion dollars in, as they call it, "civilianizing" military weapons. So what's happened is that, what was previously a lot of military equipment and hard-

ware and systems, have just been switched over for prison and policing. We see this in everything from body armor to, as the Pentagon loves to call it, "less-than-lethal weaponry." This is everything from pepper spray to shock batons to incapacitating foam and similar stuff.

I think it's also a matter of simple economics that the companies that were drinking at the military industrial complex trough are also the companies that are best situated due to their large size and the product lines they already have to make the switchover into civilian law enforcement needs, whether it's prisons or police and jails. That's at the one level in terms of the hardware and stuff like that.

Less commonly seen is the fact that the Wall Street financial firms that bankrolled the Cold War are also now bankrolling the building of the American prisons. These are the ones that issue the bonds that make prisons. They are also the ones that are funding the private prison industry and providing the capital for that. So it's pretty much the same old players from the Cold War business era. They're just revamped and just doing business in the prison system, too.

AS: *The one problem with private prisons that seems to have gotten at least some media attention in the last year or so has been the high number of escapes from private prisons.*

PW: Yes, that's one that's pretty much the only thing that really seems to concern the corporate media and politicians.

AS: *What are some of the other problems with privatized prisons that people should know about?*

PW: Pretty much the problems with privatized prisons are the problems with prisons in general. They've been characterized by mismanagement, corruption, brutality and high levels of violence. That's not to say that the state prisons are any better or any dif-

ferent. The difference is that when it happens in a state- or government-run prison, no one makes any profit off of it, whereas in private prisons the company that owns the prison has a financial incentive to cut corners and ensure that, well, they have an incentive to cut corners. I won't say they have an incentive that things don't run smoothly. They do want things to run smoothly. But they have a financial incentive to cut corners and in turn that leads to a greater likelihood that mayhem in the form of escapes will occur, which seems to be the big concern for the non-prison community. And of course there is the stuff that concerns the prison community, which includes inadequate medical care and inadequate safety and security within the prison perimeters and stuff like that. The corner-cutting makes that almost a certainty.

AS: *Your book seemed to make the argument that private prisons even have a financial incentive to stop rehabilitation in order to make sure that people stay imprisoned. Do you think that's true?*

PW: To an extent it is in the sense that prisoners are seen as a commodity and as a commodity the private prison has a financial incentive—well, I guess, to use an analogy, compare the private prison to a hotel. The hotel owner has the incentive of seeing that every room is filled as frequently as possible. So, too, the private prison owner. The private prison owner wants to see that every bed in his prison is filled. One way to do that, especially if you have a declining intake rate of new prisoners, is ensure that your old customers come back. The customers in this case being prisoners, and the repeat being the recidivism rate. So that's where they have a financial incentive.

But I don't entirely put the fault of this with private prisons, because, again, it's not like the state- and government-run prisons are doing any

better. Rehabilitation in this country at best was paid a little bit of lip service in the 1970s, but it's never really taken off or been given any serious financial and political commitment. And the state bureaucracies also have a vested interest in ensuring that there's a high prisoner recidivism rate because, again, for them, more prisoners translates into more perks and this bigger bureaucratic kingdom.

AS: *The Celling of America states that "active racism, brutality, corruption and other criminal misbehaviors are an integral part of any prison system." How prevalent are things like sexual*

California prison officials in particular play the race card like a finely tuned violin.

assaults, beatings and racial antagonism in prisons today, and what sort of purposes do they serve for prison officials?

PW: Well, as to how common it all is, it's fairly common. In *The Celling of America* we give several examples of organized racism by prison staff. And by that, I'm not talking about Archie Bunker-type couch bigots. This is a case where we're talking about members of the Ku Klux Klan, the American Nazi Party and similar extremist groups. These people are actively employed in prison systems across the country. In the book as well as in our magazine we give numerous examples from around the country where racist prison employees are acting out on their beliefs. It's not isolated to one state or one area. It's literally across the country. You have to ask yourself, you know, what's

the common thread here? So anyway on the one hand you have that.

As far as something like sexual assault, that's very common, especially sexual assault on women prisoners by staff. It's probably not much of an exaggeration to say that it seems almost as if prison employees see having sex with female prisoners as part of their job description; it's that widespread. This is despite litigation and token attempts at reform and so on, an ongoing problem.

Then the other problem is sexual assault of prisoners by other prisoners. And that's also a big problem, especially in maximum security prisons and one that pretty much no one's even trying to address. I'm also a board member of a group called Stop Prisoner Rape, and one of the agendas that they have is namely halting the practice. There just isn't a lot of attention paid to it.

And this comes back to the common thread of, OK, what role does racism and what role does sexual assault play in the prison system? I would say that it plays an integral role. One of the things that you've got is, if you've got a system of institutionalized oppression and one in which the niceties of the bourgeois state have been completely dispensed with, where brute, naked force is what rules, there's very little in the way of velvet lining to this iron fist, and that's one of the things that prisoners have to deal with on a daily basis. So racism serves to divide the prisoners.

And there's further conditions. For example, I would say California prison officials in particular play the race card like a finely tuned violin. California prisoners are divided into different ethnic groups, everything from Hispanics to blacks and whites and Native Americans and Asians, and then, within each racial group they're further divided even more, where, for example among Hispanic prisoners, there's divisions between

northern California Mexican prisoners, southern California Mexican prisoners and Mexican prisoners actually from Mexico. And while everyone's squabbling among themselves, prison officials have largely free rein.

The racist cast and the racist practices of the administration divide prisoners and allow prison officials to have their way with us. Another use of sexual assault that's pretty much a tool of literally terrorism, and that's one of the things, too. The American left in this country is quick to denounce it as such when it's used in Serbia or Bosnia, but when it's happening in American prisons, and they could have a bigger impact on things if they wanted to, it is met with silence. Sexual assault comes in, as a tool used in keeping prisoners compliant and submissive to the established order of things.

AS: *In April 1999, an appeals court ruled that a prison guard, Edward Kuhnel, couldn't be fired from his job just because he flew a Nazi flag from his home. It would seem to a lot of people on the outside that, even if allowed to keep his job, a person like that would be ostracized by other prison officials and so forth. Do you think that's the case?*

PW: No, it's not the case. In fact, people like that thrive in a prison environment. The May 1999 issue of *Prison Legal News* had an extensive exposé on the number of Washington prison guards that are currently employed and are members of the Ku Klux Klan and neo-Nazi groups. And despite having a proven track record of threatening and harassing not just the prisoners, but other staff members who are minorities, not only do they keep their employment, they seem to do very well in the DOC.

The Washington Department of Corrections response to this issue of *Prison Legal News* was to censor the magazine. It seems that they're more intent on continuing to employ

Nazis—and I don't use the term loosely, I'm talking about card-carrying members of the National Socialist White People's Party that are recruiting other members, other prison employees, to their group. They're more intent on keeping them employed than they are about doing anything else. Their response is to attempt to censor the publication that exposes their hiring and employment practices without changing their hiring practices. So I think it gets to the point where you can give prison officials the benefit of the doubt and say, "Well, you know,

The racist practices of the administration divide prisoners and allow prison officials to have their way with us.

maybe it's just a few bad apples," but then when it gets to the point where you see it at a systemic and institutional level across the country—Nazis and Ku Klux Klan members and other assorted racists and white supremacists are on the payroll and doing very well—then you have to start to question, well, maybe this is more than just benign indifference. I think that's the case.

AS: *There's a large section towards the end of your book about things prisoners are doing to improve their conditions. Your book claims that most prisoner demands before things like strikes and even rebellions tend to be very reasonable. But if this is the case, why aren't prison officials simply meeting prisoners' requests?*

PW: As far as why the reasonable demands of prisoners aren't met by

prison officials, I think this comes down to a few simple facts, as I mentioned earlier, that prisons are largely ruled by brute, naked force, without much regard to anything else. The crux of the problem is that I think most prison officials, not all of them but probably a majority, simply don't see prisoners as even being human. They see us as largely subhuman and little better than animals. And if you get to that point, why should you give a beast anything?

And then, at the level of power and domination, it comes down to this thing of, from their perspective they see it as one of not yielding and not giving in to any demands, regardless of how reasonable or common-sensical they may be, simply because that would subvert their position of domination. And this goes back to what I meant about prisoners being the slaves of the state. Literally, we are slaves in every sense of the world; legally and politically our status is one of slavery.

That's the thing of being unable to negotiate or make any demands or anything like that—any type of organizing on our behalf is illegal. We're pretty much given the legal and political status of mute beasts. That's kind of what our legal and political status is. The reality is different in that, unfortunately, I'd say political awareness among prisoners is low, and a lot more could be done. But to the extent of even a donkey, if you push a little too hard it will get stubborn and kick the master. So that's kind of what happens in prison.

AS: *When we began this interview, you spoke a little bit about what some prison officials' response to your book was. In Michigan they tried to ban it. They tried to block people from actually reading it. What reaction have prisoners had to your book and to your magazine, *Prison Legal News*?*

PW: All the prisoners I know that have read *The Celling of America* have

Our goal in putting out *The Celling of America* isn't just to tell people, "This is what's going on in prison, and boy, does it suck." Instead, our aim here is to raise political awareness and let people know not just that things suck, but why they suck.

been enthusiastic about it and have really liked it. I haven't gotten any negative comments or feedback from any prisoners, actually from any non-prisoners either, for that matter. In fact, the most common remark I get is, When's the next one coming out? I take that as a good sign.

One of the things that contributes to *The Celling of America* getting such a good response among prisoners is just because—while at a lot of levels we aren't providing new information, we aren't giving prisoners news, this is their daily reality—I think that at one level it's important for prisoners to know that someone is accurately reporting our daily reality to the world at large. I think there's some self-affirmation there, in the sense that a prisoner can read this and, for example, he gets to the section on the shoddy prison medical care and he can dutifully nod his head and say, "Right on, this is exactly what's happening." I think that's one of the things that's important in the positive prisoner reaction that we've gotten.

And in general, with *Prison Legal News*, we also get a good response from the prisoners who subscribe. We're a small publication. We have a little under 3,000 subscribers in the context of this going to prisoners. But in the larger context I mentioned earlier, some of the things we deal with has been a illiteracy rate of sixty to eighty percent, which kind of limits how many people will ever subscribe to *PLN* or will ever get a copy of *The Celling of America*. And then beyond that, the other big problem we confront is that of political apathy, which is just as prevalent behind bars as it is outside of prison.

One of the things we consider both *The Celling of America* and *Prison Legal News* to be are very much tools of activism. In other words, our goal in putting out *The Celling of America* and in publishing *Prison Legal News* isn't just to tell people, "This is what's going on in prison, and boy, does it suck." Instead, our goal here is to raise political awareness and let people know not just that things suck, but why do they suck, who's

benefitting from this state of affairs and, more importantly, what can we, essentially the prisoners, do to change it and bring about change for the better? So, that's what I think makes it popular among the politically-inclined prisoners and non-prisoner activists to get *PLN* and read *The Celling of America*. I think it's that very same factor that makes both the book and our magazine so unpopular among prison officials.

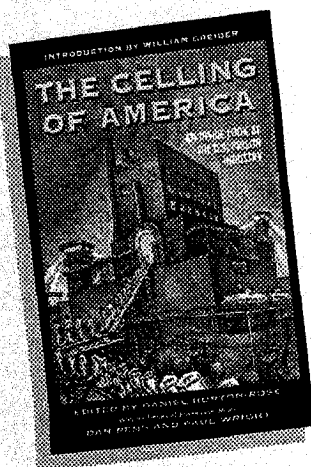
AS: Unfortunately, that's all the time we have. I'd like to end with a quote about *The Celling of America* from one of this country's leading activists and educators, Angela Davis, who said, "Burton-Rose, Pens and Wright have compiled a powerful collection of essays that eloquently call upon us to consider the human costs of the growing punishment industry. This is a much-needed wake-up call to an increasingly incarcerated society." Paul, thanks for helping to put together such an important book, and thanks for being with us.

PW: Thank you, Arthur.

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Rhonda Brownstein, Senior Staff Attorney at the
Southern Poverty Law Center, on *The Celling of America*:

"This remarkably lucid book not only illuminates the nature of the imprisonment beast, but exposes the social, political and economic forces responsible for its care."



Daniel Burton-Rose, Dan Pens & Paul Wright's *The Celling of America* is now available through Common Courage Press and *Prison Legal News*.