

Our dubious grip on freedom

James Kilgore's book tells how the U.S. became a country where freedom fails to ring

BY MIKE WOLD

CONTRIBUTING COLUMNIST

The irony of our criminal justice system is that our "land of the free" locks up more of its people than any other country.

As such, it's an outlier in industrialized democracies. The U.K., for example, locks up one fifth the number, per capita, that the U.S. does. And, as most readers already know, the African-American incarceration rate is much higher than that of whites – in 2012, almost 3 percent of black people in the U.S. saw the inside of a prison cell.

There is still a sizable percentage of people in our country who think we should just "lock 'em up, and throw away the key." However, many people think something has gone wrong. People want the U.S. to be No. 1, but not in this way.

Author James Kilgore points out in his book, "Understanding Mass Incarceration," that it didn't used to be like this. Kilgore's well-written primer to the history, issues and proposed alternative to mass incarceration starts by explaining some of the reasons behind the U.S. having the largest prison population in the world.

Kilgore traces the ideological justification for mass incarceration to politicians and mass media worried about controlling poor people and radicals, especially blacks, backed up by academics who proposed that there were young "super-predators" in society and the best ways to bring down the high crime rates would be to lock them up for long periods of time.

At the same time, an economic downturn increased both poverty and the crimes associated with poverty. Before the 1980s, a majority of Americans recognized that a major factor in crime was systemic poverty

and prison was seen as a means of rehabilitation. Media images of black criminality and "welfare queens" shifted popular beliefs to the idea that crime was a function of individual character and that the main purpose of prison was deterrence and retribution.

There was a strong element of racism and social control, including media attention to high-profile crimes such as the rape and mugging of a Central Park jogger, which led to a frame-up of several black youths. George H.W. Bush won the 1988 election largely by raising fears about an African-American who had been released from prison under his opponent's administration.

Penalties got harsher for small-scale crimes associated with homelessness and poverty. Being "soft on crime" became a kind of third rail in politics. In an era when budgets were being cut across the board, "coddling" criminals by providing them education and rehabilitation was not in the mix.

Kilgore describes the effects on people and communities of this retributive philosophy, tying in the effects of the so-called war on drugs and of increasing crackdowns on undocumented immigrants. He shows how the extension of a no-tolerance philosophy to schools initiated what became known as the school-to-prison pipeline. He describes the effects on family members of prisoners – especially women and children – as the system treated them as criminals and made them suffer financially for being related to the wrong people. Poor communities affected by high levels of arrests have seen erosion of social ties and a general distrust of the police.

Kilgore walks the reader through the complexities of the prison system – county, state and federal – in a gentle, non-

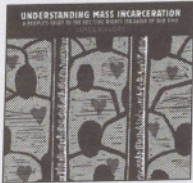
rhetorical tone. He points out the problems with private prisons, including the effects of cost-cutting on staff and inmates, the exploitation of prisoners for low-paid work and by high prices for phone calls and commissary items, and the inherent political problems of creating a private industry with a financial stake in increasing the prison population.

While his sympathies clearly lean left, Kilgore differentiates without judgment among the conservatives, who see prison reform mainly as a way of saving money, and liberals, who want to reduce populations in prison and provide rehabilitation as a way of restoring people to society, and the prison abolitionists, who argue the justice system is broken and needs to be completely rebuilt.

Kilgore points out that the emerging consensus for ending mass incarceration is driven as much by financial concerns as by moral or racial justice arguments. But effective "decarceration" needs to address the practices that fueled mass incarceration in the first place, including disparate treatment of people of color and immigrants, the funneling of youth into the adult prison system, the harsh rules applied to parolees, and the jailing of poor people unable to pay fines.

We have a long way to go. At the rate of decrease in the prison population between 2009 and 2012, Kilgore notes, it would take 88 years to reduce prison populations to the level they were at in 1980. Kilgore asks: When could we consider mass incarceration dead? Is it "a spiritual or philosophical tipping point, beyond which criminal justice focuses on developing human beings and creating opportunities for communities?"

Kilgore clearly wants the answer to be "yes."



Understanding Mass Incarceration
by James Kilgore



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