

## INDUSTRIALIZED SOCIAL CONTROL: Fear, Race & the Criminal Justice Industrial Complex

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The American war on crime now spans at least three decades. Yet greater crime and a vastly expanded social control apparatus constitute its most noticeable accomplishments. Fear of crime greatly exceeds the risk faced by most people, but it combines with contemporary political rhetoric and television spectacle to create an explosive feedback loop that drives the US's dangerous and irrational tough-on-crime public policy. Young, inner-city minorities face the greatest danger from violence and criminal victimization. Yet legislators not only abandon these Americans; they further victimize them in the process. Rather than recognize these people as disproportionately victimized, most Americans focus on their own fear of criminals and drug users. A black face tends to be the explicit or implicit image of these "scary people." This gives the fear of crime and the war on drugs an undeniable racial slant.

White Americans fear black people. Thus, under the guise of crime policy, the protective measures taken in response to this fear devastate black communities. An unprecedented use of prison and repression imposes the facade of tranquility on the inner-cities. This fear's intensity creates an escalating social control industry, and an environment where people gladly trade money and freedom for the promise of security. Our exaggerated fear of crime further victimizes those who are already hurting. It also threatens to further imperil our freedoms in the future.

In its latest (1993) *Crime in America*, the FBI acknowledges this fear. Of course, it might have a stake in legitimating this fear because reactions to crime increase their power through additional money, law enforcement personnel, jurisdiction and fewer procedural safeguards. The conclusion of this section analyzing homicide rates is as bold as it is wrong: "Every American now has a realistic chance of murder victimization in view of the random nature the crime has assumed".

America does have more crime and violence than any European nation, and several U.S. cities have more murders than all of Japan (with its population of 123 million). Still, Americans are far more likely to witness crime and violence through television than actually have it touch their lives. For 1993, the U.S. recorded 24,526 murders, which translates into a rate of 9.5 per 100,000 inhabitants. These figures are up slightly from 1992 (23,760 offenses or 9.3/100,000), but 1 in 10,000 odds hardly constitute a "realistic chance". (If these odds do describe a realistic chance, however, then what should we conclude about one's chances of being an inmate in the U.S. since its incarceration rate is more than 50 times higher than the homicide rate?).

Because the homicide rate has declined slightly from its historic high of 10.2 in 1980, the key to understanding the conclusion lies in understanding the "random nature" of that crime. If random is synonymous with egalitarian, then it would suggest that victimization was becoming more evenly spread across categories of race, sex, age, geography, and so forth. But since the FBI recognizes the obvious flaws in this conclusion, it suggests it only tentatively. The FBI argues "This notion is somewhat supported by the fact that a majority of the Nation's murder victims are now killed by strangers or unknown persons".

But 'unknown' does not always mean 'stranger,' and neither category constitutes 'random'. Earlier in its report, the FBI claims that the category of murder under 'unknown circumstances' grew from 5% in 1965 to 28% in 1992. This, added to murder by 'strangers' comprised 53% of the murders in 1992, "representing a historical high". But in 1980, the recent

historic high for the murder rate, these same two categories accounted for 49% of murders (13% stranger, 36% unknown). Thus, the situation hardly changed in a way to warrant their drastic conclusion.

In fact, the FBI attributes a growth in murders by strangers to an increase in 'narcotics felony-related murders.' This undermines the notion that they are 'random' events posing realistic chances of victimization for an average white person. Those engaged in the drug trade do resort to drive-by shootings that indiscriminately kill people in the vicinity. But most of those murders occur in black communities, and hardly pose a big risk of victimization for most whites. Young minority children in segregated inner-cities, in contrast, do spend more time planning for their own funerals rather than for careers or college.

The 'unknown' category of murders means exactly that: law enforcers don't know what happened. But if we examine the victims of those murders, it again argues against the crimes being random attacks against whites. Even the FBI acknowledges that its figures about victims are "in concert with the finding of the US Department of Health and Human Services that homicide is now the leading cause of death for young black males".

### Patterns of Victimization

Examining the distribution of victimization not only shows the error of believing that crime is random, but also draws attention to a great inequality of risk-- one that should serve as a basis for public policy on crime as Congress tries to 'promote the general welfare'. Instead, the real pain and tragedy from events in America's inner-cities are appropriated and spread across all people, which distorts the problem and the solution. If "every American has a realistic chance" then the difference between the low (safe) and high (dangerous) ends of the distribution seems irrelevant; public policy is conducted as if middle America faces the same (high) risk to life and limb that inner-city minorities do.

This difference, however, is important, as a look at our nation's capital demonstrates. If Washington, D.C. is taken as a Standard Metropolitan Statistical Area, it includes suburban sprawl that extends to counties in West Virginia, encompassing 4.4 million people. In 1993, this area recorded 696 homicides, which translates into a rate of 15.8/100,000. If one looks at D.C. proper, the 578,000 residents experienced 454 murders that produced a rate of 78.5/100,000. Thus, while people in the largely white suburbs of D.C. face a greater threat of violence than someone in North Dakota, either probability is comparatively small.

This point is also demonstrated in research I am doing with Dr Robert Johnson, Chair of the Department of Justice, Law and Society at the American University. We examined mortality statistics for blacks and whites using national data from the Centers for Disease Control and Prevention, the same data that provides a basis for the Department of Health and Human Service's Vital Statistics of the United States. After computing death rates for various causes for each race, we determined the number of deaths to be expected if whites had the black rate and vice versa.

Our data suggests that if whites had the black homicide rate, some 81,000 murders would be expected rather than the 12,300 observed in 1991. Conversely, if blacks had the white homicide rate, they would have less than 2,400 homicides instead of the 12,700 observed. [The observed number of homicides are higher than the number reported by the FBI because the category also includes executions, police shootings, and other actions that constitute 'legal

intervention'.] Imagine how much concerted and constructive effort would be spent on crime policy if whites were being murdered at six times the current rate.

### Misdirected Crime Policy

Rather than trying to make the inner-cities safe by promoting a just peace, politicians only suggest more cops and more prisons-- and they trip over each other in trying to prove how tough on crime they are (one Oklahoma legislator suggested three strikes and you're dead). But being 'soft on crime' is not a cause of inner city violence. Research shows that the vast majority of an officer's time is spent providing services rather than actually fighting crime. Thus, few communities can trace their 'crime problem' to a shortage of officers, who are a solution in search of a problem. No doubt these additional officers will arrest more people to keep the growing number of prisons full, but inner-cities will not likely be better for having a larger occupying army of police.

Because the crime rate is largely independent of the incarceration rate, building more prisons will not make any segment of society safer. Few inmates are able to improve themselves while behind bars by acquiring prosocial skills or useful job training. Few employers are willing to hire people with criminal records, so those who get caught up in the system have fewer options on release than when they went in. More generally, current tactics for dealing with crime only seem to add to the scope of the criminal justice, and thus the social control, enterprise instead of making any attempt at crime prevention.

Even modest proposals like midnight basketball programs were problematic in formulating a crime bill, while legislators sought to outdo each other by proposing ineffectual death penalty provisions and regressive measures to eliminate review of death sentences. (One cartoon had a politician advocating preemptive capital punishment and blasting his opponent for being 'soft on crime' because he was willing to wait for a crime to happen before punishing it.) Money for education of children is cut and spent on cops and prisons. Solutions that target sources of crime like joblessness, powerlessness and despair are laughed at. Meanwhile, people propose spending millions of dollars to wire up parts of Washington, D.C. with microphones tuned into the acoustic signature of firearms, so the police could respond more quickly even in cases where bystanders do not report the incident.

The underlying message is that any repressive tactic helping to secure the existing social order and its growing inequality will be considered; any proposal attempting to ameliorate sources of violence by changing the existing social, economic, or political relations is not an option. Because the existing order is one of white privilege, getting 'tough on crime' and declaring war on drugs has the subtext of repressing blacks and declaring martial law to keep control of inner-cities.

No doubt there are dimensions other than race (such as class) operating also, but in 1992, 8.3% of the black population was under the jurisdiction of the criminal justice system, compared with 1.7% of whites. (In official language they are "under correctional care".) Correctional Populations in the United States, 1992, published by the Bureau of Justice Statistics, notes that in 1992 the rate of incarceration for black males was 4,094 per 100,000, compared with 502 for white males.

Blacks are not the only ones going to prison in greater numbers, but they have borne the brunt of what can only be described as an imprisonment binge. Our incarceration rate passed that of South Africa and Russia years ago, and we are trying hard to cement our lead. From 1980 to

1992, the number of people in prison grew a staggering 250%-- up to 1.3 million adults. Also, the use of probation and parole expanded, along with increased use of house arrest and electronic monitoring (which should be understood as high-tech surveillance, not 'community corrections'). From 1980 to 1992, the number of people under jurisdiction of the criminal justice system grew from 1.84 million to 4.76 million.

## 'CRIME PAYS'

Even after correcting for the greater amount of crime in the U.S. than elsewhere, we still find proportionately higher levels of imprisonment and social control. This state of affairs is distressing for a country so given to rhetoric on freedom and equality, and equally problematic are all the connections with industry necessary to build and maintain this system.

Before President Eisenhower left office, he warned of a military- industrial complex, though in the post-Cold War era we also need to turn our attention to the threat posed to democracy from a social control-industrial complex. In a time of fear and consumerism, security becomes a hot commodity-- one that is currently among the fastest growing industries. There is a great deal of money to be made selling people personal security, be it in the form of alarms, passcode/ID systems, surveillance/monitoring devices or private guards.

Another troubling dimension of this phenomena is the growth of private (or for-profit) prisons, which arise when the state contracts out the job of imprisonment. To be sure, the number of private prisons is still relatively small, but they epitomize the problematic aspects of a large and growing prison-industrial complex encompassing myriad business that profit from building, financing and stocking prisons. The Massey-Burch Investment Group knows that prisons are big business and a solid growth opportunity for diversified venture capital; they back Kentucky Fried Chicken and the private Corrections Corporation of America.

The frightening aspect of this situation is the creation of large numbers of people who have a vested financial interest in having a large and increasing incarceration rate. Capital and resources that could have been spent in socially progressive ways get sucked into prisons and 'crime control', which are legitimated by more fearmongering about crime. The most likely prospect for filling new prisons and being the target of control are minorities, because they are relatively powerless and it is easy to generate fear about them. Thus, this industry- control complex ensures we can look forward to rich whites making profits by incarcerating minorities and the continuing spectacle of venture capital in the service of racist fear.

## Brady Bill and Big Brother

The Brady Bill adds a new twist to this growing criminal justice/social control apparatus, even though this legislation is supposedly a liberal attempt to control gun violence. The act disqualifies certain people from owning guns, requires that sellers perform a background check, and imposes a five day waiting period in states not having an instantaneous computer check.

While this act may prevent a few people from obtaining guns, it really focuses less on gun violence than on improving the quality and accessibility of criminal records. The Brady Bill earmarks \$200 million (half of that to be spent in 1995) for the improvement and automation of criminal histories, because in 1993 only 37.7 million of the country's 47.8 million files on individual offenders were in automated form.

Even when records are automated and exist in readily accessible form, they are often incomplete (containing information about arrest but not disposition, for example). Record-keeping in a busy, backed-up legal system is a difficult task made harder still when offenders have multiple charges or multiple cases sometimes in several jurisdictions. The solution is to not only greatly centralize the system, but increase its ability to record and access information. The key to improving the ability to process information is finding a unique identifier which helps link all pertinent records and allows 'real time' (immediate) access.

Names are not efficient for this purpose because several people can have the same name and one person can have several aliases. For this reason, social security numbers will survive long after the retirement system is defunct, because they are an improvement-- even though they can be lost, forgotten or transferred to another individual. The system under consideration for linking arrestees to records is better still because it is based on fingerprints. This technology is a more palatable version than having a bar code tattooed on people, but they have the same potential in terms of the state of social control they could create with development and widespread implementation.

Simply because a system can be implemented does not mean that it will be, though we should keep in mind lessons from the growth in uses for social security numbers. Additional cause for concern, though, lies in the blueprint of computer infrastructure envisioned by the Brady Bill. At present, the focus is on criminal records, the legislation the bill amends denies firearms to many categories of people. The system thus contemplated by the bill would be a massive computerized system centralizing many databases of personal information and having it all immediately accessible.

For example, illegal aliens and those who renounce U.S. citizenship are prohibited from owning a gun, as are those dishonorably discharged from the military, those who have been committed to a mental institution, and people who are drug addicts. Fulfilling the mission of the Brady Bill will thus require centralizing information from the Immigration and Naturalization Service, the Department of Defense records, state and private psychiatric service providers, and drug treatment and drug testing databases.

The immediate implication of these trends is that as the war on drugs helps stamp blacks with a criminal record, and the tough on crime legislation ensures they will be warehoused for many years. The National Criminal History Improvement Program is spending hundreds of millions of dollars to guarantee future access to information about that citizen's past. Widespread access to this information will ensure the denial of many opportunities 'free society' affords-- jobs, housing, insurance, loans, etc. Indeed, Oscar Gandy suggests in his book on the political economy of personal information that there is "a kind of high-tech, cybernetic triage through which individuals and groups of people are sorted according to their presumed economic or political value."

Such speculation can easily be dismissed as paranoid; in the age of militias, such dismissal may even be fashionable. But Michel Foucault reminds us that: "Historians of ideas usually attribute the dream of a perfect society to the philosophers of the eighteenth century; but there was also a military dream of society; its fundamental reference was not to the state of nature, but to meticulously subordinated cogs of a machine, not to the primal social contract, but to permanent coercions, not to fundamental rights, but to infinitely progressive forms of training, not to the general will, but to automatic docility."

The military dream is currently being fueled by fear, particularly racial fear that helps provide the groundwork for social control mechanisms whose scope and depth can easily spread.

There's no conspiracy to keep people afraid, but it is very effective at taking money out of our pockets and securing a social order marked by growing inequality. 'Security', though, does not come from repression; it comes from peace that is grounded in a just order-- one providing jobs, hope and opportunity for all.

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#### Notes

For non-repressive solutions to crime and violence, see [StopViolence.com](http://StopViolence.com)

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