Caught, by Marie Gottschalk

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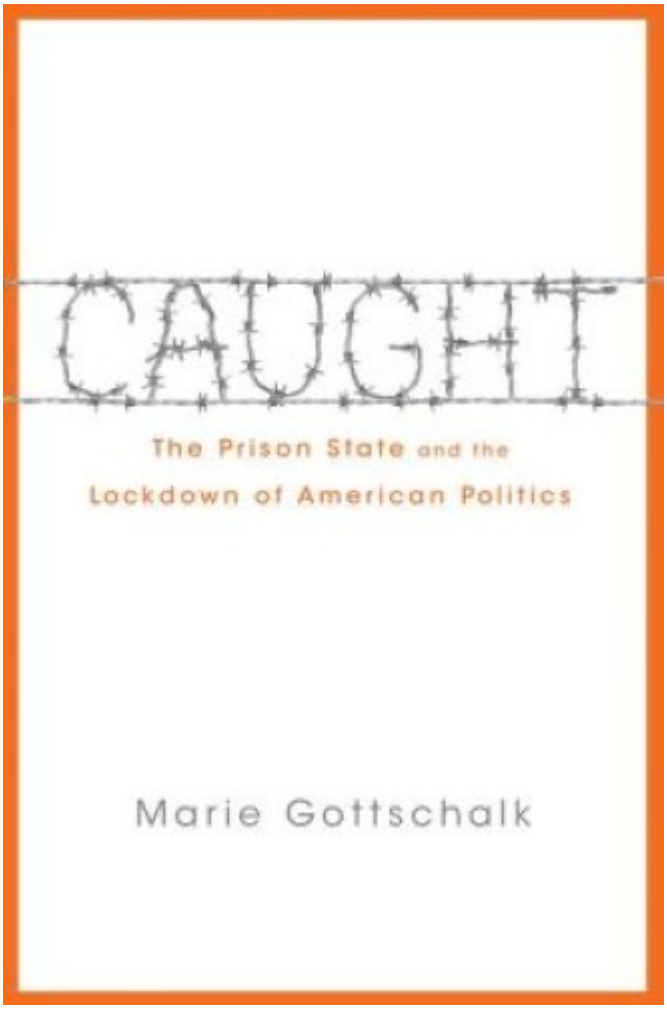
In Review



Caught

By Marie Gottschalk
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On September 5, 1929, the day after a loss to the Philadelphia Athletics, the New York Yankees traveled to Ossening, New York, to play in an exhibition baseball game. It was no ordinary game.

The 40-foot-high stone wall that marked the perimeter of the outfield that afternoon belonged to Sing Sing prison, and the Yankees' opponents were a team constituted entirely of inmates, many of them convicted felons. The prisoners who filled the temporary bleachers saw quite a spectacle. Babe Ruth hit three home runs, and players on the home team, slyly named the Black Sheep, slapped him on the back as he circled the bases. After the game, Ruth signed baseballs and joked around with the inmates. The event—one in a series of baseball games held at the prison over the course of a decade—was the brainchild of Lewis Lawes, the superintendent who presided over Sing Sing for more than 20 years. Lawes's nationally known rehabilitation program supplemented the daily efforts of his "corrections officers"—the term itself is revealing—with special events designed to reform prisoners and to prepare them for a full return to society.

How times have changed. In *Caught*, Marie Gottschalk, professor of political science at the University of Pennsylvania, describes an American penal system that has all but abandoned any real attempt to rehabilitate its inmates. Battered by steep budget cuts during the recession and molded by a conservative political agenda, U.S. prisons have largely become repositories for society's unwanted—the poor, the uneducated, the undocumented, the addicted.

Far from investing in bold reform programs, the latest trend in American criminal justice is to charge the imprisoned for the costs of their incarceration. Prisons now commonly bill inmates for meals, clothes, medical care, and, in the case of one proposal in Iowa, even toilet paper. As a former vice president of the American Jail Association puts it, "Inmates don't have a constitutional right to underwear." The police department in St. Joseph, Missouri, invoices criminals $26 for the cost of using a Taser on them during arrest. In some cases, former inmates have been sent back to prison not for committing new crimes but for failing to pay their accumulated prison fees upon being released. The pressures to cut financial corners at the expense of inmates' interests are, perhaps, even stronger in the growing number of prisons that are operated by for-profit private companies hired by states and municipalities.

The shift from a system focused on rehabilitation to one based on the balance sheet is just one troubling characteristic of what has become, according to Gottschalk, the American "prison state." The increasingly powerful penal network "includes not only the country's vast archipelago of jails and prisons, but also the far-reaching and growing range of penal punishments and controls that lie in the never-never land

between the prison gate and full citizenship.”

In all, more than 8 million Americans—one in 23 adults—are currently under some form of state control, ranging from prison and parole to immigration detention and monitoring by drug courts. The percent of the population that is currently incarcerated is by far the highest in the world. In the United States, 730 of every 100,000 citizens are currently in prison. The number climbs to an astronomical 4,749 per 100,000 citizens for black males. By contrast, in Japan the ratio is 58 prisoners per 100,000 citizens.

America’s sky-high incarceration rates have far-reaching societal impacts. Eight million American children—one in ten minors—have a parent who is or has been in prison. Individuals with a criminal record can be denied student loans, college admission, food stamps, public housing, and the right to vote. Former inmates not only can be barred from serving as police officers, military personnel, doctors, lawyers, and nurses; they can also be ineligible to receive state licenses for many other occupations, from hairdressing to reading palms. Such restrictions can cripple former inmates’ efforts to reestablish productive lives, and they can have devastating ripple effects on innocent bystanders, most notably the spouses and children of former convicts. Of course, this assumes that inmates still have a family upon their release; incarcerated individuals can have their parental rights severed after as few as 15 months of imprisonment.

According to Gottschalk, this growing list of restrictions on the basic liberties of current and former inmates is tantamount to a denial of the “American Creed—the faith that everyone has an inalienable right to freedom, justice, and equal opportunities to get ahead, and that everyone stands equal before the law.”

How did we arrive at this sorry state of affairs? One factor, according to Gottschalk, was the 2008 financial crisis. Some predicted that state and federal budget cuts would lead to a contraction in the size and scope of the penal system in the United State, but the opposite happened. The prison system continued to grow. Poor economic conditions and high levels of unemployment do not necessarily lead to increased crime rates, Gottschalk explains. After all, in tough times fewer people go out, they carry less money, and they have less to spend on alcohol. But difficult economic times do foster pervasive fear among the populace and generate the desire to find something or someone to blame for the difficulties. It is not a coincidence, Gottschalk suggests, that the number of undocumented individuals who

were arrested and deported by the United States reached an all-time high between 2008 and 2012, with rates 30 percent higher than when George W. Bush left office.

At the same time, politicians from both parties, seeking to capitalize on public fears by pushing a hard-on-crime agenda, have worked to significantly increase mandatory sentencing requirements in dozens of states. These measures range from “three strikes” laws that require mandatory prison sentences for even victimless crimes to the elimination of discretionary parole for inmates serving life sentences. In 1970, there were 143 inmates serving sentences of life without parole in Louisiana. By 2012, the number had topped 4,600.

Gottschalk offers no easy answers for fixing the broken system we have created. Much like the military-industrial complex—the confluence of interests among defense contractors, military leaders, and politicians—that makes downsizing the U.S. military so difficult, the American prison state now has a range of powerful stakeholders to sustain it. When the penal system expanded to absorb massive growth in the number of inmates nationwide, sentencing reform became far more difficult to realize. Financial and political interests defending the hundreds of thousands of jobs and the billions in corporate revenues that the prison state generates step in to fight any reform that might significantly reduce the number of Americans incarcerated.

Perhaps most troubling is the continued role that race and economic inequality play in undermining the fairness of the American penal system. As long as most Americans stand idly by while the most egregious sins of the prison state—inhumane prison conditions, the gutting of rehabilitation programs, mandatory sentencing laws that lead to punishments disproportionate to the crimes—are experienced almost entirely by the poorest and least powerful in our society, the injustices of the current system will remain.

Gottschalk convincingly shows that the American penal system has come to embody a very un-American idea: that there are lives that are not worth caring about and people beyond reforming. A group of professional baseball players knew enough to reject that dangerous idea 85 years ago. Should we not do the same today?