

# THE HOUSE THAT RACE BUILT

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*Original Essays by Toni Morrison,  
Angela Y. Davis, Cornel West, and Others  
on Black Americans and Politics  
in America Today*

*Edited and with an Introduction  
by Wahneema Lubiano*



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# RACE AND CRIMINALIZATION

## *Black Americans and the Punishment Industry*

Angela Y. Davis

IN THIS POST-CIVIL RIGHTS ERA, as racial barriers in high economic and political realms are apparently shattered with predictable regularity, race itself becomes an increasingly proscribed subject. In the dominant political discourse it is no longer acknowledged as a pervasive structural phenomenon, requiring the continuation of such strategies as affirmative action, but rather is represented primarily as a complex of prejudicial attitudes, which carry equal weight across all racial boundaries. Black leadership is thus often discredited and the identification of race as a public, political issue itself called into question through the invocation of, and application of the epithet "black racist" to, such figures as Louis Farrakhan and Khalid Abdul Muhammad. Public debates about the role of the state that once focused very sharply and openly on issues of "race" and racism are now expected to unfold in the absence of any direct acknowledgment of the persistence—and indeed further entrenchment—of racially structured power relationships. Because race is ostracized from some of the most impassioned political debates of this period, their racialized character becomes increasingly difficult to identify, especially by those who are unable—or do not want—to decipher the encoded language. This means that hidden racist arguments can be mobilized readily across racial boundaries and political alignments. Political positions once easily defined as conservative, liberal, and sometimes even radical therefore have a tendency to lose their distinctiveness in the face of the seductions of this camouflaged racism.

President Clinton chose the date of the Million Man March, convened by Minister Louis Farrakhan of the Nation of Islam, to issue a call

for a "national conversation on race," borrowing ironically the exact words of Lani Guinier (whose nomination for assistant attorney general in charge of civil rights he had previously withdrawn because her writings focused too sharply on issues of race).<sup>1</sup> Guinier's ideas had been so easily dismissed because of the prevailing ideological equation of the "end of racism" with the removal of all allusions to race. If conservative positions argue that race consciousness itself impedes the process of solving the problem of race—i.e., achieving race blindness—then Clinton's speech indicated an attempt to reconcile the two, positing race consciousness as a means of moving toward race blindness. "There are too many today, white and black, on the left and the right, on the street corners and radio waves, who seek to sow division for their own purposes. To them I say: 'No more. We must be one.'"

While Clinton did acknowledge "the awful history and stubborn persistence of racism," his remarks foregrounded those reasons for the "racial divide" that "are rooted in the fact that we still haven't learned to talk frankly, to listen carefully and to work together across racial lines." Race, he insisted, is not about government, but about the hearts of people. Of course, it would be absurd to deny the degree to which racism infects in deep and multiple ways the national psyche. However, the relegation of race to matters of the heart tends to render it increasingly difficult to identify the deep structural entrenchment of contemporary racism.

When the structural character of racism is ignored in discussions about crime and the rising population of incarcerated people, the racial imbalance in jails and prisons is treated as a contingency, at best as a product of the "culture of poverty," and at worst as proof of an assumed black monopoly on criminality. The high proportion of black people in the criminal justice system is thus normalized and neither the state nor the general public is required to talk about and act on the meaning of that racial imbalance. Thus Republican and Democratic elected officials alike have successfully called for laws mandating life sentences for three-time "criminals," without having to answer for the racial implications of these laws. By relying on the alleged "race-blindness" of such laws, black people are surreptitiously constructed as racial subjects, thus manipulated, exploited, and abused, while the structural persistence of racism—albeit in

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changed forms—in social and economic institutions, and in the national culture as a whole, is adamantly denied.

Crime is thus one of the masquerades behind which “race,” with all its menacing ideological complexity, mobilizes old public fears and creates new ones. The current anticrime debate takes place within a reified mathematical realm—a strategy reminiscent of Malthus’s notion of the geometrical increase in population and the arithmetical increase in food sources, thus the inevitability of poverty and the means of suppressing it: war, disease, famine, and natural disasters. As a matter of fact, the persisting neo-Malthusian approach to population control, which, instead of seeking to solve those pressing social problems that result in real pain and suffering in people’s lives, calls for the elimination of those suffering lives—finds strong resonances in the public discussion about expurgating the “nation” of crime. These discussions include arguments deployed by those who are leading the call for more prisons and employ statistics in the same fetishistic and misleading way as Malthus did more than two centuries ago. Take for example James Wooten’s comments in the *Heritage Foundation State Backgrounders*:

If the 55% of the estimated 800,000 current state and federal prisoners who are violent offenders were subject to serving 85% of their sentence, and assuming that those violent offenders would have committed 10 violent crimes a year while on the street, then the number of crimes prevented each year by truth in sentencing would be 4,000,000. That would be over 2/3 of the 6,000,000 violent crimes reported.<sup>2</sup>

In *Reader’s Digest*, Senior Editor Eugene H. Methvin writes:

If we again double the present federal and state prison population—to somewhere between 1 million and 1.5 million and leave our city and county jail population at the present 400,000, we will break the back of America’s 30 year crime wave.<sup>3</sup>

The real human beings—a vastly disproportionate number of whom are black and Latino/a men and women—designated by these numbers in a

seemingly race-neutral way are deemed fetishistically exchangeable with the crimes they have or will allegedly commit. The real impact of imprisonment on their lives never need be examined. The inevitable part played by the punishment industry in the reproduction of crime never need be discussed. The dangerous and indeed fascist trend toward progressively greater numbers of hidden, incarcerated human populations is itself rendered invisible. All that matters is the elimination of crime—and you get rid of crime by getting rid of people who, according to the prevailing racial common sense, are the most likely people to whom criminal acts will be attributed. Never mind that if this strategy is seriously and consistently pursued, the majority of young black men and a fast-growing proportion of young black women will spend a good portion of their lives behind walls and bars in order to serve as a reminder that the state is aggressively confronting its enemy.<sup>4</sup>

While I do not want to locate a response to these arguments on the same level of mathematical abstraction and fetishism I have been problematizing, it is helpful, I think, to consider how many people are presently incarcerated or whose lives are subject to the direct surveillance of the criminal justice system. There are already approximately 1 million people in state and federal prisons in the United States, not counting the 500,000 in city and county jails or the 600,000 on parole or the 3 million people on probation or the 60,000 young people in juvenile facilities. Which is to say that there are presently over 5.1 million people either incarcerated, on parole, or on probation. Many of those presently on probation or parole would be behind bars under the conditions of the recently passed crime bill. According to the Sentencing Project, even before the passage of the crime bill, black people were 7.8 times more likely to be imprisoned than whites.<sup>5</sup> The Sentencing Project’s most recent report<sup>6</sup> indicates that 32.2 percent of young black men and 12.3 percent of young Latino men between the ages of twenty and twenty-nine are either in prison, in jail, or on probation or parole. This is in comparison with 6.7 percent of young white men. A total of 827,440 young African-American males are under the supervision of the criminal justice system, at a cost of \$6 billion per year. A major strength of the 1995 report, as compared to its predecessor, is its acknowledgment that the racialized impact of the criminal justice system is also gendered and that the relatively smaller number

of African-American women drawn into the system should not relieve us of the responsibility of understanding the encounter of gender and race in arrest and incarceration practices. Moreover, the increases in women's contact with the criminal justice system have been even more dramatic than those of men.

The 78% increase in criminal justice control rates for black women was more than double the increase for black men and for white women, and more than nine times the increase for white men. . . . Although research on women of color in the criminal justice system is limited, existing data and research suggest that it is the combination of race and sex effects that is at the root of the trends which appear in our data. For example, while the number of blacks and Hispanics in prison is growing at an alarming rate, the rate of increase for women is even greater. Between 1980 and 1992 the female prison population increased 276%, compared to 163% for men. Unlike men of color, women of color thus belong to two groups that are experiencing particular dramatic growth in their contact with the criminal justice system.<sup>7</sup>

It has been estimated that by the year 2000 the number of people imprisoned will surpass 4 million, a grossly disproportionate number of whom will be black people, and that the cost will be over \$40 billion a year,<sup>8</sup> a figure that is reminiscent of the way the military budget devoured—and continues to devour—the country's resources. This out-of-control punishment industry is an extremely effective criminalization industry, for the racial imbalance in incarcerated populations is not recognized as evidence of structural racism, but rather is invoked as a consequence of the assumed criminality of black people. In other words, the criminalization process works so well precisely because of the hidden logic of racism. Racist logic is deeply entrenched in the nation's material and psychic structures. It is something with which we all are very familiar. The logic, in fact, can persist, even when direct allusions to "race" are removed.

Even those communities that are most deeply injured by this racist logic have learned how to rely upon it, particularly when open allusions to

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race are not necessary. Thus, in the absence of broad, radical grassroots movements in poor black communities so devastated by new forms of youth-perpetrated violence, the ideological options are extremely sparse. Often there are no other ways to express collective rage and despair but to demand that police sweep the community clean of crack and Uzis, and of the people who use and sell drugs and wield weapons. Ironically, Carol Moseley-Braun, the first black woman senator in our nation's history, was an enthusiastic sponsor of the Senate Anticrime Bill, whose passage in November 1993 paved the way for the August 25, 1994, passage of the bill by the House. Or perhaps there is little irony here. It may be precisely because there is a Carol Moseley-Braun in the Senate and a Clarence Thomas in the Supreme Court—and concomitant class differentiations and other factors responsible for far more heterogeneity in black communities than at any other time in this country's history—that implicit consent to antiblack racist logic (not to speak of racism toward other groups) becomes far more widespread among black people. Wahneema Lubiano's explorations of the complexities of state domination as it operates within and through the subjectivities of those who are the targets of this domination facilitates an understanding of this dilemma.<sup>9</sup>

Borrowing the title of Cornel West's recent work, *race matters*. Moreover, it matters in ways that are far more threatening and simultaneously less discernible than those to which we have grown accustomed. Race matters inform, more than ever, the ideological and material structures of U.S. society. And, as the current discourses on crime, welfare, and immigration reveal, race, gender, and class matter enormously in the continuing elaboration of public policy and its impact on the real lives of human beings.

And how does race matter? Fear has always been an integral component of racism. The ideological reproduction of a fear of black people, whether economically or sexually grounded, is rapidly gravitating toward and being grounded in a fear of crime. A question to be raised in this context is whether and how the increasing fear of crime—this ideologically produced fear of crime—serves to render racism simultaneously more invisible and more virulent. Perhaps one way to approach an answer to this question is to consider how this fear of crime effectively summons black

people to imagine black people as the enemy. How many black people present at this conference have successfully extricated themselves from the ideological power of the figure of the young black male as criminal—or at least seriously confronted it? The lack of a significant black presence in the rather feeble opposition to the “three strikes, you’re out” bills, which have been proposed and/or passed in forty states already, evidences the disarming effect of this ideology.

California is one of the states that has passed the “three strikes, you’re out” bill. Immediately after the passage of that bill, Governor Pete Wilson began to argue for a “two strikes, you’re out” bill. Three, he said, is too many. Soon we will hear calls for “one strike, you’re out.” Following this mathematical regression, we can imagine that at some point the hardcore anticrime advocates will be arguing that to stop the crime wave, we can’t wait until even one crime is committed. Their slogan will be: “Get them before the first strike!” And because certain populations have already been criminalized, there will be those who say, “We know who the real criminals are—let’s get them before they have a chance to act out their criminality.”

The fear of crime has attained a status that bears a sinister similarity to the fear of communism as it came to restructure social perceptions during the fifties and sixties. The figure of the “criminal”—the racialized figure of the criminal—has come to represent the most menacing enemy of “American society.” Virtually anything is acceptable—torture, brutality, vast expenditures of public funds—as long as it is done in the name of public safety. Racism has always found an easy route from its embeddedness in social structures to the psyches of collectives and individuals precisely because it mobilizes deep fears. While explicit, old-style racism may be increasingly socially unacceptable—precisely as a result of antiracist movements over the last forty years—this does not mean that U.S. society has been purged of racism. In fact, racism is more deeply embedded in socioeconomic structures, and the vast populations of incarcerated people of color is dramatic evidence of the way racism systematically structures economic relations. At the same time, this structural racism is rarely recognized as “racism.” What we have come to recognize as open, explicit racism has in many ways begun to be replaced by a secluded, camouflaged

How do you think about the 3 strikes bill?

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kind of racism, whose influence on people’s daily lives is as pervasive and systematic as the explicit forms of racism associated with the era of the struggle for civil rights.

The ideological space for the proliferations of this racialized fear of crime has been opened by the transformations in international politics created by the fall of the European socialist countries. Communism is no longer the quintessential enemy against which the nation imagines its identity. This space is now inhabited by ideological constructions of crime, drugs, immigration, and welfare. Of course, the enemy within is far more dangerous than the enemy without, and a black enemy within is the most dangerous of all.

Because of the tendency to view it as an abstract site into which all manner of undesirables are deposited, the prison is the perfect site for the simultaneous production and concealment of racism. The abstract character of the public perception of prisons militates against an engagement with the real issues afflicting the communities from which prisoners are drawn in such disproportionate numbers. This is the ideological work that the prison performs—it relieves us of the responsibility of seriously engaging with the problems of late capitalism, of transnational capitalism. The naturalization of black people as criminals thus also erects ideological barriers to an understanding of the connections between late-twentieth-century structural racism and the globalization of capital.

The vast expansion of the power of capitalist corporations over the lives of people of color and poor people in general has been accompanied by a waning anticapitalist consciousness. As capital moves with ease across national borders, legitimized by recent trade agreements such as NAFTA and GATT, corporations are allowed to close shop in the United States and transfer manufacturing operations to nations providing cheap labor pools. In fleeing organized labor in the U.S. to avoid paying higher wages and benefits, they leave entire communities in shambles, consigning huge numbers of people to joblessness, leaving them prey to the drug trade, destroying the economic base of these communities, thus affecting the education system, social welfare—and turning the people who live in those communities into perfect candidates for prison. At the same time, they create an economic demand for prisons, which stimulates the econ-

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omy, providing jobs in the correctional industry for people who often come from the very populations that are criminalized by this process. It is a horrifying and self-reproducing cycle.

Ironically, prisons themselves are becoming a source of cheap labor that attracts corporate capitalism—as yet on a relatively small scale—in a way that parallels the attraction unorganized labor in Third World countries exerts. A statement by Michael Lamar Powell, a prisoner in Capshaw, Alabama, dramatically reveals this new development:

I cannot go on strike, nor can I unionize. I am not covered by workers' compensation of the Fair Labor Standards Act. I agree to work late-night and weekend shifts. I do just what I am told, no matter what it is. I am hired and fired at will, and I am not even paid minimum wage: I earn one dollar a month. I cannot even voice grievances or complaints, except at the risk of incurring arbitrary discipline or some covert retaliation.

You need not worry about NAFTA and your jobs going to Mexico and other Third World countries. I will have at least five percent of your jobs by the end of this decade.

I am called prison labor. I am The New American Worker.<sup>10</sup>

This "new American worker" will be drawn from the ranks of a racialized population whose historical superexploitation—from the era of slavery to the present—has been legitimized by racism. At the same time, the expansion of convict labor is accompanied in some states by the old paraphernalia of ankle chains that symbolically links convict labor with slave labor. At least three states—Alabama, Florida, and Arizona—have reinstated the chain gang. Moreover, as Michael Powell so incisively reveals, there is a new dimension to the racism inherent in this process, which structurally links the superexploitation of prison labor to the globalization of capital.

In California, whose prison system is the largest in the country and one of the largest in the world, the passage of an inmate labor initiative in 1990 has presented businesses seeking cheap labor with opportunities uncannily similar to those in Third World countries. As of June 1994, a

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range of companies were employing prison labor in nine California prisons. Under the auspices of the Joint Venture Program, work now being performed on prison grounds includes computerized telephone messaging, dental apparatus assembly, computer data entry, plastic parts fabrication, electronic component manufacturing at the Central California Women's facility at Chowchilla, security glass manufacturing, swine production, oak furniture manufacturing, and the production of stainless steel tanks and equipment. In a California Corrections Department brochure designed to promote the program, it is described as "an innovative public-private partnership that makes good business sense."<sup>11</sup> According to the owner of Tower Communications, whom the brochure quotes,

The operation is cost effective, dependable and trouble free. . . . Tower Communications has successfully operated a message center utilizing inmates on the grounds of a California state prison. If you're a business leader planning expansion, considering relocation because of a deficient labor pool, starting a new enterprise, look into the benefits of using inmate labor.

The employer benefits listed by the brochure include

federal and state tax incentives; no benefit package (retirement pay, vacation pay, sick leave, medical benefits); long term lease agreements at far below market value costs; discount rates on Workers Compensation; build a consistent, qualified work force; on call labor pool (no car breakdowns, no babysitting problems); option of hiring job-ready ex-offenders and minimizing costs; becoming a partner in public safety.

There is a major, yet invisible, racial supposition in such claims about the profitability of a convict labor force. The acceptability of the superexploitation of convict labor is largely based on the historical conjuncture of racism and incarceration practices. The already disproportionately black convict labor force will become increasingly black if the racially imbalanced incarceration practices continue.

The complicated yet unacknowledged structural presence of racism in the U.S. punishment industry also includes the fact that the punishment industry which sequesters ever-larger sectors of the black population attracts vast amounts of capital. Ideologically, as I have argued, the racialized fear of crime has begun to succeed the fear of communism. This corresponds to a structural tendency for capital that previously flowed toward the military industry to now move toward the punishment industry.

The ease with which suggestions are made for prison construction costing in the multibillions of dollars is reminiscent of the military buildup: economic mobilization to defeat communism has turned into economic mobilization to defeat crime. The ideological construction of crime is thus complemented and bolstered by the material construction of jails and prisons. The more jails and prisons are constructed, the greater the fear of crime, and the greater the fear of crime, the stronger the cry for more jails and prisons, ad infinitum.

The law enforcement industry bears remarkable parallels to the military industry (just as there are anti-Communist resonances in the anti-crime campaign). This connection between the military industry and the punishment industry is revealed in a *Wall Street Journal* article entitled "Making Crime Pay: The Cold War of the '90s":

Parts of the defense establishment are cashing in, too, scenting a logical new line of business to help them offset military cutbacks. Westinghouse Electric Corp., Minnesota Mining and Manufacturing Co., GDE Systems (a division of the old General Dynamics) and Alliant Techsystems Inc., for instance, are pushing crime-fighting equipment and have created special divisions to retool their defense technology for America's streets.

According to the article, a conference sponsored by the National Institute of Justice, the research arm of the Justice Department, was organized around the theme "Law Enforcement Technology in the 21st Century." The secretary of defense was a major presenter at this conference, which explored topics like "the role of the defense industry, particularly for dual use and conversion":

Hot topics: defense-industry technology that could lower the level of violence involved in crime fighting. Sandia National Laboratories, for instance, is experimenting with a dense foam that can be sprayed at suspects, temporarily blinding and deafening them under breathable bubbles. Stinger Corporation is working on "smart guns," which will fire only for the owner, and retractable spiked barrier strips to unfurl in front of fleeing vehicles. Westinghouse is promoting the "smart car," in which mini-computers could be linked up with big mainframes at the police department, allowing for speedy booking of prisoners, as well as quick exchanges of information.<sup>12</sup>

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Again, race provides a silent justification for the technological expansion of law enforcement, which, in turn, intensifies racist arrest and incarceration practices. This skyrocketing punishment industry, whose growth is silently but powerfully sustained by the persistence of racism, creates an economic demand for more jails and prisons and thus for similarly spiraling criminalization practices, which, in turn fuels the fear of crime.

Most debates addressing the crisis resulting from overcrowding in prisons and jails focus on male institutions. Meanwhile, women's institutions and jail space for women are proportionately proliferating at an even more astounding rate than men's. If race is largely an absent factor in the discussions about crime and punishment, gender seems not even to merit a place carved out by its absence. Historically, the imprisonment of women has served to criminalize women in a way that is more complicated than is the case with men. This female criminalization process has had more to do with the marking of certain groups of women as undomesticated and hypersexual, as women who refuse to embrace the nuclear family as paradigm. The current liberal-conservative discourse around welfare criminalizes black single mothers, who are represented as deficient, manless, drug-using breeders of children, and as reproducers of an attendant culture of poverty. The woman who does drugs is criminalized both because she is a drug user and because, as a consequence, she cannot be a good mother. In some states, pregnant women are being imprisoned for using crack because of possible damage to the fetus.

According to the U.S. Department of Justice, women are far more likely than men to be imprisoned for a drug conviction.<sup>13</sup> However, if women wish to receive treatment for their drug problems, often their only option, if they cannot pay for a drug program, is to be arrested and sentenced to a drug program via the criminal justice system. Yet when U.S. Surgeon General Joycelyn Elders alluded to the importance of opening discussion on the decriminalization of drugs, the Clinton administration immediately disassociated itself from her remarks. Decriminalization of drugs would greatly reduce the numbers of incarcerated women, for the 278 percent increase in the numbers of black women in state and federal prisons (as compared to the 186 percent increase in the numbers of black men) can be largely attributed to the phenomenal rise in drug-related and specifically crack-related imprisonment. According to the Sentencing Project's 1995 report, the increase amounted to 828 percent.<sup>14</sup>

Official refusals to even consider decriminalization of drugs as a possible strategy that might begin to reverse present incarceration practices further bolsters the ideological staying power of the prison. In his well-known study of the history of the prison and its related technologies of discipline, Michel Foucault pointed out that an evolving contradiction is at the very heart of the historical project of imprisonment.

For a century and a half, the prison has always been offered as its own remedy: . . . the realization of the corrective project as the only method of overcoming the impossibility of implementing it.<sup>15</sup>

As I have attempted to argue, within the U.S. historical context, racism plays a pivotal role in sustaining this contradiction. In fact, Foucault's theory regarding the prison's tendency to serve as its own enduring justification becomes even more compelling if the role of race is also acknowledged. Moreover, moving beyond the parameters of what I consider the double impasse implied by his theory—the discursive impasse his theory discovers and that of the theory itself—I want to conclude by suggesting the possibility of radical race-conscious strategies designed to disrupt the stranglehold of criminalization and incarceration practices.

In the course of a recent collaborative research project with U.C. Santa Barbara sociologist Kum-Kum Bhavnani, in which we interviewed thirty-five women at the San Francisco County Jail, the complex ways in which race and gender help to produce a punishment industry that reproduces the very problems it purports to solve became dramatically apparent. Our interviews focused on the women's ideas about imprisonment and how they themselves imagine alternatives to incarceration. Their various critiques of the prison system and of the existing "alternatives," all of which are tied to reimprisonment as a last resort, led us to reflect more deeply about the importance of retrieving, retheorizing, and reactivating the radical abolitionist strategy first proposed in connection with the prison-reform movements of the sixties and seventies.

We are presently attempting to theorize women's imprisonment in ways that allow us to formulate a radical abolitionist strategy departing from, but not restricted in its conclusions to, women's jails and prisons. Our goal is to formulate alternatives to incarceration that substantively reflect the voices and agency of a variety of imprisoned women. We wish to open up channels for their involvement in the current debates around alternatives to incarceration, while not denying our own role as mediators and interpreters and our own political positioning in these debates. We also want to distinguish our explorations of alternatives from the spate of "alternative punishments" or what are now called "intermediate sanctions" presently being proposed and/or implemented by and through state and local correctional systems.

This is a long-range project that has three dimensions: academic research, public policy, and community organizing. In other words, for this project to be successful, it must build bridges between academic work, legislative and other policy interventions, and grassroots campaigns calling, for example, for the decriminalization of drugs and prostitution—and for the reversal of the present proliferation of jails and prisons.

Raising the possibility of abolishing jails and prisons as the institutionalized and normalized means of addressing social problems in an era of migrating corporations, unemployment and homelessness, and collapsing public services, from health care to education, can hopefully help to interrupt the current law-and-order discourse that has such a grip on the



collective imagination, facilitated as it is by deep and hidden influences of racism. This late-twentieth-century "abolitionism," with its nineteenth-century resonances, may also lead to a historical recontextualization of the practice of imprisonment. With the passage of the Thirteenth Amendment, slavery was abolished for all except convicts—and in a sense the exclusion from citizenship accomplished by the slave system has persisted within the U.S. prison system. Only three states allow prisoners to vote, and approximately 4 million people are denied the right to vote because of their present or past incarceration. A radical strategy to abolish jails and prisons as the normal way of dealing with the social problems of late capitalism is not a strategy for abstract abolition. It is designed to force a rethinking of the increasingly repressive role of the state during this era of late capitalism and to carve out a space for resistance.

## NOTES

1. See, for instance, the *Austin-American Statesman*, October 17, 1995.
2. Charles S. Clark, "Prison Overcrowding," *Congressional Quarterly Researcher* 4, no. 5 (Feb. 4, 1994): 97–119.
3. *Ibid.*
4. Marc Mauer, "Young Black Men and the Criminal Justice System: A Growing National Problem," Washington, D.C.: The Sentencing Project, February 1990.
5. Alexander Cockburn, *Philadelphia Inquirer*, August 29, 1994.
6. Marc Mauer and Tracy Huling, "Young Black Americans and the Criminal Justice System: Five Years Later," Washington, D.C.: The Sentencing Project, October 1995.
7. *Ibid.*, 18.
8. See Cockburn.
9. See Lubiano's essay in this volume, as well as "Black Ladies, Welfare Queens, and State Minstrels: Ideological War by Narrative Means," in *Race-ing Justice, En-gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality*, ed. Toni Morrison (New York: Pantheon, 1992), 323–63.
10. Unpublished essay, "Modern Slavery American Style," 1995.
11. I wish to acknowledge Julie Brown, who acquired this brochure from the California Department of Correction in the course of researching the role of convict labor.

12. *Wall Street Journal*, May 12, 1994.
13. Lawrence Rence, A. Greenfield, Stephanie Minor-Harper, *Women in Prison* (Washington, D.C.: U.S. Dept. of Justice, Office of Justice Programs, Bureau of Statistics, 1991).
14. Mauer and Huling, "Young Black Americans," 19.
15. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1979), 395.