EDITORS’ INTRODUCTION

Chapter 1 of *The Rich Get Richer and the Poor Get Prison* has four main objectives: (1) examining the exclusive use of police and prison as the response to high crime rates in the United States, (2) reviewing the “excuses” that are made for the failure to significantly reduce our high crime rate, (3) discussing the known sources of crime and thus the kinds of policies that stand a good chance of reducing crime significantly, and (4) introducing the Pyrrhic defeat theory to explain the continued existence of policies that fail to reduce crime. The subtitle of Chapter 1, in our original text, *The Rich Get Richer*, is “Nothing Succeeds Like Failure,” which highlights an important aspect of the larger argument: The criminal justice system is allowed to continue to fail to reduce crime because this failure benefits those with power to change the system. Crime in the streets draws people’s attention away from crimes in the suites and, even more so, from the noncriminal harms that result from the actions of the well-off.

Crime rates have fallen noticeably since the early 1990s, and many believe this is because of the success of criminal justice policies, especially the increasing imposition of harsh prison sentences. *The Rich Get Richer* reviews some of the research showing that changes in criminal justice policy had little to do with the drop in crime rates, and Chapter 1 of this reader provides additional evidence so that criminology students can have a more sophisticated understanding of the dynamics behind the falling crime rates. This chapter also has several readings that highlight the important *sources* of crime, such as the availability of guns (which increase the temptation to crime and the harm that results from it), the illegality of drugs (which makes a criminal occupation more appealing to people with few alternative opportunities), the extent of poverty (which makes crime more tempting and staying straight less attractive), and the overuse of prison as well as prison’s harsh conditions (which harden inmates and make it harder for them to succeed legally once released). They all
provide intervention points that could be used to reduce crime instead of exclusive reliance on police and prisons.

“Why Is Crime Falling—Or Is It?” by Alfred Blumstein is quoted in Chapter 1 of *The Rich Get Richer* in support of the assertion that increases in incarceration had little to do with the decrease in crime rates. Blumstein notes that attempts to show that increased incarceration leads to reduced crime mistakenly focus only on the period from 1991 on, which yields a “simplistic” understanding that creates “misleading” results. Crime rates started falling in 1991, so the increasing incarceration rates seem to be strongly related to a falling crime rate. Looking at a longer time period illustrates the weak relationship that Blumstein and others have found. This point is illustrated with updated data in Figure 1.1.

Blumstein presents a range of data and analysis based on a book he co-edited with Joel Wallman, *The Crime Drop in America*. Blumstein argues that “multiple factors” contributed to the crime drop, “including the waning of crack markets, the strong economy, efforts to control guns, intensified policing (particularly in efforts to control guns in the community), and increased incarceration.” Poverty lures many people into the drug trade but a strong economy supports the declining crime rate. His analysis implies that a great deal of drug violence could have been reduced if the drug trade were not illegal and drug dealers had legitimate means to resolve their disputes. Thus his analysis supports *The Rich Get Richer’s* contention that the illegality

![A Limited Time Frame for Examining Violent Crime Rates and Incarceration Rates Provides Misleading Results . . .](image)

![While a Longer Time Period Shows a Weak Relationship between Incarceration Rates and Violent Crime Rates](image)

**FIGURE 1.1 Incarceration and Violent Crime Rates for Different Time Periods**

*Source: Sourcebook of Criminal Justice Statistics Online, Table 6.29.2006 and Table 3.106.2006. For an extended discussion of these charts, see Donna Selman and Paul Leighton, *Punishment for Sale* (Rowman and Littlefield, 2010).*
of drugs is a source of crime. Blumstein also notes that the proliferation of high-powered fast-action guns were a major cause of the increasing number of homicides and that successful efforts to control guns deserve some of the credit for the declining crime rate. Consequently, his argument is consistent with the notion that the availability of guns in the United States is a source of crime. Finally, some of the positive effects of incarceration on reducing the crime rate were “at least partially negated by violence committed by the replacements,” those individuals who are quickly recruited to take the place of imprisoned drug dealers. Indeed, because many replacements were young people, who have a greater propensity to settle disputes with violence, the net effect of imprisoning so many drug dealers may have been an increase in violent crime.

The question mark in the title of Blumstein’s piece reflects caution based on the flattening out of crime rates in the preliminary data from 2000, the latest available when he did the presentation. Crimes rates did flatten out in 2000 and 2001, although violent crime rates finally bottomed out in 2004; property crimes increased from 2000 to 2001, then started declining again.

In “High Incarceration Rate May Fuel Community Crime,” Michael Fletcher of the Washington Post reports on a study suggesting that when many people from the same small community are taken out of that community and put in prison for crimes, the community itself is weakened in ways that may lead to crime. This early study making this link is supported by a growing body of evidence that under certain conditions high incarceration rates can have the unintended consequence of undermining the informal social processes that keep crime and other antisocial behavior in check. When many of the adults in a community are in prison, families are broken up, and because the vast majority of prisoners in the United States are men, there are fewer male role models for young people and fewer husbands for young women (some of whom are supporting children). Children are traumatized by the loss of a father, and more children grow up without ever having a man in the house. Criminology has well-developed theories about how social disorganization contributes to crime by eroding families and communities. Theories that link high incarceration to crime suggest that social disorganization arises from people being pulled out of the community into prison and dumped back into the community after a brutalizing prison experience.

Further, when many adults from a community are in prison, there is less money in the community, more poverty, and thus less trade to attract potential stores and businesses. Also, for purposes of the census, prison inmates are counted as residents of the county in which their prison is located, not where they lived before prison and will likely return. This practice inflates population counts in rural areas, where most prisons are sited, and causes changes in who gets elected and how federal aid grants are distributed and in other processes based on population. Cities then find themselves with more disorganization but less aid money and fewer elected representatives to advocate for help.

But perhaps the psychological effects are worst. With many adults from a community in prison, crime and imprisonment come to seem normal rather than exceptional. Youngsters growing up in such a setting come to think there is little they can do
to avoid crime, little reason to try to avoid it, and little point to staying straight. This article should make readers wonder about the rationality of basing criminal justice policy exclusively on the idea of deterring crime by threatening lengthy prison sentences. Blumstein pointed out an unintended consequence of high incarceration rates was the increased violence from replacing older drug dealers with younger ones whose lack of maturity made them more prone to use lethal violence. Similarly, this article suggests the high incarceration rates in some communities have contributed to increased crime by undermining the ability of communities to raise and nurture law-abiding youngsters in the long run.

"From C-Block to Academia: You Can’t Get There from Here" is written by Charles Terry, one of a new breed of criminologists called “convict criminologists.” After spending much of his youth in prison because of drugs, Terry managed to get himself together, go to school, and get a Ph.D in criminology. He speaks about crime and punishment with a special kind of authority. He’s been there, on the other side. Terry tells here about his experiences with the criminal justice system. He makes it clear that convicts, even those who want to go straight, must fight an uphill battle that in most cases they will lose. Terry makes no excuses for his early criminality, but he describes as well how very little was done for him besides locking him up. He tells of the lack of support and encouragement, the absence of treatment programs for poor drug addicts, and of how the prison experience alienated him from the “straight” world. He tells of the difficulty of reentry and the ex-convict stigma. Terry’s struggle would be even more difficult today because the student loan programs he used to get an education and change his perspective are no longer available. About 700,000 people a year are released from prisons in the United States. With a prison record, and usually no job training, they face incredible obstacles to going straight. Is this intelligent social policy? Terry tells us it is not, and makes a number of suggestions to change prison, reentry, and even criminology itself. If we lock people up to prevent crime, shouldn’t we help them avoid crime when they are released?

In “A New Suit by Farmers against the DEA Illustrates Why the War on Drugs Should Not Include a War on Hemp,” Jamison Colburn introduces readers to a cost of the so-called “war on drugs” that they probably have not imagined. We know that the war on drugs costs billions of dollars, that it has largely failed to stem the drug trade, that it has led to the arrest and imprisonment of thousands of people who did nothing more than sell other people something that they wanted. But here is a cost of the war on drugs that you probably didn’t expect: Marijuana is made from the same plant from which we obtain hemp. Hemp is a very useful material, grown from time immemorial to make paper, canvas, rope, and seed oil with numerous uses. Moreover, hemp can be produced in a manner that is ecologically sound. Hemp cultivation is far less dependent on pesticides and herbicides than crops like cotton. But because hemp comes from the same plant that produces marijuana, U.S. farmers have been legally prevented from cultivating and marketing this valuable material even though industrial hemp has just a trace of the chemical THC that gives marijuana users a “high.” This article, written by a former lawyer for the United States Environmental
Protection Agency, gives a useful history of the attempts to outlaw marijuana. Interestingly, lawmakers tried to exempt hemp production from the legal prohibition but were thwarted by government agencies such as the Drug Enforcement Administration (DEA) that appear in retrospect to have been uncritically opposed to anything even remotely related to marijuana, no matter how harmless, no matter how useful. The suit discussed in the article ends up being another unfortunate example of the negative consequences of criminal justice policy.

Currently, hemp products like fiber and oil are legal in the United States. However, cultivating them requires growing cannabis plants that have trace amounts of THC, which makes them a controlled substance under federal law. Thus, the United States imports hemp from countries such as Canada and China, which are among the thirty industrialized nations where it is legal to grow cannabis for hemp. To help their own farmers, North Dakota passed a law allowing for the cultivation of industrial hemp so local farmers could supply the hemp products we currently import, but federal drug law was still a potential barrier. The federal court decision in this case explains the controversy over the law:

The state regulatory regime provides for the licensing of farmers to cultivate industrial hemp; imposes strict THC limits precluding any possible use of the hemp as the street drug marijuana; and attempts to ensure that no part of the hemp plant will leave the farmer’s property other than those parts already exempt under federal law. The plaintiffs are two North Dakota farmers who have received state licenses, have an economic need to begin cultivation of industrial hemp, and apparently stand ready to do so but are unwilling to risk federal prosecution of possession for manufacture or sale of a controlled substance.1

The court dismissed the suit, thus not allowing the farmers to grow hemp. The court refers to the language of the Controlled Substances Act and prior cases interpreting the language to rule that the Act’s “definition of ‘marijuana’ unambiguously includes the Cannabis sativa L. plant and does not in any manner differentiate between Cannabis plants based on their THC concentrations.”

The court’s opinion states that “there may be countless numbers of beneficial products which utilize hemp in some fashion” and there is “little dispute that the retail hemp market is significant, growing, and has real economic potential for North Dakota,” but “the policy arguments raised by the plaintiffs are best suited for Congress rather than a federal courtroom in North Dakota.” Unfortunately, a bill that would have amended the Controlled Substances Act to allow for hemp farming, the Industrial Hemp Farming Act of 2007 (H.R. 1009), died in Congress without even a subcommittee hearing on its merits.

Note

WHY IS CRIME FALLING—OR IS IT?

Alfred Blumstein

THE RECENT CRIME DROP

To those who worry about crime in the United States, the period from 1993 through 1999 was a welcome relief. We witnessed a steady drop in crime rates to a level lower than we have seen for more than 30 years. My presentation focuses on violent crime, primarily homicide, because it is so serious. It also is the most reliable and consistently measured crime and is highly correlated with many other aspects of crime. Between 1993 and 1999, the U.S. homicide rate dropped by an impressive 40 percent to a level of 5.7 per 100,000 population, a rate not seen since 1966. This almost brings the United States into the range of some of the countries in Western Europe.

These current favorable trends, however, cannot continue indefinitely. We should try to identify the factors that contribute to the downward trend and, as those effects are saturated, determine whether the downward trend will flatten or, because of other factors, reverse.

Whenever crime rates decrease, there are usually claims of both credit (e.g., “it’s a result of my administration’s policy of . . .”) and explanation (e.g., “demographic shift”). Television newscasters always look for a single explanation and are particularly troubled when more than two mutually supportive factors come together. I recently co-edited with Joel Wallman The Crime Drop in America, which addresses the multiple factors that together contributed to the crime drop, including the waning of crack markets, the strong economy, efforts to control guns, intensified policing (particularly in efforts to control guns in the community), and increased incarceration.

[The increase in the level of homicide in the United States during the growth period of the late 1980s and early 1990s was due entirely to the trends in the younger age groups; homicide rates for those age 25 and older did not increase. However, the decrease since 1993 is due to both the recent sharp drop in offending among young people and the continuing decline in offending among older persons. . . . Explanations of the homicide decline must differentiate between the factors that are responsible for the long-term fall in homicide rates among the older adults and the ones causing the post-1985 rise and the more recent drop in homicide offending by the younger groups. Those two explanations are likely to be different.

THE ROLE OF WEAPONS

Young people experienced a major growth in the use of handguns in homicide after 1985. Figure 1 displays the number of homicides—relative to the number of handgun homicides in 1985, which is set to an index of 100—in each year with three types of weapons: handguns, other guns, and weapons other than guns. The figure focuses on
the weaponry used in homicides by youths between the ages of 18 and 24, using data from the Supplementary Homicide Reports (SHR), compiled by the FBI, of factors associated with individual homicide events. Before 1985, there was some oscillation, but no clear trend. But between 1985 and 1993, there was an increase of more than 130 percent in homicides committed with handguns, with no marked change in the number of homicides committed with long guns and about a 50-percent decrease with nonguns. This suggests that handguns were partly a substitute for nongun weapons (e.g., knives) and caused more homicides that, if handguns had not been used, may have been merely assaults. The decline started in 1994 and, by 1997, had decreased to about only a 50-percent increase over 1985.

Handgun homicides committed by juveniles younger than 18 quadrupled between 1985 and 1993, with a doubling in the number of long-gun homicides and about a 20-percent decrease in the number of nongun homicides. . . . There was no such increase in the number of handgun homicides committed by 25- to 45-year-old adults; that age group displays a downward trend that accelerates after 1991 and reaches a level about 60 percent of the 1985 level in 1997.

A major change occurred after 1985; young people were acquiring handguns in alarming numbers. Older people may have had more handguns during this period, but they appear to have exercised greater restraint in their use.

It is widely recognized that teenage males are poor dispute resolvers; they have always fought to settle their disputes. When they fight with fists, the conflict evolves relatively slowly; the loser will eventually find a way to withdraw or a third party, observing the incident, has time to intervene. The dynamics are extremely different when a handgun is present; the conflict escalates well before anyone can retreat or intervene. Once handguns become prevalent in a neighborhood, each person who carries one has an incentive to make a preemptive strike before his adversary does.
Between 1985 and 1993, the weapons involved in settling young people’s disputes changed from fists and knives to handguns—and more recently, to semiautomatic pistols, which have much greater firepower and lethality. The growth in lethal weaponry is reflected in the changes in the weapons used in homicides committed by different race and age groups. Beginning in 1985, there was a sharp growth in the firearm homicide death rate among young people (those in their early 20s and younger; youths [ages 18–24], especially juveniles [under 18 years old]; but not among adults [ages 25–45]) that changed a flat trend to a sharply rising one, with the rise sharpest for young ages. At the same time, the shift was much smaller for the number of homicide deaths due to means other than handguns.

The increase in suicide weapons-specific death rates before 1993 was similar to that of homicide death rates. Following a period of generally flat rates, the rate of suicide by firearms increased sharply after 1985, but the rate of suicide by other means did not change. This shift was especially marked in suicides of black youth and juveniles, whose suicide rate had previously been markedly lower than that of whites.

These observations suggest that the growth in homicide committed by young people was more attributable to the weapons they used than to the emergence of inadequately socialized cohorts of “superpredators,” as some observers claimed during the period that saw such an increase in the number of homicides. If the cohorts were indeed more vicious, then one would expect to see a growth in homicides by all forms of weaponry rather than by only handguns. The findings strongly suggest that teenagers had disputes as they always had, but that the availability and lethality of handguns, and later semiautomatic pistols, resulted in an increase in homicides.

Changes in the rates of weapon arrests result from a combination of changes in the illegal carrying of weapons and changes in police aggressiveness in pursuing illegal weapons. Police became more concerned about weapons, especially in the hands of young people. That combination is reflected in the rise in weapon arrests, which peaked in 1993. There is no indication of any diminution in police aggressiveness in pursuing young people with guns after 1993, so the decline after 1993 is likely due more to a reduction in the carrying of guns than to a slackening of police efforts to capture the guns. This reduction in carrying seems to have been an important factor contributing to the decrease in homicides after 1993.

Thus, we have clear indications from [Supplementary Homicide Report] data on weapons used in homicides and weapon arrests that there was a significant decline in the use of handguns by young people after 1993. It is difficult to sort out all the factors that contributed to that. One important contributor was the aggressive stop-and-frisk tactics used by local police, especially in many large cities. Community groups in many cities also took an active role in negotiating truces among gangs and seeking to establish norms that precluded the carrying of guns.

Important Federal initiatives also are likely to have contributed to the decline. The Brady Handgun Violence Prevention Act (P.L. 103-159), which requires a 5-day waiting period for a background check for any person who wants to buy a gun from a licensed dealer, became effective in 1994, the first year of the decline. The denial rate under the Brady Act has been reported at 2.4 percent of those who apply to purchase a gun. Uncertain is the degree to which these individuals simply accepted the denials or resorted to one of the many loopholes left open by the Brady Act: purchasing a gun at a
gun show, buying one from a private individual, hiring a straw purchaser to buy it, stealing it, or using any of the other means left open to a determined illegal purchaser. . . .

All these efforts have a mutually reinforcing effect. A reduction in the carrying of handguns, because of either the threat of confiscation or the difficulty in acquiring them, would lead to a reduced incentive for others to carry, thereby reducing the likelihood of handgun homicides, especially among the young people for whom it was so deadly.

THE ROLE OF DRUG MARKETS

One important factor that has affected criminality throughout the 1980s and 1990s has been the problem of drug abuse and drug markets. In a survey conducted in 1991, 32 percent of prisoners reported using cocaine or crack regularly and 15 percent used heroin or opiates regularly. At the time of the offense that led to their imprisonment, 14 percent were using cocaine or crack. These numbers were appreciably higher than those reported in a similar survey conducted 5 years earlier. These are much higher rates than one finds in general population samples (e.g., the National Institute on Drug Abuse household surveys), which strengthens the importance of a connection between drug use and crime rates.

Paul Goldstein developed a useful taxonomy of the drug–crime connection composed of three components other than the sale or possession of the drugs themselves:

- Pharmacological/psychological consequences. The drug itself causes criminal activity (most notably, the connection between alcohol and violence).
- Economic/compulsive crimes. Drug users commit crimes to get money to support their habit.
- Systemic crime. Crimes are committed as part of the regular means of doing business in the drug industry (including violence as the accepted way to solve disputes between competing sellers or as retribution between a seller and a buyer as a result of reneging on a drug deal).

There is a fourth, more broad connection that should be considered: the community disorganization caused by the drug industry and its operations, including the manner by which the norms and behaviors in the drug industry, which can pervade some communities, influences the behavior of others who have no direct connection to that industry. For example, the widespread prevalence of guns among drug sellers can impel others in the community to arm themselves to similarly defend themselves, to settle their own disputes even if they do not involve drugs, or to gain respect.

The problem of crack cocaine emerged in the early 1980s and accelerated significantly in the late 1980s. One indication of this growth lies in the rate of arrests of adults for drug offenses, which, especially for nonwhites (primarily blacks) started to increase in the early 1980s and accelerated appreciably after 1985 with the wide distribution of crack, especially in low-income urban neighborhoods. The steady growth in drug arrests of nonwhite adults compared with those of white adults is reflected in Figure 2, which depicts the ratio of nonwhite-to-white drug arrests for both juveniles and adults.

The trend for juveniles is strikingly different. Throughout the 1970s, the arrest rate for nonwhite juveniles was below that of whites (the ratio is less than 1:1).
Starting in 1986, however, their rate grew rapidly, reaching a rate four times that of whites during 1989–92, then began a steep decline to about 50 percent above the white juvenile rate in 1999. This pattern shows that the major recruitment of nonwhite juveniles into the drug markets did not begin until the distribution of crack became widespread in about 1985.

Figure 2 provides important information linking some earlier observations about the rise in homicides committed by young people and the role of guns in that rise. Three major increases—more than a doubling—occurred in the short period between 1985 (the beginning of the involvement of young people in drug markets) and 1993 (the peak year of youth violence):

- Rates of homicides committed by youths age 20 and younger, with no growth for adults 25 and older. . . .
- The number of homicides those younger than 25 commit with guns, with no growth in nongun homicides [Figure 1].
- The quadrupling of the arrest rate of nonwhite juveniles on drug charges compared with white juveniles [Figure 2].

One explanation for this dramatic combination of changes involves a process that is driven by illegal drug markets, which appear to operate in conjunction with the demand for drugs despite massive efforts during the [1980s and 1990s] to attack the supply side. In the late 1980s, the illegal drug trade recruited juveniles because they were willing to work more cheaply than adults, were less vulnerable to the punishments imposed by the increasingly punitive adult criminal justice system, and were willing to take more risks than adults. The rapid growth in the demand for crack required more sellers—many new users used crack because they could buy one hit at a time, unlike powder cocaine, which was not sold in small quantities—and encouraged the market to find its labor supply wherever it could. Furthermore, recruiting
juveniles was the market’s means of replacing the large number of adult drug sellers who were being incarcerated during the 1980s. The economic plight of young urban black juveniles, many of whom saw no other comparable route to economic sustenance at the time, made them particularly responsive to the lure of employment in the crack markets.

Because crack markets were run as street markets, especially those operating in inner-city areas, the participants were especially vulnerable to attack by robbers who targeted their sizable assets, either the drugs or the money from the sale of drugs. Calling the police for protection was not an option, so participants in those markets, including recruited juveniles, were likely to carry guns to protect themselves and solve disputes. Once these juveniles started carrying guns, other teenagers who were not involved in the drug markets but went to the same schools or walked the same streets also were more likely to arm themselves. These teenagers felt they needed guns for their own protection, but they also may have believed that weapon possession was a status symbol in the community. This initiated an escalating arms race: As more guns appeared in the street, there was an increased incentive for individuals to arm themselves. In light of the much tighter networking of teenagers than of older people, that diffusion process could proceed quickly. The emergence of teenage gangs—some involved in drug markets—in many cities at about this time contributed to that diffusion.

In view of the recklessness and bravado that often characterize male teenagers and their low skill level in settling disputes other than through the use of physical force, many of the fistfights that would otherwise have taken place escalated into shootings as a result of the presence of guns. This escalation in violence can be exacerbated by the problems of socialization associated with high levels of poverty, high rates of single-parent households, educational failures, and a widespread sense of economic hopelessness. Not until they reach their mid-20s do they develop some prudence, become more cautious even if they are armed, and display greater restraint.

This hypothesized diffusion process has been tested further with city-level data on juvenile arrests for drugs and homicides, taking advantage of the fact that drug markets flourished at different times in different cities, such as in the mid-1980s in New York and Los Angeles and later in smaller cities. Daniel Cork has shown the connection between the rise in handgun homicides and the recruitment of juveniles into crack markets. Using an epidemic model originally developed for marketing literature, Cork identified—in individual cities—the time when juvenile arrests for drugs began to accelerate and the corresponding time when juvenile homicide arrests increased. He found most typically a 1- to 3-year lag between the two, with homicides following involvement in drug markets. These results are consistent with the hypothesis that the rise in juvenile homicides was attributable to the diffusion of guns from young people recruited into drug markets to their friends and beyond. His analysis of individual cities also showed that crack markets generally emerged first in the largest coastal cities, especially in New York and Los Angeles, and then appeared in Middle America and smaller cities. Thus, the observed patterns in the rise of homicide committed by young people with handguns are highly consistent with explanations that assign central importance to the rise and decline of crack markets in the United States.

The fall-off in the nonwhite/white drug-arrest ratio (Figure 2) in the 1990s is a reflection of the changing tastes for crack, especially in urban neighborhoods.
As recognition of its deleterious effects became widespread, word spread through the streets that crack was an undesirable drug, and this wisdom had a major effect on diminishing the number of new users. This contributed to a major reduction in the need for street sellers. As a result, the nonwhite juvenile sellers, who had been important participants in those street markets, were no longer needed. Older users continued to be major crack consumers, but their demand could be served more readily by individual delivery, thereby diminishing the need for street markets. All these changes contributed to a decline in street markets, the recruitment of juveniles, and handgun possession by young people following the 1993 peak.

One important contributing factor to the decline in violence as crack demand ebbed has been the strength of the U.S. economy during the 1990s. If there were no legitimate jobs for young people, it is reasonable to anticipate that they would have found other criminal activity to provide economic sustenance. But the abundance of job opportunities, including those not requiring high skill levels, provided legitimate alternatives. Individuals in legitimate jobs have a strong incentive to conform and avoid criminal activity. This should indicate the desirability of finding approaches that bring young people into the legitimate economy through appropriate training to develop legitimate employment opportunities.

**INCARCERATION**

The United States has gone through a dramatic transformation in its sentencing policies and practices since the mid-1970s. The United States maintained an impressively stable incarceration rate (prisoners per capita) of about 110 per 100,000 population during the 50-year period from the early 1920s to the mid-1970s, when it suddenly grew exponentially at a rate of about 6 to 7 percent per year.

Various attempts have been made to correlate the rising incarceration rate with the crime rate. The most aggressive of those analyses use the period after 1991—they argue that the crime rate has been steadily decreasing because the incarceration rate is increasing. But such simplistic attempts to estimate the incarceration effects on crime are likely to be misleading. For example, the analysis must also account for the period in the late 1980s when crime was increasing at the same time the prison population was growing.

Attributing the decline to incarceration is far more tenable if one focuses on older offenders, whose homicide rates have declined steadily since the mid-1970s. This group is the appropriate focus for estimating the incapacitative effect of incarceration (i.e., crime is reduced because offenders are removed from the streets). One can appreciate that the incapacitation effects were an important contributor to the continuing decline of violent crime rates among older people, especially for those over 30, who displayed a 40- to 60-percent drop in homicide rates between 1985 and 1999. This connection is particularly appropriate because 32 is about the median age of State prisoners.

One of the contributors to the growth in incapacitation is the large number of drug sellers who have been sentenced to prison in the past two decades. Figure 3 shows the growth in incarceration from 1980 through 1996 by crime type. The greatest growth—by a factor of more than 10—was among drug offenders. Ironically, their
incarceration did not have a major impact on the drug trade because others, particularly younger sellers, replaced them. But if they would have engaged in violence on the outside, their incarceration could have contributed to the decline in violent crime rates. The incapacitation effect, however, is at least partially negated by violence committed by the replacements. Indeed, because many replacements were young people, who have a greater propensity for violence, the net effect may have been an increase in violent crime, undoubtedly a factor that must be considered when discussing the rise in violence of the late 1980s.

Even if drug offenders’ incarceration contributed to the reduction in homicide, it is not clear whether imprisoning them was an efficient use of fiscal or prison resources. As the prison population grows, marginal offenders are likely to have a lower offending frequency . . . than those who were already incarcerated. A sizable but unknown fraction of drug offenders who are incarcerated (comprising more than 20 percent of State prisoners and more than 60 percent of Federal prisoners) are predominantly entrepreneurs rather than generic criminals, and they are not likely to be violent.

Incarceration effects are far less likely to have been a significant factor in the more recent decline in violent crime rates among teenagers and youths, and most likely were limited to older youths, whose risk of incarceration is greatest. In addition, levels of violence have fallen in the younger age groups in recent years even as their risk of incarceration has increased. The decline might have been less steep in the absence of the “get tough on juveniles” sentencing policies enacted in recent years. But it seems more likely that the other factors considered in this paper—the reduction in the use of guns, changes in the drug markets, and the growing number of legitimate job opportunities—have had more dominant effects.

In The Crime Drop in America, William Spelman and Richard Rosenfeld derived estimates of the contribution of incarceration to the crime drop of the 1990s.
Spelman used general elasticity estimates (percentage reduction of crime resulting from a 1-percent increase in the prison population) from the literature and estimated that the crime reduction is associated with steady growth in the prison population. Rosenfeld used estimates of prisoners’ offending frequency based on homicide rates in the most disadvantaged neighborhoods of St. Louis and Chicago. Both were crude estimates, and they used very different approaches, but both estimated that incarceration contributed about 25 percent of the crime drop, leaving 75 percent to other explanations.

**CHANGING DEMOGRAPHIC COMPOSITION**

Much of the speculation about the recent decline in homicide rates attributes it to changing demographics. This may be a holdover from the realization that much of the decline that began in 1980 was attributable to a demographic shift as the baby-boom generation outgrew the high-crime ages. Those same demographic effects were not at work in the early 1990s, since demographic effects do not always move in the same direction.

The decline after 1980 was significantly affected by the shrinking size of the cohorts in the high-crime ages—late teens and early 20s. In the late 1990s and currently in the United States, those cohort sizes are growing. Thus, if age-specific crime rates are to remain constant for teenagers, the aggregate crime rate should be increasing as a result of the larger cohort sizes.

These age-composition changes are relatively small, with cohort sizes growing at a rate of about 1 percent per year. These demographic trends are small compared with the much larger annual swings in the age-specific crime rates, as much as 10 to 20 percent per year growth in the 1980s (16 percent per year for 18-year-olds from 1985 to 1991) as well as decreases in the 1990s (6 percent per year for 18-year-olds from 1991 to 1998).

**SOME OBSERVATIONS**

The sharp rise in violence by young people during the late 1980s and the correspondingly sharp decline in the 1990s are striking. The increase in the aggregate homicide rate was due to escalating rates among juveniles and youths, predominantly (although not exclusively) by and against black males, particularly in larger cities and exclusively involving handguns. By 1999, the rate of homicide perpetrated by youths finally returned to the stable rate that prevailed from 1970 through 1985.

Although the causes of the rise in violent crime are reasonably clear—homicides by young people with handguns, mostly as a result of diffusion out of drug markets—the factors contributing to the decline are more complex. Various forces are involved, some more salient in certain places. They include efforts by local police, communities, and Federal agencies to separate young people from their guns. Those efforts have been helped considerably by the waning of crack markets, especially the diminished participation of young people in those markets. As an alternative, the robust economy has provided legitimate job opportunities for them, which has created incentives to avoid illegal activities.
One final observation is somewhat provocative. The UCR reports for the first half of 2000 were released by the FBI in mid-December 2000. They are strikingly different from the previous 6 years in which annual decreases in crime rates of 6 to 8 percent were common. The new report estimates both crime and homicide drops of merely 0.3 percent. This could be an indication that the decrease in crime, which could not continue indefinitely, has finally flattened out. We cannot be certain whether this flattening is an indication of one small disruption to a continuing decline, the start of a next increase, or a plateau from which changes will require particularly innovative approaches that are quite different from the actions that have taken us to this point. Regardless, we should take advantage of the current opportunity to better understand these processes and to pursue criminal justice and community-based policies to forestall the next increase as long as possible. As we look to the future, we should be concerned both about the possibility of a resurgence of active drug markets and any violence they may bring with them and about a downturn in the economy and the impact it would have in communities in which violence is most likely to reignite.

QUESTION-AND-ANSWER SESSION

DE Ven Brown, Office of the Corrections Trustee: . . . I was delighted recently to learn that . . . John DiIulio has recently . . . changed his view on the prediction that so-called “superpredators” would take over our cities. Could you share with us your view on that?

A.B.: When we saw this rise in juvenile violence, rhetoric started to flow. The “superpredator” theory argued that we are now seeing a breed of kids that is far worse in socialization, conceivably in genetics, than previously seen. A major thrust of everything I said about that rise in violent crime was that it was not different kids, it was the same kids doing what they had always done, with more lethal weaponry. The handgun became the major source of the problem when it got into the hands of irresponsible people. Violent crime was reduced not because we had changes in socialization after 1993, but because the nucleating role of the drug markets diminished. It declined because kids no longer had to carry guns and we saw a general disarmament. Another reason for disarmament was that the police were posing larger threats—taking the guns away and imposing other punishment. As we saw fewer guns in the street, the incentive to carry them was diminished. So we saw this gradual dropping away. John DiIulio has acknowledged that “superpredator” was really an inappropriate characterization. I think the essence of the data I presented today shows that it wasn’t different kids; it was the weapons those kids were carrying. These factors should stimulate everybody to work to prevent handguns from getting into the hands of irresponsible people. There are many ways we can do that without significantly inconveniencing the large number of responsible people who have every right to have handguns legally. These include tracing guns, as ATF does to see where those guns are coming from; identifying dealers who are major sources of guns used in crimes; and restricting gun purchases to one gun per month to inhibit aggressive marketers. Federal laws will be necessary to ensure that one State is not vulnerable to neighboring States that do not enforce gun laws. As long as we see
a clearly interstate commerce in guns, Federal intervention will be needed to identify the source of the problem and identify minimally intrusive methods to ensure that guns don’t get in the hands of statutorily defined irresponsible people (youth, felons, and individuals who have been involuntarily committed to mental institutions). . . .

STEPHEN RICKMAN, EXECUTIVE OFFICE FOR WEED AND SEED, U.S. DEPARTMENT OF JUSTICE: . . . As a consequence of this increase in incarceration rate over the past 20 years, you have also had an increase in the number of people who are coming out of prison. . . . Given the fact that you have had this diminution in postrelease supervision and services with this population, how do you factor this into your trends and how it may affect crime in the future?

A.B.: That’s a good question, because it really pulls together a number of important issues. Number one, we are keeping people incarcerated longer. We are keeping people longer partly because our sentences are increasing, partly because of mandatory minimums, and, most important, because of parole violations (increasingly for technical violations). We are increasing the probability that these people coming out are coming out well past their criminal careers—and we must think seriously about criminal careers. Research found that the duration of the residual criminal career goes up through the 20s, is fairly flat through the 30s, and then falls off in the 40s. So people in their 30s are the ones most likely to continue—if they are active in their 30s.

The issue of postrelease management is a complex one. It involves a mixture of providing services and exercising control by sending the person back to prison. The trends lately have emphasized the control aspect, often at the expense of services. Indeed, many States are finding that more of their admissions are now composed of parole violators than new court commitments. Service needs are complex, and perhaps the most essential is drug treatment, which everyone acknowledges is important. In addition, there has to be help in finding and keeping a job, treating mental illness, and various other forms of counseling.

The whole notion of parole has became politicized because parole officials rather than prison officials were the ones who made release decisions: “We will stop the release decisions by moving to [determinate] sentences” without attention to the guidance and the counseling needed and without attention to the rate of reincarceration. Parole officials took the political heat for being “soft on crime” at the time when everyone else was being “tough,” so they began sending violators back to prison on the least provocation without dealing with the issue of the optimum policy for dealing with somebody who now is drug positive. The parole issue very much needs rethinking. Parole recommitments have been a major factor in the growing incarceration rate over the past 5 years or so. . . .

TED GEST, UNIVERSITY OF PENNSYLVANIA, CRIMINAL JUSTICE JOURNALISTS: . . . While your presentation related to government responses to crime, you concentrated almost totally on what you would call enforcement or incarceration remedies. Could you describe the field of so-called crime prevention in the past 10 years or so? . . . Does the absence of crime prevention from your comments indicate that either we don’t know what any of these programs contributed or that you think they have had a marginal or insignificant effect on the phenomenon?
A.B.: I think that’s an important question. There is so much I didn’t talk about but I certainly didn’t mean to slight prevention. I still think the efforts that governments, particularly the Federal Government, put into issues of prevention are quite minimal and the issue is compounded by the fact that we have [too] little research... to have any accurate assessment of what works best. The programs we get data on and that have been a major cornerstone of both Federal and State policies have been in the incarceration area. Prevention efforts are still strikingly minuscule in comparison to what is needed, particularly the need to combine those efforts with evaluations targeted at what looks like the most promising opportunities. OJJDP has been a major leader in, for example, the longitudinal research in tracking kids through emerging and eventually terminating criminal careers—and the factors associated with getting involved in crime—because that fundamental research helps to identify what kind of interventions are best for whom.

We went through this horrible period in the late 1970s and early 1980s when Bob Martinson’s “nothing works” theme emerged out of a variety of evaluation studies that tried to find the “silver bullet” and tested individual technologies to estimate their effectiveness in reducing recidivism. Any such treatment cannot be universally applicable. Treatments have to link the individual offender or potential offender and his or her needs, the treatment provider and his or her skills in delivering various kinds of treatment, and the environment in terms of what kinds of crime that person might be getting involved in.

We have to experiment with many approaches and evaluate them, but budgets in the order of tens of millions of dollars are inadequate to deal with this problem. We continue to be impressively ignorant about the effects of any of our interventions within the justice system. And cutting that back would be the height of folly at a time when the establishment is ready to be open and interested in getting research findings. But we need much more research and evaluation to track the changes that are going on in this phenomenon—because they are changing...

Notes


**HIGH INCARCERATION RATE MAY FUEL COMMUNITY CRIME**

Michael A. Fletcher

TALLAHASSEE—Things were looking up in Frenchtown. After years of spiraling out of control, crime had been declining sharply in this neighborhood of rickety frame houses and tumbledown carryouts that forms the historic hub of this city’s African American community. Observers credited a variety of aggressive police tactics, including more and longer prison sentences for offenders.

But in 1997, the declining crime rate in Frenchtown began to level off, failing to keep pace with drops in similar Tallahassee neighborhoods. And researchers analyzing crime trends here have fingered an unlikely culprit: the high number of Frenchtown residents sitting in prison cells.

Research here supports a controversial theory being advanced by an increasing number of criminologists, who have concluded that although high incarceration rates generally have helped reduce crime, they eventually may reach a “tipping point,” where so many people in a given neighborhood are going to prison that it begins to destabilize the community and becomes a factor that increases crime.

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“Until recently, nobody has really thought about incarceration in the aggregate,” said Dina R. Rose, one of the researchers studying the relationship between incarceration and crime in the Frenchtown area. “Many people assume that incarceration reduces crime. But when incarceration gets to a certain density, that is when you see the effects change.”

Rose, a sociologist at New York’s John Jay College of Criminal Justice, found that in high-crime Tallahassee neighborhoods that were otherwise comparable, crime reductions were lower in those with the greatest number of people moving in and out of prison. With high incarceration rates, she argues, prison can be transformed from a crime deterrent into a factor that fuels a cycle of crime and disorder by breaking up families, souring attitudes toward the criminal justice system and leaving communities populated with too many people hardened by the experience of going to prison.

Frenchtown provides abundant evidence for the thesis. There are few men available to volunteer in the youth programs at the Fourth Avenue Recreation Center. And every day, dozens of men line up in front of a soup kitchen run out of a small frame house in the heart of Frenchtown. Robert J. Roeh, who runs the soup kitchen, estimates that four out of five of those who show up for the free meals have some type of prison record. “Going to prison keeps you locked up without bars for the rest of your life,” he said. “We need to look at some other sanctions for people.”

Dale Landry, a former police officer and Marine who heads Tallahassee’s Neighborhood Justice Center, an alternative corrections program, said the volume of people going to prison has reached the point where it hurts the very communities it is intended to help. “When a crime is committed, an offender should be held accountable,” Landry said. “But the way we do it now, when a crime happens there is a damaged relationship between people who live in this community. We need to work on fixing these relationships. But when we send people away, those relationships remain broken, but we are left with a false sense of security that the prisons are working.”

It is a problem recognized by local police, who have increasingly turned to community policing in an effort to mediate some of the social problems that often arise in conjunction with crime. “We are looking at a lot of these issues,” said Maj. George Creamer, head of the Tallahassee police operations bureau. “But if you are trying to clean up these neighborhoods and you don’t arrest people who are breaking the law, then what do you do with them?”

In examining the impact of high incarceration rates in Tallahassee, researchers collected 1996 statistics on prison releases and admissions as well as demographic data from 103 Tallahassee neighborhoods. They also collected crime statistics for 1996 and 1997. The data then were mapped in order to compare incarceration rates with crime while controlling for socioeconomic factors. While crime dropped in virtually all of the Tallahassee neighborhoods examined in the study, the rate of the decline in Frenchtown was one-third lower than in surrounding neighborhoods. The most telling difference between the neighborhoods, the researchers said, was that Frenchtown had a higher incarceration rate.

Other researchers caution that it is too early to come to definite conclusions. Bert Useem, a University of New Mexico sociologist who is embarking on a national study of incarceration rates and crime, said “it remains to be seen” whether taking a
relatively large number of people out of a community has the effect of increasing crime. “On the one hand, you have to be concerned about the number of people going into prison,” he said. “But on the other hand, communities can become ravaged by crime. And the recent experience nationally has been these increases in incarceration rates and decreases in crime.”

In any case, notes William J. Sabol, a researcher at the Urban Institute, “now you are getting many more people who previously were unconcerned asking about the unintended consequences of incarceration.” Those consequences are likely to grow with the surging incarceration rate. Swollen by increases in drug offenders and longer, mandatory prison sentences, the nation’s prison population has risen every year since 1973 and has tripled since 1980.

This wave of incarceration has had a disproportionate effect on black neighborhoods. Justice Department statisticians project that more than one in four black males born this year will enter state or federal prison at some point during their lifetimes, compared with 16 percent of Hispanic males and 4.4 percent of white males. “When you say that [almost] 30 percent of black males are projected to go to prison, that is a fact that no person who believes in freedom can be comfortable with,” said Todd R. Clear, a John Jay criminologist working with Rose on the Frenchtown study.

The effect of high incarceration rates is intensified by the fact that they are often concentrated in relatively compact communities. A study in Hudson County, N.J., found that in 1995, one in 15 children experienced the trauma of having a parent go to jail for at least six months. In sections of South Central Los Angeles, an estimated 70 percent of the young men are in the clutches of the criminal justice system.

Researchers have found that men who have been in prison are less likely to marry, get good jobs or develop productive relationships with family members once they are back on the street. “Areas that have low crime rates are that way because people who live there do the job of providing social control,” Rose said. “But people typically come back from prison more damaged and with less ability to contribute to society.” Clear said the social impact of high incarceration is most profound for the children and families of those sent to prison. “At some point, having some involvement with the prison system starts to look like part of their destiny,” he said.

That’s exactly what Frenchtown resident Laura Anderson is worried will happen to her 6-year-old son Xavier. His stepfather, John L. Anderson, is in prison for armed robbery; his biological father is in jail awaiting trial. After her husband’s arrest, Anderson and her son tumbled into homelessness and were forced to move in with friends and double up with in-laws. Finally, they settled in a dingy garden apartment back in Chattahoochee, her sleepy hometown located 40 miles west of Tallahassee. Xavier transferred to three different schools within a matter of months. He was left back in first grade. His teachers said he wouldn’t concentrate in class.

But mostly Anderson worries about how her son will come to view the specter of prison. Once, when Xavier got into an argument with some young friends while playing in the breezeway, he came inside sobbing, fearful that the police were going to get him, she said. His mother said it is more than a childish fear. “His biological father is incarcerated. His stepfather is incarcerated,” she said. “If somebody does not come along as a mentor or something and show him a different way, he is going to think that jail is the place where he will ultimately be too.”
John Irwin, our “gang leader,” was really “on” that day. Placing the American imprisonment binge within a historical context, he gave a brief overview of some of the major changes that have taken place in the past 30 years—the main one being the dramatic increase in the numbers of incarcerated bodies (Austin and Irwin, 2001: 1–5). He held up the ASC [American Society of Criminology] conference program, entitled “Explaining and Preventing Crime: The Globalization of Knowledge.” As Irwin turned the pages, he commented that 20 or 30 years from now a historian like Douglas Hay or Robert Hughes1 will come along and, looking back at us during this period, say, “What the fuck were they doing?” He pointed out how the majority of research being done by criminologists today does not even address the fact that there are now 2 million people behind bars in the United States; let alone the ravaging effect this is having on communities, families, and individuals, most of whom are poor, minority, uneducated, and unemployed and/or underemployed. With passion, he pleaded for help in getting people to recognize the tragic damage being done to hundreds of thousands of individuals, as we build more prisons and lock up more people.

As he has in the past, Irwin (1980: 240) conceded that there are times when prison sentences are necessary. Nevertheless, trips behind bars should be short, safe, and humane. Moreover, resources should be available for prisoners who wish to make an effort to better themselves. Finally, he suggested that perhaps the most disastrous effects of the prison experience are related to what happens after people are released from confinement.

The issue of making the transition from prison to the outside world is in dire need of attention by criminologists. Based on my own experiences, and those of others, I view “making it” (Maruna, 2001) . . . after being released as an almost insurmountable obstacle.2 The general effects of spending time (especially long sentences) in prison can be overwhelming. This is especially true for those of us who developed and internalized a convict identity.

My “criminal career,” which stemmed from an inability to successfully support a heroin habit without getting arrested, spanned a period of two decades (1970–1990). During that time, I survived four prison sentences and spent roughly 12 years behind bars, in prisons and county jails in California and Oregon. . . .

My teenage years were spent hanging around other white, working-class youngsters with similar interests in my southern California hometown by the beach. During high school, which most of us completed, we became involved in activities that were popular in the later 1960s. We grew our hair long, surfed, listened to rock music, went to concerts, had girlfriends, got high on the popular drugs of the time (e.g., marijuana,

Source: Ross, J., and Richards, S. (Eds.). Convict Criminology (Thompson, 2003). This is an edited version; endnotes have been renumbered accordingly. Reprinted by permission of the author.
LSD), and tried to keep our actions hidden from figures of authority. Though not always successful in this regard, few of us got into serious trouble with the law or had to spend any time behind bars.

By the time I was 19 years old, I was shooting heroin daily. Explaining why is impossible. What I will say, however, is that it made me feel good! Suddenly I found myself doing nice things for little kids and saying hi to old ladies on the street. Heroin made me feel alive, like I was connected to the universe. I remember telling the person I was with, shortly after the first time I tried it, “I can’t believe I have been wasting my life doing anything besides shooting this stuff.” My love for heroin propelled me into social worlds and a lifestyle I never knew existed.

Going from a surfer/hippie kind of guy to a heroin addict did not take long. My associations and actions quickly changed. I avoided old friends and family and quit surfing completely. Before I knew it, I was interacting with street-level addicts, many of whom were desperate and struggling to survive. Images remain of aged hookers with scarred, sore-covered bodies; poor, ethnic neighborhoods; people “nodding,” overdosing, being arrested, getting out of prison, and dying. As my social world changed, so too did my self-concept, which eventually led me to being arrested and locked up for burglary.

At first, jail was a frightening place to be. Strange things happen in those environments. The sight of pain and suffering is common. I remember winos going through DTs, guard and prisoner violence, screaming at all hours of the day and night, addicts suffering from withdrawals, people having epileptic seizures, and homosexual activity that was sometimes consensual, sometimes not. Over time, the daily routine became familiar: chow lines, court lines, shower lines, holding tanks, strip searches, thoughts about the outside, and a lot of time to play cards or dominos, write letters to girlfriends, and tell war stories about the streets.

In the Los Angeles County jail, we washed our clothes in toilets because they contained the best source of running water. We made wine (pruno) out of water, fruit, sugar, and yeast. We drank hot chocolate brewed by mixing melted Hershey bars and water. Using matchlit, tightly rolled toilet paper as fuel, we cooked grilled cheese sandwiches on the steel slabs we slept on. We also gambled, bought and sold cigarettes and candy bars for profit, and did everything we could to obtain drugs whenever possible. As I became more comfortable in “jail,” my fear and anxiety about living among the “rabble” of society (Irwin, 1985) became almost nonexistent. Over time, what once seemed like the caverns of hell became more like home.

County jail experiences and associations helped prepare me for my eventual journey into the California prison world of the 1970s. Still, the differences were dramatic. Jails are community facilities, close to family, where inmates serve short sentences. In comparison, prisons are places where people spend many years. The men, both prisoners and guards, are bigger and tougher, many with tattoos (Sanders, 1988; Richards, 1995b). Penitentiaries, maximum-security “big house” institutions, are huge complexes, filled with thousands of men, and known for high levels of violence, blatant racism, and hatred. I remember the pain I felt deep down in my guts when I observed the de facto segregation that existed in the chow halls and in the yard; blacks with blacks, whites with whites, browns with browns. I recall the fear I felt when we thought a race riot was about to start.
The way I saw the world and myself continued to change during my early prison years. I became a lot like those I saw around me who seemed to be doing the easiest time. These were the guys who were respected; the ones with tattoos all over their bodies, lifting weights, drinking coffee with cream and sugar, smoking tailor-made cigarettes, getting high, and laughing all the time.

Topics of conversation were often about groups and individuals who did not live up to our standards and expectations. We depicted them as weak, untrustworthy, subhuman, snitches, child molesters, “dings” (mental cases), and scared. We told stories about the outside world that reinforced and validated our convict self-concepts. We never talked, at least in public, about being lonely or afraid ourselves. To do so would be unacceptable. The more I saw myself as a convict, the more alienated I became, not only from nonconvicts inside the prison, but from people I would meet in the outside world.

The things I did after being released from prison had a great deal to do with the meanings I developed while still inside. There were times when my plans to “make it” centered around staying away from heroin. If I just don’t use, I thought, I will be able to stay out of prison. On other occasions I had no such plans at all. The only thing I wanted to do was get loaded and have sex as soon as possible. Whatever my plans, the beliefs and values I learned in prison continued to affect my judgments, decisions, and actions.

My relationships with parole officers varied. Some were more understanding than others. Urinalysis tests were the center attraction of all our encounters, whether they took place at the parole office, home, or work. Immediately after I was paroled, I tested positive for heroin eight weeks in a row. Because I was working at the time, and my parole officer (PO) did not believe I was doing felonies to support my habit, she encouraged me to get on a methadone maintenance program. Once on methadone, I managed to quit using heroin every day, continued working, and completed the parole supervision.

A few years later, upon finishing another stretch in prison, on my first day out, I was assigned a PO who told me he did not think I was fit to live in the free world. He wanted me to immediately enter a long-term, live-in drug program. I told him the idea of doing more time right then was not appealing; that I was clean, planned on doing good, and had no intentions of going into any program. He responded by saying, “Terry, you belong in San Quentin [maximum-security penitentiary], and I will do everything within my power to send you there.” The guy hounded me to urinate in bottles three and four times a week to see if I was using heroin. Each time I reported to his office, he examined my arms with a magnifying glass in the hopes of finding needle marks. That time, I stayed clean for about a month. Once I started using dope again, I did what many parolees do when they know they will be sent back: quit reporting to the parole office. Like Irwin (1970: 113) said, “Many parolees careen and ricochet through their first weeks and finally, in desperation, jump parole, commit acts which will return them to prison, or retreat into their former deviant world.” Within 90 days I was jailed again for another crime and on my way back to prison.

The more time I did inside prison, the more alienated I felt around non-convicts. It got to where I couldn’t even relate to most of the heroin addicts I met in the outside world. Only a minority had been to prison. It became increasingly difficult to relate to conventional people in any context. Even when I was doing everything I could to
“do good” (e.g., stay clean, work, not commit crimes), I felt out of place and uncomfortable. The reason, of course is that my reference group had become the convicts. The movement from one meaning world to another, from prison to the outside, was simply overwhelming.

In 1981, I left a California prison and moved to Oregon. It was my hope that a change in scenery would help me “stay out.” My plan failed. As it happened, I made it nearly three years before receiving another prison sentence.

Using heroin was not a problem because I became involved with a woman who had access to enough money to support both our habits. Consequently, I lived a relatively normal life for about two years. I worked regularly, ate good, slept OK, did not lose weight (as many of us do when we get addicted), and, except for purchasing and using the narcotic, did not break any laws. In the eyes of the people I interacted with who did not use heroin, I was likely seen as a normal, law-abiding citizen.

Eventually, the money supply dried up, and the script for another return to prison was written. I began shoplifting. Before long I was doing burglaries again. Out of control and not wanting to return to prison, I tried to “clean up” on my own. I made calls to numerous “substance abuse centers.” I told the drug counselors I was addicted, had already been to prison three times for heroin-related crimes, was doing felonies every day, and could not stop! The response was always the same, a Catch-22 situation: “Do you have insurance?” “No,” I answered. “Well,” they would say, “If you don’t have insurance the charge is $500.00 a day.” Right! If I had that much money I wouldn’t have to stop doing heroin! Addicts with money get “treated” by medical personnel and spiritual advisors. The rest of us get locked up.

Out of money, addicted to heroin, unable to get drug treatment, and doing crime to support my habit, I was busted again. Now, it was time for a trip inside the Oregon state prison system, most of it spent behind the walls of one of those old, nineteenth-century, maximum-security pens. I served time in Oregon from 1984 to 1990. It was during those years that my perceptions about the world and myself began to change dramatically.

After a couple of years of doing what I had always done in prison (work, hustle, exercise, and get high whenever possible), I found myself becoming bored. Little changes in those places. We ate, slept, showered, worked, and exercised at the same times every day. The food, though good compared to California, got old as well. Only so much can be done with that “mystery meat” they called “hamburger steak,” “Swedish meatballs,” or “meatloaf,” depending on which day it was being served. The constant laughter we engaged in, along with the marijuana or other drugs we managed to use, was always a welcome source of relief. Eventually, though, I was motivated to seek something different to break up the monotony. It was at that time I decided to sign up for college classes in the education department.

**PERSONAL TRANSFORMATION THROUGH COLLEGE EDUCATION**

In the 1980s, due to the availability of Pell grants, it was possible for Oregon convicts to pursue college educations. Instructors came from the local community. We were able to earn valid, transferable, academic credits for our course work. During my stay
it was possible to obtain up to a bachelor’s degree. This source of funding has since been discontinued for prisoners (Tregea, [Ross and Richards, 2003]).

Having the opportunity to be formally educated was amazing. Our teachers were, for the most part, dedicated, competent, and caring people. Besides teaching, they treated us like human beings, as equals. Once we left the education floor we were again subjected to the rules and realities of prison life. Nevertheless, in class, at least temporarily, we got a reprieve from the prison oppression.

For nearly two years I attended classes as a full-time student. During this period my self-concept and ideas about life began taking a radical shift. Perhaps the greatest impact came from taking cultural anthropology classes, which helped me recognize how the diversity of the human experience reflected the varieties of cultures found throughout the world. Each culture makes sense and works according to its own meanings, values, and customs. Here was evidence that life involved much more than freeways, cars, fast food, drugs, prisons, and being a “stand-up guy.” I began to get a sense of history; that the way things are has everything to do with what came before. Ultimately, I began to question my own way of thinking.

. . . Never before had I thought of myself within a broad sociohistorical context. Seeing prison as a distinct culture, as one that was basically synonymous with the world of the street . . . was something I recognized almost immediately. The “reruns in the yard” stories I had been hearing since my earliest prison days were now boring, shallow, and meaningless. My perception of others became noticeably different. Just as my initial use of heroin propelled me into an alien social world, the new ideas and thoughts I was exposed to in school were, in effect, altering my reality and preparing me for a future I never imagined.

In retrospect, it seems clear that the major effect of my prison college experience was an ability to critically examine my self-conceptions and views of the world. What I began to see was troublesome. At that point I saw myself as a white, mid-30s aged convict, a heroin addict from California. My friends were other white convicts. We spent the majority of our time talking bad about others and reinforcing our convict self-images with the use of humor and stories about the streets. I began to realize that my status and place in prison was made possible because of the identity and meaning system I had learned to embrace. Trusting others outside my social circle had become nearly impossible. For the most part, we either hated or distrusted anyone we saw as different. This, combined with having a sense of being part of an elite group to whom I felt great loyalty, characterized my perspective. These thoughts led me to realize that I was basically cut off from almost everyone on the planet. My new-found ideas provided motivation to continue seeking a way out of my dilemma.

After my prison classes ended, I continued the introspection process by reading books about spirituality and self-awareness. . . . Over time, I learned that my thoughts, feelings, and emotions were a reflection of my self-concept, perceptions, and desires. Anger, hostility, rage, impatience, envy, and jealousy came about because I wanted things to be different than they were. I learned that how I see others is a reflection of how I see myself. Moreover, what I see in them I increase in myself. My consciousness was permanently altered when I realized that the negative, hateful thoughts I projected onto others usually had little effect on them. Instead, I learned, I was the one who felt the effects of my thinking. When I projected anger, I felt anger. When I extended kindness and love, I was answered with kindness and love.
The process of realizing these ideas took time, effort, and motivation. The eventual outcome... was an increased sense of empathy for others. Where before I would condemn and criticize the pariahs that lived within the prison (e.g., snitches, child molesters), now I felt empathy for them. Like never before, I saw their pain, suffering, and miserable existence as tragic realities of the human condition. As a result of my efforts and new understandings, my hatred was gradually replaced with compassion.

Ripples from the “War on Drugs” taking place in the wider society became increasingly noticeable during my last few years at OSP. Access to drugs dried up considerably... The guards who previously brought in marijuana had been caught and fired. Instead, those who smuggled drugs into the institution brought in methamphetamine and heroin, because they were easier to conceal and had more value. Drug testing became part of institutional policy. This led to many of us spending months in disciplinary segregation units (the hole) for having drug-contaminated urine. Though I still got high occasionally, I spent most of my time clean, exercising, hanging out in the yard, reading, and getting to know myself.

My motivation to learn through formal education, growing older, and changing perceptions, among other things, led to an unanticipated experience that today I would call a major turning point... About 90 days before I was scheduled for release on parole, I injected a good dose of heroin (I had gone for several months without using any). The first thing I thought of after perceiving the effects of the drug was, “I can’t believe I wasted so much of my life for this feeling.” The next thing I realized, and this thought seemed unquestionably clear, was “this stuff isn’t giving me anything. Instead, it’s taking away from what I have.” For the first time, I realized I liked being straight more than the way I felt using heroin. My world turned upside down...

Withstanding the Initial Impact of Reentry

Leaving prison after all those years was like entering a strange new world. Inside I was a respected convict. I knew where I stood with others, how to act, and what to expect. Once outside in the “free world,” everything changed... Irwin (1970: 113–114) described the process:

The reconvict moves from a state of incarceration where the pace is slow and routinized, the events are monotonous but familiar, into a chaotic and foreign outside world. The cars, buses, people, buildings, roads, stores, lights, noises, and animals are things he hasn’t experienced at first hand for quite some time. The most ordinary transactions of the civilian have
dropped from his repertoire of automatic maneuvers. Getting on a streetcar, ordering something at a hot dog stand, entering a theater are strange. Talking to people whose accent, style of speech, gestures, and vocabulary are slightly different is difficult. The entire stimulus world—the sights, sounds, and smells—are strange.

Walking into a supermarket was like entering Disneyland. All those things—lights, products, lines of people—anything you wanted, right there at your fingertips. And, I’m supposed to pay? Compared to the caged-in prison canteen, this place was wide open. Eating in restaurants was awkward. So many choices. I quickly learned that, unlike in the prison chow hall, making efforts to trade for food was taboo. “Excuse me, would you like to trade those green beans for these mashed potatoes?” After being looked at like I was from Mars and politely being told no, I realized that it’s not OK to ask strangers in line at the college admissions office if they want a drink of my soda. The difficulty of my initial entry was mitigated by my family, the 12-step program of Narcotics Anonymous, and associations with people I met at Santa Barbara City College.

My step-mom and a family friend met me at the prison gate to bring me “home.” . . . My dad greeted me with a smile and a handshake after we arrived at the house, yet seemed unsettled about my presence. Who could blame him? Here was his 38-year-old heroin addict son coming home after completing his fourth prison sentence. We talked a bit and did our best to communicate. As difficult as that may have been, my folks made it clear that they would do anything they could to support me. The familiarity of the surroundings and their warm welcome was comforting.

Never before had the differences in living conditions between prison and the outside world been so apparent. Of course, this time I had been locked up a long time, having served six-and-a-half years. In prison we had only steel chairs or wooden stools, concrete or tile floors, and thin mattresses on a steel rack. At home everything was soft, with cushioned sofas, carpets, and thick comfortable beds. The walls, instead of penitentiary green, yellow, or brown, were painted in pastel colors and decorated with paintings and family photographs. And, at home there was silence and privacy! No more cell block sounds: the constant noise, screaming, yelling, steel doors slamming shut, and guards aiming flashlights at my head at all hours of the night. Suddenly, I could eat on plates instead of steel trays, shower, sleep, turn off the lights, use the phone, come and go whenever I wanted! Compared to C-block, this was paradise.

Despite the lavish comfort I found in my immediate physical environment, I was still a stranger in a strange land. In order to “make it,” I would have to overcome a number of serious obstacles and barriers. This process was facilitated not only by my family but by the 12-step program of Narcotics Anonymous (NA).

My Uncle Joe came to see me my first day home. He had been a member of Alcoholics Anonymous (AA) for several years, and suggested I go with him to a meeting. I agreed. As I entered the meeting place I felt awkward. The group was made up of predominately white, working- and middle-class people who appeared to be members of mainstream society. However, once they started telling stories about themselves and their drinking days, I began to notice similarities instead of the differences between us.
Of particular interest was their focus on spirituality and learning how to become serene instead of insane and selfless rather than self-centered. I was excited to learn that they were talking about the same ideas I had been studying in prison. This realization, and the warm welcome I felt by the time I left, inspired me to “keep coming back.”

My first trip to the parole office was routine. “Lock ’em up Tom,” as my new PO was called, let me know that he saw me as trouble and would be keeping an eye on me. He said, “One of the conditions of your parole is to attend at least three AA or NA meetings a week.” I said, “I don’t think that is necessary because I no longer have a drug problem.” Chuckling, he said, “Well, that may be true. But you also don’t know how to live out here either. Remember the first time you went to jail?” After I said yes, he continued. “When you first went in there [prison] you didn’t know what was going on. You had to learn how to survive. You had to learn what you could do and couldn’t do. After awhile you knew what was happening and got along quite well.” I agreed. “Well,” he went on, “this is like that in reverse. Now you have to learn to live in the outside world. The people in those meetings will help you do that if you let them.” I had already been introduced to AA by my uncle and liked what I had seen. Tom’s directive provided me with additional motivation to participate.

Eventually, Uncle Joe took me to an NA meeting, where people identified as drug addicts instead of alcoholics. I could not really relate to many of them at first; most had not been to prison, were not heroin addicts, or streetwise, and had done things like work all their lives. Yet I immediately felt more comfortable there than I did at AA meetings. The use of language was familiar and likely increased my sense of connection with the group. . . . Before long, I discovered there were people in NA who had backgrounds like myself.

After being out 28 days, I went to an NA convention. . . . Roughly 4,000 recovering addicts from all over southern California were in attendance. . . . I saw Chicanos from East L.A., blacks from South Central, and a whole lot of exconvicts. . . . It was almost like being in a prison yard (except there were women). . . . The difference, though, was that here people were hugging each other, regardless of their race, talking about doing things to stay clean, helping other addicts, and getting their lives together.

. . . I sat in a room with about 1,500 people and listened to an old Chicano heroin addict (with 15 years clean) who had spent years in prison share his experience, strength, and hope with the audience. As might be expected, I could relate to almost everything he said. He honestly talked about the joys and pains he had experienced since being clean. His story, like the presentations by my convict criminologist colleagues at the ASC, gave me hope, a sense of purpose, and a feeling of being a part of the people in the room.

. . . The people I met at NA meetings served as intermediaries between prison and the outside world. They linked my past to the present and gave me direction for the future. . . .

Finding a real job was difficult. My record of employment was not exactly favorable, and filling out applications seemed less than promising. What can you say when asked about where you worked during the past 10 years, skills, how much you were paid, and why you left your last job? I figured that not much credibility was given for knowing how to stand in lines, lift weights, play dominoes, or tell war stories in the prison
yard. I decided that honesty was the best way to go, so on several occasions, I admitted working for the state department of corrections as a “furniture factory finishing man” “firefighter,” “tier sweeper,” and “file clerk,” for wages that never exceeded $3.00 a day. After several rejections, I finally landed a driving job for a new car dealership. The only thing they were interested in was the status of my driver’s license. I assured them I had a perfect record, not a single ticket in seven years! The job was mine, but within two weeks the business folded.

My next stop was a temporary service agency. Once again I was honest while completing the application. Before long, I was sitting in front of an attractive woman who said, “I have helped exconvicts get jobs before and I’ve been burned. I had a guy in here one time who threatened my life and scared the holy hell outta me. If you ever threaten me in any way, I guarantee, I’ll get you arrested. And know this, the district attorney is one of my best friends. I can get you a job beginning in the morning, but you must never tell the people where I send you anything about your past or where you came from. Remember, you are working for me, not them.” Nice lady. The next day I began earning the minimum wage for a business that provided mail services. For eight hours a day we stuffed papers into envelopes as fast as possible. Most everyone who worked there drank alcohol during breaks. Several had been to prison.

STARTING COMMUNITY COLLEGE

Before the beginning of the semester, I made several trips to Santa Barbara City College (a two-year community college) to take assessment tests, meet with counselors, fill out stacks of forms, choose which classes to take, and apply for financial aid. These journeys to campus were stressful because there were so many people, strange conversations, new places to go, and much to do. I remember walking through campus, with hundreds of people rushing to their next class, and becoming so overwhelmed that I had to pull off to the side, stop, breathe awhile, and get hold of myself. Fortunately, several people I met during these expeditions lessened the strain.

Part of my student aid came in the form of work-study. . . . I walked into the campus transfer center, an office that exists to help students move on to four-year colleges, and met a woman who became a very close friend. I told her I was an exconvict trying to do good and would not let her down if she gave me the job. Later, she told me how intimidated she felt by my presence during that first meeting. She claimed that my level of intensity, language, and brutal honesty was discomforting. Luckily, she recognized that her feelings were due to her own insecurities and expectations and decided to give me a chance.

Once the semester began, I settled into a routine, something convicts do well. There was a time to be at work, in class, attend NA meetings, or go to sleep. Feelings of alienation were lessening with time. Positive social support surrounded me almost everywhere I went. Because of the efforts I was making, the opportunities I had, and the help of those around me, I was actually “doing good” on the outside. For the first time in my adult life, I was developing a straight routine. . . .
doing to our past lives in the streets or in the prison yard. Seeing them was always a
boost and reminded me that I was not alone. They were welcome links with my past,
helping me move ahead.

That following summer I met Debbie, my wife, and Annie, her nine-year-old
daughter. Before long we were all living together. . . . Debbie has been good for me
because, among other things, . . . [s]he has helped me learn everything from how to
pay bills to what kind of clothes I should wear. Lovingly, she has pointed out that
striped pants and checkered shirts do not match, and that it is not OK to remove a fake
tooth from my mouth and set it on a restaurant table while I eat. For three years she
told me I should put on a shirt when I enter a supermarket. “Why?” I wondered. It was
hot. I never wore a shirt in the prison yard when it was hot. One day she finally got
through. She said, “Look at it like this. How many other guys do you see in the store
without their shirts on? Especially ones with tattoos all over their bodies?” Ding.
Ding. Lights going off in my head. I got it that time. . . .

In 1992, I transferred to the University of California, Santa Barbara (UCSB), as
a sociology major. While I was there, the person who had the greatest impact on me
was Denise Bielby, a professor who knew little about crime, drugs, or convicts. She
was my instructor in a yearlong senior seminar—another guide out of nowhere. . . .
One day, as I was sitting in her office while she read something I had written, she
looked up and said, “Chuck, you write well. I think you should seriously consider get-
ing into a Ph.D. program after you graduate.” Her words of validation surprised me
and made me feel uncomfortable. What she was saying was not consistent with my
outside world negative self-evaluation. Convicts are no good. Convicts don’t get
Ph.D.’s. According to mainstream standards, convicts don’t do anything well.
Previously, I had received good grades and words of praise from others, but it never
had much meaning. Somehow, I imagined that the only reason they were telling me I
was doing good was so I would not start shooting heroin again. Nevertheless, . . . [h]er
words encouraged me to think about graduate school.

. . . As fate would have it, I got accepted at the University of California at Irvine
(UCI). For the next five years, I commuted between Santa Barbara and Orange
County, California, in pursuit of a Ph.D.

GRADUATE SCHOOL: “MAKING IT” WITH
A LITTLE HELP FROM MY FRIENDS

My time at UCI was spent learning what the “experts” think and say about the gener-
al subjects of criminology, law, and society. Although the beliefs and ideas of my in-
structors varied, they all supported my efforts and treated me with respect. . . .
Regardless of which course I took or with whom I interacted, I never kept my views or
where I came from a secret. Then, as now, I complained about what I see to be the
major missing “factor” in most criminological research. That is, most statistical and
theoretical research presented and quoted in journals, books, and classes has little to
do with the real-life situations of human beings.

. . . Several times I was given the opportunity to do guest lectures. On these oc-
casions I talked about my life, heroin addiction, prison, and always attempted to hu-
manize the people who inhabit these deviant social worlds.
Convicts, like war veterans, or cops, often develop close relationships with each other. Alan Mobley, who did time in the federal prison system, began his graduate education at UCI during my second year. Though our stories are dramatically different, we immediately became friends. In subsequent years, we spent time together talking about what was going on in school, things we had done and seen in prison, and about the ongoing dramas of our lives. Alan was, and is, not only a good friend, but also a solid link to the past. His presence during graduate school was a major means of support. Again, there was a convict in my life doing what I was doing; I was not alone (see Mobley, [Ross and Richards, 2003]).

Irvine’s faculty had a positive influence on my education, and especially on my changing self-concept and future. . . . Paul Jesilow, who acted as my dissertation advisor, had the most lasting impact. . . . I often complained to him about the so-called empirical content of the discipline, which failed to include real-life representations of people who got caught up in crime and the criminal justice system. He encouraged me to follow my heart. Today, as I write, I hear his voice telling me “too many words” or “what’s the point?”

. . . Unfortunately, despite the fact the UCI professors taught critical analysis, they were, for the most part, comfortably distant from their subject. . . . My eyes were really opened at my first American Society of Criminology meeting. I learned that criminology is not only an academic discipline, it is also a profession, and for some people, a business. After living in the “belly of the beast” . . . exposure to these alien-like, privileged social worlds is highly disturbing. My perceptions at this particular event, which reflected my convict background and graduate student status, left me feeling uneasy and out of place. This is common for many graduate students, especially attending a conference for the first time.

Criminology and criminal justice conferences always take place in what appears to me to be lavish, luxurious hotels, replete with extravagant furniture, floor covering, lighting, and restaurants that charge exorbitant prices. “Experts” come from all over the country and world. Social networks are built. Authors of books wander, meeting with old friends and colleagues they may only get to see on these occasions. Their travel and conference expenses, at least in part, are usually paid for by the organizations they represent; for example, universities, research institutes, or government agencies.

Now comes the hard part. Reflecting on John Irwin’s earlier statement, “What the fuck were they doing?” The value of some of their research is highly debatable. Much of their work, which may have been undertaken as a result of the lure of grant money, does little more than elevate their status. Presentation of “data” is dominated by factor analysis and multivariate correlations. Problems associated with prisons and the lives of people who get released, if mentioned at all, are said to be management related. The widespread damage of crime-related politics and policies is seldom discussed. Issues related to humanity, morality, and virtue are oddly missing.

Early conference encounters were difficult. Panel after panel left me feeling empty inside. Over and over I would think, “Nobody is talking about the people who suffer. Nobody is talking about the truth.” What I saw was a group of people benefiting at the expense of human misery beyond their comprehension. The reality of the human condition as it related to those defined as criminal, their definers, and the worlds in
which they live was seldom heard. . . . One thing was sure, this was a long way from C-block. And the guys in the yard are still there. The addicts, homeless, poor, and mentally ill on the streets are still suffering. Where is the “data” about their lives?

At my first few conferences, I was assigned to panels based on the type of abstract I submitted. Typically, most of what was said by session participants supported the views of those with interests in maintaining the social order. . . .

At another ACJS session, I talked about the relationship between crime and desperation. Before my presentation we heard from two academics and a man who worked for the National Institute of Justice (NIJ). His sterile, mindless words and unmistakable arrogance turned my stomach. He was clearly far removed from the real lives of people who live on the streets or in prison. Like many other middle-class professionals at the conferences and in the halls of academia, he left me with the impression that he had led a sheltered, antiseptic existence his entire life (J. Ross, 2000).

When I had my chance to speak, I suggested that instead of viewing “criminals” as rational calculating machines . . . , we might try to see them as human beings doing the best they can with what they have to work with. HIV-infected, drug-addicted parents don’t choose to leave their home without food while they hustle money for dope. Armed robbers, usually addicts, are not necessarily “seduced into crime.” . . . In reality, there are many ways to unravel the causes of criminal behavior, yet any explanations that fail to include politics (crime is politically defined), economics, ideology, and historical context are basically meaningless. Finally, I said, recognizing the desperation involved in many criminal activities might put a different dimension on how we conceptualize criminal behavior. It would, perhaps, allow us to see our own culpability rather than blame it all on “them.” During my short talk I noticed the man from the NIJ avoiding my eyes and squirming in his chair as if it was on fire. As soon as I finished, before any questions could be asked, he hurriedly left the room.

I was having a hard time making sense of these conferences. Why am I here? What do I have to offer? Joan Petersilia supported me from the beginning of my graduate school days. Early on she knew my feelings about the failure of criminologists to recognize the dehumanizing conditions of the criminal justice system and the lives of those defined as criminal. She always listened as I told her about my frustrating conference experiences. One day, she suggested I contact some other exconvicts turned academics and attempt to put a panel together for an upcoming ASC meeting. . . . Convict criminology was born, and now I enjoy conferences.

ASSISTANT PROFESSOR

In the fall of 1999, I began working as an assistant professor at the University of Michigan at Flint. . . .

After arriving in Flint, I immediately became involved in the local NA meetings. Doing so helped me to enter a new social network of recovering addicts, who act as a major means of support. As they did in California, they also give me a grounded, nonacademic glimpse into social worlds that revolve around the negative effects of illegal drug use, the law, and imprisonment.

What I do today is a far cry from the controlled environment of the prison. As time passes, I find myself getting increasingly involved in problems that other academics
struggle with: interdepartmental conflicts, deadlines, health insurance, retirement funds, car problems, issues about money, and so on. Still, some of the most simple aspects of life, like not having to worry about cell house violence, are not forgotten. Strength is gained by recollecting the past, which is never further than a thought away.

Compared to being a convict, life as an academic is incredible. I live in a nice home with Debbie. The food we eat—though we have to buy it, prepare it, and clean up the dishes afterward (much easier to just get in line)—is of a much higher quality than the mystery meat served behind prison walls. I love my job, and especially enjoy teaching. As I write this I can look out my window at squirrels scurrying around the snow-covered ground. There are no bars on the windows, or guards walking by counting me like I am part of a cattle herd.

The opportunity I have today allows me to tell what I know about the ways many of us, inside prison and out, are living as a result of warped ideologies, politics, economics, racism, sexism, homophobia, social class inequality, and a market economy that generates an extreme form of self-centeredness, rampant competitiveness, and lack of compassion for others.

In prison, I saw men shot by authorities for no reason whatsoever. I have seen convicts stab each other because they felt they must. Failure to do so would have meant being seen as weak, and therefore, no good, in the eyes of other convicts. I have seen men in penitentiary psychiatric units drugged out of their minds because they were deemed “dangerous” by prison doctors. . . . I have seen the hopelessness, degradation, monotony, and real conditions of prisons in this country, and the courage, fortitude, and humor that have helped a few of us survive and maintain some degree of sanity. We need to tell about what we know. Isn’t that our job? . . .

It is not always easy for this convict criminologist to be an assistant professor. . . . One particular day, . . . I was invited to a welcoming luncheon at the home of the chancellor. The festivities took place on a spacious lawn area at a mansion-like house. My feelings of alienation deepened as I made my approach. Members of the faculty, or royalty as they appeared to me, were sitting, talking, and eating at colorfully decorated tables. . . . Servers, dressed in white clothes and hats, waited on the tables and helped with the food. Not knowing a single person there, and feeling like I was what they used to call “out of bounds” in prison, I awkwardly scooped up some food, found a table, indulged in some very brief small talk, finished eating, and left within 10 minutes. . . .

That night I went to an NA meeting near downtown Flint. It was held in a church basement in a predominantly black neighborhood, within four miles of the chancellor’s house, in an area full of vacated, boarded-up houses. Bars covering the windows and doors of people’s homes give them the appearance of miniature jail cells. As happens in many AA and NA meetings where people tell it like it is, stories of pain and hope were shared. Lots of tears and hugs.

Never in California had I heard a woman in an NA meeting talk about one of her children being murdered. That night I heard two people, both black, grieving over the shooting deaths of their adolescent sons. Along with the tears came humorous presentations of life experiences that conveyed a sense of belonging. Tears and laughter are cathartic, a means of healing for people in pain. Nowhere else, except maybe at a funeral, do I hear such truthfulness, people exposing their vulnerability. While in the
presence of such honesty, I am not a convict, addict, or academic. During these special
moments, at least temporarily, I am just another living, breathing person, nobody spe-
cial or different. Realizing this helps me see more clearly that underneath our facades,
we are all really the same.

INSIDIOUS CONSEQUENCES OF THE PRISON
EXPERIENCE: COHORTS AS EVIDENCE

John Irwin recently suggested to me that the ruined lives of the majority of the people
we met in our respective prison cohorts is evidence of the damaging effects of imprison-
ment. I agree. Criminologists have told me that what I saw and talk about is merely an-
cedotal and, therefore, can have no effect on social policy, which should be the true
aim of our work. I disagree. The truth needs to be told. The truth of deviant social
worlds—obscured by government-funded statistics, the corporate-owned media, and
arrogant middle-class academics—is screaming to be heard.

Stories of people making successful transitions to the streets after spending
years behind bars are unusual. The effects of incarceration turn many of us into vio-
lent, relatively fearless individuals who hardly care whether we live or die once we get
out of prison. While inside, we became psychologically and socially impaired. Once
released, those who “do good” generally fall into some conventional social world,
usually with the help of family, friends, prisoner assistance programs, and a great deal
of individual effort. Many become dependent on families and social welfare. Others
cross back and forth, within and outside the law. They may work menial jobs, then
drift back into drug habits, spending time in detox wards and county jails. Unknown
numbers of us who fail to find some conventional niche gravitate toward dereliction
(Austin and Irwin, 2001: 152–157), characterized by homelessness, cheap wine alco-
holism, poor health, and despair. We sleep where we can—in bushes, under bridges,
on sidewalks, inside cardboard boxes, and in a variety of other locations, beyond the
sight of the public. As when we are locked up, we are characterized by many as lazy,
morally deficient, and burdensome.

Success stories of my own convict cohort are few and far between. Many died
from overdoses. A few were stabbed to death while inside. It was not unusual to hear
about a guy who upon getting out of prison was shot to death.

Meanwhile, more and more of us are dying from health problems related to
cancer, AIDS, and hepatitis C. Too many, like a friend who was given 32 years to life
for possession of a spoon containing traces of heroin residue and less than a quarter
gram of cocaine, are doing what is commonly called “all day” by convicts; meaning
he will never be released from prison again.

The fear of getting out and the difficulty of “making it” need acknowledgment.
From what I have seen, the following words from a friend who wrote me just before
being released by a parole board are not unusual for seasoned prisoners:

. . . I was laying on my rack this morning thinking about the streets, stom-
ach in knots, palms all sweaty. I hate it here. But I’m also scared to get out.
Don’t know why bro, just makes me scared. Remember how you felt
on the van riding to Chino [trip from jail to prison] or wherever? Well,
that’s how I feel when I’m about to get out. My guts all in a knot. . . .
Within two months after being released, he was murdered in a Phoenix area “homeless camp.”

Particularly painful for me was the story of a guy I met in NA. Except for a brief amount of time spent behind bars for heroin possession, he was gainfully employed his entire adult life. When I met him he had just been released from prison and was attending meetings to satisfy his parole officer. The eventual resurgence of his heroin habit led to another drug conviction, which meant he would spend more time living amidst the madness of California prisons. I saw him a few times after he bailed out of jail, waiting for trial, anticipating being returned to prison. His usual, joyful personality was gone. It was as if the life had gotten sucked out of his body. To resolve his dilemma, he killed himself by jumping off a freeway overpass bridge, bouncing off a car traveling between 65 and 70 miles per hour. . . . From what I have seen, tragic stories never seem to end. . . .

I have a few ideas about what might be done to improve the lives of people who spend time in prison and their chances of “doing good” after release. Real solutions would be geared toward improving the social circumstances of those most likely to get incarcerated: the poor, the undereducated, the unemployed—mostly minorities from America’s inner cities. Improved employment and educational opportunities, better housing, health care, and a dismantlement of Draconian drug laws would be a good place to start. . . .

As the rate of imprisonment continues to climb, more prisoners are getting out of prison. In 1995, about 463,000 people were released from prison. Estimates indicate those numbers will reach 660,000 by the end of 2000 and hit the 1.2 million mark by 2010. . . . Instead of figuring out how to better “manage” this population, be it inside or outside prison walls, perhaps part of what we can do is study and write about their experiences and lives. Such efforts might help them be seen as human beings instead of animals, as they are continually depicted in the popular culture. By doing so, maybe we can help generate the beginnings of a compassionate criminology, a criminology that does more than help maintain the social order. As Richard Quinney said one time at an ASC panel, “It is not enough to be critical. We must also be proactive.”

Addressing the structural impediments (e.g., loss of civil rights, blocked employment opportunities) that hinder the chances of “doing good” after release are important (Richards, 1995a; . . . Richards and Jones, 1997) and should continue. Yet how we see ourselves and how we think others evaluate us after we get out greatly affects our actions. Some typical comments I heard from exconvicts about their release experience illustrate this dilemma. One man, for example, told me, “Everyone looked at me like they were scared to death.” He figured they thought, “Jesus Christ. Charles Manson just got out.” Another said, “Soon as I got out, I noticed everyone looking at me. It was like everyone knew I’d been to prison. It was like being from another planet.” Efforts to reduce such feelings are drastically needed and might be achieved if prisons were more humane.

Encouraging the humanization of the worlds behind bars should be a major concern for all of us. Even prison administrators should be concerned with the unnecessary, counterproductive, punitive practices commonly found in penal institutions across the country. In this regard, prison policies should be geared toward reducing cruel and unusual punishment and increasing the level of prisoner safety.
Moreover, they should provide adequate health care and rehabilitation programs for those who are motivated to help themselves (Murphy, [Ross and Richards, 2003]).

In my view, humanizing all contemporary deviant populations should be a fundamental goal of convict criminology. After all, prisoners represent only a fraction of the “dangerous classes,” which are increasingly subject to formal social control (Gordon, 1994; Shelden, 2001). We should also remind others that people do change with experience, age, and education. This transformation is facilitated by forgiveness, understanding, and compassion.

Instead of focusing so much on the deviant as the cause of all our social problems, we might benefit by looking at the part each one of us plays in either reducing or increasing human suffering. If harm reduction were our true concern, then “the realization of peace in our own everyday lives [would be] the best social policy” (Quinney, 1995: 148). Our “wars” on drugs and crime are really wars on ourselves.

We all affect each other. Striving to look upon others without condemnation, especially those we fear, is perhaps the greatest harm-reducing effort each of us can make.

Notes
1. See Douglas Hay (1975) for a scathing critique of England’s escalation of punishment, especially the death penalty, during the eighteenth century. As is the case today in the United States, those being punished most often came from what was viewed as the “dangerous classes.” Also, Hughes (1988) portrays the history of the European colonization of Australia as being rooted in the suffering and brutality of England’s convict system of transportation.
2. For more on “making it,” which simply means staying out of prison, see Irwin (1970: 88–89) and Jones (2003). See Richards (1995a), Richards and Jones (1997), for an in-depth look at some of the obstacles faced by prisoners after they are released.
3. I “did good” that time for almost two years. Unfortunately, when I attempted to get off methadone I began using heroin again. Shortly thereafter, I returned to prison.
4. Classes that critiqued politics, economics, history, or the law and society were not offered. The effects of the curriculum, a good proportion of which was made up of psychology classes, took my attention inward rather than outward.

References
A NEW SUIT BY FARMERS AGAINST THE DEA ILLUSTRATES WHY THE WAR ON DRUGS SHOULD NOT INCLUDE A WAR ON HEMP

Jamison Colburn

Yesterday, two farmers filed suit in the federal district court of North Dakota. They are seeking a declaratory judgment against the Drug Enforcement Administration (DEA) that would allow them to cultivate hemp, a profitable crop with many legal uses.

The DEA, however, is likely to strongly defend the suit. After all, ever since its very inception, the DEA has feared that if it allows “industrial” hemp to be produced, the result will be to seriously undermine its war on drugs, including marijuana. As I will explain, its position has led to a bizarre and, some argue, utterly irrational situation: It makes little sense for the War on Drugs to also include a War on Hemp.

A case decided last year by the U.S. Court of Appeals for the Eighth Circuit illustrates some of this irrationality, but doesn’t give the full picture. In this column, I’ll provide a chronology of the DEA’s war on this plant and its champions; discuss a set of legal questions that, in my view, complicates the agency’s war plans; and finally, offer a prediction of hemp’s regulatory future.

THE CANNABIS CONUNDRUM: A CONTROLLED SUBSTANCE WITH HIGHLY BENEFICIAL APPLICATIONS

The Controlled Substances Act (CSA) prohibits the manufacture, distribution, dispensation, or possession of any listed “controlled substance,” except as authorized by the CSA or the DEA. Marijuana is included, and even its medicinal use remains flatly prohibited. In 2006, the Supreme Court entertained a Commerce Clause challenge to that latter prohibition, in Gonzales v. Raich, but the challengers lost.

This unbending legal regime is a great shame, because the marijuana plant is a botanical superstar. It generates a portfolio of raw materials for products like rope and canvas (which reportedly covered the Conestoga wagons of the Nineteenth Century West), oil, paper, and cellulose.

This is no small matter today: Compared to most tree species, as the U.S. Department of Agriculture has acknowledged, hemp is several times more efficient for producing paper and fiber, is much less dependent upon pesticides and herbicides than crops like cotton, and creates a seed oil high in essential fatty acids. The oil alone has countless applications. Indeed, the U.S. Department of Agriculture even ordered cannabis production during World War II in its “Hemp for Victory” program.

So if you’re looking for an “assault on reason,” a flat ban on this plant—given its multitude of beneficial uses, most of which are fossil fuel-reducing and organic in every sense—certainly fits the bill.

CANNABIS’S EARLY HISTORY: THE 1937 ACT

Of course, the issue with cannabis sativa is that some of its varieties are grown to maximize the creation of tetrahydrocannabinols (THC). THC is a psychoactive compound, and, unfortunately, the THC producer is the same genus and species as the botanical wunderkind. They are just different parts of the same plant or, in some instances, different varietals. Unfortunately, throughout American history, the U.S. government has too often acted as if these two features of the plant are inseparable—and that has led to some absurd results.

The cannabis plant was among the first drugs the U.S. Government tried to eradicate in this country, beginning in 1937 with the Marihuana Tax Act. The 1937 law was preceded only by the Harrison Narcotics Tax Act of 1914, which taxed opiates and cocaine, and, of course, the Eighteenth Amendment, imposing Prohibition.

While the 1937 law was formally a tax, it might as well have been a ban, for it made the cost of the plant prohibitively high, and thus effectively prohibited the growing of varieties and foliage to maximize THC (“pot”). Nevertheless, the growing of “hemp”—which has THC concentrations too low to move the needle—was taxed hardly at all.

A Senate Report on the bill made this point quite clear:

The testimony before the committee showed definitely that neither the mature stalk of the hemp plant nor the fiber produced therefrom contains any drug, narcotic, or harmful property whatsoever and because of that fact the fiber and mature stalk have been exempted from the operation of the law.
Accordingly, the Act specifically excluded “the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.” Put another way, it excludes hemp even as it sweeps in marijuana.

THE ROCKEFELLER ERA AND AFTER: NEW LAWS CONTINUE THE HEMP EXCEPTION

Fast-forward to the Rockefeller era—when the CSA and other drug laws were enacted. Notably, these laws all adopted the 1937 Act’s definition of “marihuana,” Which, again, was drafted to exclude hemp. Thus, for a time, hemp production continued unabated. But then, complications arose.

The CSA and other laws of the 1960s and ’70s had to cope with the synthetic production of $C_{21}H_{30}O_2$ (THC). THC and THC-containing products were thus added to “Schedule I” of prohibited drugs, first by a regulation from the DEA’s predecessor, the Bureau of Narcotics and Dangerous Drugs, and then via the 1970 Comprehensive Drug Abuse Prevention and Control Act (CDAPCA).

Meanwhile, “marihuana” (with that same original statutory definition from the 1937 Act) remained on the same list, as well—notwithstanding the obvious fact that it was the original source of THC. Thus, like the CSA, the CDAPCA while prohibiting cannabis sativa, retained the original, broad exception for hemp fiber, “stalks,” “seeds,” and any “manufacture” therefrom.

THE ADVENT OF THE DEA—AND THE START OF THE WAR ON HEMP

Then came the DEA—and the first offensives in what would become the war on hemp. It turns out that what Congress thought was “definite” in 1937 is actually a little complicated: The whole cannabis plant contains THC: it occurs in at least trace levels throughout the organism. Thus, even if the THC in hemp seed oil is so low that it cannot possibly induce psychotropic effects, technically, the person who ingests hemp seed oil is still ingesting THC—which Schedule I prohibited. Moreover, the DEA is fond of arguing, to get to the “mature” stage where its productivity is realized, hemp must first sprout through a high-THC (pot) phase—and in that phase, the DEA suggests, it could be poached or simply sold.

During the same era, the pharmaceutical industry found several applications for THC. It developed and marketed a synthetic form under the name Marinol to control nausea and vomiting caused by chemotherapy and stimulate appetite in AIDS patients. (Marinol was rescheduled in 1999 and placed in Schedule III of the CSA, where it may be used by prescription.)

Several inquiries from the public in the late 1990s alerted DEA to the fact that some interpreted the drug laws to exempt “hemp” as such. DEA then tried to “clarify” the CSA, CDAPCA, and its regulations with an “interpretive” rule and a follow-up
“legislative” rule asserting that the “THC” entry on Schedule I included both natural and synthetic THC alike. The upshot was that, while the DEA would allow imported, non-edible hemp products to remain in commerce, all edible hemp was prohibited, as was all domestic cultivation of *cannabis sativa*, even if it was intended for “industrial” uses.

Yet, in a series of administrative law twists and turns, the Ninth Circuit eventually invalidated those rules. The result was to leave the CSA and CDAPCA as the only laws in effect on the matter.

**TODAY’S DEA’S VIEW: IT’S THE THC STUPID!**

In the wake of those cases, Justice Department and DEA lawyers maintain that the CDAPCA prohibits *everything* containing THC—whether synthetic or organic—including all parts of the cannabis plant. However, it’s highly debatable whether that’s true: The federal courts of appeal have divided over the question whether all parts of the cannabis plant are Schedule I controlled substances. Unfortunately, despite the legal ambiguity, the DEA has dug in its heels, acting as if the law were clear, and as if every use of cannabis were created equal.

One case decided in 2006 by the U.S. Court of Appeals for the Eighth Circuit, *United States v. White Plume*, is especially unfortunate. The case arose because in 1998, the Oglala Sioux Tribe amended its tribal law to allow cultivation of “industrial hemp” on tribal lands, and some of its members did so. Rather than prosecute, the government twice destroyed the crop, and then sought a declaratory judgment against White Plume. The district court obliged, as did the Eighth Circuit, which deferred to the DEA’s construction of the drug laws and held that all THC-containing articles—including cannabis plants—are Schedule I-prohibited.

What accounts for a decision that prohibited a Native American tribe from growing and selling hemp for harmless industrial purposes? The short answer is that courts are generally inclined to defer to agencies’ interpretations of the statutes they are charged with enforcing—in this case, the CDAPCA and CSA.

However, the suit filed yesterday in North Dakota may showcase the consequences of the agency’s rigidity on this point. Given such a short growing season, competitors in Canada who are making money on the crop in our globalized agricultural economy, and so many possibilities for this plant, DEA should have to answer for its interpretation of the law in this respect, at least: Isn’t there some other kind of trouble we can borrow?

Will Congress change the agency’s mind about hemp, or will the courts? The prospect of either happening seems bleak, and that underscores how perverse our drug laws have become. In a time when it is so important to be “green,” hemp is one of the “greenest” things around.