Is William Martinez Not Our Brother?

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CHAPTER TWO

Is William Martinez Not Our Brother?

What an interesting populace we have. Nobody seems at all worried by the fact that we have the largest prison population and that it consists preponderantly of young blacks, a whole generation in jail.

—MURRAY KEMPTON²

I wonder if because it is blacks getting shot down, because it is blacks who are going to jail in massive numbers, whether we—the total we, black and white—care as much? If we started to put white America in jail at the same rate that we’re putting black America in jail, I wonder whether our collective feelings would be the same, or would we be putting pressure on the president and our elected officials not to lock up America, but to save America?

—FORMER ATLANTA POLICE CHIEF ELDRIN BELL²

At the end of our English 310 Saturday retreat, students scramble to become teams and choose sites. In September 2005 Sarah Carswell, Jeff Cravens, and Mike found each other and selected a poetry workshop at the Calumet Center in Highland Park, a new site. A few days later they learned that Calumet, unlike the other juvenile facilities, tests volunteers for drugs. Not a problem for Jeff, but Mike and Sarah told me they would fail the test. And Mike was morally and politically outraged: clearly he had a right to choose whether he would do drugs or not, and clearly it wouldn’t affect his work with the boys. He told the class he would have no reservation about sharing that position with incarcerated boys. Most of Mike’s classmates, including Sarah, were appalled. For Mike doing drugs was almost consequence-free, and he would have no qualms about advocating drug use with boys for whom the consequences were anything but free.

I thought we might lose Calumet, but Jennifer took on a second workshop and joined Jeff. I reassigned Mike and Sarah to a high school, where they did an excellent job, and where, as far as I know, Mike kept his position to himself.
Marc Mauer writes about Mike and about, let’s say, Jamal:

Picture this scene in any middle-class suburb in the United States: students at the local high school, a “good” school with high graduation rates and college acceptances, have been getting into trouble. Nothing too serious, but some drug use, some underage drinking, and a few smashed cars here and there. Parents are cautioned by the principal to check with their kids for signs of trouble.

The parents of one 17-year-old boy had already been concerned about possible drug use, and examine their son’s bedroom while he is at school. They discover what appears to be some drug residue and a substantial amount of cash hidden in a drawer. Confronting their son when he comes home, he admits he has been using cocaine and occasionally selling to some friends.

How do the parents respond? Do they call the police, demand that their son be arrested for using and selling drugs, and receive a five-year mandatory minimum for his behavior? The question is ludicrous, of course.

Instead, the parents do what any good middle-class family would do: they consult with their insurance provider and then secure the best treatment program they can find. The criminal justice system never even becomes an issue for them.

A few miles away, picture another family in a low-income section of the city. Their son, too, appears to be getting involved with drugs. Unfortunately for him, his parents have no health insurance, and there are few drug treatment programs available in the neighborhood. Finally, he is picked up one night on a street corner and charged with drug possession with the intent to sell. 3

The “inner city youth most in need of social services,” Randolph Stone, University of Chicago law professor, writing about the same contrast, “enters the resource starved adult criminal justice system.” 4

INCARCERATION IN THE UNITED STATES: A BRIEF HISTORY 5

In the 1970s, intellectuals and policymakers began to think their way toward the greatest experiment in social control through incarceration in United States and modern world history. 6 At the outset of the 1970s, 314,000 Americans were in our prisons and jails. Policymakers so far have more than sep-
tupled that number to 2.3 million and have us spending $60 billion a year to run our correctional institutions. From 645 out of 100,000 human beings in 1998, they have taken us to 750 out of 100,000 in what Marc Mauer insists we recognize as “cages.” They have brought us to a point where we have vastly longer sentences and are vastly more punitive than anyone else in the world. This is, says Boston University economist Glen Loury, “a historic transformation of the character of American society. We are managing the losers by confinement.”

The post–World War II era of economic prosperity, optimism, and generosity, Mauer tells us, favored rehabilitation and had unusually low death penalty rates. During the 1960s, however, rehabilitation was challenged by both the Left and the Right. The Left argued that rehabilitation in a coerced system was unfair and that the current policy of indeterminate sentences gave prison officials in a racially biased institution the right to decide when prisoners would get released. The “law and order” and intellectual Right did not believe criminals could be rehabilitated and thought criminals were released too early: crime would be better controlled if they served their full sentences. Both sides favored determinate sentences. The Left was for short sentences, the Right for long. Against a backdrop of rapid urbanization and migration from the South, an economic downturn, urban unrest, riots, civil rights and antiwar demonstrations and civil disobedience, heroin and cocaine epidemics in the 1960s and 1970s (and crack cocaine in the 1980s), and rising crime rates, the “tough on crime” Right—with its simple position that incapacitated criminals can’t commit crime—prevailed. The next three decades are a shameful history of massive incarceration. In 1998, when the prison and jail population had reached a mere 1.2 million, 51.4 percent of the increase had come from “the greater likelihood of a prison sentence upon arrest” and 36.6 percent from “an increase in time served in prison.” Only a ninth came from higher offense rates.

While this shameful history is about unrest and fear, about differing theories of crime and punishment, and about so much more, most basically it was about who would get jobs and who would not. The decision to incarcerate was a decision about a surplus workforce.

In the mid-1970s, according to Howard Croft, corporate and political leaders figured out that the United States would be able to compete in a changing world if we became a low-wage nation. As Christian Parenti has demonstrated in Lockdown America, many factors were at play. Recovered from World War II, Germany and Japan were competitive, with lower
wages, newer capital stock, and greater efficiency than the United States. Meanwhile, American companies had become poorly managed. They did not retool plants or retrain workers, and capital had “shifted increasingly toward speculation in real estate and stocks.” By 1960 “American hourly manufacturing labor costs, including social security contributions, were roughly three times as high as in Europe, and ten times as high as labor costs in Japan.” By the early 1970s, moreover, U.S. companies had overaccumulated commodities, consumer demand declined, and prices fell. Simultaneously the unemployment rate dropped, leaving less surplus labor to keep wages down. Wages continued to rise, “though with diminishing vigor” up through 1979. And as the Arab nations gained control over production and markets, fuel prices “began creeping up even before OPEC’s 1973 price shock,” raising the cost of manufacturing and transportation. Add to this the fact that “between 1964 and 1979 the federal government enacted sixty-two health and safety laws which protected workers and consumers, while thirty-two other laws were passed protecting the environment and regulating energy use. . . . The direct result of this new regime of regulation was a massive increase in the cost of business.” Parenti observes:

At one level the crisis involved a simple contest between the classes. The share of output that went to profits declined while the share going to everything else, including the social wage, increased. The working class was too powerful and, from the management point of view, needed disciplining. . . .

The solution, according to New Right theorists like Milton Friedman, Lawrence Mead, and George Gilder, was to cut government. That is, cut taxes on the corporations and the wealthy, deregulate health and safety regulations, and slash state spending on education, welfare, and social programs. And to initiate this the government would have to plunge the economy into a “cold bath recession” so as to scare and discipline labor. But throughout the seventies the Keynesian consensus was too strong: monetarist austerity and a deregulatory war on labor and consumers had to wait until the accession of Ronald Reagan.14

Under Reagan, Federal Reserve chairman Paul Volcker (a 1979 Carter appointee) “dramatically tightened the money supply . . . until interest rates, which had been 7.9 percent in 1979, reached 16.4 percent in 1981.” This induced the “most severe recession since the Great Depression,” useful, Volcker said, because “the standard of living of the average American
has to decline.” In Ann Arbor, as in cities across the country, the streets filled with homeless people picking through garbage containers, stretching their hands. According to Barry Bluestone and Bennett Harrison, this “deep recession did precisely what it was designed to . . . it was impossible for organized labor to maintain wage standards let alone raise them. Reductions in wages rippled from one industry to the next and from the center of the country outward.” Industry after industry demanded concessions, wage freezes, and cuts from their workers. The Reagan administration supported “the use of contingent labor” at less than union wages, legitimized homework (which led to documented child-labor-law violations and to sweatshops employing children), and, in Parenti’s term, “eviscerated” social spending. High technology replaced workers, work was outsourced to offshore and other international sites where very cheap labor was available, and deindustrialization increased dramatically, to the point that “between 1980 and 1985 . . . some 2.3 million manufacturing jobs disappeared for good, taking with them attendant retail activity, the local tax base, and municipal employment.” The “combination of tax cuts, welfare gutting, assaults on labor, and the deregulation of banking and finance created an estimated 2,500 to 5,000 new millionaires,” while the “poorest tenth of workers saw 20 percent more of their incomes ‘swallowed by taxes,’” and there was a “massive expansion of urban ghettos.” African Americans were the most severely affected.

It had affected JB Baker, a prisoner at the Western Wayne Correctional Facility in Plymouth and a member of the Western Wayne Players. Since he would be going home before our next play, and since he wanted to perform, we persuaded the Narcotics Anonymous Group that met in the large East Recreation room on our rehearsal nights that it would fit their agenda to see a play. On April 21, 1997, we presented JB’s autobiographical three-scene play, LeDaryle: My Son.

The first scene is set in JB’s apartment, in 1980. JB comes home, his wife chatters about their new baby and the clothes she has bought, and he tells her that he has lost his job at Chrysler. She tells him it will be easy to find more work, but he explains that is no longer true. Upset and angry, she leaves with her son for her mother’s house.

The second scene is set in JB’s apartment. He and another laid-off auto-worker talk about their situation. One of them knows how to break into the office of a Pontiac attorney.

The third scene is set in the house where JB’s wife and son live. It is 1997.
JB is home after seventeen years in prison eager for a relationship with his son. LeDaryle punches the remote, resents his father’s absence, is not interested. It is too late. JB struggles. The most he can get from LeDaryle is an agreement to go out for pizza.

JB was rehearsing for what would happen a few days after the performance. He created scene 3 as an idealized, easy reunion with LeDaryle. But Romando Valeroso played LeDaryle realistically, and it was excruciating for JB to play himself. Going home is seldom easy. After the performance, JB thanked us all, almost in tears. We have no idea what happened when he got home. Neither we nor anyone else who knew him inside heard from him.

So what happens in a recession, artificially induced or not, when the paycheck shrinks and work vanishes? The Franklin Delano Roosevelt administration created the Public Works Authority and Civilian Conservation Corps—it found jobs for people, jobs that served the nation. But if the purpose is instead to eliminate work and combat the “excess of democracy” of the recent past, then there is another choice. As Mauer puts it: “in a changed economy with less demand for the labor of many unskilled workers, imprisonment begins to be seen as an appropriate, if unfortunate, outcome.” Parenti agrees. He cites criminologist Steven Spritzer’s description of “the cast-off populations produced by capitalism as either ‘social junk’ or ‘social dynamite.’”

“Social junk” are those whose spirits and minds are shattered; they are the deinstitutionalized mentally ill, alcoholics, drug addicts, and cast-off impoverished seniors; the lonely, beaten drifters with no expectations of a future and little will to fight . . . they rarely coalesce into an organized political threat.

The other segment of the surplus population—“social dynamite”—are those who pose an actual or potential political challenge. They are that population which threatens to explode: the impoverished low-wage working class and unemployed youth who have fallen below the statistical radar, but whose spirits are not broken and whose expectations for a decent life and social inclusion are dangerously alive and well. . . . This is the class from which the Black Panthers and the Young Lords arose in the sixties and from which sprang the gangs of the 1980s. . . .

Thus social dynamite is a threat to the class and racial hierarchies upon which the private enterprise system depends. This group cannot simply be
swept aside. Controlling them requires both a defensive policy of contain-
ment and an aggressive policy of direct attack and active destabilization. 
They are contained and crushed, confined to the ghetto, demoralized and 
pilloried in warehouse public schools, demonized by a lurid media, sent to 
prison, and at times dispatched by lethal injection or police bullets. This is 
the class—or more accurately the caste, because they are increasingly peo-
ple of color—which must be constantly undermined, divided, intimidated, 
attacked, discredited, and ultimately kept in check with what Fanon called 
the “language of naked force.”

Thus with the evisceration of social services and the denial of work, the 
prison building boom began. Each week between 1985 and 1995 a new fed-
eral or state prison was built. When Mauer wrote in 1998, over half the total 
number of prisons in the United States had been constructed in the past 
twenty years:

These prisons can be expected to endure and imprison for at least fifty 
years, virtually guaranteeing a national commitment to a high rate of incar-
ceration. The growth of the system itself serves to create a set of institution-
alized lobbying forces that perpetuate a societal commitment to imprison-
ment through the expansion of vested economic interests. The more than 
600,000 prison and jail guards, administrators, service workers, and other 
personnel represent a potentially powerful political opposition to any scal-
ing-down of the system.

The subsequent nine years bore him out. The prison and jail population 
just short of doubled in that time. How did this happen? 

Joining the “tough on crime” agenda propagated by politicians and oth-
ers was a “media frenzy” in which increasing print space and television time 
were devoted to violent crime without a corresponding rise in such crime. 
The Reagan and Bush administrations developed a brilliant rhetoric of 
“responsibility”: the poor, offenders, the mentally ill, everyone, was respon-
sible for their own fate, no one and nothing else. In the mid-1990s I noticed 
a generation of young people coming into the university for whom this had 
become gospel.

In the early Reagan years, the crime fighting, FBI, and prison budgets 
were increased, and Reagan “stacked the federal bench with mean-spirited,
anti-crime, anti-drug zealots, who in turn began handing down law that, as [chief of staff Ed] Meese had wished, ‘empowered the prosecution.’” Meese and attorney general William French Smith began demanding changes in the criminal code.23

In 1984, Congress passed the Comprehensive Crime Control Act and in 1986 the Anti-Drug Abuse Act. The 1984 act created determinate, mandatory minimum sentences (which took discretionary power from judges and put it in the hands of prosecutors), established a sentencing commission “to devise strict sentencing guidelines,” eliminated federal parole, and “expanded the government’s ability to seize property and cash from convicted, or even accused drug dealers, in civil or criminal court.” What was seized went to the police who had done the seizing, which enhanced their eagerness to “collaborate with federal agencies and try drug cases in federal court.”24 The 1986 act added twenty-nine new mandatory minimum sentences. One of these was the notorious five-year mandatory minimum for five grams of crack cocaine or 500 grams of powder cocaine, a law that targeted African Americans, the primary users of crack, and, Parenti says, “translated into apartheid sentencing.”25 Judges were given power to deny probation or suspended sentences to those convicted under the new laws.

By 1987, the sentencing commission guidelines were in place, “carrying,” Mauer says, “a heavy presumption of imprisonment for most offenders and little regard for any mitigating circumstances.”26 “Thus began in earnest,” Parenti remarks “the one-sided race war of the late eighties and nineties . . . open season on ‘social dynamite’ and ‘social junk’ . . . open season on urban addicts, economically discarded youth, and petty dealers . . . the beginning of a nationwide wave of raids and ghettos sweeps,” like New York City’s Operation Pressure Point and the “notorious Operation Hammer in which 14,000 people—mostly young Black men—were arrested and booked in mobile command centers during a massive paramilitary occupation of south LA’s deindustrialized ghettos.”27

Perhaps one might have hoped for changes under the Clinton Democrats despite their move to the center. The early months of 1993, Mauer says, “represented a time of cautious optimism for criminal justice reform” thanks to a growing awareness of racial disparities in the criminal justice system and numerous well-articulated proposals of alternatives to prison. In less than a year, however, “this optimistic scenario had been transformed
into a repressive criminal justice climate rivaling that of any time during the preceding twenty years,” created by “a vicious cycle of reaction composed of political grand-standing, media sensationalism, and organized advocacy by ‘law and order’ proponents.” The shift was dramatic and tragic. Mauer:

One recent series of events is quite telling. Early in President Clinton’s first term in office, following the Los Angeles riots, he called attention to the nation’s urban crisis. Many experts were recommending a $60 billion economic package to stimulate job creation and economic development. Assuming that the political climate at the time would not support such an expenditure, the administration instead proposed a $30 billion package. Caught up in deficit reduction fever, though, the House passed only a $16 billion bill, which was promptly killed by the Senate in favor of a $5 billion allocation for unemployment insurance and some other domestic programs. The rationale for the cuts was essentially that the federal government could no longer “throw money at problems.”

Who would have benefited the most from such a stimulus package? Clearly, those people who are both most victimized by crime and by limited economic opportunities—primarily low-income African American and Latino communities. Just a year later, though, members of Congress apparently had second thoughts about such spending and determined that they could in fact allocate $30 billion to these communities. This time, though, the appropriation took the form of a massive crime bill loaded with 60 new death penalty offenses, $8 billion in prison construction, “three strikes” sentencing, and other provisions certain to escalate the prison population. Amidst these punitive allocations were modest funds for programs to prevent crime and to reduce violence against women.

The members of Congress did not state, of course, that the result of the legislation would be to incarcerate impoverished young black and Latino men. At current rates, though, we can expect that about two thirds of the prison cells constructed through this act will be filled by minorities. This is not exactly what neighborhood leaders had in mind when they called for targeted investments to help rebuild their beleaguered communities.28

The White House, “trying to take ‘the crime issue’ away from Republicans,” had joined forces with them. They went so far as to suppress a report by a Justice Department working group formed by Janet Reno that ques-
tioned the impact of mandatory minimum policy on low-level drug offenders. Former deputy attorney general Philip Heymann described the Clinton approach as “the most careful political calculation, with absolutely sublime indifference to the real nature of the problem.”

“THE MEMBERS OF CONGRESS DID NOT STATE . . .”

Let me repeat Mauer’s words: “The members of Congress did not state, of course, that the result of the legislation would be to incarcerate impoverished young black and Latino men.” In 2005 Michigan black youth were 88 percent more likely to be arrested than whites; 50 percent more likely than whites to be referred to juvenile court, 97 percent less likely to get placed into a diversion program than whites, 2.6 times more likely than whites to be placed in secure detention, 65 percent more likely than whites to have a petition filed by the prosecuting attorney, 38 percent more likely than whites to be found guilty of a delinquent offense in the Family Division of the circuit court, 54 percent less likely to get placed on probation than whites, and 4.2 times more likely than whites to be incarcerated in a secure correctional facility.

In 1997, according to the Census of Juveniles in Residential Placement (CJRP), African American youth had a custody rate of over five times that of Caucasians. And while only 23 percent of youth in Michigan were minorities that year, minorities made up 61 percent of youth in detention. The proportions haven’t changed. The current figure at Boysville, where PCAP works with incarcerated youth, is 61.7 percent African American and 3.3 percent Hispanic.

Minority youth and adults are more likely to be stopped while driving. Minority youth and adults selling drugs are easier to find on street corner drug markets than white youth and adults selling and using drugs behind closed doors in attractive suburban homes. More likely to be arrested, minority youth and adults are also more likely to come before a judge and jury dressed in jail clothing, disheveled and tired from a noisy night in the jail, than a white youth whose family meets bail and who arrives in a nice jacket and tie. And so the minority youth or adult is more likely to receive a sentence, or a longer sentence. When Suzanne Gothard and I went to Wayne County Court to support Jerry Moore, the young white and Asian American prosecuting attorneys were sharply dressed. They, the judge, the police who came into court to testify, the bailiff, and the stenographer were
all very comfortable and casual, even affable, in their interactions with each other. The defense attorneys were mostly African American, in tired clothing. They did not rub shoulders with the court folk. Jerry and most others came into court fatigued and bedraggled in green Wayne Country Jail scrubs. When Jerry made one of the most powerful pleas I’ve ever heard—about his growth in prison during his earlier incarceration, about his struggles to find employment as a former felon, about his participation in the Annual Exhibition of Art by Michigan Prisoners, about his poetry, about the essays he published while inside, about his job, about the mother of his baby and the down payment he and she had just put on a mortgage, about his mistake driving away from the police when stopped, because he had no car insurance, about his life—we watched everyone from the stenographer up to the prosecuting attorneys and judge instinctively freeze and turn aside, turn off. It was written all over them. A few of them shuffled papers. Perhaps they had come to do justice, but we sensed and saw that they understood their real goal was to put away everyone who came before them. Because we and others had written strong letters, the judge “generously” gave him concurrent, instead of consecutive, sentences of three to seven years. In the hall afterward, his lawyer, a woman who had experienced a stroke recently and who had fought hard for Jerry, was in tears.33

At midyear 2006, 41 percent of males incarcerated in federal and state prisons and local jails were African American. Relative to their numbers in the general population, about 4.8 percent of all African American men were in custody at that moment, compared to 1.9 percent of Hispanic men, and .7 percent of white men. African American men were incarcerated at 6.5 times the rate of white men.34 On February 2, 2008, the Pew Center reported that “for the first time in history more than one in every 100 adults in America are in jail or prison”: one in thirty men between twenty and twenty-four, but one in nine black men in that age group.35 The figures go on and on. Most readers of this book will have seen them, many readers will be both infuriated and tired of hearing year after year that there are more black males in prison than in college and on and on and on.

What does this mean? It means destroyed, challenged communities, where those citizens who are committed to those communities, who build lives and fight for their neighborhoods and children, who resist, are up against terrible odds. It means a disproportionate ratio of women to men in affected neighborhoods, means men who play the field, children raised

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by single mothers, children whose mothers are incarcerated being raised by others, children who themselves have a better than 50 percent chance of themselves entering the criminal justice system. It means youth who see prison as a ritual, a coming of age. It means the spread of AIDS and hepatitis C and mental illness both inside and outside the prisons, it means the deadening of creativity, spirit, and nurturing qualities, the breeding of distrust. It means illiteracy, unemployability, humiliation and trauma, loss of status, shame for children and families, displacement from home to home. It goes hand in hand with underfunded schools and denial of health care and loss of communities’ formal mechanisms of control through family, church, and school. It goes hand in hand with substance abuse, prostitution, and physical danger, with youth looking over their shoulders as they walk home from school or cruise the streets as high-school dropouts. Detroit youth have the lowest urban graduation rate in America: 24.9 percent. Half of them will go to jail and prison. Black urban youth exemplify the way mass incarceration means the “systematic imprisonment of whole groups of the population.” They are a new “social group” that Bruce Western calls the “mass imprisonment generation—black men without college education born since 1965” and that, with others in their economic bracket, Nell Bernstein says have become a “criminal caste.” Almost all prisoners, and in many states the formerly incarcerated as well, are disenfranchised. They have no vote, no political power. The effects of all of this are, in Mauer’s words, “shattering” and “catastrophic.”

And the effects are economic. Poor rural youth and adults can remain in their towns because poor incarcerated minorities from the cities bring jobs, higher federal and state funding, and sometimes more representation in Congress or the state legislature, since prisoners are counted as local residents. It means a cheap workforce. In Michigan, which has the nation’s slowest economy, prisoners who are paid cents an hour replace municipal workers, cleaning litter, or ice, or weeds from highways, streets, and cemeteries. Elsewhere prisoners answer phone calls for state tourist bureaus or airlines, package Christmas gifts, and sew buttons on expensive designer jackets. Health maintenance organizations spring up to provide what is often poor care to people who were without insurance prior to incarceration, phone companies make huge profits off long-distance, raised-rate calls from prisoners to families strapped for funds, and companies get exclusive contracts for prisoner clothing. You and I pay for construction and maintenance of prisons, for supplies, for goods, for health care, for the salaries
of an expanding prison workforce: in Michigan in 1983, one in eleven state employees worked in the correctional system; it is now one in three. Money is siphoned off from education, firefighting, safety, environmental protection, and other social services.39

The effects are economic. Because it is about cheap labor and denial of work, our policymakers overwhelmingly choose prison over alternative educational, treatment, and job-training solutions. With their urge to incarcerate, they remove JB Baker and hundreds of thousands more from the economy, including “socially integrated offenders,” people with educational backgrounds and jobs who are unlikely to reoffend, and they keep people long past the peak years in which they are inclined to commit crime, at a cost of $25,000 to $35,000 a year per prisoner.40 Nils Christie compares this to social control through incarceration in other times and places:

Gulags, Western type will not exterminate, but they have the possibility of removing from ordinary social life a major segment of potential trouble-makers for most of those persons’ lives. They have the potentiality of transforming what otherwise would have been those persons’ most active life-span into an existence very close to the German expression of a life not worth living.41

A more fully accurate comparison, closer to home, is to the post-Reconstruction criminalization (through laws about loitering and debt) and incarceration of former slaves and their use as free labor, building roads and working the land, sometimes on the very plantation grounds they once worked as slaves.42

INTENTION

Mauer’s eleventh chapter is named “Unintended Consequences.” The book of essays he published three years later with Meda Chesney-Lind is instead titled Invisible Punishment: The Collateral Consequences of Mass Imprisonment. That is preferable, because of course he knows that at a certain point politicians and policymakers realize what they are doing and choose to do it. It becomes intentional. He clearly implies this when he writes that “the members of Congress did not state, of course, that the result of the legislation would be to incarcerate impoverished young black and Latino men.” And in chapter 12 he puts it squarely:
The toll that this has taken on the African American community, and increasingly the Latino community, is now truly staggering. Women of color are increasingly experiencing the combined impact of social and economic trends, as the confluence of poverty, substance abuse, prostitution, and incarceration envelopes larger numbers each year. One would think that such a state of affairs should give pause to those who smugly contend that prison “works.” But thirty years of politically inspired rhetoric, willful ignorance of research and programmatic developments, and constrained policy options have conspired to make the United States choose the most punitive of responses.43

If it is willful and if the consequences are so catastrophic—so many stunted lives, so much state violence, so many physical and spiritual deaths—then we are talking about crime, perhaps crime against humanity, and the tragedy is that it will not be brought to court.44 Mauer also refers to the “current malaise.” Jonathan Kozol argues that our schooling has taught most of us to be “ethically indifferent.” Nils Christie refers to Zygmunt Bauman’s study of the “production of moral indifference in modern societies.”45 Others talk about consent and about the phenomenon of normalcy. The catastrophe becomes invisible. We live with it, accept it, and except at rare moments, regard it as normal. I go to the annual Convention of the American Correctional Association and listen to interesting talks, I give one myself, I walk around the city-block-wide floor of booths and learn about the latest in concertina wire quality and about mobile prison cells. Everyone is friendly (“You’re from Michigan! What do you do? Do you know so-and-so?”) and proud of the products he or she is selling. They are professional and do good work. It is like any conference. Massive incarceration is the law of the land. We don’t know, or we forget, the agony, the deprivation, the desperate children who cut themselves, the disease. We easily stand by while specific groups of fellow citizens are taken from their homes and sent to camps and prisons. Some of us volunteer in the urban and rural schools and communities they are taken from, some of us in their places of containment. Simon Wiesenthal and Elie Wiesel, writing about the Holocaust, say it was the bystanders who hurt them most.46

“Those of us on the outside,” says Jessica Mitford,

...
and they are intimately locked in a deadly embrace with their human captives behind the prison walls. By extension so are we.

A terrible double meaning is thus imparted to the original question of human ethics: Am I my brother's keeper?47

Some of my students and I attend a talk by Robert Moses in the early fall of 2006 and hear him identify as the central problem of our country that “we do not think of others’ children as our own.” My students make this a theme in English 310 and English 411, my film course on United States prisons. When in 411 we watch Maximum Security University (1999), a film edited by California Prison Focus that analyzes the official prison tapes of corrections officers killing prisoners in the wedge-shaped recreation yard at Corcoran Prison, we focus on the killing of William Martinez and ask ourselves, Is William Martinez our brother?

William Martinez, child growing up in Oakland, inducted into Nuestra Familia, armed robber, murdered in prison. Mauer pauses at the end of a chapter where he has compared the cost-effectiveness of incarceration to the cost-effectiveness of alternatives. Such analysis, he says, “can lose sight of the human factors involved.”

When one of our loved ones is ill or in trouble, most of us rarely hesitate to employ whatever financial and human resources we can muster to deal with the problem. This might involve specialized medical care, tutors for learning-disabled children, or a nursing home for an ageing relative. Deciding how to use taxpayer funds wisely is a contentious issue, of course. One is led to wonder, however, to what extent the zeal with which efforts are made to demonstrate the value of imprisonment is a reflection of the “otherness” of those being imprisoned.48

Is William Martinez other? Is he, with his poverty and his violence, not our brother?

Was “William Martinez”49 not our child when he was born into a crowded tenement, dangerous streets and a disruptive and disrupted family, when he shared his primary school classroom with rats, tattered old textbooks, and a leaky roof? Was he not our child when he watched his father beat his mother, when he was sexually assaulted by his cousin, sister, brother, mother, or father, whipped mercilessly with an extension cord, when a bullet or cop took his father, or his mother, or his older brother away? When corporate
leaders and politicians and policymakers decide that “William Martinez” is trash and must spend twenty years in prison on a mandatory minimum drug conviction that is longer than any sentence for such an offense anywhere else in the world, is he not our brother?

It is a very difficult question. It has all kinds of implications, however we answer it, for who we are and will be in the world.

Is it the wrong question? Possibly. It may be too harsh, unrealistic. Asking it may be a failure to see the world as it is and to accept and embrace our place in it and either do or not do our piece of kindness somewhere. Still, it is one of the oldest questions in the world, and it seems intellectually, academically, and morally responsible to go to places where the question is in our face and to see how we come out.

It is such questions and others that my students begin to confront as they enter the places inhabited by those on the other side of the coin that came up heads for us.

In English 310 on September 26, 2006, we discuss Peter Sacks’s *Standardized Minds*. We go around the room in a loose talk circle, sharing our personal experiences. It becomes clear that Sacks is right in his observation that many women and minority people find the tests difficult because their more holistic approach to experience makes them see many possible answers to a question. Yet everyone in 310 did well enough to reach one of the country’s best public universities. It is also clear that we represent Sacks’s statistic that for every additional $10,000 of parental income, SAT test scores go up thirty points. We tell stories of expensive preparatory courses and personal tutors. The talk is anecdotal and amused, avoids the obvious. But finally it is before us. We who have come, most of us, from such affluence, we who have made it to an elite institution, we who have done so well on the tests, are going to Cooley High School, to the Calumet Center, to Boysville, to Vista Maria, where so few of the youth had or have any chance to do well on the tests. What is it about, that we get to go to such places and have the experience — however powerfully motivated we are — of working with them? We didn’t choose our place of birth, but this is the reality. What is it about? Do responsibilities come with doing a lively theater workshop at Cooley High School? Or not? If so, what are they?

The *First Year Student Survey 2006* gives a partial picture of University of Michigan students. While many students change dramatically in their opinions and beliefs over their four years, and while English 310 and 319 students generally, but not necessarily, have more progressive values than
most, their backgrounds sharply accent their differences from the youth and adults in the high school, juvenile facility, and prison workshops.

Students who entered the university in 2006 have affluent parents: 57.8 percent of their parents have an annual income of over $100,000, 34.5 percent over $150,000, 23.1 percent over $200,000, and 15 percent over $250,000. The student body is disproportionately white and has lived in disproportionately white areas: 85.3 percent of students whose parents attended the University of Michigan and 79.1 percent of those whose parents did not, come from mostly white or completely white neighborhoods; 71.9 percent are white/Caucasian, 15.6 percent Asian American/Asian, 4.9 percent Mexican American / Chicano, Puerto Rican, and other Latino, 4.4 percent African American / black, and 1.7 percent American Indian / Alaska Native and Native Hawaiian / Pacific Islander. They come from two-parent households: 82.6 percent of their parents are living together, and only 2.1 percent of them have a parent who has died. They have sterling high school records: 90 percent had average grades of A– or above. All but 11.2 percent took advance placement courses in high school, and all but 15.5 percent took advance placement exams. Their four top career choices are engineering, medicine, business, and law.

Just over 10.2 percent of incoming women and 18.2 percent of incoming men agree that “racial discrimination is no longer a problem in America”; 57.6 percent of the women and 62 percent of the men agree that “affirmative action in college admissions should be abolished,” although a survey of all university students showed that approximately 75 percent opposed a proposition that year which swept away affirmative action in the state. Almost half, 43.8 percent of women and 48.4 percent of men, agree that “there is too much concern in the courts for the rights of criminals,” whereas 52.4 percent of women and 47.2 percent of men would have the death penalty abolished. A strong majority, 71.5 percent, believe that “only volunteers should serve in the armed forces,” and 34.4 percent of women and 43.5 percent of men believe that “undocumented immigrants should be denied access to public education.” Three-quarters (73.6 percent) believe that “through hard work everybody can succeed.” Only 5.1 percent of men and 8.2 percent of women expect to participate in student protest and demonstrations, while 23.3 percent of men and 48 percent of women expect to participate in volunteer or community service work. A very small percent consider themselves far left (2.7) or far right (.6), while 39.3 percent call themselves liberal, 37.4 middle of the road, and 19.4 conservative.
On the whole an entering class will reflect the values of the homes they come from, and for some of them much will change. But what we see are comfortable and privileged students, protective of their class position, empathetic and proactive in limited ways, the women more progressive than the men.

Those are statistics. University of Michigan students also have a deserved and long-standing reputation for outspoken, often radical, involvement in the issues of their day, and the university over the past years has increasingly committed itself to community service and social justice work and to making it possible for students from challenged backgrounds to attend and find support. We have many students with great heart and courage and whose engagement with the world makes me blush for my own inactivity in the years of the silent generation. Students who interview for English 310 and 319 are a blend: curious, aware that something is wrong and wanting to go and find out, relatively naive (with exceptions), privileged (with exceptions), white women (with exceptions), risk takers, and almost to a person from very different worlds than those of most of the high school students, incarcerated youth, and prisoners they will encounter.

One thing that Myles Horton and Paulo Freire stand for in common is their refusal, in theory and practice, to be elitist outsiders in their work with exploited and oppressed communities. They advocate and practice dialogues that are dominated by no one and held between people committed to change. They have a profound respect for the opinions, ideas, creativity, courage, and possibilities of every person. They are models for the work of PCAP. In English 310 and 319 we read Horton’s *The Long Haul* and Freire’s *Pedagogy of the Oppressed*, and each term I give a quiz on the latter. If I don’t, the language is so difficult that some students don’t complete the reading and we are doomed to a discussion either of banking education or of who is oppressor and who is oppressed, issues broached in the first chapters. This is a disservice to Freire, to those classmates who have completed the book and are eager to talk about it, and to the people in our workshops. Each time I include the following question:

3a (Ten minutes) You are a student in English 319 at the University of Michigan, a university in the state of Michigan, one of the states of the United States of America. It is February 21, 2006. You and your classmates are working in teams in Michigan prisons and juvenile facilities and in
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Detroit high schools. Draw a picture that represents the coded existential situation of the members of this class.

3b (Three minutes) List one to three generative themes that you imagine would come from the decodification of the picture.

The question is based on Freire’s discussion of the process by which an investigative team works in a community where it has been invited to assist in a project of resistance and change. The team, collaborating with community members, observes and asks questions. At the conclusion of the investigation, they present drawings or photographs of specific community images. These representations generate discussion and analysis and provoke questions. And out of the analysis come crucial themes that lead to further analysis as the community moves toward whatever well-considered action it is willing to risk. The photo or picture is the coded existential situation: the discussion, analysis, and question asking are the process of decodification.

Sometimes at the end of the quiz I ask two students to take all the quiz pictures into another room, then to return and draw on the board a composite picture. We then engage in a process of decodification, sometimes going to the board and adding to the drawing. In so doing we arrive at some of our own generative themes. We become clearer about our conflicts and about our choices.

I have in mind a very simple composite picture drawn a number of years ago. On the left an imposing prison structure with inhabited cells. On the right the University of Michigan, an array of buildings with stick figures possibly—I don’t remember exactly—at desks, walking the streets, entering fancy shops. And a road between the two, and on the road, headed toward the university, a little car with four stick figure students returning from facilitating workshops at the prison. I don’t remember the discussion now, except that it was engaged and lively. I imagine little added drawings of dollar signs, question marks, sketches and arrows that indicated power dynamics.

I think now of the car. Depending on compatibility, most of the drives we take are intense. On the way out they are full of our personal lives, preparation for the workshop, anticipation, worry. On the way back they hold the sense, the agony, of leaving. We analyze what happened, talk about the participants and dynamics, and we laugh, celebrate, worry. And at the heart
of it all is a rich tension over the two places we inhabit and the one the prisoners inhabit at this moment in time and over the fact that they will never inhabit the university. And at the heart of it all is a stirring rising from a first experience of solidarity and shared work in the face of national hostility to the incarcerated and national injustice, a stirring that can lead to many new places.

Were the prisoners to draw, it is possible that they would make the same picture. Possibly the car would be headed the other direction. And the decodification would have other aspects, another tone, but the same tension would be there and the same stirring.

While the prison population continues to surge.