

Democracy in Danger S1E6: Prison Pipeline

Will Hitchcock [00:00:03] Hello, I'm Will Hitchcock.

Siva Vaidhyanathan [00:00:05] And I'm Siva Vaidhyanathan

Will Hitchcock [00:00:07] And from the University of Virginia's Deliberative Media Lab, this is Democracy in Danger.

Siva Vaidhyanathan [00:00:12] Will, it's not unusual to hear people talk about the United States as an exceptional nation. American prosperity and democracy are often held up as evidence of that exceptionalism. But if you look at some numbers very closely, the United States tops the charts in some pretty undesirable categories. We're leading the world in coronavirus deaths. More people here are killed with guns than in any other country. And we have the world's highest level of incarceration. More than two million Americans are currently behind bars.

Will Hitchcock [00:00:47] Right, Siva. And look, the story of mass incarceration has another shocking dimension. So I'm going to throw out a couple of numbers here. Forty percent of inmates are black, even though black Americans make up just 13 percent of the national population. And by some estimates, one out of every 11 African-American men is in custody at any given time. And the research on this is just totally clear. Putting so many fathers and brothers and sons in jail has devastating effects on communities across the country.

Siva Vaidhyanathan [00:01:21] Yeah. And when we see confrontations between Black Lives Matter activists and the police, when we see police brutality inflicted upon black men in this country, we have to see that as part of the long and tragic history of racism and mass incarceration. So today we have reached out to Elizabeth Hinton to help us understand this story. Elizabeth is a professor of history at Yale University and the author of *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*. Elizabeth, welcome to Democracy in Danger.

Elizabeth Hinton [00:01:58] Thank you so much. It's a pleasure to be here.

Will Hitchcock [00:02:00] Elizabeth, you have said that your scholarship on mass incarceration, as you put it, evolved from the barbed wire, concrete, metal detectors and watchtowers that defined the American carceral landscape. And I just wondered if you could tell us a little bit about how you came to this subject. It must have seemed a very complicated and maybe even daunting topic.

Elizabeth Hinton [00:02:23] I am an old millennial. I grew up in the 80s and 90s as the war on jobs was being launched and as mass incarceration itself was ramping up. And I mean, as you mention, you know, one out of eleven black men today are under some form of criminal supervision. And so it's not surprising that during this period, you know, many people's families became ensnared in this system, including my own. So, you know, I grew up in a moment where drug abuse and incarceration kind of loom large over my extended family. And that injustice was something that I was very aware of. And so when I started graduate school, I finally began to visit family members who were incarcerated. And the first time that I went to a prison, which was in 2005, I could not believe what I saw. You know, in this faraway place, it was High Desert State Prison in Susanville, California,

generations of mostly black and brown men interacting with their families under the gaze of guards, visitors being criminalized themselves to go visit their loved ones. So, you know, I wanted to understand how we got to this point and sharing that work and sharing those ideas and discussing the book and the book itself as it evolved in various stages with people on the inside. It was really crucial.

Siva Vaidhyanathan [00:03:46] Well, Elizabeth, it seems to me that incarceration, especially the incarceration of black men in America, has long been part of state policies to supply cheap labor and institute social control and many other goals. Right. But the conversation that we've been having, Will and I have been having through this series of interviews, is an attempt to get a sense of all of the different threats and pressures on American democracy. Can you help us connect these two things? What is the connection between mass incarceration, especially in its current form, and the erosion of democratic norms in America?

Elizabeth Hinton [00:04:31] Yeah. That's a great question. So, I mean, I think, you know, there is there no ways to approach. I mean, on one level, in my home state of Michigan, policymakers spend more money on locking up young people than they do on educating young people. The budget for the criminal justice system is larger than the entire budget for education in the state of Michigan. And so, you know, one wonders, what does that say about the health of American democracy? We are invested in putting people behind bars. So that's one way. And then, of course disenfranchising people. Creating a kind of civic status that doesn't give people who have been convicted of crimes full access to political and economic institutions. And then we have policies in place and mechanisms in place that disenfranchise people. Beginning in 1974, the Supreme Court case, Richardson versus Ramirez. The court rules that convicted felons do not have the right to vote and then that's been challenged ever since. But of course, this has vast implications for the kind of scope of our electorate. Today, more than six million people who have already served their sentence, we're not even talking about people who are still behind bars are deprived of the franchise. So we can imagine if those six million people had been allowed to vote, especially in places like Florida in 2000. The outcome of many of our elections, certainly in the last 40 years might have been very different. So that's one way that it changes our electoral process. And then, of course, the way that census counts work so that the US Census still counts people who are incarcerated in state and federal prisons as residents of the county where they are serving time. And of course, these census counts then in turn determine representation. So although rural areas are home to the minority of the U.S. population, that's where most of our prisons are located. That's where High Desert State Prison - I went to in California, was at the very, very tip and boarder of California and Nevada. Urban Americans who tend to favor Democrats lose representation because of how felon disenfranchisement works. And then rural districts that tend to favor Republicans gain extra representation because of how our prison system is situated. So definitely mass incarceration, mass criminalization has had real detrimental effects to the health of American democracy.

Will Hitchcock [00:06:58] Well, let me ask you a little bit about how we got to this place. You know, we recently spoke to the historian Erika Lee about her scholarship on xenophobia and anti-immigration attitudes in America. And she pointed to one of the high points of supposedly enlightened policymaking on immigration, namely the 1965 Immigration Act, which, as you know, ended overt racism of earlier immigration laws. But it did also create new classes of sort of "undesirable" immigrants, especially from Mexico, Latin America. And you have written in a similar vein about the rise of mass incarceration and locating it, of all places, maybe counterintuitively, in Lyndon Johnson's Great Society.

That's the starting point for this story that you're telling. That's a surprise to a lot of readers, I'm sure. Can you explain that? The origin story?

Elizabeth Hinton [00:07:50] So, I mean, on one level, there is this kind of tendency in U.S. history to ramp up new laws and prison systems, forms of incarceration when rights are extended to new groups of people. So when we get civil rights legislation in 64, 65, we then get the war on crime. In fact, Johnson sent the first federal crime bill in the history of United States to Congress, the Law Enforcement Assistance Act in 1965. And then a week later, he sends the Voting Rights Act. So that kind of gives you a sense of Johnson's priorities, right? Extending civil rights, voting rights, dismantling Jim Crow while at the same time introducing a whole new system of policing and surveillance and eventually one that's really kind of searing new levels of incarceration. His great society, as far as black Americans go, is this real kind of carrot and stick approach to preventing urban civil disorder, which we know doesn't effectively work to stop incidents of uprisings. In fact, they only kind of increase in intensity through every summer of Johnson's presidency. And that the sear in behind this choice is policymakers, Johnson's and Kennedy's frankly, own assumptions about black Americans poverty and crime.

Siva Vaidhyanathan [00:09:14] Yeah. What were the key motivations for structuring a complex set of policies like this? Was there any serious thought put behind it or was it simply a matter of political compromise? And then ultimately, what are the consequences of the metaphor of war?

Elizabeth Hinton [00:09:30] Right. That's a great question. So, I mean, you know, this is a moment when, 50's 60's especially, when social scientists were a really important part of crafting domestic policy and the programs of the war on poverty throughout the 60s were deeply, deeply informed by the research of social scientists. People like Kenneth Clark and people like Daniel Patrick Moynihan and their ideas about what the root causes of social ills were. And these academics had important seats at the policy table. Moynihan was working in 65 when he writes "the Negro family" in the Department of Labor. I mean, this is a moment where scientists or academics are really important in shaping policy discussions. What Moynihan and other social scientists believe is that black poverty, in particular, was pathological. That, you know, there is a recognition of the impact of historical racism. But ultimately, black people's own behavior explains the kind of deep racial inequalities in the US, not necessarily structural exclusion. So this provided Johnson and his Council of Economic Advisors a way to approach fighting the war on poverty - And we'll get to the warfare language in a moment - that didn't require a major kind of redistribution of resources or structural intervention, because if the root of poverty is black pathology, then all you need to do is and I'll use the language that they use is turn black people into productive citizens through these kind of targeted interventions and you'll solve the problem of black poverty. So calling it this war on poverty not only drums up kind of popular support for these initiatives. It makes it seem as though it's going to lead to an end of poverty, even if the development of it makes it so that it could never effectively do that.

Will Hitchcock [00:11:28] Elizabeth, let me bring this story up to more recent times and ask you to just flesh out a little bit the link between mass incarceration and the and the longevity of mass incarceration - link it to systematic economic inequality. I mean, can you walk us through that cycle and then reflect a little bit about what it would take to break the cycle of mass incarceration? Is this a question of economic investment and so forth? I mean, where do we begin to try to look to crack this open?

Elizabeth Hinton [00:12:07] So in a society where people are fully employed, meaning fully employed, the crimes that are committed for survival wouldn't happen. So in a community where there aren't jobs, where many of the more lucrative jobs have moved to the suburban ring of cities, and there is a fundamental retrenchment from social welfare programs, the way that many survive is through engagement in the informal economy, through drug trafficking organizations or through, you know, crimes of survival that involve robbing people. And those are the very same communities that are targeted for policing and enforcement. So what's needed, I think, and what was needed back in the 1960s was a job creation program. Unfortunately, the job creation program that emerges in the 1960s as a job creation program for police. You know, the Kerner Commission calls for a Marshall Plan for American Cities and says, look, if we want to prevent urban uprisings, we've got to make a major investment in these communities. We've got to totally overhaul public schools. We've got to have a job creation program. We've got to completely revitalize public housing. And this isn't just going to cost a billion dollars. This is going to cost tens of billions of dollars. And policymakers have been unwilling to make that kind of investment to really begin to combat in a meaningful way the legacies of historical racism in this country.

Siva Vaidhyanathan [00:13:36] So, Elizabeth, the Kerner Commission was called together in the wake of all sorts of uprisings and confrontations in many American cities. The most visible of which was Los Angeles, specifically Watts. Los Angeles also becomes a model for a military version of policing. Can you talk more about the militarization of police forces and what do we see now? What is the friction between the current movements like Black Lives Matter and this long and deep tradition of the militarization of police forces?

Elizabeth Hinton [00:14:19] So, you know, militarization is not just about the weapons and the hardware and the transfer of military surplus weapons from the defense sector to domestic law enforcement. It's also the kind of war like mentality that goes into policing where the best way to stop crime and the best way to prevent so-called rioting is by saturating a community with officers and sting operations. And the strategies that are developed and the cultures of the departments that then emerge out of those strategies are very much fighting this war. Right? It's an us versus them, where the low income communities that are targeted by crime war programs, the people living there are the enemy. They're not people to be protected. There are people who are latently criminal. And they need to be patrolled in order to round up people who are likely to commit crimes before they move on to something that might be more violent. And you also begin to see in the 60s, you know, those military transfers. I think when Ferguson happens, suddenly people became much more aware of the fact that local law enforcement has these armored tanks that are being used in the Middle East. And a lot of people became outraged about that. And the idea is, oh, there's the war on drugs thing and this began in the Reagan administration, or that this is a war on terror thing. But we begin to see those transfers happening in the 1960s amid, as you say, Watts, which really - you know - it's interesting, Johnson calls the war on crime in March and Watts explodes five months later in July. And I consider that uprising the first battle of the war on crime. And it was a real militarized display of law enforcement that involves helicopters and blocking off streets, you know, strategies that that the Johnson administration is waging in Vietnam and Latin America, the Dominican Republic - then are brought home as strategies to, initially right, contain the Watts rebellion. All kinds of tactics that end up becoming a ubiquitous part of law enforcement for the remainder of the 20th century.

Will Hitchcock [00:16:20] So, Elizabeth, one of the cries that we hear from the streets today all across the country by people who are rising up against this long pattern of police brutality is "Defund the police". Can you give us a sense for what this term means? And on the other side of it, you know, what would policing without violence and brutality look like? How do we get from where we are now to, you know, the notion of policing without this oppressive sense of state violence that now defines it?

Elizabeth Hinton [00:16:55] Yeah, that's a that's a real big question and I think a critical one right now. I mean, as the war on crime is being prosecuted in the 60s, you know, you ask many of the residents living in communities that are prone to uprising and they'd say, you know, they had a "defund the police" - it wasn't called that then, of course - but that idea of how to address the underlying issues, which is we don't need more police. You know, we don't need people walking around our communities with guns. We need jobs! And we need better school systems. And we need decent housing to live in that doesn't have, you know, plumbing problems and rats and roaches running through our apartments. That's what people were saying, that they wanted, not more police. So, you know, in some ways, this has been a recurring thread. You go all the way back you know, to Dubois, and Ida B. Wells. In African-American history and activism after emancipation, as of course, you know, new forms of policing and incarceration are emerging both north and south in the US. So the abolitionist movement called for abolishing the prison system. And I think what's needed now is we need to begin to entrust communities to keep themselves safe and not have an outside force of officers where there is a lot of fear on both sides coming into a community. And I think the failures of that domestic strategy, the war on crime, the war on drugs, the war on gangs, the war on terror, the war on immigrants, is exactly why we're seeing millions of people on the streets today saying we want a different society. This has not worked and this is killing us. Literally.

Siva Vaidhyanathan [00:18:32] Elizabeth, you have been making your own investment in making things better. You've invested your time, your effort, your labor and your deep knowledge in advising the police force in Stockton, California. You've been working with them on different reform measures and so forth. So could you tell us a bit about that collaboration and what has the response been? Does this offer a model? Does it offer us hope? Can we look forward to a better sense of the role of police and law enforcement in general in American society?

Elizabeth Hinton [00:19:07] So since shortly after my book came out in December 2016, I started working with the police chief of Stockton, California, Chief Eric Jones, in what he calls a "fact finding mission." Basically uncovering the history of police violence in Stockton. The department holds listening sessions where officers kind of reckon with this history, where the community together reckons with some of this history and sit down at the same table. I think that this is a step in the right direction. It's not necessarily the answer, but it is true, certainly, that, you know, if we're going to move forward, we really have to reckon with our history. And that happens at a national level, at a collective level, but also at the local level. You know, where, for instance, like when an officer who was involved in shooting somebody's family member and that family member can sit down at the same table and discuss what happened and figure out how there might be healing or solution. I mean, this is in many ways that kind of essence of restorative justice principles. And if we're going to think of a way out of the current crisis in policing, which includes defunding the police and divesting from them and investing other things, we've got to fully confront the dark history of police repression in the US.

Will Hitchcock [00:20:31] That was Elizabeth Hinton, a historian at Yale University and the author of *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*. And we'll be back in just a minute with more.

Ad [00:20:45] Hey, *Democracy in Danger*, listeners. My name is Janice Spinelli and I host and produce a podcast called *Democracy Works*, which is a collaboration between the McCourtney Institute for Democracy at Penn State and WPSU Central Pennsylvania's NPR station. Every week we examine a different aspect of what it means to live in a democracy from big picture questions like neo liberalism and demagoguery to more on the ground issues like voting by mail and ranked choice voting. New episodes are released every Monday, and you can find the show by Searching for *Democracy Works* in any podcast app.

Will Hitchcock [00:21:26] Siva, that conversation with Elizabeth Hinton was really amazing. And, you know, one of the points that she was stressing at the end was about the need for what amounts to a truth and reconciliation commission. And that may seem strange to some listeners, but if you connect it to her analysis that basically the United States has been waging a kind of war, a war on, as it calls it, federal policy calls it a war on crime. But other people in different communities have seen it as a war on themselves, a war on communities, a war on jobs. If you frame your policing around a notion of war and you've come to the point of no return, of saturation, of breakdown, then maybe you do need to bring opposing sides together to review the costs, the sacrifices the victims - share your your suffering and then begin to rebuild.

Siva Vaidhyathan [00:22:15] Well a Truth and Reconciliation Commission is also an exercise in history and an exercise in memory. Come to some shared understanding of how we got to this point and what we've been through. And clearly we need work like Elizabeth's to fill in the blank spots in our public memories. We have a sense, a somewhat cartoonish and shallow sense, that the Great Society in the War on Poverty was something fairly limited and targeted to improving the lives of Americans who were left behind. And we know from speaking to Erica Lee and now to Elizabeth Hinton that there was more to it than that - there were unintended consequences and there were embedded and hidden intended consequences that also contributed to a different style of repression. So despite the war on poverty and its demonstrable successes, you see a steady march toward mass incarceration and the militarization of America's police forces over the next 50 years.

Will Hitchcock [00:23:27] And I think she painted a picture of a society that's kind of reached the breaking point, you know, where policing and crime and communities are just at a stalemate and they need a process of opening this up, letting it breathe. And it made me think a little bit about postwar societies that have established truth and reconciliation commissions. One thinks of Rwanda or South Africa, that seems like a stretch. But on the other hand, if you've been waging war, then maybe the way to end that war, to bring it to resolution is to have a reconciliation process that's open. And that really looks and touches the sore spots of our society and tries to move toward healing.

Siva Vaidhyathan [00:24:08] Absolutely. I mean, considering how much South Africa learned from the United States in the construction and execution of apartheid, it's time that we consider learning something from South Africa. And all of this, I think this is really key, is stuff that Elizabeth has linked to the flourishing of democracy. Democracy in America can't flourish unless we take seriously the disenfranchisement that has been attached to incarceration. Democracy also can't flourish if we don't stop fracturing communities

because communities are where democracy actually happens. Communities are where the civic engagement that is the true root of democracy before we ever register to vote, before we ever vote. All of that democracy has to happen on the street corners, on the stoops, in the barbershops, in the cafes, in the restaurants. And when you fracture communities so badly, when you bruise them and cut them so badly, you are severing their ability to be full participants in a democratic republic.

Siva Vaidhyanathan [00:25:20] That's it for this episode of Democracy in Danger. We'll be back again next week looking across the Atlantic with guest Nina Jankowicz. She's going to walk us through the information war between Russia and Ukraine.

Nina Jankowicz [00:25:33] Ukraine was basically on this path to Euro Atlantic integration, and Russia unleashed a sea of falsehoods in the media, on YouTube, even at town halls. And this event was a harbinger for what was to come in Brexit. And, of course, in the 2016 election here in the United States.

Will Hitchcock [00:25:55] In the meantime, send us your thoughts. How has mass incarceration affected you or someone in your family? Tell us about your story and what this issue means to you. You can find us on Twitter @UVAmedralab or online at medialab.virginia.edu.

Siva Vaidhyanathan [00:26:11] You can subscribe to Democracy in Danger wherever you get your podcasts. We're going to be dropping new episodes at least through the November election. So be sure not to miss our upcoming shows on far right extremism, voter suppression and on authoritarian rhetoric.

Will Hitchcock [00:26:29] Democracy in Danger is produced by Robert Armengol with help from Jennifer Ludovici. Our interns are Kara Peters and Denzel Mitchell.

Siva Vaidhyanathan [00:26:37] Support comes from the University of Virginia's Democracy Initiative and from the College of Arts and Sciences. The show is a project of UVA's Deliberative Media Lab, and it's distributed by the Virginia Audio Collective at WTJU radio in Charlottesville. I'm Siva Vaidyanathan.

Will Hitchcock [00:26:56] And I'm Will Hitchcock. See you here again next time.