CHAPTER THREE

The Politics and Economics of the Prison Boom

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The American penal system is now the largest in the world. For young black men in inner cities, government presents itself mostly as the policeman, the prison guard, or the parole officer. Criminal justice authorities have become a constant presence in poor urban neighborhoods, yet as recently as the late 1970s, the penal population was only one-quarter as large and young male ghetto residents did not routinely go to prison.

We saw in the last chapter that the growth of the penal population was not directly related to a rise in crime. National crime trends did not track prison population growth. At the individual level, imprisonment became common for low-skill black men, but those men were less involved in crime in 2000 than in 1980. If the young men who fill the nation’s prisons and jails aren’t committing more crime than they used to, why are they being incarcerated in record numbers?

Going beyond crime to explain the prison boom requires a theory of punishment—a theory that tells us why some acts are criminalized and carry the penalty of incarceration. Such theories fall into two broad categories. Some argue that the scale of punishment is determined by the economy, particularly the economic standing of the most disadvantaged. From this viewpoint, the failure of America’s cities to provide good jobs for young unskilled men in the 1970s and 1980s triggered mass imprisonment in the 1990s. Others link punishment more to politics in which the scale of punishment is decided by conflicts over the definition and status of society’s outsiders. In the 1960s and 1970s, Republicans honed a law-and-order message in which lawbreakers were dark-skinned and unreformable. More suited to retribution than rehabilitation, criminals were targeted by tough new penalties for drug crimes, violence, and recidivism.

This chapter reviews these arguments and reports on two empirical tests.
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The first analyzes rates of imprisonment in the 50 states from 1980 to 2000. The second studies inequality in prison admission rates for black and white men at different ages and levels of education.

**THE ECONOMIC ORIGINS OF THE PRISON BOOM**

Economic explanations of the scale and intensity of punishment were pioneered by Georg Rusche ([1933] 1980; Rusche and Kirchheimer 1939). Rusche viewed crime as a product of economic necessity, deterred only when the severity of punishment exceeded the ravages of poverty. Quoting George Bernard Shaw, Rusche ([1933] 1980, 12) observed that “if the prison does not underbid the slum in human misery, the slum will empty and the prison will fill.” Historic forms of punishment—fines, torture, imprisonment—were shaped by historic variation in the economic situation of the dispossessed. In modern times the unemployed, representing the most wretched and crime-prone workers, occupied a special place in the theory. Lawmakers and judges were more lenient when labor was scarce and workers were fully employed. Punishment intensified and became more wasteful of labor when the economy slowed and workers were idle. Rusche’s innovation was to show that property owners and state officials responded not to the criminality of individual offenders, but to the threat posed by the entire propertyless class. In this sense, the criminal justice system embodied a social conflict that pitted the forces of property against the lower classes.

The modern descendants of Rusche broadened his argument in two ways. First, they argued that the idle poor are not just a criminal threat; they also challenge the social order in a more basic way (Quinney 1974; Spitzer 1975). The poor may refuse to work, steal from the rich, reject the dominant values of hard work and achievement, and advocate revolutionary change.
Steven Spitzer (1975, 645) described young crime-prone men at the bottom of the social ladder as “social dynamite,” evoking volatility more than chronic disadvantage. Perceiving this broader threat, authorities use crime control as part of a larger project to enforce conformity and maintain the social order. The targets of social control efforts have also come to be defined more broadly. In contemporary societies the poor are just one among many socially marginal populations that are seen as threatening or troublesome. Large demographic disparities in the criminal justice system led researchers to study how youth, racial and ethnic minorities, as well as the unemployed, were targeted by official efforts to manage unruly populations (Box and Hale 1982; Hall 1978; Melossi 1989; Tittle and Curran 1988).

In the abstract, this description of punishment as a social conflict sounds conspiratorial. Would public officials really direct the state’s legitimate violence against those who are powerless? Research on criminal punishment suggests that this happens in three ways. First, legislators perceiving poor and marginal populations as dangerous or threatening may write criminal law to contain the threat. Laws against vagrancy offer a clear historical example of the criminalization of poverty. The class bias of vagrancy statutes has been widely observed, not least by Anatole France who questioned the “majestic equality” of a law that “forbids the rich as well as the poor to sleep under bridges.” Dubber (2001) argues that criminal possession has replaced vagrancy as the main statutory control on the poor. Like vagrancy, possession offenses—covering not just drugs, but drug paraphernalia, weapons, stolen property and a host of other items—require no criminal intent. Possession punishes just the threat, rather than actual victimization. The abstract notion of regulating social threat is thus concretely expressed in the law of possession.
Second, police may surveil and arrest the poor more frequently than the affluent. Police partly concentrate on poor urban communities because more of daily life, and illegal activity, transpires in public space. Ethnographers suggest that the purchase and consumption of drugs, drunkenness, and domestic disturbances are more likely to take place in public in urban areas, but in private homes in the suburbs. Consequently, poor urban residents are more exposed to police scrutiny and risk arrest more than their suburban counterparts. (e.g., Duneier 1999, 304–307; Anderson 1990, 193–198; Bourgois 1996). The great social distance between the police and poor urban minorities contributes to distrust on both sides. Police tend to view disadvantaged blacks and Hispanics and the communities in which they live as unsafe (Wilson 1968, ch. 2; Chambliss 2000). The poor are treated with more suspicion as a result.

Third, judges may treat poor defendants harshly once in court. Judges can view poor defendants as more culpable with less potential for rehabilitation (Kluegel 1990; Steffensmeier, Ulmer, and Kramer 1998, 770; Greenberg 1977; Albonetti 1991). Thus, controlling for offense characteristics and criminal history, sentencing research finds the highest chances of incarceration among low-status unemployed defendants—either minorities or those living in high unemployment areas (Spohn and Holleran 2000; D’Alessio and Stolzenberg 2002).

Skeptics will say that the poor are arrested and incarcerated more than the rich because they commit more crime. But this misses the argument in two ways. First, if only the poor committed crime, we would still need to explain why they are punished more harshly at some times rather than others. Second, inequalities in punishment are not fully explained by inequalities in crime. In some cases, the law is enforced more aggressively against
the disadvantaged. For instance, blacks and whites use drugs at similar levels, but police focus on black drug users producing racial disparities in drug possession arrests (Beckett et al. 2004; Tonry 1995, 104–116). But in other cases, the marginal are clearly more involved in crime than the mainstream. In one important example, rates of homicide and homicide victimization are six times higher for young black men than young whites.¹ Real differences in criminality between blacks and whites, say, influence authorities’ perceptions of the threat blacks may pose. But authorities’ perception of blacks as threatening is sharpened by the low social and economic status of the black community. Like any organized social activity—run according to rules and routines—law enforcement and punishment are blunt instruments; they fail in the impossible task of meting out justice in an individualized way. Perceptions of black criminality—partly based on fact, partly colored by the social disadvantage of African Americans—are woven into the routines and rules of criminal justice. In this way, law enforcement and court officials magnify relatively small inequalities in crime into relatively large disparities in punishment.

If the scale of punishment is produced by social conflict rooted in economic disadvantage, the growth in U.S. income inequality in the decades after 1970 was a potent force for prison expansion. The great economic losers of the new inequality were men with just a high school education. Without a college degree, these low-skill men missed out on the technical and white collar jobs that retained their value through the 1970s and 1980s. Young black men in urban areas were hit the hardest. As urban labor markets buckled under

¹The racial disparity in imprisonment for homicide matches racial disparities in homicide arrests. For drug crimes, assaults, and weapons offenses, only a half to two-thirds of the racial disparity in imprisonment is explained by the disparity in arrests (Blumstein 1993; Sorensen, Hope, and Stemen 2003).
the loss of industrial jobs, minority neighborhoods in the northeast and the midwest descended into poverty and chronic joblessness.

The economic decline of the ghetto, well underway by the mid-1970s, coincided with the take-off of the prison boom. Loïc Wacquant (2000, 2001) provides an historical and institutional analysis that views mass imprisonment as the latest of an evolving variety of social institutions confining and dominating African Americans. In this analysis, slavery and Jim Crow in the South were succeeded by the northern ghetto. Through the first seven decades of twentieth century, the ghetto—the black city within the white—maintained racial separation, preventing the full participation of blacks in white society. The economic collapse of the ghetto and retrenchment of the welfare state ushered in a new institutional form of racial domination—the “prison hyper-ghetto.” The prison in the era of the jobless ghetto functions to warehouse a population made superfluous by urban deindustrialization, but radicalized by the social movements of the 1960s (Wacquant 2000, 284). Young black men drift back and forth between the prison and the ghetto, putting the stamp of custodial supervision on street life, and drawing the life of the street into the institution. In this setting, the prison is “race-making”—an institution that contributes to a distinctively stigmatized collective experience among poor African Americans (Wacquant 2001, 103–104).

There are flaws in this story, to be sure, but the historical perspective is valuable and, even better, suggests a hypothesis: If mass imprisonment is a stage in the institutional evolution of American racial domination, the prison boom will likely have fallen most heavily on the most economically disadvantaged blacks. Not only would imprisonment have increased, but race and class inequality in imprisonment would have deepened. This is the sense in which mass imprisonment is “race-making,” attaching the marker of moral
failure to the collective experience of an entire social group.

**The Politics of the Prison Boom**

The economic account that couples labor market trends to prison growth is provocative but incomplete. The jobless ghetto supplied a pool of potential inmates, but policymakers had also to decide that crime, and street crime in particular, was deserving of imprisonment. In the early 1970s this decision was by no means obvious. Indeed, criminal justice experts had begun to doubt the utility of imprisonment (Garland 2001, 65–68). Advocates for prisoners’ rights protested the inhumanity of incarceration and the abuses of a justice system marked by large racial disparities (American Friends Service Committee 1971; Somer 1975; Dodge 1975).

For most of the twentieth century, the official objective of criminal justice was correction (Rothman 2002 [1980]; Blomberg and Lucken 2000, 99–116). Correction was served by tailoring sentences to individual cases. This system of indeterminate sentencing began with legislatures who gave judges wide latitude in determining whether an offender should go to prison. Conviction would not often result in incarceration. Instead, criminal offenders were assigned to community supervision under the charge of a probation officer. If sentenced to prison, the offender’s release was typically decided by a parole board that would consider the circumstances of an individual’s crime, criminal history, and measure the potential for rehabilitation (Rothman [1980] 2002, 165–174). Parole supervision itself was intended to reintegrate criminal offenders back into society (Petersilia 1999). Traditionally, parole officers resembled social workers, connecting their parolees to social services and job opportunities. David Garland (1990) described this combination of indeterminate sentencing, corrections, and community supervision as “penal
welfarism.” For the vast majority of convicted offenders, the criminal justice system was an extension of the welfare state—a government sponsored effort to provide opportunity and lift society’s failures back into the mainstream.

In practice, judges and prison wardens adapted the ideals of penal welfarism to the administrative realities of criminal processing, and the goal of rehabilitation was regularly compromised (Rothman 2002 [1980]). American prisons could be disorderly, understaffed, and poorly managed (DiIulio 1987, 49–95). In the South, the rehabilitative project was never fully accepted and prisons often remained instruments of racial domination and forced labor. Southern chain gangs that built the roads and prison farms that cultivated cotton demonstrated little of the rehabilitative philosophy that was officially adopted elsewhere in the country (Myers 1999; Oshinsky 1996; Ayers 1986). Still, the principles of individualized treatment and rehabilitation were engrained in the formal institutions of indeterminate sentencing and parole. Prison was not yet the default punishment for convicted felons, and penal confinement was reserved for the most dangerous and incorrigible.

The 1970s were a transitional decade in the history of American criminal justice. The official philosophy of rehabilitation was replaced by a punitive approach. Two political projects—the war on crime and the war on drugs—conceived of a new role for prisons, and a new array of offenses and procedures for criminal processing. In a time of rising crime and academic skepticism about rehabilitative programs, prisons were enlisted for a more modest purpose—to incapacitate criminals who would otherwise be on the streets and to deter those who are tempted to offend. Drug users and the drug trade were seen as major sources of violent crime (Boyum and Kleiman 2001, 333–340; Guetzkow 2004, 151-158). If drug treatment could not prevent addiction, government must focus on reducing the drug supply by cracking
down on drug trafficking. Although drug use was not increasing, the rate of drug arrests increased by about 250 percent from 1980 to 1996, driven by a sharp increase in arrest among minorities (Mauer 1999, 146–147; Blumstein 2002, 466–467). By the end of the 1990s, nearly 60 percent of all federal prisoners were drug offenders, and the share of drug offenders in state prison had more than doubled (Blumstein 2002, 468). No longer an extension of the welfare state, the new penal system fortified society against incursions by the criminal class.

The transformation of American criminal justice, through the wars on crime and drugs, needed an agent of change and a method for implementing the new punitive philosophy. The main agent of change was the Republican party. The key method for expanding the scale of imprisonment was a new regime of criminal sentencing that repudiated the philosophy of rehabilitation and its accompanying methods for individualized sentencing.

**The Politics of Law and Order**

Although the prison boom moved into high gear in the 1980s, its political origins are often traced to Barry Goldwater’s presidential run in 1964 (Beckett 1997; Gest 2001). Goldwater, in accepting the Republican, nomination warned of the “the growing menace in our country... to personal safety, to life, to limb, and property.” Crime and disorder, he observed, were a threat to human freedom and freedom must be “balanced so that liberty lacking order will not become the license of the mob and of the jungle.” At the time, Goldwater’s appeal had little basis in crime trends or public opinion. The murder rate in 1964 was no higher than five years earlier and fewer than 4 percent of Americans counted crime among the country’s most important problems, compared to large majorities concerned with foreign affairs and
civil rights (Niemi, Mueller, and Smith 1989). Still, the Republican campaign of 1964 had linked the problem of street crime to civil rights protest and the growing unease among whites about racial violence. Although Goldwater was roundly defeated by Lyndon Johnson, conservatives within the Republican Party had taken a significant step to introducing a new kind of politics. Historically, responsibilities for crime control were divided mostly between state and local agencies. The Republicans had placed the issue of crime squarely on the national agenda. What’s more, by treating civil rights protest as a strain of social disorder, veiled connections were drawn between the crime problem on the one hand, and black social protest on the other.

Despite Goldwater’s defeat, the law and order message later resonated, particularly among southern whites and northern working class voters or Irish, Italian, and German descent who turned away from the Democratic Party in the 1970s. The social problem of crime became a reality as rates of murder and other violence escalated in the decade following the 1964 election. Through the 1960s, urban riots in Los Angeles, New York, Newark, and Detroit fuelled the racial fears of whites, already discomfited by desegregation, black voting rights, and other civil rights victories.

Elevated crime rates and the realigned race relations of the post-Civil Rights period provided a receptive context for the law-and-order themes of the national Republican Party. The message was refined and sharpened by Republican presidential candidates in each electoral season over the next twenty years. In his 1970 State of the Union address, Richard Nixon declared war on “the criminal elements which increasingly threaten our cities, our homes, and our lives.” In 1982, Ronald Reagan extended the campaign against crime to a war on drugs that would increase the number of federal drug arrests and introduce mandatory federal prison sentences for drug of-
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fenders (Zimring and Hawkins 1992, 147). In the 1988 contest, Republican candidate George Bush declared his strong support for the death penalty and charged his opponent, Michael Dukakis, with coddling dangerous criminals. Bush’s Willie Horton campaign commercial signalled the dangers of black criminality and Democratic complicity in the threat. The penal welfare orthodoxy, and the Democrats, came under fire for offering more sympathy to criminals than crime victims: “there are some... who have wandered off the clear-cut path of commonsense and have become lost in the thickets of liberal sociology... when it comes to crime and criminals they always seem to ‘Blame Society First’... [Criminal justice under Dukakis is] a ‘Twilight zone’ world where prisoners ‘right to privacy’ has more weight than a citizen’s right to safety” (George Bush quoted by Edsall and Edsall 1991, 225).

Rooted in reaction to civil rights social protest, and fuelled by rising violent crime rates, the presidential politics of law and order had largely rejected the possibility, and perhaps even the desirability, of rehabilitation.

National politics illustrate the hardening of Republican crime policy, but governors and state legislators led the effort to rebuild the penal system. The law-and-order politics of the state Republican parties can be seen in Joseph Davey’s (1998) comparison of imprisonment trends in adjacent states in the 1980s and early 1990s. Five out of six states with the highest rates of imprisonment growth were governed by Republicans when state prison populations were growing most rapidly. Republican governors presided in fewer than half of the comparison states where incarceration rates changed little.\footnote{The high-incarceration governors included Judd Gregg (New Hampshire), John Ashcroft (Missouri), Carroll Campbell (South Carolina), Michael Castle (Delaware), Wallace Wilkinson (Kentucky), and Evan Mecham (Arizona). Wilkinson was the lone Democrat. The low-incarceration governors in the comparison states included John McKernan (Maine, Republican), Joan Finney (Kansas, Democrat), James Martin (North Carolina, Republican), William Schaefer (Maryland, Democrat). Davey contrasts Arizona with...}
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The clearest examples of aggressive law-and-order politics were provided by Governors John Ashcroft of Missouri (later President George W. Bush’s attorney general) and Carroll Campbell of South Carolina. From 1985 to 1993, when Ashcroft was governor, the Missouri imprisonment rate increased by 80 percent. During his two terms, Ashcroft cut state services by over $1 billion, but spent $115 million on new prisons and increased the annual correctional budget from $87 million to $208 million. The Missouri legislature passed a range of tough penalties and Ashcroft pursued sentence enhancements for drug offenders (Davey 1998, 56–57). In South Carolina, Governor Campbell oversaw a 39 percent increase in imprisonment from 1986 to 1990. Like Ashcroft, Campbell supported tough sentences for drug offenders. No-parole and mandatory minimum prison sentences for drug crimes were adopted during Campbell’s tenure.

Although Republican politicians promoted prison expansion and tough new criminal sentences, Democrats also supported an increasingly punitive criminal justice policy. Liberals had opposed the death penalty since its reintroduction in 1975, but by the early 1990s congressional Democrats were introducing bills carrying dozens of capital offenses. In 1991, Democratic Senator Joseph Biden would boast: “The Biden crime bill before us calls for the death penalty for 51 offenses... The President’s bill calls for the death penalty on 46 offenses.” Biden also voiced his support for the death penalty “without the racial justice provision in it,” referring to a proposal to prevent capital punishment where there is statistical evidence of racial disparity (Murakawa 2004, chapter 3). President Clinton’s 1994 Violent Crime Control

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California, Nevada, New Mexico, and Utah, whose governors were evenly divided between Democrats and Republicans in 1987. California may be a poor point of comparison because state incarceration rates grew strongly there through the 1980s under Republican Governor George Deukmejian.
and Law Enforcement Act authorized funding for local police and imposed a ban on assault weapons—popular measures among big-city mayors—but also earmarked $9.9 billion for prison construction and added life terms for third-time federal felons (Windelsham 1998, 104–107). At the state level, Mario Cuomo, the liberal Democratic governor from New York conducted a massive increase in prison capacity. In Texas, incarceration rates grew more quickly under Democratic governor Ann Richards, than under her Republican successor, George W. Bush (Greenberg and West 2001, 625). In short, Democrats also joined in the rejection of the penal welfarism, although they may have come later and with less enthusiasm to punitive criminal justice policy.

Anecdotes linking parties to crime policy can be marshaled on both sides and more systematic evidence is needed to weigh the influence of Republicans and Democrats on the prison boom. David Jacobs and Ronald Helms (1996) analyzed national time series and found that imprisonment rates grew quickly under Republican presidents, but slowly under Democrats. National data are suggestive, but a stronger test studies the large political and penal differences between states. Jacobs and Jason Carmichael (2002) estimated the effects of Republican electoral strength on state incarceration rates. They found that incarceration rates were higher in states with Republican legislatures and governors, more so in the 1990s than the 1980s. The issue remains unsettled, however. David Greenberg and Valerie West (2001) using similar data from the 1970, 1980, and 1990 Censuses were unable to find any significant effects of Republican governors on state incarceration rates.
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Criminal Sentencing

The legal framework for criminal processing—the system of sentencing and parole release—was a visible and vulnerable target for the new law-and-order politics. Before the mid-1970s, indeterminate sentencing let judges decide whether an offender would be sent to prison and the maximum time they might serve. The length of time served was not generally set at the trial but was instead determined in prison by a hearing of the parole board. In principle, the wide discretion of judges and parole boards enabled correctional treatment that could be tailored to individual cases.

By the end of the 1960s, the discretion of judges and parole boards was assailed from the left and the right. Left-wing critics charged that police and judicial discretion enabled racial and class bias (Somer 1976). The American Friends Service Committee in their report, *The Struggle for Justice* (1971, 124) argued that “many distortions and corruptions of justice—such as the discriminatory use of penal sanctions...—depend on the existence of wide margins of discretionary power...” To remedy the abuse of discretion, they recommended short fixed sentences, the abolition of parole, and unsupervised street release.

While activists on the left were concerned that judicial discretion resulted in excessive incarceration, conservatives feared that incarceration was not used often enough. In his book, *Thinking About Crime* (1975), criminologist James Q. Wilson argued that criminals were not made in the poor and broken homes that dotted traditional criminology; they were born into the world wicked and covetous. Rehabilitation was a sentimental delusion for this tough-minded analysis. Incarceration could reduce crime only by locking away the hard cases and by deterring the opportunists (Wilson 1975, 172). To deter, punishment had to be certain and not left to the vagaries of
the sentencing judge and the parole hearing.

Opposition to indeterminate sentences set in motion a wave of legislative activity that limited judicial discretion in criminal punishment (Garland 2001; Tonry 1996; Griset 1991, 31–35). In 1978, in an effort to reduce race and gender disparities, lawmakers in Minnesota and Pennsylvania established the first sentencing commissions that developed guidelines for judges. Twenty more states adopted sentencing guidelines over the next fifteen years. Arbitrary punishment was to be minimized by a grid that determined the sentence considering only the crime and the offender's criminal history. In at least 9 states, guidelines were intended to help control prison growth, and imprisonment did grow more slowly through the late 1980s in these cases (Marvell 1995; see also Crotty-Nicholson 2004). Guidelines, however, may also have the opposite effect. Michael Tonry (1996, 200–23) argued that sentencing guidelines can increase the severity of punishment. The “psychology of the two-dimensional grid” leads to a more punishing approach to sentencing because the defendant’s social context is eliminated from consideration. The zeal for uniform treatment prevents judges from considering mitigating factors like employment, education, and family situation—factors that would reduce sentences under an indeterminate scheme. Criminal history is also weighed relatively heavily, so repeat offenders may serve more time (Tonry 1996, 49–59).

Sentencing guidelines were sometimes introduced as one piece of a two-part reform that also abolished early release through parole. The hearing that monitored an offender’s conduct and rehabilitative potential was conceived as part of the correctional model of individualized treatment. Parole abolitionists were sometimes motivated to reduce discretion to prevent unfair treatment particularly for minority defendants. Often, however, parole was
abolished as part of a tough on crime project that rejected rehabilitation and individualized treatment (Petersilia 2003, 65; Marvell and Moody 1996, 110-111). Maine disbanded its parole board first, in 1975 and fourteen states followed over the next 20 years. Another five states limited parole release just for violent or personal crimes (BJS 1999, 3). Where parole was abolished, prisoners could earn early release by accumulating time off for good conduct. Like sentencing guidelines, parole abolition may increase prison populations. By applying broader standards for release than good conduct, parole release might reduce prison growth. Parole boards might also operate as a safety valve, adjusting release decisions to conditions of crowding (Blumstein 1988, 238; Rothman 2002 [1980], 188–189). The evidence for these effect is mixed, however. Marvell and Moody (1996) found higher imprisonment rates in only 1 of the 10 states with mandatory release. Violent offenders also spend more time in prison in states with discretionary parole release (Hughes, Wilson, and Beck, 2001, Table 7).

New mandatory minimum sentences also affected prison release. Mandatory minimums require offenders to serve a fixed period before the possibility of early release. Although mandatory minimum sentences were on the books in many states before 1970, they were disliked by judges and few appeared to comply with the mandate (Tonry 1996, 145–46). From the 1970s, mandatory sentencing became popular among lawmakers eager to show their tough-on-crime credentials. The new generation of mandatory minimums were first adopted by New York Governor Nelson Rockefeller. A moderate Republican, Rockefeller had supported some of the country’s leading drug treatment programs in the 1960s. By the early 1970s, Rockefeller had become disillusioned by the failure of New York’s drug treatment programs to stem the flow of new drug addicts. In 1973, he proposed mandatory life prison sentences
for anyone selling or conspiring to sell heroin, amphetamines, LSD or other hard drugs. Life sentences were not confined to drug dealers. Possession of more than an ounce of heroin or cocaine would also earn life in prison (Griset 1991). The Rockefeller drug laws passed the state legislature in May 1973. High level drug dealers have served long prison sentences under the laws, but their broad scope have also swept up many small-time dealers. Jennifer Gonnerman (2003) tells the story of Elaine Bartlett, a twenty-six year-old hairdresser and mother of four, who was offered $2500 to take four ounces of cocaine from New York City for sale in upstate Albany. A novice drug mule, Bartlett was caught in a sting operation and sentenced in 1984 to 20 years to life. She was released after 16 years on a grant of clemency. While the New York laws remained among the nation’s toughest, by the mid-1990s, 35 other states had adopted mandatory minimums for drug possession or trafficking (Bureau of Justice Assistance 1996, 6–7).

Mandatory minimum sentences were also widely adopted for repeat offenders. California’s three-strikes law, passed in 1994, is the best-known example. Three-strikes, however, is a misnomer. The Californian law doubles sentences for serious second-time felony offenders. The third strike carries life in prison. The clearest case for disproportionate punishment arises for third-strike nonviolent felons. Sasha Abramsky’s *Hard Time Blues* describes the third strike for Billy Ochoa, a lifelong heroin addict who supported his habit mostly by burglary and welfare fraud. After 31 arrests and six burglary convictions, Ochoa was on parole at age 53 and caught supplying false identities for food stamps and emergency shelter vouchers. The welfare fraud, valued at $2100, earned a sentence of 326 years at the New Folsom supermax prison (Abramsky 2002). The third-time enhancements, like Ochoa’s were most severe, but the main burden of the Californian law falls on second-time
offenders. A year after the law was passed, about 65 percent of those eligible, about 10,000 Californian prisoners, were estimated to be sentenced under the second-strike provision (Zimring et al 2001, 64). By adding time to the sentences of large numbers of defendants with just a single felony conviction, the California three-strikes law is probably the most severe. Many other states also adopted some version of these provisions and by the mid-1990s, 40 states had passed mandatory sentences for repeat offenders.

Mandatory minimums reduced an ostensibly dishonest feature of indeterminate sentencing—potentially severe sentences were allowed by law but seldom imposed by judges. So-called truth-in-sentencing measures sought greater transparency through greater severity, requiring offenders to serve a majority of their prison sentence. Truth-in-sentencing was applied mostly to violent crimes, although in Florida, Mississippi and Ohio the measure applied to all prisoners (BJS 1999, 3). The earliest truth-in-sentencing scheme was introduced in Washington state in 1984. Truth-in-sentencing proliferated after federal law in 1994 authorized funding for additional prisons and jails for states mandating 85 percent of time served for serious violent crimes. By 1998, twenty-five states had adopted the 85 percent standard. Another seven states require at least half the sentence be served (BJS 1999, 2).

To gauge trends in criminal sentencing, I constructed an index that records states with sentencing guidelines, parole release, three-strikes laws, and truth-in-sentencing laws (Table 1). Parole was widely abolished at an early stage, in 17 states by 1980. Innovations like three-strikes and truth-in-sentencing were only widely adopted through the 1990s. Table 1 shows that legislatures, by mandating minimum prison sentences and limiting the role of judges and parole boards, increasingly asserted control over the punishment of criminals. In the courtroom, much of the power to incarcerate moved
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Table 1. Number of states that limited judicial discretion in criminal sentencing, 1980–2000.

<table>
<thead>
<tr>
<th>Number of states that have:</th>
<th>1980</th>
<th>1990</th>
<th>2000</th>
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<tbody>
<tr>
<td>Sentencing guidelines(^a)</td>
<td>2</td>
<td>10</td>
<td>17</td>
</tr>
<tr>
<td>Abolished or limited parole(^b)</td>
<td>17</td>
<td>21</td>
<td>33</td>
</tr>
<tr>
<td>Three-strikes laws</td>
<td>0</td>
<td>0</td>
<td>24</td>
</tr>
<tr>
<td>Truth in sentencing laws(^c)</td>
<td>3</td>
<td>7</td>
<td>40</td>
</tr>
</tbody>
</table>

\(^a\) Includes states with voluntary and presumptive guidelines.
\(^b\) Includes states that limit parole release only for violent offenders.
\(^c\) Includes all states that mandates at least 50\% of sentences be served for some offenses.

from judges to prosecutors. By choosing which charges to bring, prosecutors largely controlled a defendant’s chances of going to jail.

We have so far seen two main explanations for the growth in imprisonment in the thirty years after 1970. An economic explanation points to the steady rise in American economic inequality and high unemployment among poor urban African Americans. A political explanation points to the influence of the law-and-order politics of the Republican party and the adoption of a tough new system of determinate sentencing. Researchers have empirically studied these explanations by examining times series of national incarceration rates and variation across states over time. The state-level research capitalizes on large differences in penal systems across jurisdictions. The data sets of earlier research, however, were often sparse, examining only census years and providing only coarse measures of changes in criminal sentencing. Because of these problems of data and measurement, there was often little agreement among the statistical studies. Some found strong evidence of the effects of economic inequality and unemployment (Jacobs and Helms 2002) but others did not (Nicholson-Crotty 2004; Jacobs and Carmichael 2000; Greenberg and
West 2001). Some studies found that prisons grow fastest under Republican lawmakers (Jacobs and Carmichael 2001; Smith 2004) but others have been unable to replicate this result (Greenberg and West 2001). I next provide a more comprehensive empirical test that examines incarceration in the states using annual data from 1980 to 2000. The analysis also introduces a detailed measure of changes in criminal sentencing.

**Incarceration in 50 States**

There is more variation in imprisonment across the fifty states than between the United States and Europe. Figure 1 shows the distribution of state imprisonment rates each year from 1970 to 2003. Each box in Figure 1 shows the incarceration rates spanning the middle 25 states (the 25th to the 50th percentiles). The median incarceration rate is marked by the line in the middle of each box. The whiskers extending from the box roughly span the first and last percentiles, with outliers marked beyond the whiskers. State imprisonment rates become more dispersed over time. State prison populations increased everywhere, but they increased in some states more quickly than others. Louisiana, Mississippi and Texas stand out for their extraordinary rates of prison growth. Imprisonment rates in these four states increased by more than 500 per 100,000 from 1980 to 2003. By 2003, Lousiana’s incarceration rate of 801 per 100,000 was nearly two-thirds higher than the national average. Texas accounted for 7.5 percent of the U.S. population, but housed 13.1 percent of the country’s state prisoners.

Variation in imprisonment across the states between 1980 and 2000 helps us understand the effects of changing political and economic conditions. If mass imprisonment grew out of a bad labor market for black men, incarceration rates would likely have increased most in states with the largest
Figure 1. Boxplots showing the annual rates of state imprisonment for the 50 states, 1970–2003. Inset: boxplot of state imprisonment rates for the 50 states in 2003.
increases in unemployment and income inequality. If law-and-order politics and tough-on-crime sentencing swelled prison populations we would expect to see incarceration rates rise in states that elected Republican lawmakers and installed determinate sentencing.

Table 2 lists socio-economic conditions and political and legal factors that might contribute to a state’s imprisonment rate. Many different labor market conditions may affect imprisonment, although researchers have focused on unemployment and income inequality (Chiricos and Delone 1992; Western, Kleykamp, and Rosenfeld 2004). Income inequality—measured by the Gini index of individual incomes—increased through the 1990s, and may better reflect the economic status of disadvantaged men than unemployment. If the prison boom stems from African American joblessness, black men’s unemployment rates may also be a better predictor of incarceration than the overall unemployment rate. Still, causality is not clearcut. Declining unemployment among black men through the 1990s results in part from rising imprisonment as those with poor job prospects are removed from the labor force by incarceration. In any event, unemployment rates go up and down with the business cycle and do not capture the chronic joblessness associated with ghetto poverty. To tap this more enduring unemployment, I also measure the proportion of men under 40 in the population who have only a high school education and who have dropped out of the labor force.

Viewing punishment as a social conflict led us to think not just about the economic status of outsiders but also their race. The proportion of African Americans varies more across states than over time. Declining employment in the manufacturing centers of the midwest and northeast in the 1960s and 1970s reversed a northern migration that dated from the early decades of the twentieth century. Blacks returned to the south in the two decades from

<table>
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<th></th>
<th>1980</th>
<th>1990</th>
<th>2000</th>
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<tr>
<td><strong>State-level incarceration</strong></td>
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<td>Imprisonment per 100,000</td>
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<td><strong>Socio-Economic Predictors</strong></td>
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<td>Unemployment rate (%)</td>
<td>6.8</td>
<td>5.4</td>
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<tr>
<td>Unemployment rate, black men (%)</td>
<td>12.4</td>
<td>11.0</td>
<td>7.0</td>
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<tr>
<td>Young jobless noncollege men(^a) (%)</td>
<td>1.2</td>
<td>1.6</td>
<td>1.5</td>
</tr>
<tr>
<td>Gini index of incomes</td>
<td>45.2</td>
<td>44.6</td>
<td>46.2</td>
</tr>
<tr>
<td>Percent black</td>
<td>9.4</td>
<td>10.1</td>
<td>10.9</td>
</tr>
<tr>
<td><strong>Legal and Political Predictors</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Determinate sentencing index (0–4 points)</td>
<td>.3</td>
<td>.6</td>
<td>2.0</td>
</tr>
<tr>
<td>Sentencing guidelines (0–4 points)</td>
<td>.2</td>
<td>.8</td>
<td>1.1</td>
</tr>
<tr>
<td>Percent Democratic governors</td>
<td>62.5</td>
<td>56.2</td>
<td>33.3</td>
</tr>
<tr>
<td>Percent Democrat in legislature(^b)</td>
<td>62.9</td>
<td>59.8</td>
<td>51.8</td>
</tr>
</tbody>
</table>

\(^a\) Noncollege men aged 19 to 45 who are not in the labor force.

\(^b\) For bicameral legislatures, percent of Democratic legislators is the average of the percentage Democratic in both houses.
1980, increasing the size African American populations in states like Georgia, North Carolina and Florida (Frey 2004).

Two kinds of measures tap the changing political context of criminal processing. First, the Republican realignment is indicated by changes in the number of Republican governors and the average percentage of Republican state legislators. More than half of all governors were Democrats in 1980, but this number had fallen to one-third by 2000 (Table 2). State legislature were, on average, more than 60 percent Democratic, but Democrats averaged only a bare majority two decades later. Determinate sentencing proliferated as Republicans became stronger. A four-point scale combining information on sentencing guidelines, parole abolition, truth-in-sentencing laws, and three-strikes laws, increases from .3 to 2.0 between 1980 and 2000. While these criminal sentencing measures were uncommon in 1980, the states had typically adopted 2 of these provisions by 2000. An alternative measure showing the prevalence of sentencing guidelines also shows a clear increase.

The economic and political sources of incarceration may be confounded with the effects of crime, urbanization, the growth in police forces, and changes in the political attitudes of voters. I report on a regression analysis that controls for these other causes of incarceration. The analysis also fits effects that account for fixed characteristics of states. These fixed effects account for factors that do not change over time, but have been left out of the study and may be correlated with the predictors. For example, incarceration rates have been historically high in some southern states like Georgia and Mississippi, some suggest partly because of a southern culture of violence that urges retribution against law-breakers (Ayers 1984). The culture of violence is a relatively fixed characteristic of southern states, and its influence is absorbed by the state fixed effects.
Chapter 3. The Politics and Economics of the Prison Boom

Estimates of the effects of socio-economic, political and legal factors are shown in Table 3. There is little indication that a failing labor market pushed up state imprisonment. Driven mostly by trends in the 1990s, the unemployment rate for the whole labor force and for black men is negatively related to imprisonment—imprisonment rates increased while joblessness was falling. The Gini index of income inequality is also negatively related to imprisonment, but in this case the effect is not statistically significant. The one positive result among the labor market effects is based on the targeted measure of labor inactivity among young, low-education men. Between 1980 and 1990, the .4 of a percentage point rise in the population share of these crime-prone inactive men is associated with an increase in the incarceration of 10 percent, only a small fraction of the actual threefold increase in state imprisonment rates.

If the prison expresses a racial as well as an economic conflict, we would expect to see a positive association between incarceration rates and the size of a state’s black population. The results show that a 1 percentage point increase in the black population is associated with an 1.6 percent increase in state imprisonment. This suggests that in states like Georgia, Louisiana, Maryland, and Mississippi, the return of blacks from the rustbelt cities of the northeast and the midwest contributed to growth in the prison population. The 3 percentage point rise in Louisiana’s African American population between 1980 and 2000, for example, is estimated to have increased the state incarceration rate by nearly 5 percent.

Statistical results like these can depend a lot on the assumptions behind the statistical analysis. If the assumptions are changed, the results may change too. The most important assumption specifies the predictors that are included in the analysis. To see if one estimate depends heavily on

<table>
<thead>
<tr>
<th>Effect on State Imprisonment (%)</th>
<th>Range of Estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Range of Estimates</strong></td>
<td>Low</td>
</tr>
<tr>
<td><strong>Socio-Economic Effects</strong></td>
<td></td>
</tr>
<tr>
<td>1 point rise in unemployment rate</td>
<td>4.2*</td>
</tr>
<tr>
<td>1 point rise in black men’s unemployment rate</td>
<td>1.1*</td>
</tr>
<tr>
<td>1 unit rise in Gini index of incomes</td>
<td>1.2</td>
</tr>
<tr>
<td>1 per 1,000 rise in share of young jobless noncollege men</td>
<td>2.3*</td>
</tr>
<tr>
<td>1 point rise in black population share</td>
<td>1.6*</td>
</tr>
<tr>
<td><strong>Legal and Political Effects</strong></td>
<td></td>
</tr>
<tr>
<td>Change from Republican to Democratic governor</td>
<td>-16.1*</td>
</tr>
<tr>
<td>10 point rise in Democrats in legislature</td>
<td>-5.4*</td>
</tr>
<tr>
<td>1 point rise in 4-point determinate sentencing scale</td>
<td>12.1*</td>
</tr>
<tr>
<td>1 point rise in 4-point sentencing guidelines scale</td>
<td>3.7*</td>
</tr>
</tbody>
</table>

*p < .01

Note: Estimates are from a regression of log state imprisonment rates on murder, non-lethal violent crime, property crime, noncollege joblessness, percent black, percent urban, determinate sentencing scale, percent Democrat in the state legislature, state spending on police, and citizen’s liberal ideology (N = 1008, R² = .85 with state fixed effects). Other estimates are obtained by replacing noncollege joblessness with unemployment, black men’s unemployment, or the Gini index; the determinate sentencing scale is replaced by sentencing guidelines; and Democrats in the state legislature is replaced by an indicator for Democratic governors. The range of estimates from all possible subsets of predictors indicate the stability of results across models. All predictors except the sentencing index and the sentencing guidelines are lagged one year.
the predictors, I re-estimated the effect for many different sets of predictors (Leamer 1983). The range of effects is given in the last two columns of Table 3. We can be sure that the results are stable across different models if the sign (positive or negative) of the effects are unchanged across models. Such results do not depend strongly on any particular set of assumptions. The positive effects of joblessness among low-education men and a state’s racial composition are stable in this way.

The socio-economic effects are only modestly supported by the statistics, but evidence is stronger for the effects of political parties and determinate sentencing. The partisanship of governors and state legislators is strongly related to imprisonment. Prison grew more slowly under Democratic governors and state legislators than under Republicans. Imprisonment rates were about 16 percent lower under Democratic governors than Republicans. A 10 point swing to Democrats in state legislatures is associated with a 5.4 percent fall in state imprisonment. The slow rate of prison growth under Democratic governors is supported by a wide range of models, but the negative effect of Democratic legislators is not stable across different models.

The twenty-year reduction in judicial discretion in sentencing and release is closely associated with prison growth. Low-incarceration states like Maine and Minnesota led the adoption of determinate sentencing, but those that followed this path experienced the largest increases in imprisonment. For example, a state that abolishes its parole board (a 1 point increase in the sentencing scale) undergoes an estimated 12 percent rise in its imprisonment rate. If that state then goes on to adopt sentencing guidelines, three-strikes and truth-in-sentencing laws, it can expect another 36 percent growth in incarceration. The adoption of sentencing guidelines alone are estimated to produce a similar positive effect on incarceration.
Figure 2. Fitted U.S. rate of state imprisonment given observed predictors, and the rate of imprisonment predicted from 1980 Democratic Party representation in state legislatures, and 1980 determinate sentencing scores.
The data on state imprisonment strongly indicates the effects of Republican lawmakers and determinate sentencing on the prison boom. If sentencing law and the number of Democratic governors had remained at 1980 levels, would the incarceration rate have been much lower through the 1980s and 1990s? We can predict the trend in incarceration, assuming that 1980 political and legal conditions endured over the following twenty years (Figure 2). Trends based on actual changes in the strength of Democrats and sentencing law show that the state imprisonment rate in the United States increased from 150 to 410 per 100,000 between 1980 and 2000. If Democratic Party representation and sentencing law had stayed at their 1980 level, however, the incarceration would have increased from 150 to just 325. Although there are other forces pushing up the rate of incarceration, about 20 percent of the rise in imprisonment is related to the growing strength of the Republican Party and the shift to determinate sentencing.

The analysis of states failed to show a strong link between the labor market and the scale of punishment. Other research produced similarly weak results. A number of recent papers have estimated the effects of unemployment rates, income inequality and poverty, but report weak evidence of the effects of these economic conditions on state imprisonment (Jacobs and Carmichael 2001; Jacobs and Helms 2001; Greenberg and West 2003; Smith 2004). This is partly a problem of research design. The state-level analysis focuses on aggregate incarceration rates and labor market indicators, not on the incarceration and economic status of the most disadvantaged. The aggregated approach of the state analysis thus misses a central implication of labor market theories of incarceration: economic inequality expands criminal punishment among the disadvantaged by increasing inequality in incarceration.
Figure 3. Percentage of noninstitutional men, aged 20–39, annually entering prison, by education and race, 1983–2001.

Disaggregating Incarceration Rates

To study whether economic inequality is related to the level of imprisonment through its effects on inequality in imprisonment, we need a different kind of research design. Instead of examining aggregate imprisonment rates, the following analysis calculates the risk of imprisonment for white and black men at different ages and levels of education. These disaggregated prison admission rates are related to disaggregated measures of wages and employment.

The aggregate statistics studied so far conceal large race and class disparities. To analyze race and class disparities in imprisonment, I constructed
detailed figures using the annual census of prison admissions, the National Corrections Reporting Program (NCRP). The data, available from 1983 to 2001, record the age, education, and race of every prisoner released in 38 states, covering 80 to 90 percent of the total prison population.\(^3\) I estimated prison admission rates separately for black and white men at ages 20–24, 25–29, 30–34, and 35–39, for high school dropouts, high school graduates, and those with at least some college. The steep educational inequalities in prison admission among young men is shown in Figure 3. Regardless of race, high school dropouts are 5 times more likely to go to prison than high school graduates. Prison admission rates rose significantly for low-education men from the early 1980s to the late 1990s but little among the college-educated. The combination of racial and educational inequality strikingly affects young black male dropouts. One in six black male dropouts annually went to prison in the late 1990s. The protective effects of college education are also clear; fewer than one percent of college-educated black men were admitted to prison in the late 1990s.

To isolate the effects of social control directed at the disadvantaged, analysis of these prison admission rates must also account for the effects of crime. I measure crime with disaggregated data on victimization. Because violent crime usually involves victims and perpetrators with similar social status, crime among blacks and whites at different levels of education can be tapped with victimization data from the National Crime Victimization Survey (NCVS). The NCVS annually asks respondents about their exposure to violence over the past year. The data can be used to construct violent victimization rates—the number of victims of violence divided by

\(^3\)Hispanics are not included in the analysis because they are not recorded in a consistent way across states in the NCRP data.
The population—for different offenses and for different subgroups. As in the state analysis, I also sometimes use fixed effects, in this case to capture the propensity to crime that varies by age, race, and education. Analyzing disaggregated admission rates and adjusting for fixed effects introduces far more detailed information about the risks of incarceration than earlier research. If increased inequality affects imprisonment by raising incarceration most among the disadvantaged, this disaggregated analysis is more likely to detect the effect.

To describe how inequality in imprisonment has changed over time, I be-

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4I also experimented with data on UCR crimes, as in the state analysis, and obtained results substantively identical to those below.
gin by calculating for each year, the chances of imprisonment among blacks compared to whites, and among the high school educated (graduates and dropouts) compared to the college educated, controlling for age and violent crime. We can think of these ratios as measures of race and class inequality. Figure 4 plots the trends in race and class disparities in U.S. state prison admission between 1983 and 2001. Racial disparities in prison admission increased a little in the 1980s, but for most of the period blacks were around 5 times more likely to go to prison than whites. Class inequality in imprisonment increased significantly. Whereas high school-educated blacks were 5 times more likely to go to prison in 1983 the relative disparity in imprisonment had grown threefold by 2001. Although prison admission rates are five times lower for whites than blacks, class inequality in imprisonment is higher among whites. By 2001, whites with just a high school education were more than 20 times more likely than college-educated whites to go to prison, controlling for age and educational differences in crime.

With rising levels of education, the high-school educated may be less able, and more marginal, than in the past. Trends in educational inequality in imprisonment may just reflect increasing criminal propensity in a shrinking pool of low-achievers. Shifts in carceral inequality are unlikely to be an artifact of rising education, however. Although the number of dropouts fell between 1983 and 2001, the share of graduates increased, so the proportion of high school educated has not fallen very much—far too little to account for the large increases in educational inequality. College, too, has become less selective over time so we might expect rising incarceration among men with higher education. All the increase in prison admission however, is concentrated among noncollege men.

Part of the growth in prison admission rates is due to the large increase
in class inequality, the escalation of imprisonment among men with little schooling. What if prison admission among high school graduates followed its actual path, roughly a twofold increase, but educational inequality in prison admission remained at its 1983 level. How much did the increase in inequality in imprisonment add to the overall growth of prison admission? Figure 5 answers this question showing prison admissions, given observed trends in educational inequality, and assuming educational inequality in imprisonment was unchanged since 1983. By 2001, the prison admission rate for all men, aged 20 to 39, would be 20 percent lower if the relative risk of imprisonment had not increased so much among high school dropouts.

We can take the analysis one step further by relating inequality in imprisonment to trends in the labor market. The rise in the risk of imprisonment among low-education men may be related to trends in their earnings and employment. I studied the link between men’s labor market status and their risk of going to prison by calculating the median weekly earnings and employment rates of black and white men at different ages and levels of education. Similar to the state analysis, the estimated effects of earnings and employment may be biased by the impact of imprisonment on the labor market. In particular, imprisonment may improve earnings and employment by removing men with poor job prospects.5 On the other hand, men re-entering society after leaving prison are likely to do worse, so the effects of imprisonment on the labor market are approximately offsetting, at least in the short-term.

Estimates of the effects of earnings and employment on prison admission among young black and white and men are shown in Table 4. When data for black and white men are analyzed together, a $100 increase in weekly pay—

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5Chapter Four suggests that by the end of the 1990s, prison and jail among young black men raises their average wages 8 percent.
Figure 5. Trends in prison admission rates for men, aged 20–29, given observed levels of race and educational inequality in imprisonment, and at 1983 levels of race and educational inequality, 1983–2001.

<table>
<thead>
<tr>
<th>Effect on Prison Admission (%)</th>
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<tbody>
<tr>
<td>All men</td>
</tr>
<tr>
<td>$100 increase in weekly pay</td>
</tr>
<tr>
<td>10 percentage point increase in employment</td>
</tr>
<tr>
<td>White men</td>
</tr>
<tr>
<td>$100 increase in weekly pay</td>
</tr>
<tr>
<td>10 percentage point increase in employment</td>
</tr>
<tr>
<td>Black men</td>
</tr>
<tr>
<td>$100 increase in weekly pay</td>
</tr>
<tr>
<td>10 percentage point increase in employment</td>
</tr>
</tbody>
</table>

* Statistically significant at $p < .01$ level. Note: Regression for all men also includes controls for violent crime and race-age-education fixed effects. Results for black and white men control for violent crime and age-education fixed effects.

roughly the earnings gap between dropouts and high school graduates—is estimated to reduce the chance of prison admission by 32 percent. A 10 percent increase in employment rates—roughly equal to the dropout-graduate employment gap among whites—is associated with a 10 percent reduction in the risk of imprisonment, although this result is not statistically significant.

There are clear race differences in the effects of labor market status on incarceration. Among whites, the growing chances of going to prison are only significantly associated with wages, not employment. A $100 increase in wages is estimated to lower the chances of imprisonment by about 40 percent. Among blacks, both wage and employment trends are significantly associated with incarceration. A $100 increase in pay is estimated to raise the chances of going to prison by about one-quarter. The $30 drop in pay among black dropouts between the mid-1980s and the late 1990s is estimated to have raised prison admissions by about 8 percent. Employment trends were not significantly related to incarceration among whites, but among blacks, a
10 percentage point increase in the employment rate is associated with a 15 percent increase in the chance of imprisonment. Between the mid-1980s and the late 1990s, employment rates for black dropouts fell 7 points, increasing their chances of going to prison by 11 percent. The declining wage and employment rates of young low-skill black men through the 1980s and 1990s is thus estimated to have increased their chances of imprisonment by about 20 percent.

In this chapter we have seen evidence that the prison boom is the product of fundamental economic and political changes in American society. Rapid growth in incarceration among young black noncollege men followed closely behind the collapse of urban labor markets, and the creation of jobless ghettos in America’s inner-cities. The traditional research method, looking at differences in incarceration across states, offered little suggestion that the prison boom was fuelled by the poor job prospects of low-skill blacks. Studying inequality in imprisonment, however, showed that incarceration had increased most among those whose jobless rates were highest. Class inequality in imprisonment increased dramatically from 1983 to 2001, contributing around 20 percent to the rise in risk of prison admission. By the early 2000s, the chances of imprisonment were more closely linked to race and school failure than at any other time in the previous 20 years.

The political context for the shifting demography of imprisonment is provided by a resurgent Republican party and a fundamental reform of criminal sentencing. Republican’s law-and-order politics grew out of reaction to the gains of the Civil Rights movement and anxieties about rising crime among white voters. Republican governors rejected rehabilitation, expanded prison
capacity, and turned the penal system to the twin tasks of incapacitation and deterrence. The rehabilitative aspirations of indeterminate sentences were discarded as legislators worked to limit the discretion of judges and parole boards. The electoral power of the Republican party and the new regime of determinate sentencing together explain about 20 percent of the rise in state imprisonment rates.

Of course these political and economic accounts of the prison boom are closely connected. The political and economic causes of the prison boom are vitally implicated in the disappointed promise of the Civil Rights movement. The growth in violence among the ghetto poor through the 1960s and 1970s stoked fears of white voters and lurked in the rhetoric of law and order. Crime, however did not drive the rise in imprisonment directly, but formed the background for a new styles politics and punishment. As joblessness and low wages became enduring features of the low-skill inner-city economy, the effects of a punitive criminal justice system concentrated on the most disadvantaged.
APPENDIX 1: ANALYSIS OF STATE IMPRISONMENT

**Prison Admission Rates** State prisoners per 100,000 residents were assembled from BJS data on incarceration rates for prisoners under state jurisdiction (Harrison 2000).

**Murder, Violent, and Property Crime Rates** Offending rates are taken from the Uniform Crime Reports.

**Labor Market Measures** Unemployment jobless rates, and Gini indexes were estimated using the Merged Outgoing Rotation Group Files of the Current Population Survey (1979–2000).

**Determinate Sentencing Index** Information on parole abolition, truth in sentencing, and sentencing guidelines was compiled from the Bureau of Justice Assistance (1996), BJS (1999), Tonry (1996), and Wicharaya (1995).

**Democratic Governors and State Legislators** Data were collected from Klarner (2003), and state sources.

With panel data and a large number of possible covariates, the number of plausible models is very large. The reported results were estimated with least squares. Smaller standard errors can be obtained by adjusting for heterogeneity in the error variances. Larger standard errors are obtained by adjusting for autocorrelation. Residual autocorrelation in the regressions average .63 across states. A first difference specification eliminates autocorrelation and yields significant, but smaller effects, for Democratic governors and indeterminate sentencing.

APPENDIX 2: ANALYSIS OF THE DISAGGREGATED INCARCERATION RATES

**Prison Admission Rates** The prison admission rate is defined as the number of people annually entering the custody of state or federal prison as a percentage of the noninstitutional civilian and military population. Annual age-race-education cell proportions were calculated from the NCRP. These cell proportions were then multiplied by aggregate counts of male admissions obtained from the National Prisoner Statistics Series (NPS-1) of the Bureau of Justice Statistics. The NCRP data yield similar age-race distributions to the Survey of Inmates of State and Federal Correctional Facilities. However, levels of schooling in the NCRP tended to be lower than in the inmate survey. The denominator of the admission rate—the population at risk of going to prison—was calculated from the Outgoing Rotation Groups files of the CPS,
and counts of military personnel obtained from the Department of Defense.

**Earnings** Earnings is measured annually by the median weekly earnings of each age-race-education cell for all male workers, deflated by the CPI-U. Earnings are earnings-weighted figures from the Outgoing Rotation Group files of the CPS. Additional analysis examined earnings for full-time full-year workers, and measures of earnings relative to different percentiles of the earnings distribution, but these alternative specifications yield results identical to those reported in the paper.

**Employment** Employment is measured by the employment to population ratio of each age-race-education cell for the male noninstitutional and civilian and military population. Employment rates are calculated from survey-weighted data in the Outgoing Rotation Group files of the CPS and counts of military personnel from the Department of Defense.

**Violent Crime** Violent crime is measured by the total number of personal crimes suffered as a proportion of the civilian noninstitutional population. The number of criminal victimizations is given by the incident-based files of National Crime Victimization Survey (1983–1999). Victimizations are calculated separately for blacks and whites, aged 20–50, at different levels of education. Denominators for the victimization rates were taken from the Outgoing Rotation Groups files of the CPS.

**APPENDIX 3: THE REGRESSION ANALYSIS**

To study the effects of earnings and employment on imprisonment we write a regression for the prison admission rate $p_{tijk}$, the proportion of the non-institutional population going to prison in year $t = 1983, \ldots, 1999$, for men in race $i$ ($i = \text{black, or white}$) at education level $j$ ($j = <\text{HS, HS/GED, >HS}$), in age-group $k$ ($k = 20–24, 25–29, 30–34, 35–39$). The effects of earnings and employment on the risk of prison admission can be written with the regression equation:

$$\log(p_{tijk}) = \beta_0 + \beta_1 W_{tijk} + \beta_2 E_{tijk} + X_{tijk}'\gamma + \varepsilon_{tijk},$$

where $W_{tijk}$ is the median weekly earnings for a specific race-age-education group in year $t$, $E_{tijk}$ is the subgroup employment rate, $X_{tijk}$ is a vector of crime covariates, and $\varepsilon_{tijk}$ is an error term which includes fixed effects. The models were fit with least squares, adjusting standard errors for residual heterogeneity with a Huber-White sandwich estimator.
Chapter 3. The Politics and Economics of the Prison Boom

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