Introduction: Imprisonment, Immigration Control, and Drug Enforcement

Editors

THIS SPECIAL DOUBLE ISSUE EXAMINES THE WIDENING NET OF INCARCERATION, immigration policing, and drug and crime enforcement as well as the role of an increasingly authoritarian national security state in a globalized 21st-century economy. The phenomenon is transnational in scope, though the contributions here focus mainly on developments in the United States and the United Kingdom. It is the fruition of a conservative program, initiated in the Reagan and Thatcher years, and continues under George W. Bush and Tony Blair's New Labour. Central to it are lowering the cost of labor, regressive tax cuts, reductions in environmental regulations (especially in the U.S.), gutting affirmative action and welfare benefits, and greatly expanding the military and the criminal justice system. Each country has pushed the world to accept unilateralist, preemptive militarism, most notably with the Bush-Blair intervention in Iraq. Each has been engaged in a prison-building binge, such that the U.S. now has the highest rate of incarceration of any modern democracy and England has become the prison capital of Western Europe. Articles in this issue speak to an integrated system of global workforce management and governance that is increasingly based on restricting civil, political, and human rights.

Authors discuss the degree to which these long-term tendencies have been accelerated or intensified due to the events of September 11, 2001. Jonas and Tactaquin make the strongest case that current policing of immigration crystallizes a trend underway since the passage of anti-immigrant legislation in 1996, but the Bush administration has taken it in a new and dangerous direction. Detaining asylum seekers as threats to public safety and national security extends the net of criminalization to a new group, but more ominous in the post-September 11 period is the shifting line dividing those having and those lacking "rights," first from undocumented migrants to all noncitizens, and now to citizens with the Bush administration's citizenship-stripping measures. All native-born U.S. citizens have reason to fear that the ongoing constitutional violations now experienced by noncitizens (withdrawal of rights such as due process, *habeas corpus,* and to legal counsel) will be extended to them. More broadly, the willingness to violate the basic rights of the most vulnerable (immigrants and noncitizens) threatens the quality of democracy for the nation and its citizenry.

Democratic structures are already severely tested by the staggering numbers of people experiencing rights-restricted regimes. Some 86 million migrant workers — about half of all migrants and refugees — are employed in the global economy (ILO, 2004). Half are women and many or most are largely excluded from the protections of international labor standards and the benefits of national labor and social laws. In the U.S., the estimated seven to 11 million undocumented immigrants, mostly from Mexico (70%) and Latin America, have little prospect for even a limited legalization program (Frieden, 2003; Rodriguez, 2001). Another part of the widening net is prisons. Last year, the nation's prisons and jails held 2,078,570 men and women; 63% of them are Latino or black, often young males. Since the War on Drugs has overwhelmingly targeted communities of the poor and near-poor, especially the minority poor, African Americans and Latinos constitute almost 90% of all offenders sentenced to state prison for drug possession. Thirteen million Americans have been convicted of felonies and spent time in prison — more than the population of Greece (*New York Times*, 2004). Many states strip ex-convicts of voting rights, a fact that became decisive in the 2000 presidential election since in Florida alone, over 250,000 African Americans cannot vote because of felon disfranchisement. Prisons are expensive institutions — state prisons alone cost $30 billion a year to operate — that don't work. The notion that "prisons are for punishment" cast aside even the pretense of the rehabilitative ideal of educating and improving the chances of reintegration of those convicted of crimes. Of the 650,000 prisoners scheduled for release in 2004, two-thirds will be back behind bars within a few years (*Ibid.*). Moreover, U.S. prisons have become mental institutions by default — about one in six prison inmates is mentally ill — but disturbed inmates get no treatment. Prison overcrowding has reached crisis proportions; abuse in adult and juvenile facilities has become a public scandal.

Articles for this issue were written before the public revelations of the torture and deaths of prisoners confined in U.S. prisons in Iraq and Afghanistan. We will not detail the scandals involving U.S. army personnel, military intelligence, the CIA, and private contractors because the story has been widely reported and investigations are still unfolding. Less is known about the role of the Justice Department, however. According to the *New York Times* (Butterfield and Lichtblau, 2004), U.S. corrections executives with prisoner abuse accusations in their past were sent to oversee U.S.-run prisons in Iraq. John J. Armstrong, a former commissioner of corrections in Connecticut, was forced to resign in 2003 after the death of two Connecticut inmates. During his tenure, the guards' union and the National Organization for Women criticized him for failing to deal with repeated complaints by female guards that male guards were sexually harassing them. Armstrong became assistant director of operations of U.S. prisons in Iraq. The man Attorney General Ashcroft sent to head a team of Americans to reopen Iraq's prisons, Lane McCotter, had been forced to resign as director of the Utah

Department of Corrections in 1997 after an incident in which a mentally ill inmate died after guards left him shackled naked to a restraining chair for 16 hours. McCotter then became an executive of a private prison company, the Management and Training Corporation, one of whose jails was strongly criticized in a Justice Department report a month before the department sent him to Iraq. In Iraq, McCotter identified Abu Ghraib as the best site for the main U.S. prison and helped to rebuild the prison and train Iraqi guards. While McCotter was overseeing prison operations in Baghdad, many of the civilians at Abu Ghraib under his watch were abused.

The *Washington Post* (2003) reported on the physical and verbal abuse of prisoners detained after September 11, 2001, inside New York's Metropolitan Detention Center (MDC) in Brooklyn, which is run by the U.S. Bureau of Prisons. Videotapes and an inspector general's investigation indicate that as many as 20 guards were involved in the abuse, which included slamming prisoners against walls, painfully twisting their arms and hands, and locking them in restraints for more than seven hours despite no signs of resistance. Illegal audiotapes were also made of prisoners' conversations. In the post-September 11 federal dragnet, more than 1,200 foreign nationals, including 762 people at MDC, were detained. Most were of Arab or South Asian descent and were held on immigration violations under a directive from Attorney General Ashcroft while authorities attempted to determine whether they were connected to the attack or to terrorist groups. None was ever charged with terrorism-related crimes.

Issue Overview

The first section consists of a symposium centering on Julia Sudbury's seminal article, "A World Without Prisons: Resisting Militarism, Globalized Punishment, and Empire," which articulates the tactics and strategies of a new round of progressive activism and makes connections between neoliberal globalization, U.S. empire building, and the rise of the prison-industrial complex. Sudbury systematically attacks the notion that the prison-building boom is a mechanism of social defense operating in the public interest. She links the transnational expansion of the prison-industrial complex to the social devastation caused by U.S. foreign intervention and militarism in Latin America during the past four decades, to the criminalization of African diasporic, indigenous, and immigrant populations — leading to a rise in cross-border incarceration — and to an exponential rate of growth of women's imprisonment, which in most nations has outstripped that of men.

Contributions by Marcus Mahmood, Geoff Ward, and Joe Sim expand on Sudbury's themes. Mahmood's commentary suggests closer scrutiny of the profoundly destructive latent consequences of mass incarceration in terms of the long-lasting damage to already fragile families and communities on the outside. The caging of more than two million Americans peripherally affects tens of millions

more of their dependents, family members, associates, and friends. Women and children of color are especially affected by lost income and child care, disrupted family relationships, and increased social isolation. Ward's commentary exhorts anti-globalization activists to explore a contradiction at home that ideologically and materially supports the growth of the prison: the U.S. penal system provides relatively stable and adequately paid jobs to working-class service workers, notably African American women and Latinas, as guards and criminal justice personnel. What does it mean that a growing segment of workers is employed in industries of social control? Sim's contribution discusses the expanding use of imprisonment in England and Wales, the privatization of punishment, the growing militarization of criminal justice in the name of anti-terrorism, and the emergence of new strategies of resistance. Sim and Sudbury stress that with the inexorable rise in the prison population, the experience of many prisoners has become even more degrading and mortifying. Drew Leder's article on "Imprisoned Bodies," though not originally part of the symposium, speaks to the inmate's experience of space, time, and body as interwoven with strategies of resistance, reclamation, and escape *vis-à-vis* a hostile environment. In this way, prisoners can become active constitutors of the world, capable of creating freedoms.

The next section covers issues of immigration policing, surveillance, and governance, areas of policy intensely affected by the September 11 attacks. Companion pieces on immigration-related issues, by Susanne Jonas and Catherine Tactaquin, and by Manuel Pastor and Susan Alva, are the outcome of the "faculty-activist" partnerships of the Hemispheric Dialogues 2 Project at the University of California, Santa Cruz (UCSC) that began in early 2001. Funded by the Ford Foundation, the HD 2 Project has been sponsored jointly by UCSC's Department of Latin American and Latino Studies and the Chicano-Latino Research Center. In their ambitious piece, Jonas and Tactaquin recount the history of anti-immigrant measures since the mid-1990s, the effects of September 11 on immigrant rights, including the "Patriot" Act(s) and associated legislation for Latinos, discuss defensive and proactive immigrant rights organizing and legalization strategies, and suggest directions for reconceptualizing full citizenship (including the problem of second-class citizenship). Manuel Pastor and Susan Alva look at how the increasingly transnational reality of many immigrants' lives and the changing political climate regarding immigration have led some activists to consider the key elements that might make guest worker programs acceptable. They caution that since the plan emerging from the Bush administration is inadequate, there is a need for alternatives that offer guest workers the right to follow a path to permanent residence and that secure adequate rights for guest workers and their families. The third immigration policing contribution, by Michael Welch, looks specifically at the detention of asylum seekers in the post-September 11 environment. Welch argues that detaining asylum seekers is not an effective antiterrorist tactic. Their detention suggests that aspects of the war on terror serve more to

control immigration than to control crime, producing an array of human rights predicaments.

The last three articles in this section, by Phil Scraton, Tony Platt, and Jokin Alberdi Bidaguren and Daniel Nina, concern various aspects of state policy. Scraton provides a blistering critique of right-wing and New Labour crime policies based on a populist appeal for tough legislation, hard-line policing, heavy sentences, and uncompromising punishment regimes. The consequence of this authoritarian approach has been the net-widening process of criminalization and a prison-building boom. Particular attention is paid to the implications for the youth justice system and to the fact that in the U.S., England, and Wales, "penal warehousing" has been fueled by the downgrading of social welfare. Platt's brief essay focuses on setbacks in U.S. welfare policy during the Clinton and George W. Bush administrations and offers suggestions on revising the social welfare academic curriculum to enable students to analyze structures of power, think critically and reflectively, understand the progressive and regressive legacies of social work, and help to create new ways of thinking about social work education. Bidaguren and Nina discuss Mozambique and South Africa in terms of the state's governability crisis, the globalization of democratic and judicial systems, the problems of access to justice that arise from lack of financial and human resources in weak, fragile states, and how ill suited Western legal traditions are to the conflict-resolution practices of communities in these countries. The article examines social forces that challenge the legitimacy of these new states (such as fundamentalist religious groups, organized crime, and vigilante groups) and those that accept the new constitutional framework and respect human rights.

The final section concentrates on the policing of black and Latino communities. Over the last three decades in the United States, there has been a six-fold increase in the prison population due to war on drugs, with its focus on criminalization and punishment, and an overall trend toward longer sentences and reduced use of parole. According to Craig Reinarman and Harry G. Levine, this represents the most massive wave of imprisonment in U.S. history since the Depression of the 1930s. Their article summarizes the history of the media and political machinations that produced the "crack epidemic," which helped to create and sustain a drug scare that resulted in an unprecedented wave of imprisonment, disproportionately of poor people of color. The article refutes five myths concerning crack: that crack is a different drug than cocaine; that crack is instantly and inevitably addicting; that crack spread to all sectors of society; that crack causes crime and violence; and that crack use during pregnancy produces crack babies. Anita Kalunta-Crumpton's article looks at the impact of drugs, especially heroin, on the black population in England. Research on black drug use has been limited, especially in terms of harm caused by drug misuse to users, and "war on drugs" rhetoric has contributed to the victimization of the black community through avoidance of treatment. Michael Huspek's article concerns the media's handling of the police

killing of a black civilian in Riverside, California. His case study demonstrates how the white press manages issues of race and class in response to ongoing challenges presented by the black press and its readership. A vigilant black press was responsible for bringing to light the truth in this case. Finally, Martin G. Urbina addresses another under-researched area: Which Latino ethnic groups received the death penalty and were executed in the U.S. between 1975 and 1995? The article details discrimination in the sentencing process and in terms of commutation. All but one of the 17 executed Latinos in this period were of Mexican heritage (citizens or noncitizens), leading to diplomatic problems with Mexico, which has unsuccessfully protested the execution of Mexicans in the U.S.

We believe this volume will help readers grasp the shift in control structures since September 11. We also look forward to sending our next two issues, one on *Native Women and State Violence* (edited by Andrea Smith and Luana Ross) and the other on *Social Justice for Workers in the Global Economy* (edited by Adalberto Aguirre, Jr., and Ellen Reese).

G.S.

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