

The US Gulag Prison System

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No, not the one you think, outrageous as it is. I'm referring to the US prison system that's with no exaggeration about as shockingly abusive as the gulag abroad. It qualifies for that label by its size alone - more than 2.1 million as of June, 2004 and growing larger by about 900 new inmates every week. Blacks (mostly poor and disadvantaged) especially are affected. While they make up just 12.3% of the population, they account for half the prison population, and their numbers there have grown fivefold in the last 25 years. Hispanics (also poor) account for another 15%.

About half of those incarcerated are there for non-violent offenses, and half of those (500,000) are drug related. But while blacks make up 15% of illicit drug users, they account for 37% of drug arrests, 42% of drug offenders in federal prison and 62% in state prisons. And Human Rights Watch reported in 2000 that in one third of the states 75% of all prisoners for drug-related offenses are black. In my home state of Illinois they reported the number to be an astonishing 89%, a total exceed by only one other state. Further, in a so-called free society, below the radar are hundreds of political prisoners, mostly people of color, there only because they represent a threat to the state from their pursuit of justice for their people if they were free.

Today the US shamelessly has more people behind bars than any other nation including China with over 4 times our population. And things have become especially repressive against those in society least able to defend themselves including immigrants of color and our newest head of the queue demon - Muslims. The Bush administration has made a bad situation far worse taking full advantage of their fear-induced "permanent state of war" and sham "global war on terrorism" to target all those seen as a potential threat to their plan for global dominance and full control at home.

Taken as a whole, this is a national disgrace and outrage, but the effect on those targeted is pretty much below the radar, unreported and undiscussed in the mainstream. Who cares about a couple of million mostly poor, mostly people of color (including immigrants, many of whom are undocumented and have no legal rights at all) languishing behind bars out of sight and out of mind. When any of this is discussed, it's to let the (voter eligible) public know our political leaders are "tough on crime" and working to keep us safe. Safe from whom or what? In the words of a great world class journalist, that kind of talk is "what comes out of the rear end of a bull." What's really going on has little to do with public safety but lots to do with controlling a justifiably restive population of poor and desperate people, the inability of those people to afford a proper defense in our so-called criminal justice system stacked against them, and a growing opportunity for big business to profit on human misery. It's a kind of modern day slavery - a growing state and privately run criminal

injustice and prison industry using human beings as their product. In this land of opportunity and the “free market”, all things (and people) are commodities to be exploited for profit.

A GROWTH MARKET OF POOR AND DESPERATE PEOPLE, MOSTLY BLACK AND HISPANIC – A READY RESOURCE FOR THE PRISON GROWTH INDUSTRY

The way this country has always treated its least advantaged throughout its history is shameful. British historian Arnold J. Toynbee perceptively understood this in his quote made 46 years ago when he said: “America is today the leader of a world-wide anti-revolutionary movement in the defence of vested interests. She now stands for what Rome stood for: Rome consistently supported the rich against the poor.....and since the poor, so far, have always and everywhere been far more numerous than the rich, Rome’s policy made for inequality, for injustice, and for the least happiness of the greatest number.” Imagine what Toynbee might say today if he were still living.

Toynbee didn’t say it but he might have added that none in America have fared worse than people of color – American Indians, Hispanics, Asians and especially Blacks first brought here as chattel and who remained that way for over 300 years. Even when they were freed by the Thirteenth Amendment to the Constitution and guaranteed the right of life, liberty and property, due process and equal protection under the law by the Fourteenth Amendment they still seldom got it. Throughout the 100 years of Jim Crow justice and even after the civil rights gains in the 1960s, most blacks and other people of color have always been on the bottom rung of society (along with our native people) and denied most of its benefits including equal justice under the law.

There are those today in the US, even from the progressive community, who like to say this country has come a long way from its racist past, and while there are still far too many inequities we’re making progress. Are these people living in the same country and on the same planet as I am? In the US the statistics on blacks alone in the criminal justice system make a mockery of any notion of a nation no longer racist. When it comes to the issue of justice, we’ve never been more racist since the days of legal slavery. The numbers are truly shocking and in a country claiming to be a democracy and a model for the rest of the world. I hope that world makes another choice. There are far better ones than ours, and our imperial adventures abroad and policies at home toward our least advantaged prove it.

THE SHAMEFUL FACTS PAINT AN UGLY PICTURE OF ANOTHER (LOCKED UP) AMERICA, OUT OF SIGHT AND OUT OF MIND

Here are some key facts. Nationwide black males over 18 are incarcerated at 9 times the rate of comparable white males, and in 11 states those rates range from 12 to 26 times the rate for whites. In my home state of Illinois the rate is 15 times, and in the nation’s capital the rate is an astonishing 49 times. The most current data on incarceration for blacks in the US was 1,815 per 100,000 vs. 609 per 100,000 for Latinos, 235 for whites and 99 for Asians. For adult black males the rate was 4,630 per 100,000, 1,668 for Latinos and 482 for whites. In 1999, 11% of black males in their 20s and early 30s were in prison including one third of black male high school dropouts. Even worse, the statistical model used by the Bureau of Justice Statistics at the turn of the century to determine racial and ethnic differences in their chances for incarceration at sometime in their lifetime predicts a 29% chance of serving prison time for a black male aged 16 in 1996. The comparable chance for a white male in the same age group was 4%. In 2002 the Justice Policy Institute reported there were more black men behind bars than in colleges or universities. It also reported that 30% of black

males between 20 and 29 are either in prison or on probation or parole.

From the numbers above we know that one in every 20 black men over 18 is now in a state or federal prison compared to one in every 180 whites. And in some states like Oklahoma, Iowa, Rhode Island, Texas and Wisconsin, the black male incarceration rate incredibly is between 13 -14% of all black men in those states – a devastating blow to the black families and communities there. It's also true that the best predictor of a state's incarceration rate and its total prison population is the size of its black population.

By almost all measure the state of what can only be called the US criminal injustice system is shocking and outrageous. In the last 35 years the total number incarcerated has exploded from less than 300,000 in 1970 to more than 7 times that number now. Today the US is number one not only in its total prison population but in the highest number per 100,000 population imprisoned – 690. Only Russia is a close second with 675 while in South Africa it's 400, England – 125, France – 90, Sweden – 60 and Italy – 40. Would anyone suggest the US is 17 times more non-law-abiding than Italy, or is there a simpler explanation?

It's also true that race is the most prominent reason why states deny voting rights to convicted felons and ex-felons. The greater the percentage of blacks in a state, the more likely it is for that state to disenfranchise its residents who've served time in jail. A prison record in those states means a loss of a citizen's most fundamental democratic right. The laws vary by state, but The Sentencing Project estimates 4.7 million Americans, or 1 in 43 adults, have currently or permanently lost their right to vote because of a felony conviction. And 1.4 million black men, or 13% of all black men, are so disenfranchised, a rate 7 times the national average. Even more shocking, the same report estimates that given the current rates of incarceration, 30% of the next generation of black men will be disenfranchised at some time in their life. And in states that disenfranchise ex-offenders, as many as 40% of black men may permanently lose their right to vote.

Let's be very clear. Based on the Fifteenth Amendment to the Constitution it can, and I believe should, be argued that all state disenfranchisement laws are unconstitutional. Section 1 of that amendment reads: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous servitude." It remains for a future Congress and/or the courts to address this issue and decide whether we're to be a democracy for all our citizens or just for those we decide are eligible and for the reasons we choose. And this doesn't address the more basic question of whether our right to vote really matters. The public has virtually no voice in choosing the 2 major parties' candidates, and when we cast our votes the new electronic voting machines can easily be programmed or manipulated to ignore our choice and count it for another candidate and even do it multiple times. This is why half the eligible voting public opt out. They don't believe the system is free and fair so why bother. That thought never leaves my mind, and I wonder why I bother. But that consideration awaits another commentary and analysis, a pretty fundamental and important one.

THE BIG AND GROWING BUCKS SPENT ON LOCKING PEOPLE UP IN CAGES

Since the 1970s the prison-industrial complex has exploded in size and continues to grow exponentially. It now exceeds \$40 billion annually and rising. On average states now spend 60 cents on prisons for every dollar spent on higher education, up from 28 cents in 1980. And several large states are so hell-bent to lock people up their annual budget for prisons exceed that for education. Also, the overall rate of prison spending growth has greatly

exceeded that for education for the past 25 years. It's shocking that the annual per prisoner cost today almost equals a year's tuition at Harvard. And what's all this spending buying us. Not a damn thing except a nation growing more repressive, more racist and more likely to target anyone if they ever run short of their current favorites. But since 9/11 they've tapped a new vein of 1.5 million Muslims. And if they throw in Hindus, Buddhists and a few other easy to demonize miscellaneous sects out of the mainstream they can easily triple that number. Now that's a "strike" that may be too "rich" to ignore. Think of all the new prisons they'll need to lock up a load of them, get them off the streets and help keep a new growth industry growing and prosperous.

Contrary to the "law and order" baloney from our politicians, there's no evidence of a rising trend of criminality, including the violent kinds. Since 1980, the data on the national crime rate has trended slightly up, then down, without any significant change. Still the incarceration rate has skyrocketed reflecting a crime wave that doesn't exist. In the 1990s, thanks to a good economy, crime rates actually fell, but incarceration rates rose dramatically nonetheless. Smell fishy? It sure does to me. And my own view, shared by others, is that this is all part of a sinister effort to control dissent by a combination of a state-induced climate of fear and hard line national security police state tactics to keep a restive population in line. Those most likely to be restive are the ones most deprived, the ones left out over the last 25 years when the wealth gap widened exponentially between rich and poor and continues to unabated. At the same time the social safety net has been and continues to be shredded making conditions intolerable for the poor and also impacting lower and middle income earners and families. Of course, the ones always hurt most are people of color and that means mostly black people. But Hispanics are gaining ground in this race to the bottom as that segment of our population (including undocumented immigrants) is growing the fastest along with those from Asia.

THE SO-CALLED "WAR ON DRUGS" - IT'S A HOAX AND A NATIONAL DISGRACE

We should have caught on by now. When our political leaders want to scare hell out of us about something, real or imagined (you can bet it's the latter), they declare war on it. It gets the juices flowing and the flags waving. We had the phony "cold war", and now, with "the evil empire" gone and desperate to find new imagined and contrived enemies, we have a "war on terrorism" and a "war on drugs." We also have an unmentioned "war on the climate" as witnessed by the alarming rate of melting of the polar and Greenland ice caps. Maybe one day they'll declare dandruff public enemy number one and declare war on it. Might as well. It would make as much sense as all the others, except for the one real one they never mention caused by global warming.

And, oh yes, there's one other war never mentioned, and it's the most important and dangerous one of all - it's the ongoing and growing war on the Constitution and our sacred Bill of Rights. They're being taken from us right before our eyes, and in our blindness and mental fog we don't even see it happening. Most of us know the Ben Franklin quote about those who would sacrifice their freedom for security deserve neither and will lose both. He also said that "distrust and caution are the parents of security" and reportedly said at the signing of the Declaration of Independence "we must all hang together, or assuredly we shall all hang separately." Franklin's contemporary, the great German philosopher and writer Johann Wolfgang von Goethe, just as wisely said that "None are more hopelessly enslaved than those who falsely believe they are free." Franklin, Goethe and many others aren't considered iconic and venerable historic figures for nothing. And if we take the trouble to read them, we have the benefit of their great wisdom. They've warned us with it,

and we damn well better be listening and heeding them. If not, we'll awaken one day, find our precious freedoms gone, finally understand what happened, and it'll be too late.

Except for the 2 unmentioned real wars, the others are surreal ones. They're contrived and concocted by devious politicians for their own interests like trying to get reelected or needing a reason to raise defense or homeland security spending. They're also to benefit their corporate allies who profit from them. The more they can scare us the greater the amount of our tax dollars they can divert from vital societal needs to put in the pockets of their corporate friends and fight wars of imperial conquest for their benefit. And the more repressive laws they can pass to destroy our civil liberties, and as discussed above, lock up in cages those most in need and most likely to be restive about it.

The current catchy phrase in the "drug war" was first used during the supposed crack epidemic in the 80s, but we can pin one more rap on Richard Nixon who first declared a "war on drugs" over 30 years ago. But the idea of making some "drugs" illegal goes back much further than that, to the 1930s (and earlier) when prohibition ended and alcohol producing companies may have decided to eliminate the threat of a competing "drug." You'd think we might have learned something from 13 years of violence and corruption under Prohibition that made criminals out of otherwise law-abiding people who may have just wanted a cold beer and also created a new revenue source for organized crime.

But all that was chicken feed compared to today as the UN now estimates the annual take from trafficking illicit drugs is around \$400-500 billion. That's double the sales revenue from US legal prescription drugs Big Pharma reported in 2005. Those profiting big time from the illegal ones include more than the "kingpins" and organized crime. The market is so big everyone wants in on it. For many banks, including the major international money center ones, "laundering" drug money is one of their important profit centers. And it's well-known that the CIA has been involved in drug-trafficking (directly or indirectly) throughout its half century existence and then began to profit from it in earnest during the Contra wars of the 1980s to fund their operations. Today the CIA is part of the illicit drug trade in places like Afghanistan working with major criminal syndicates in the huge business of trafficking heroin. The take from this one operation alone is so lucrative it's hard to imagine they'd ever give it up or not want in on all other major parts of the drug trade worldwide. Who'll stop or prosecute them? And what criminal enterprise wouldn't want them as a partner to guarantee them ease of access to the US and other major markets. That's a marriage joined together none of the parties would ever want to put asunder.

And now in this modern Age of (contrived) Anxiety, we have 2 new "super-spook" agencies established to take full surveillance advantage of the Bush administration's unjustifiable "wartime" powers and fear-induced concocted "war on terror" to last for "generations" - The Office of Homeland Security and Office of the Director of National Intelligence. Wanna bet they're also in the illicit drug biz big time. How could they resist it. They both need every buck they can get to watch all of us, everywhere, all the time - which is what they're now doing. And it's an indisputable fact that all the spy agencies are above the law and can do whatever they please - spy legally and illegally, traffic illicit drugs, torture detainees they control and murder anyone they target including heads of state.

But it's the purpose of this essay to focus on how the so-called drug war has led to a burgeoning prison-industrial complex that adversely affects the lives of millions of society's most disadvantaged who happen to be mostly people of color and most of them black. Just

like during Prohibition, otherwise law-abiding people have become criminals and are being locked away for long sentences. The repressive “mandatory minimum” sentences are especially harsh and outrageous. Supposedly established to target “kingpins” and big time dealers, it hasn’t turned out that way and likely was never intended to. The US Sentencing Commission reports that only 5.5% of all federal crack cocaine defendants and 11% of all federal drug defendants are “high-level” dealers. The rest are low-level operatives and those caught “possessing.” In most cases they’re from society’s least advantaged and poor, and most of them are black. These convenient targets create a ready supply of bodies to fill prison cells as part of the plan to remove the unwanted from the streets and create a new growth industry at the same time.

SOME QUICK FACTS ABOUT COCAINE AND ITS DERIVATIVE “CRACK” AND HOW ITS USE TARGETS BLACKS

First off, coca leaf cultivation in South America has been the cornerstone of the Andean region for 4 thousand years, and its consumption has been part of the culture since before the Incas. It’s commonly used by millions of people there including the coccaleros, or coca farmers, as we in this country use coffee, tea, a glass of wine or just a cold beer. Besides drinking coca tea, the leaf is chewed to relieve fatigue, suppress appetite, as a communal activity and to offset altitude sickness. The US Embassy in Peru even recommends it for the latter purpose.

Use of cocaine in the US didn’t first begin in the 60s. It’s been around recreationally for nearly 150 years for “whatever ailed you” tonics, in cigarettes, ointments and nasal sprays. Its use was perfectly legal until the federal government classified it as a narcotic (which it is not) in 1914. After that it could only be gotten legally by prescription or illegally from a “street dealer.”

Cocaine is a powder which in “cooked” form is called “crack.” The law treats each very differently. The racist “mandatory minimum” sentencing laws established by Congress in 1986 penalize crack users especially harshly. Defendants convicted of selling 500 grams of powder cocaine vs. 5 grams of crack each receive 5 year sentences. For 5 kilos of powder and 50 grams of crack it’s a 10 year sentence. That’s a 100:1 ratio. Why? Hold on, there’s more.

Simple possession of any amount of powder by a first-time offender is a misdemeanor punishable by a max 1 year sentence. For crack, simple possession is a felony carrying a 5 year sentence. Now to the why. Blacks accounted for 84% of convicted crack offenders in 2000, Hispanics 9% and whites 6%. For powder it was Hispanics - 50%, blacks - 30% and whites - 18%. Now you know. The federal crack laws established 20 years ago were part of the “Reagan revolution” and its racist war against the poor, mainly blacks. It was also intended as a defense against those least advantaged poor and mainly blacks as the “Reagan revolution” began dismantling the social safety net and transferring wealth to the rich and well-off. That transfer has now been ongoing for 25 years with no end in sight. The “war on drugs” and its harsh laws, mainly targeting blacks, were intended to defuse the inevitable pressure that would build among the poor and black community and likely explode again in the streets as it did in the 60s. 2.1+ million people locked in cages is how this nation’s leaders address the gross social inequity problem it deliberately created. It’s their solution, and it’s a national disgrace and outrage.

TORTURE IN US PRISONS - IT’S NOT JUST AT GUANTANAMO AND ABU GHRAIB - IT’S RIGHT

HERE IN THE USA

Surprised? The few who even think about this may be, but even many of them shamefully believe all those locked up deserve the harsh treatment they get. Aren't they sent there to be punished for committing crimes? Did they expect a "country club?" Punishment is what they get big time because prisons everywhere are brutal places, and those sent to them have no rights and it shows in how they're treated - routinely. And let's be perfectly clear about the way it is at all US domestic and foreign based prisons (and most all other countries' as well): No, it doesn't just happen at Guantanamo, Abu Ghraib and Bagram near Kandahar, Afghanistan; and no, it's not just by a few "rogue elements" or "bad apples." What goes on is policy, and it comes right from the top sanctioned and approved. And let's be very clear about one other thing. The real criminals sit in corporate suites and boardrooms or in capitol hill offices while their victims are locked in cages and subjected to unspeakable abuse and brutal torture with no chance to stop it or receive redress.

Prisons, with few exceptions, are not intended for rehabilitation. They are institutions societies use for vengeance and punishment. There are the most gruesome hellholes around the world the US takes full advantage of just in the prisoners it "renditions" for attempted information extraction by some of the worst physical and psychological tortures the human mind can conceive. But this essay is about what goes on in US prisons within our borders, and what you'll read below will sound like reports about Guantanamo and Abu Ghraib. Get ready to feel your skin crawl.

Everything we saw on TV months ago about prisoner torture at Abu Ghraib (and heard goes on at Guantanamo) happens in our state and federal prison system right here at home and lots more we didn't see or hear about. These are the lessons and techniques first devised and used in US based torture-prisons and then exported for use in our comparable torture-prisons around the world. That's the way things are in all our prisons, and in the language of author Gertrude Stein when she referred to roses: a prison is a prison is a prison. The main difference between San Quentin and Abu Ghraib is their location. What goes on at both and all others includes savage beatings by prison guards; attacks by fierce dogs that inflict real bites; severe shocking with cattle prods and 50,000 volt emitting Taser electro-shock guns often used multiple times that make the victim shake for hours after being struck and can also kill and often do; assaults by toxic chemicals like pepper spray strong enough to inflict severe pain, second degree burns, temporary blindness, and even death in a vulnerable victim; and all this happening at times with prisoners stripped naked including brutal rapes by guards, other prisoners and much more.

A courageous woman activist imprisoned for several months for her actions told me the case of a woman she saw stripped naked in her cell and then bound suspended in spread-eagle form on her prison bars and left there for hours to suffer. The experience devastated her and nearly killed her. And she was another activist being punished for her courageous acts. Hard to believe? You'd better believe it because it goes on every day in all prisons routinely throughout the country - acts of deliberate barbarity and sadism, so severe they can and do kill and often leave their victims an emotional shell when they don't. Whenever you hear reports about prisoners committing suicide, you'd better think hard about it. It's most likely they were murdered by prison guards and reported as suicide. It may be from repeated Taser shocks, from being beaten to death so savagely every rib in their body was broken or just from a body giving out from repeated and brutal maltreatment over a long period with nothing more to look forward to but more of the same. How many can endure the worst of that? No one in a civilized country should ever have to. And no civilized person should

believe they had it coming.

HOW INTERNATIONAL LAW TREATS TORTURE

International law is explicit and long-standing forbidding the use of any form of torture and inhumane or degrading treatment under any circumstances. The Universal Declaration of Human Rights outlawed it in 1948. The Fourth Geneva Convention then did it in 1949 banning any form of “physical or mental coercion” and affirming detainees must at all time be treated humanely. The European Convention followed in 1950. Then in 1984 the UN Convention Against Torture became the first binding international instrument dealing exclusively with the issue of banning torture in any form for any reason. And let’s be clear on what’s meant by torture and inhumane treatment. It includes punching a prisoner or detainee in the mouth or kicking him or her in the stomach or butt.

Except for the non-binding “Universal Declaration”, all the others are binding international law, and the US is a signatory to the Fourth Geneva Convention and the UN Convention. And hold on, there’s more. The US War Crimes Act of 1996 makes it a criminal offense for US military personnel and US nationals to commit war crimes to include cruel treatment and torture covered under the Fourth Geneva Convention. And virtually every human rights organization is on the record banning all kinds of torture anywhere for any reason.

A BRIEF DIVERSION ON TORTURE OVERSEAS

I must include some important information about one type of torture that may be only going on overseas - for now. Although the US is a signatory to the Geneva Conventions and the UN Convention Against Torture, it’s routinely ignored and violated them with impunity in US prisons and abroad. Further, the CIA’s use of psychological torture was exempted in the UN Convention.

With cover from that exemption, Professor Alfred McCoy’s new book - A Question of Torture: CIA Interrogation From the Cold War to the War of Terror - exposes the CIA’s secret efforts to develop new forms of torture over that period. He explained how they conducted intensive research to crack the code of human consciousness and through much trial and error came up with human devastating psychological and self-inflicting torture techniques - from sensory disorientation or the severe pain from tortures like forced continuous standing for 24 - 48 hours.

The CIA experiments continue now at Guantanamo and other overseas hellhole torture-prisons. But 2 new techniques have been added - cultural sensitivity and individual fears and phobias. This four-fold assault on the human psyche is now being used against prisoners held in overseas prisons, and the detainees affected (most picked up randomly and guilty of no offense) are being used as human “lab rats” in a gruesome, vile and clearly illegal and immoral experiment to devise the most effective psychological techniques to break down a human subject - to break a human being so totally it’s near impossible to recover.

I could find no information on if these experiments are now being conducted in US domestic prisons. But that doesn’t mean they’re not. They may be happening here, but we don’t know about them. But the key point is this. Once the use of torture in all forms gains currency, it’s inevitable it will spread everywhere. And let’s be very clear on one other point. The Detainee Treatment Act of 2005 (the so-called McCain Anti-Torture amendment) passed in

December last year is so full of loopholes and offsets by other legislation that it's worthless and will do nothing to stop the tortures explained above.

THE DEATH PENALTY – THE “HEART OF DARKNESS” OF OUR CRIMINAL-INJUSTICE SYSTEM

Life in prison is a living hell for all those in one as all the victims know who've been there or those of us who've read about it in detail as I have. Being there is like being in one of the 5 levels of Dante's hell where those consigned to spend eternity are doomed to eternal punishment.

All prisons are hellholes. But for those prisoners with any hope of release one day, the second lowest level of Dante's hell is any of the so-called “supermax” prisons. They're supposedly intended to house society's most dangerous, incorrigibly violent inmates, but many sent there aren't that at all like the many political prisoners consigned that fate because the state wishes to bury them alive and keep them isolated. The number in these “special” hellholes are a small but growing percent of the total prison population, and those in them spend their waking and sleeping hours locked in small, often windowless, cells for long sentences of many years. They're deprived of all contact with other inmates and only allowed out for brief periods a few times a week for showers and some solitary exercise in a small, enclosed space. They're deprived of all mental stimulation from human contact, recreation or education, and are nearly always shackled hands and feet and escorted by armed guards whenever they leave their cells. Prisoners who've endured this torture, come out, and spoken publicly about it have described it to be like living in a tomb. And the state inflicted misery they've been subjected to often results in a host of severe emotional problems including insanity. Try locking yourself in your bathroom with a little plain food and water for 24 hours (if you can stand it) and see how you feel. Then multiply that by 20 or more years.

The state and federally sponsored murder factories known as “death rows” are, without a doubt, the lowest and worst level of Dante's hell. Dante might have written his words “Abandon every hope, all ye who enter” for the abandoned souls sent to these barbaric death factories. They only look different than Auschwitz. Those entering never come out (except the few lucky ones DNA evidence exonerate). As of April, 2005 there were 3452 on “death row” in the 37 states with the death penalty including 36 in federal prisons and 7 held by the US military. The vast majority of them are poor or disadvantaged and their racial breakdown is as follows: 45.5% white, 41.7% black, 10.4% Hispanic, 1.2% Asian, 1.2% American Indian and .5% unknown. Nearly all of them, 98.5%, are male.

Most civilized countries have no death penalty, and in the Global North only the US and Japan still do. Japan is very selective in who it executes, unlike the US with its assembly line-like killing operations. The Japanese have executed about 50 inmates in the last dozen years and about an equal number now await execution. Many opponents of the death penalty call these “final solution” acts institutionalized, state-sponsored, ritualistic acts of torture-murder. They say “torture” because often the prisoner is so hated that their executioners “deliberately” try to inflict pain during the process of killing them. And while that alone is inhumane and barbaric enough, all too often the accused is innocent, often the state knows it, and they're still put to death. Most often these are people of color, most likely black, poor and unable to afford a proper defense. They become victims of a system not based on justice but on vengeance along with the belief by elected officials that being “tough on crime” is a good vote getter.

The case of Stan “Tookie” Williams, as much as anyone, stands out for its barbarity and gross injustice. Stan was a co-founder of the Crips street gang as a teenager in South Central Los Angeles in 1969. He was convicted and sentenced to death for multiple murders he said he never committed (I believe him), but never got a proper defense to prove it. Even later when evidence became known that might have exonerated him, he was never given a chance to prove his innocence.

Over a dozen years before his execution in California, Stan changed his life, became an anti-gang activist while on death row, and renounced his former gang affiliation. He co-wrote children’s books, worked to convince youths not to join gangs and wrote one of the most compelling books on prison life I ever read called *Life in Prison*. He did it to show readers what prison life is really like in plain, stark language. He pulled no punches. Anyone reading it will know that prison is no place any human being wants to be.

For his work in prison, Stan received multiple Nobel Peace Prize nominations, in 2004 a feature film called *Redemption: The Stan Tookie Williams Story* was made about his life, and as his execution date approached, a mass effort I was part of was launched to urge an uncaring and hostile Governor Arnold Schwarzenegger to grant clemency. Fat chance. Thousands joined the effort including celebrities, politicians, Nobel laureates and Pacifica Radio, especially on its very special bold and courageous KPFA weekday news and information program *Flashpoints Radio* (the best program of its kind anywhere). It was all in vein, clemency was denied and Stan was put to death by lethal injection on December 13, 2005 as thousands protested outside the infamous San Quentin State Prison. Stan’s death was not easy or painless. It took repeated needle insertions in a process that took nearly 30 minutes of great inflicted pain to complete. Stan’s suffering at the end was not an exception. It’s common practice, and as mentioned above, is deliberately inflicted by a sadistic staff. As such, even for a prisoner being executed, this is a flagrant violation of the Eighth Amendment to the Constitution that prohibits “cruel and unusual punishment.” But who cares and who will act to prevent it when it’s inflicted on a condemned black man and on the day the state murders him.

THE PROFITABLE BUSINESS OF RUNNING A GULAG

The for-profit side of running a gulag began to explode during the Reagan years when incarceration rates began increasing dramatically. Along with a growing private prisons industry (a small slice of the prison pie still largely a public enterprise), a vast array of private businesses wanted a piece of the action and got it. These include architectural and construction companies; food service contractors; all sorts of equipment, hardware and other suppliers of steel doors, razor wire, communications systems, and health care and medical supplies. There’s also a big need for uniforms and assorted weapons including dangerous products to restrain like chemical sprays that can injure, cause severe pain, second degree burns, temporary blindness or worse and taser electro-shock guns that emit 50,000 volts of electricity (enough to flatten an all-pro NFL lineman in peak form) that can and have killed as many as 167 victims from its use through January, 2006. And there’s loads more. The (mal) care and feeding of a couple of million humans takes a lot of supplying to keep the system going. Add it all up and it’s big business, and it gets bigger with every new prison and the inmates to fill them. Not to worry. Unlike oil, there’s no chance of running out bodies.

The big players in this growing industry are the private companies that run the hellholes. And the ones they run are even more hellish than the public ones. Private, publicly owned

corporations with shareholders and Wall Street to please always need a growing revenue and profit stream and strict cost control to maximize the bottom line part of it. That means understaffing, low pay for poorly trained staff, poor and unsafe conditions, little or no life-enhancing or self-help programs like educational opportunities or counseling services to rehabilitate those in need like illicit drug users, and even worse medical care than the third world kind in the publicly run system. Why bother, they all cost money, reduce profits and constrain shareholder equity. Private contractors can also exploit prisoners as de facto chattel. They're not obliged to pay wages or benefits and can take full advantage of all those bodies free of charge. Why would they ever pass that up. It's one more revenue and profit stream.

The private side of running prisons is still a small part of the total. But it's growing, and as it does, it's darker side may just get darker. Unlike most businesses, quality control is not one of their concerns. If humans suffer to enhance the bottom line, who will care. In running a gulag, you just gotta keep 'em under control locked in cages, and if you use, abuse and lose some along the way, there's plenty more supply to fill the available beds. That's how it works in a nation that commodifies its masses and exploits them. It's what happens in this modern era when social conditions deteriorate enough to produce what Franklin Roosevelt spoke about in the Great Depression years of the 1930s when he said "I see one-third of a nation ill-housed, ill-clad, ill-nourished." It's not that bad yet, but we're heading in that direction. As discussed above, it produces a restive population the state chooses to lock up in lieu of providing vital social services to satisfy essential needs. The result is the US gulag, the shame of the nation. Future historians and others will judge us by the character of our social conscience, especially how we treat our least advantaged and most needy. They'll also judge us by our system of justice and the prisons within it which reflect that conscience. The honest ones won't be kind. The great Russian 19th century novelist, Fyodor Dostoevsky, once remarked that he measured the quality of a society by the quality of its prisons. He might have added by its quantity as well.

THE EVIDENCE SHOWS A NATION MOVING FROM A REPUBLIC TO TYRANNY

The evidence on our criminal injustice system and prisons within it alone shows a nation moving from a republic to tyranny. It's not much different from what happened in ancient Rome when it passed from a republic to an empire under the rule of its emperor Augustus Caesar after Julius ignored his "Ides of March" warning and ended his reign the hard way in the Roman Senate.

Our prison system alone is a stark symbol and reminder of a society based on militarism and imperial conquest abroad, the shredding of our civil liberties at home, and the dismantling of our social contract obligation along with the transfer of wealth to the privileged and powerful. It reflects a nation descending into the hell of tyranny and despotism that threatens to become worse and affect us all except those at the top. We've created the monster of a national security police state (run by the new Department of Homeland Security and Office of the Director of National Intelligence) to control a growing restive population that will likely grow larger. It will include many more of us as those in need grow in numbers and new demons are easily found, targeted and moved to prison cells to maintain absolute control. That's how it works in all tyrannical states, even ones claiming to be democracies like ours but which, in fact, are not.

It happened in ancient Rome and in more modern times in Nazi Germany after Hitler was appointed Chancellor and ended the Weimar Republic. He called his party the National

Socialist German Workers Party (the term Nazi is the short form for National Socialist with a "zi" on the end), but his constituents were the German industrialists and militarists and his ideology was fascist and racist. It wasn't long before he removed his many enemies and tried to create a state for the privileged and Aryan pure. The immortal words of Pastor Martin Niemöller explained it and warns us now when he said they first came for the Jews, then the Communists, then the trade unionists and each time he didn't speak out because he wasn't one of them – until there was no one left and they came for him, and there was no one to speak out to help him.

This essay only addresses the mass incarceration of the most vulnerable among us. I've discussed the other issues in other writings and intend to write solely about our war on immigrants in a future article. But unless we heed Pastor Niemöller's warning, one day, sooner than we think, they'll come for us and who'll be left to help. Based on the evidence I've presented we already have a society out of control with a reckless rogue administration, a "go-along" Congress and "friendly" courts leading us along the road to hell.

The US prison system is its metaphor and clear warning and reflects a repressive state based on harsh and unjust Patriot Act laws that are close to being supplemented by a racist, fascist-style immigration bill passed by the House (the so-called Sensenbrenner anti-immigration bill) and now being considered in the Senate. Its provisions that criminalize undocumented immigrants (targeted at those of color) and all those compassionate enough who help them are right out of the bowels of Nazi hell. It may pass and likely be followed by even more repressive laws that target you and me unless we're one of the privileged. So far, the targets are mostly those on the bottom rungs of society – people of color including immigrants and Muslims. But also in the line of fire is anyone of influence (including Muslim academics falsely labeled terrorists) daring to speak out and oppose state policy. How long will it be before it gets even worse and no one is safe?

Few people know the president has now given himself the sole power to designate anyone he chooses for any reason he decides a "bad guy" – incredibly in that language. Going even further, in January, 2006, George Bush claimed the right to govern as a "Unitary Executive" with the power to abrogate the separation of powers doctrine, bypass the Congress and courts and act as he chooses to "protect national security." This simply means if he decides to ignore the law he'll govern by presidential edict usurping the right of dictatorial power with no constraint. If he's ever brazen enough to do it (and don't believe he won't be) and isn't stopped, he'll have "crossed the Rubicon" and turned the country into a full-blown totalitarian state and the ball game is over for all of us. We're already all in the queue as potential prey, and we'd better understand we're moving up in it fast. Unless Bush-Cheney and those around them are stopped, they'll come for us one day, and then it'll be too late. It makes a shameless mockery of any notion that all citizens, rich and poor, are entitled to the sacred rights and protections guaranteed us by the Constitution. Only the privileged and powerful get that right today, not the rest of us. And if you're black and poor, an undocumented immigrant or a Muslim of color (our latest public enemy No. 1), you have no rights at all. Step right up, they've assigned you a number too, and you'd better keep a bag packed.

We've come a long way in our 230 year history but, except for brief periods of relief and redress, it's been pretty much downhill. If that's "the American way", it's time we retool and find a new path to follow, one based on social, political and economic justice, of caring about all others instead of using and abusing them for the benefit of a privileged few. We may not have much time left, so we better wake up and move fast. If we keep watching Fox News,

read the New York Times, listen to NPR and then run to the mall, we're doomed to meet the same fate as all other nations who followed the road we now travel. It's the road to hell, and ours isn't even paved with good intentions.

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