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## The Commodification of the Modern Black Man: Examining the Effect of Drug Law on the New York State Prison Industrial Complex

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# Abstract

This Capstone project examines the effect of New York State's prison industrial complex on local economies. The prison industrial complex is a system of imprisonment that, through various methods, transforms prisoners into commodities. The complex involves endorsing legislation to create more crimes and longer sentences for those crimes, thus increasing the number, and term length, of incarcerated citizens. In New York, the creation of the Rockefeller drug laws resulted in a revitalized diligence in the war against drugs, leading to the promotion of prisoner-based upstate economies. Through engagement with United States drugs laws, historical accounts of drug use and addiction, and statistical analysis and research in regards to race, wealth, gender, and drug use this Capstone provides original maps that illustrate the racist nature of the Rockefeller drug laws, New York's main drug law set, and the spatial organization of the prison system itself. Also, through personal interviews with state and city officials the project describes the distinct power structure within the prison system, involving guards and officials, as well as inmates. Overall, this project aims to understand why in many instances in the incarceration process in New York State, the modern black

man falls victim to the power of the prison industrial complex and faulty legislation, that ultimately, transforms addict, into convict.

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then he ever wished to, and whose diligent media scouting provided me with endless resources. Your encouragement and listening ear are greatly appreciated. To all of my friends, especially Pammy, Diane, and Cara, I am sorry for my random rants on prisoner rights. Lauren, thank you for the constant nagging on “finishing it already,” and for proving my Long Island perceptions wrong. Thank you for your support everyone. I love you all.

## Advice to Future Students

My advice to future Capstone students is simple. Start early, be diligent, and the cliché: choose something that truly interests you. During the two years I spent conducting research, there were plenty of times when I was frustrated, tired, or even scared (prisons can be intimidating), but I persevered. Do not let fellow students get you down. Plenty won't finish their Capstones on time, some not at all, but the importance of writing an undergraduate thesis is greatly underestimated in the present college environment. Not only does an Honors thesis encourage you to seek out a project greater than cookie-cutter class assignments, it grants you the great experience of conducting original research, opens doors to opportunities post-graduation, and forces you to think independently, a valuable and important skill in today's world. Good luck and happy researching!





# Chapter One: Introduction

Washing glasses at work one evening, a new coworker asked me where I was from. I told him, Elmira, NY, and he explained how he had friends from the area. “Elmira, NY is essentially a public housing complex between two prisons,” he joked. Two years ago, I scribbled down what he said on a cocktail napkin and shoved it into my apron. His words stuck with me throughout my work on my Capstone project. In fact, they served as the catalyst for my entire research project. Why is my city easily summed up and dismissed as a prison town, and how has the prison industrial complex in the United States, and the social welfare system, shaped what my city is today?

It wasn't until I enrolled at Syracuse University that I ever noticed the deeper implications of the Elmira Correctional Facility and the Southport Correctional Facility on the perception of my hometown. My coworker in Syracuse, NY had been to Elmira less than a half a dozen times, but felt more than qualified to sum up the place where I grew up, as nothing more than a social sector for criminals and the poor. When I say, “I'm from Elmira, NY,” my professors, friends, and coworkers never mention Mark

Twain, whose summer estate I grew up on, or Harriet Beecher Stowe, who held residence down the street from me, or until last year, Ernie Davis, who became a hometown hero despite social constructs that hoped to hold him back. Instead, if anyone knows anything about my city, it is usually the prisons that become the focal points. A different coworker grew up in Attica, NY, home to a far more notorious and familiar prison, and faced the same dilemma in separating herself from a place she had never even been in, but was better known than the city it is located in.

At first, this did not really bother me. After all, every upstate New York city has its own stigma and as a freshman I was more concerned with convincing my Long Island roommate that I did not milk cows every morning than I was in understanding why my town was the target of prison banter. But then, as I began to really delve into my Geography major, I realized there were greater forces working behind the social construction of my hometown and the public perception of what Elmira, NY is.

Many geographers have generalized my hometown as a rustbelt city. It built itself on industries that have since faded away. Once the "Queen

City” of New York, Elmira followed only Buffalo, and of course New York City, in production and wealth. Today, it is ravaged by poverty, crime, and drugs.

The modern day prison industrial complex has swept numerous upstate towns and cities into its grasp. In this thesis, I hope to explore and explain the impact of this industrial system on upstate New York, why the system has grown so rapidly, and why the upstate city is becoming a faceless entity.

In the City of Elmira, blame for collapse of a once vibrant city has been shifted from one culprit to another. Growing up in Elmira, NY, “downtowns” were places my family went to in other nearby cities, such as Corning or Ithaca, NY. Our downtown consisted of a remembrance park and floodwall, built after Hurricane Agnes decimated what used to be our town center in 1972. Today downtown is the main reason Elmira is floundering economically and socially.

During my thesis interviews in Elmira, I asked every person I met with what they felt was the greatest problem in Elmira. The answer was never the prison. An Elmira police officer cited ease of obtained social services,

such as welfare or Social Security Income, an income supplement provided to those who can prove disability, and our strong mental health services sector as the main reasons. He also mentioned the impact of tax-exempt land in the inner city and the unequal distribution of taxes amongst the population. The officer argued that Chemung County is one of the easiest counties in the state to receive federal income supplemental services and that this ease creates a system. He explained that during his time as a police officer, he has come to know numerous families who receive income supplements, whose children then receive the same benefits when they grow up and have children. When I asked if this was due to a lack of job opportunities in the area, he agreed that without an education, only menial jobs were available for these people, and they would probably make the same amount of money doing nothing. In regards to the mental health issue, Elmira is also home to a large mental and psychiatric hospital. The officer described responding to a call from a man who rode a bus from California to Elmira, called 911, and asked to be admitted. This coupled with ease of social income services had led to a rapid decrease in the integrity of the working class.

And the working class is the primary population within the city limits of Elmira. The greater metropolitan area of Elmira, NY is not nearly as small as some deem it to be, but the inner city of Elmira, has a rapidly declining, small population. This may be due to discrepancies in public taxing. A city official described this problem in great detail. He argues one of Elmira's significant problems, coupled with welfare issues, is the tax-exempt land within the city limits. Only 62% of the city population contributes to the city taxes. Although this problem is not unique to Elmira, for many other upstate cities also face this issue, the state has not addressed it. The official explained that the main idea of taxing property is to tax the rich more than the poor.

“Property taxes are determined by what you own. You base everything on the value of your property – an ad valorem tax. But someone who owns a \$100,000 house is getting the same services as someone who owns a \$50,000 house and they are paying twice as much. And in Elmira, all the services, whether it is non-profit, hospitals, etcetera, are in the city limits, so town residents aren't necessarily paying for the cop who is protecting the hospital, but they do benefit. However, no one is going to fight for non-profits, like churches, hospitals, or colleges to pay taxes. They are serving a common good. Like Elmira College, or even S.U. - they own tons of property, but they are educating the public and bringing money into our economy through spending.”

However, there are distinctions among exempt properties. Properties fall into two tax categories: 420a and 420b. Properties in the 420a category are

in the mandatory exempt class and include hospitals, churches, and educational institutes. Properties in the 420b category are permissive and cities decide if they want to tax them. These properties include most non-profits, such as the American Red Cross, Catholic Charities, or other public organizations. Category 420b properties must fill out an exemption form and cities do not tax them unless a law is passed within the city that allows them to be taxed. Elmira never passed any such law, but the city official I spoke to feels that if such a law was created, the city would benefit directly and more people would be willing to live and develop businesses in the city limits. Usually, not taxing non-profits would not be a problem, but the affordability of land within the city due to a lack of desire to live or develop there, has lured over half of these organization into the city limits.

So what can Elmira do? Burin is hoping to take a similar approach to developers in other upstate cities and lure younger crowds into downtown by providing grants to real estate developers who create mid to upper level housing and encourage commercial and retail development around their buildings. One project on the table is the Promenade, which involves transforming an old railway, from Elmira's earlier industrial

days into a tailored walkway. The Promenade also involves renovating downtown buildings from defunct office buildings into residential and commercial space. Syracuse, NY had a developer do something similar successfully with the creation of Franklin Square and Plum Court. The two housing developments feature upscale living in an area that was once home to empty warehouse and factories. The apartments have been well received and frequently have a tenant waiting list. However, development plans such as these, beg the answer to a simple question that has been plaguing Elmira for decades: “Where are the jobs?”

These issues, coupled with a youth exodus that grows larger every year, have crippled Elmira. The industries that Elmira founded itself upon have dried up, moved south, or more recently overseas, and those who grew up and stayed in Elmira, see increases in crime and public discontent, but have no real explanation as to why this is happening, and blame must be placed somewhere. However, the prisons, though many claim them to be behind the city’s problems, are two employers that can be relied upon to provide long-term employment with significant employee benefits.

Unfortunately, the benefits of the prisons may come at the cost of fair and



equal justice. And so the web we weave grows larger, and a clear answer on what to support and what to do becomes hard to find.

My goal is to determine the different forces at work in the prison industrial complex and understand their impacts on prisoners, state economies, and law. First, I will describe the discrepancies in drug use, definition, and law, with significant and special interest directed towards the Rockefeller drug laws, a racist set of laws that has advanced the prison industrial complex into an economic machine in New York State. Then, I hope to explore on a deeper level the power scale and spatial aspects of prison industrial complexes through a specific lens: Elmira, NY and the Elmira Correctional Institute. I aim to explain the impact of the complex through the use of original maps and also examine the importance of prison space in regards to the manifestation of power structures within the government and prison hierarchies. In closing, I hope to present reforms and possible remedies that may aid in curbing the effects of the prison industrial complex and the commodification of the prisoner, but also promote the redevelopment of a rusting upstate town.



## Chapter Two: Drugs and Drug Use

### What Are Drugs and Why Are We Addicted?

For many people in the United States the question, "What are drugs?" is not as easily answered as the question, "Why are drugs bad?" This may be due to the country's enduring war against drugs, from youth programs

such as Drug Abuse Resistance Education, or D.A.R.E., to drug law sets, such as the Rockefeller drug laws, that not only prosecute drug abusers and dealers, but keep them in prison for long periods. The United State's history of drug abuse prevention methods is long and detailed and I will touch on them in later chapters, but first it is crucial to understand what drugs are to different people, and the broader context of what constitutes drug abuse.

Erich Goode, an American sociologist who specializes in deviance, explains the importance of social construction in the understanding of deviant ways, as in, for example, drug abuse. He believes deviance is constructed and in his book, *Drugs in American Society*, discusses the different connotations various drugs and drug habits have across society.

He writes,

“Societies define not only the meaning of drugs, but also the meaning of the drug experience; these definitions differ radically among different societies and among subgroups and subcultures within the same society. Social cultures and groups define what kind of drug taking is appropriate. They define which drugs are acceptable and which are not. They define what drugs are socially acceptable. They spell out which social situations are approved for drug use and which are not. They define what drugs do, what their actions and effects on people will be. Right or wrong, each of these social definitions and descriptions will have some degree of impact

on actual people in actual drug-taking situations" (Goode 1972, p. 8).

Social construction, Goode explains, helps societies create "meaning" for various instances and situations and argues that "meaning" is, "one of the central dimensions of all human experience." "Meaning" changes how any given individual views a situation dependent on changing variables. For example, if a religion professor were to deliver a lecture on the deeper meaning of the Bible for Roman Catholics, most students, regardless of creed, would construe the meaning of the lecture to be primarily educational. However, if the professor were to deliver the same lecture at a Catholic church on Sunday morning, the congregation would construe the meaning of the lecture to be primarily religious. The meaning behind the same words, delivered by the same person, is construed differently based on setting, and the deeper meaning embedded in the setting is socially constructed through society. For the most part in U.S. society, the classroom is viewed as an arena for free exchange and as an outlet for creative and intellectual thought. On the other hand, society establishes churches as a setting for a faith based community and spiritual thought.

This concept of “meaning” and the deeper intricacies of social construction can be seen across space and in various contexts. So how do they affect how society views drug use and law enforcement of drug abuse? Goode provides two examples of social construction and the variance of “meaning” in regards to drug use and deviance. He describes the different societal interpretations of the use of drugs in different settings. For example, peyote being used in the Native American Church is legal and deemed holy. Conversely, Goode suggests that if a college student were to smoke peyote, even for the same purposes, it “is suddenly, magically, labeled a dangerous drug, debilitating and damaging to the user and a threat to society - and quite illegal” (Goode 1972, p. 5).

Which drugs are socially acceptable in which context is a question not easily answered. Possession and use of various forms of drugs have different interpretations in society. For example, consider morphine and heroin. Morphine is pharmacologically classified as a narcotic analgesic.<sup>1</sup> An analgesic is a means of alleviating pain and a narcotic is essentially a drug. Therefore, a narcotic analgesic is a drug capable of relieving pain,

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<sup>1</sup> <http://www.drugs.com/pro/morphine-injection.html>, 12/19/09.

which makes sense considering the widespread presence of morphine in medicine. Because morphine is part of the opioid family, it interacts with receptors in the brain, body tissue, and spinal cord and it creates a sense of euphoria, while also relieving pain in a timely manner.<sup>2</sup>

On the other hand, heroin is also an opiate drug, and is formed through synthesis of morphine. Heroin is most frequently snorted, smoked, or administered intravenously.<sup>3</sup> Heroin takes a similar route to morphine upon entering the brain and clings to receptors, called opioid receptors. These receptors are located in a section of the brain that is responsible for respiration, blood pressure, and arousal, which explains the high rate of overdose from the drug due to suffocation.<sup>4</sup> The high usually involves euphoria, or “rush,” of some degree, followed by a “nod,” or a period of alertness, then sleep.<sup>5</sup> Heroin, like morphine, is a highly addictive narcotic and according to the National Institutes on Drug Abuse, “it is estimated that about twenty-three percent of individuals who use heroin become dependent on it.”<sup>6</sup> The graphs on the next page document use of

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<sup>2</sup> <http://www.drugs.com/pro/morphine-injection.html>, 12/19/09.

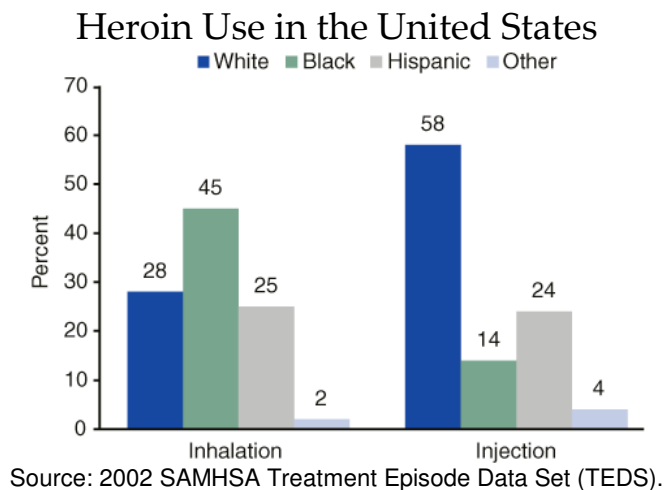
<sup>3</sup> <http://www.nida.nih.gov/infofacts/heroin.html>, 12/19/09.

<sup>4</sup> <http://www.nida.nih.gov/infofacts/heroin.html>, 12/19/09.

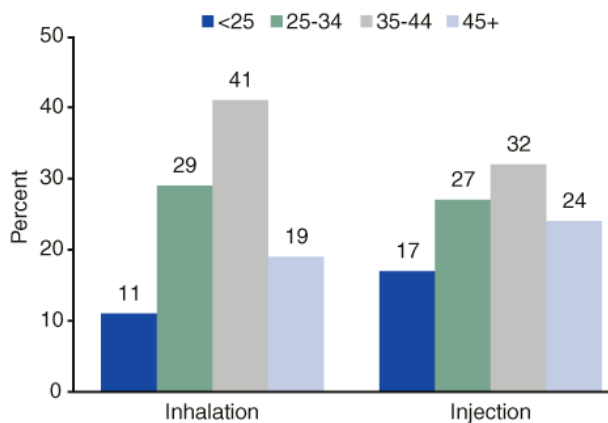
<sup>5</sup> <http://www.nida.nih.gov/infofacts/heroin.html>, 12/19/09.

<sup>6</sup> <http://www.nida.nih.gov/infofacts/heroin.html>, 12/19/09.

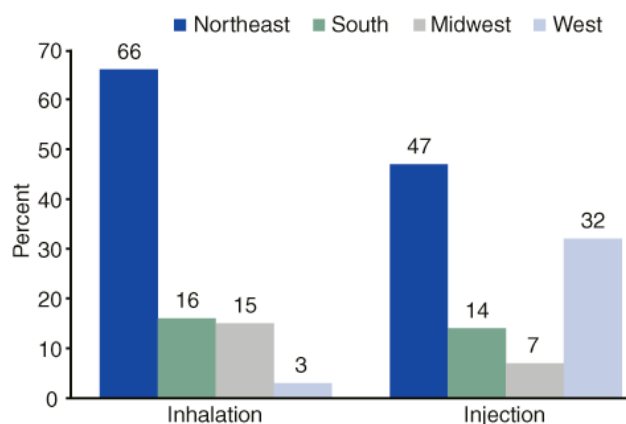
heroin based upon age, race, and geographic location. As seen, the use of heroin is not nearly as racially segmented as other narcotics, and is used primarily by middle-aged individuals, rather than youths. Heroin use is predominantly widespread in the Northeast, which serves as the main importing location for the United States.







Source: 2002 SAMHSA Treatment Episode Data Set (TEDS).



Source: 2002 SAMHSA Treatment Episode Data Set (TEDS).

Interestingly, although morphine and heroin are from the same family of narcotics, and both are highly addictive, morphine is widely accepted in society as a means to kill pain, while heroin abusers face minimum sentences in prison and high fines. A similar relationship exists between cocaine and crack, except neither of the narcotics are completely accepted for use by society, as morphine is. Rather, a strong racial divide exists between crack and cocaine use.

According to the National Institute on Drug Abuse cocaine is considered a stimulant drug. It is highly addictive and,

“the powdered hydrochloride salt form of cocaine can be snorted or dissolved in water and then injected. Crack is the street name given to the form of cocaine that has been processed to make a rock crystal, which, when heated, produces vapors that are smoked. The term “crack” refers to the crackling sound produced by the rock as it is heated.”<sup>7</sup>

While the differences between the different forms of cocaine are limited, the punishment for possession of crack and cocaine are very different, and distinctively racist. The U.S. Sentencing Commission found in its 1997 report that "nearly 90 percent of the offenders convicted in federal court for crack cocaine distribution are African-American while the majority of cocaine users are white. Thus, sentences appear to be harsher and more severe for racial minorities than others as a result of this law. The current penalty structure results in “a perception of unfairness and inconsistency” (U.S. Sentencing Commission, 1997, p. 8). This discrepancy between cocaine and crack was created in the Anti-Drug Abuse Act of 1986, which distinguished the two drugs as different from each other, allowing prosecutors to punish crack users with mandatory minimum sentences.

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<sup>7</sup> <http://www.nida.nih.gov/Infofacts/cocaine.html>, 12/19/09.

For a cocaine user to obtain the same sentence as a crack user, they would have to be found with one hundred times more cocaine than any amount of crack present upon arrest.

Illicit drug use has long been a highly contested issue within the United States. From the colonial period through today, United States citizens and policy makers have urged for stronger drug policy and the prohibition of illicit substances. Less than a decade after the United States claimed independence from the power of England, Benjamin Rush, one of the founding fathers of the United States, published his book, *Inquiry into the Effects of Ardent Spirits on the Human Body and Mind*. In it, he calls the abuse of distilled spirits a "disease," and estimates the annual number of alcohol related deaths in the United States to be "not less than 4000 people" in a population of less than six million (Quoted in S.S. Rosenberg (Ed.), *Alcohol and Health*, 1980, p. 26). Less than five years later the first temperance society was created and Rush urged Congress to extensively tax alcohol in order to diminish citizens' abuse. His crusade to prevent alcohol abuse was taken very seriously and within thirty years the first temperance society was founded in Boston, followed by the creation of nearly six thousand more societies over the next six years. These early

movements in drug abuse and prevention helped shape the United States into the warrior on drugs it is today.

Interestingly, the United States' war on drugs has been fought on various grounds, using various methods. The Prohibition era in United States history marks the first time drugs are specifically mentioned in the United States Constitution. Under the 18<sup>th</sup> Amendment, Prohibition, also known as the Noble Experiment because of its "noble" goals to better American families by ridding alcohol from society, the manufacturing, sale, and distribution of alcohol was banned in the United States. This led to consequences similar to those produced by today's more stringent laws against illicit drugs, involving the criminalization of trafficking and private production and manufacturing. From 1920 to 1933, the period of Prohibition, the United States witnessed more alcohol related deaths than ever before and a huge increase in federal funding for law enforcement, with a total jump from \$2.2 million to \$12 million in nine years (Gray 2001, p. 23). Prison populations also increased 400% in twelve years, jumping from 3,000 inmates to 12,000 (Gray 2001, p.23). Two-thirds of these inmates were incarcerated for alcohol, or other drug offenses (Gray 2001, p. 23). Unfortunately, the Prohibition period is one of the only instances

during which faulty drug legislation was overturned.

While the United States has a long and varied history of drug use and prohibition, drug legislation history is often shadowed by Prohibition. From the advent of our nation until present times, the use of some drugs, and the absolute banning of others, has been a highly contested social issue, but one that, for the majority, flies under the radar. In the early stages of government in the United States, certain types of drug production and use were encouraged. In fact, George Washington and Thomas Jefferson grew hemp on their homesteads as primary or secondary crops.<sup>8</sup> Hemp, also known as *Cannabis sativa*, is the stalk of the marijuana plant. Hemp has a threadlike consistency and was used during the colonial period in paper production, sail making, and common textile production, allowing for the production of ropes and strong sacks (Gray 2001, p. 20). Colonial governments encouraged the cultivation of hemp based on estimated usage levels for corresponding towns. The government's involvement in hemp production was the first time in U.S. history that laws were created legislating the production or use of what today we determine to be illegal substances.

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<sup>8</sup> [http://www.druglibrary.org/schaffer/history/drug\\_law\\_timeline.htm](http://www.druglibrary.org/schaffer/history/drug_law_timeline.htm), 12/19/09.

The next major step in the United States' relationship with drug use, involved the introduction and widespread use of morphine on the battlefields of the Civil War. Prior to the introduction of morphine, Civil War doctors often simply amputated soldiers' limbs upon damage, rather than finding better solutions and perhaps saving a soldier's arm or leg. With the presence of morphine on the battlefields, war doctors could administer the drug and take more time to treat the patient, rather than providing an immediate, and often times unnecessary, remedy.<sup>9</sup> While the use of morphine in medicine served, and continues to serve, the medical community in a most influential and beneficial way, the narcotic's introduction also marks the country's first instance of widespread drug addiction (Gray 2001, p. 21). According to Gray, "Narcotics addiction during the 19<sup>th</sup> century was primarily accidental. The first main cause of addiction was the liberal usage of morphine and opium as painkillers by mostly northern military hospitals during the Civil War" (Gray 2001, p. 21). Morphine was widely used in the North during the war and immediately after. It was not difficult for soldiers to obtain the drug as a

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<sup>9</sup> [http://www.druglibrary.org/schaffer/history/drug\\_law\\_timeline.htm](http://www.druglibrary.org/schaffer/history/drug_law_timeline.htm), 12/31/09.

pain reliever and soon addiction to the drug became widespread, and was ironically termed, the “soldiers’ disease” (Gray 2001, p. 21).

Soon the general public has open access to addictive narcotics. As more and more merchants began advertising special cures and elixirs as a, “cure for whatever ails you,” consumers began purchasing over-the-counter products loaded with morphine and cocaine (Gray 2001, p. 21). According to Gray, “As a result many people, especially middle-class agrarian housewives, became addicted to narcotics. Cocaine was also an ingredient in the soft drink Coca-Cola from 1886 until 1900, and Bayer Pharmaceutical Products introduced heroin in 1898 and sold it over the counter for a year before marketing aspirin” (Gray 2001, p. 21).

Fortunately, the availability of these addictive substances was curbed in 1906 when the Pure Food and Drug Act passed, requiring all producers to describe the ingredients in their goods and effect of such ingredients on the human body.

The impact of the Pure Food and Drug Act was significant, but not longstanding. Soon, other legislation, such as the Harrison Narcotic Act of

1914 and the Supreme Court decision of *Webb v. United States*, set precedents for legal drug maintenance that still hold strong today.

### Modern Day Drug Legislation and the Social Construction of Our Prisons

The Harrison Act was “a measure requiring registration, payment of an intentionally inflated tax, and filling out of intentionally cumbersome order forms before anyone could import, sell, or give away opium, cocaine, or any of their derivatives,” but its impact reached much further (Gray 2001, p. 22). Addicts who often times became addicted to narcotics prior to the Pure Food and Drug Act’s demands for information releases, were now unable to obtain the drugs they needed. While this may seem positive, inaccessibility unfortunately led to the smuggling and illegal sales that plague our country today. Meanwhile, *Webb* forbade doctors from prescribing to addicts, drugs capable of curbing the symptoms of withdrawal. By forcing addicts to seek out more expensive, less pure derivatives of the drugs they had become hooked on due to a prior lack of government involvement and regulation, the underground drug circles that our society contends with today, were born out of faulty legislation.



Today, those circles grow even stronger with the aid of obtrusive drug laws and a war on drugs that misses the point, targeting the addict rather than the supplier. In 1953, Rufus King, chairman of the American Bar Association's committee on narcotics, described the impact of the Harrison Act on American drug use and abuse. He wrote,

"So long as society will not traffic with [the true addict] on any terms, he must remain the abject servitor of his vicious nemesis, the peddler. The addict *will* commit crimes – mostly petty offenses like shoplifting and prostitution – to get the price the peddler asks. He will peddle dope and make new addicts if those are his master's terms. Drugs are a commodity of trifling intrinsic value. All the billions our society has spent enforcing criminal measures against the addict have had to sole practical result of protecting the peddler's market, artificially inflating his prices, and keeping his profits fantastically high. No other nation hounds its addicts as we do, and no other nation faces anything remotely resembling our problem."

*Gray 2001, p. 22-23.*

King is part of a smaller population of drug war opponents who actively try to remedy the problem of drug legislation, rather than promote it. Due to widespread modern day marketing against the use of drugs and the misconstrued threat of addicts compared to suppliers, many see success in the number of people incarcerated. But to a certain extent the numbers lie. Yes, our nation has succeeded in taking thousands of people to trial for drug abuse of some sort, but other numbers, such as the thousands of

suppliers who run free, the cost per prisoner in U.S. tax money, and the number of those incarcerated for first time offenses who are not offered treatment, but rather, fifteen years in prison, are swept under the rug.

Drug legislation in the United States has a long history. Many politicians have added their own ingredients to the pot for what they deem a successful drug war, but they do not all necessarily mix. The fight against drugs is a strong campaign hold for many politicians, but the hasty and extensive reforms to drug legislation they introduce are often times racist and damaging to poor populations.

The Marijuana Tax of 1937 is the first significant piece of drug-related legislation to pass that was blatantly racist. Marijuana first entered as a threat in the United States during the 1920s when a large influx of Mexican and Central American immigrants entered the United States.

This influx was accompanied by,

“stories of violent rampages by Spanish-speaking aliens crazed by marijuana, the ‘killer weed,’” and a “substitution in the public mind of the effects of drugs they knew about, like morphine and cocaine, for the effects of marijuana, since the actual properties of marijuana were generally unknown” (Gray 2001, p. 23-24).

The United States Bureau of Narcotics began their own campaign against marijuana using government funded and produced films, such as *Reefer Madness*, and other propaganda, such as articles in *American Magazine* that describe stories of marijuana addicts (Gray 2001, p. 24). The work of Harry J. Anslinger, commissioner of the Bureau of Narcotics, encouraged Congress to pass the Marijuana Tax Act, which closely resembled the Harrison Act, in that it did not ban marijuana, or make it illegal, but rather taxed those using the drug and required them to file for a license, mostly medical physicians. Eventually, the “cumbersome bureaucratic process, coupled with the stigma and the exorbitant tax of \$100 per ounce for unlicensed transactions with marijuana, were sufficient to result in the substance being taken off the commercial market” (Gray 2001, p. 25). Interestingly, the legislation “passed the House without even a roll call vote, and with only two pages of ‘debate,’” despite medical witnesses, coupled with a Journal of the American Medical Association editorial urging the House to defeat the bill (Gray 2001, p. 25). Many conclude that the only lasting effect of this law was the “establishment of organizations in countries like Colombia to process and distribute cocaine in this county. The reason for this was simple: it was much easier to conceal and

transport cocaine than marijuana, and much more lucrative pound for pound” (Gray 2001, p. 26).

After the passage of the Marijuana Tax Act, drug legislation waned with the onset of World War II. Wartime efforts included the production of hemp for boat lines and gunnysacks, but with the conclusion of the war, hemp was promptly forbidden once again. As American society began to resettle into a normal way of life after the war, politicians saw promise in agendas filled with social reform, including drug abuse maintenance and sweeping campaigns focused on the eradication of drug use in America. Between 1951 and 1988, six different federal packages of anti-drug legislation were produced, all allowing presidents and Congressmen to reap “political benefits by passing a flood of ‘get tough’ laws, which lump all illegal substances together regardless of their properties or effects on the user” (Gray 2001, p. 27). All of these legislation packages further limited the addict, rather than the supplier, and none offered rehabilitation services. The Boggs Act of 1951, as well as the Narcotic Control Act of 1956, enforced stricter sentencing for illegal drug use (Gray 2001, p. 27). The Comprehensive Drug Abuse Prevention and Control Act of 1970 consolidated previous legislation and created a schedule of illicit

drugs, while increased bail amounts and longer terms of imprisonment were the products of the Comprehensive Crime Control Act of 1984 (Gray 2001, p. 27). The Anti-Drug Abuse Act of 1986 called for doubling penalties for those knowingly involving juveniles, longer sentences, minimum sentencing, and the institution of life sentences for drug abusers “conducting a continuing criminal enterprise” (Gray 2001, p.27). The 1986 act also forbade drug transactions within one thousand feet from schools. The Anti-Drug Abuse Act of 1988 expanded this rule to include playgrounds and other areas adolescents frequent. Six years later, the Crime Bill of 1994 encouraged capital punishment for specific drug sellers, those with “enterprises,” forcing those convicted to serve terms from twenty years to life (Gray 2001 p.27). While this legislation primarily focuses on those considered significant threats, the suppliers themselves, the 1998 Higher Education Act targeted minors, preventing any high school student caught with marijuana to apply for federal financial aid to supplement their college educations (Gray 2001, p. 28).

It is small demands in major legislation, such as the 1998 Higher Education Act, that segments certain parts of the population. How does keeping kids who were charged with possession of marijuana in high

school from obtaining federal aid for college help them? Why are no similar restrictions held for adolescent murderers, rapists, or thieves? Unfortunately, the discrimination in legislation in our nation is not only blatant on a federal level. While the federal government does manage the persecution of drug abuse that crosses state borders, and has certain leeway and effect with laws such as the 1998 Higher Education Act, state governments have far more extensive laws regarding state residents that are often times, varying with state, more obtrusive than federal legislation. Furthermore, state legislators create law sets that may be viewed by the unaware public as advantageously capable of promoting societal welfare and safety, but limit the basic rights of citizens. This is the case with New York State and its Rockefeller drug laws.

## Chapter Three: The Rockefeller Drug Laws

One of Nelson D. Rockefeller's business associates once said, "He likes big, broad ideas and large-scale action. He is instinctively an organizer, sometimes a relentless and overwhelming organizer..." (Poling 1960, p. 18). Born to a determinedly liberal mother, Abby Aldrich, and a strict, precise businessman, John D. Rockefeller, Nelson was raised in a household that forbade the use of alcohol, drugs, and profanity, and encouraged fiscal conservativeness and diligence, perhaps a strong influence on his own political and social ideals (Poling 1960, p. 7).

Nelson's sense of organization and drive helped him gain widespread success early in his career. His early success in business allowed him to explore other endeavors, and he soon found himself fascinated with South America and the proliferation of Nazis on the continent. His work in South America quickly catapulted him into the political arena and he was soon asked to work under President Eisenhower. Under Eisenhower, he crusaded for universal health care at the order of the President, who ultimately changed his mind amidst debate, abandoning Rockefeller to take the fall with his, what many deemed, socialist views (Poling 1960, p.32).



Rockefeller stopped working for the federal government, but shortly after through social and philanthropic engagements in New York, found others recommending he run for city government. Many encouraged him to seek out nomination for New York City Mayor, but Rockefeller showed no interest. Rather, he hoped to continue with his charitable work until a better opportunity presented itself: the chance to run for Governor of New York (Rodgers 1966, p. 31).

Rockefeller ran a sweeping election campaign and upstate counties that were often ignored due to overwhelming and known partisanship, were new areas of opportunity. It was therefore no surprise when Rockefeller won the gubernatorial election that year, and three gubernatorial elections thereafter. Meanwhile, Rockefeller had achieved the first crucial step to obtaining his main goal: the presidency. His work in office as Governor of New York would help or hinder him on his campaign trail later, and also plays a crucial role in understanding the impact Rockefeller had on the New York State prison system and drug laws.

While Nelson Rockefeller did have substantial positive impacts on the state of New York, such as expansion of the State University of New York

school system, environmental endeavors, and vast public building contributions, he had the greatest social impact through the Rockefeller Drug Laws. The Rockefeller Drug Laws were enacted in 1973 and established particularly harsh minimum sentences for drug offenses, including possession or sale of even small doses of illicit drugs. The laws were allegedly designed to keep kingpins, or major dealers behind bars, but according to the Drug Policy Alliance Network, a national organization leading the campaign for drug policy reform, “most of the people incarcerated under these laws are convicted of low-level, nonviolent offenses, and many of them have no prior criminal records.”<sup>10</sup>

Because the Rockefeller Drug Laws call for mandatory minimum sentences, judges no longer had the discretion to determine sentencing based on the crime, but strictly on the quantity of the drug present during the arrest. Therefore, even first time violators must serve minimum terms until they are eligible for parole. This places all power in the hands of the prosecutor, removing it from judges and defense attorneys, and also encourages defendants to blindly participate in the process in hopes of lesser charges in exchange for their compliance. Unfortunately, because

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<sup>10</sup> <http://www.drugpolicy.org/statebystate/newyork/rockefeller/>, 12/29/09.

first time defendants are often not high risk or deeply involved in drug rings, the information they can trade for lesser charges is often times not as lucrative as more established dealers. Therefore, the system of laws hurts first-time, less threatening offenders, and helps more established dealers earn plea bargains. As a consequence, first-time offenders, who may actually benefit from rehabilitation and drug treatment, have no option but prison. According to the Drug Policy Alliance Network, as of 2008, “approximately 14,000 people are locked up for drug offenses in New York State prisons, representing nearly 38% of the prison population.”<sup>11</sup>

And drug law offenders are there for a while. Judge James P. Gray discusses the effect of the Rockefeller Drug Laws on term lengths in his book, *Why Our Drug Laws Have Failed and What We Can Do About It: A Judicial Indictment of the War on Drugs*. He writes:

“The average prison term for drug offenders in state prisons has increased – up twenty-two percent since 1986. But in the same period, average prison terms in state prisons for *violent offenders* have actually decreased by thirty percent. For example, under the Rockefeller drug laws in New York, a man name Lawrence V. Cipolione, Jr. was serving a sentence

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<sup>11</sup> <http://www.drugpolicy.org/statebystate/newyork/rockefeller/>, 12/29/09.

of fifteen years to life for selling 2.34 ounces of cocaine to an undercover officer. Meanwhile, in the same prison, Amy Fisher was to be released after serving only four years and ten months for shooting a woman in the head, and Robert Chambers was serving a five-year sentence for a Central Park strangling. Under these circumstances, even the New York State Commissioner of Corrections was quoted as saying that ‘The people doing the big time in the system really aren’t the people you want doing the big time’” (Gray 2001, p. 32).

Gray also discusses the impact of drug laws on imprisonment rates. In March of 1999, Gray claims that one out of every one hundred and fifty people were in some form of incarceration, whether jail or prison, and a good deal of those convicted were detained for some form of drug crime (Gray 2001, p. 32). At that rate, Gray concludes, “An American born in 1999 has about one chance in twenty of spending some part of his or her life in a correctional facility. For black Americans, the chance increases to about one in four” (Gray 2001, p. 32). Each prisoner in the system costs about \$20,000 to \$30,000 to house and feed a year, costing the state millions of dollars annually, money that could be used for rehabilitation, but faulty, harsh drug laws imprison rather than reform (Gray 2001, p. 37). Unfortunately, the Rockefeller drug laws, as with the cocaine laws discussed earlier, also result in overwhelming discrepancies in the

composition of prisons in regards to race. According to the Drug Policy Alliance Network, rates of universal drug use are fairly consistent across all races, but in New York ninety-one percent of those imprisoned for drug crimes are African American or Latino, although the two races only make up twenty-three percent of the total state population. This discrepancy, as well as the discrepancy in length of terms, reveal the flaws in the Rockefeller drug laws, and also expose the inconsistency of justice in New York State. So why has it taken so long for reform advocates to demand change? Political and economic agendas, the widespread development of the prison industrial complex, and the social and spatial implications of prisons on the New York State community.

Chapter Four: The Prison Industrial  
Complex in New York State

The prison industrial complex is an intricate system of prisons created and promoted through political and economic campaigns. It exploded shortly after the launching of the “war on drugs.” Small towns across the country vied for lucrative prison construction contracts hoping for economic advancement. Soon prisons were filling with drug law violators and small towns were reaping the benefits.

Eric Schlosser, writing for *The Atlantic*, marks January 3, 1973 as the birth of the prison industrial complex. In his article, “The Prison Industrial Complex,” Schlosser credits Nelson D. Rockefeller’s drug laws as the impetus for the rapid development of the modern day prison system. Prior to passing the law set, prison numbers were actually decreasing as public opinion against prison time as punishment for crime waned. The Rockefeller drug laws completely reversed this notion. Soon politicians were touting drug control as their primary agenda, constituents were voting for them, and the prison industrial complex was born.

Schlosser describes the prison industrial complex as,

“a set of bureaucratic, political, and economic interests that encourage increased spending on imprisonment, regardless of the actual need. The prison-industrial complex is not a conspiracy, guiding the nation's criminal-justice policy

behind closed doors. It is a confluence of special interests that has given prison construction in the United States a seemingly unstoppable momentum. It is composed of politicians, both liberal and conservative, who have used the fear of crime to gain votes; impoverished rural areas where prisons have become a cornerstone of economic development; private companies that regard the roughly \$35 billion spent each year on corrections not as a burden on American taxpayers but as a lucrative market; and government officials whose fiefdoms have expanded along with the inmate population" (Schlosser, 1998).

This industry has helped rustbelt communities across upstate New York rebuild their economies based around prisons, and the commodity of prisoners. When main upstate industries began to move away from the area, many cities were left with few options. Soon prisons were being built across the state and the space was being filled with new prisoners. But violent crime was not necessarily increasing, rather the number of convicted drug abusers was, and instead of going to a rehabilitation center, they were being incarcerated. Schlosser discusses this in his article.

He writes,

"The level of violent crime in the United States, despite recent declines, still dwarfs that in Western Europe. But the proportion of offenders being sent to prison each year for violent crimes has actually fallen during the prison boom. In 1980 about half the people entering state prison were violent offenders; in 1995 less than a third had been convicted of a violent crime. The enormous increase in America's inmate population can be explained in large part by the sentences given to people who have committed nonviolent offenses.



Crimes that in other countries would usually lead to community service, fines, or drug treatment—or would not be considered crimes at all—in the United States now lead to a prison term, by far the most expensive form of punishment” (Schlosser, 1998).

This increase in the number of incarcerated citizens is due to a revitalized diligence in the war against drugs. The answer to the drug problem has become minimum sentencing and jail time, especially in New York State, and this “solution” has led to the manipulation of the justice system. The business of imprisonment transforms the addicted into convicts, and upstate towns into crime dependent hubs. An Elmira Correctional Facility official discussed this phenomenon in a personal interview. He related it to the Department of Defense’s own industrial complex and the building of C-150 aircrafts. Anecdotally, he described how the complex involves different parts of the nation and their dependence on the defense industrial complex for economic security. For example, tires may be produced in Detroit, while the engine may be produced in a small town in the Midwest, wing paneling in New Mexico, and windshields in Louisiana. “It doesn’t matter that the planes cost \$10.3 billion dollars to build, they aren’t going to stop building C-150s because these small towns across America are depending on building whatever necessary part is needed in order to keep their economies afloat,” he added. Relating it to

the prison industrial complex in New York, he cites Chateaugay Correctional Facility as an example of a prison that is no longer needed. A minimum security facility on the border of Canada and New York, Chateaugay is surrounded by other larger prisons and far from New York City, the main region of commitment, but there is a strong fight to keep it open, despite its perpetual drain on tax dollars, because of its importance to the economic health of the community it is located in. Similar situations include the prisons Ogden and Moriah. Unfortunately, Moriah is one of few shock incarceration centers in the state, and provides a different opportunity for non-violent convicts. Shock incarceration centers use practices similar to boot camps to “shock inmates straight.” Many hope this alternative method could prove more successful than long-term imprisonment, especially for drug law violators.

In fact, Elmira Correctional Facility was one of the first reformatories in the nation. The prison, located on a small hill in northwestern Elmira, NY, is often referred to as “The Hill,” but was also called “Hellmira” during the Civil War, when it served as a war prison for Confederate soldiers. The prison reopened in 1876 as the New York State Reformatory for

convicts aged 18-30.<sup>12</sup> The reformatory was the first of its kind and used methods influenced by Walter Croton's "Irish System." According to the Encyclopedia Britannica Online, the Irish System was a penal method used in the 1850s that "emphasized training and performance as the instruments of reform."<sup>13</sup> The system encourages a three-step process that first involves solitary confinement, followed by group work through which the prisoner is awarded on a point system allowing for advancement, and finally concludes with transfer to a prison with a lower level of security.<sup>14</sup> This method allowed the prisoner to try to remediate his actions, rather than strictly serve his time, and Elmira soon became the first prison to allow application for parole. Unfortunately, this method has been abandoned and today's prison system, although maintaining some beneficial aspects of the Irish system such as education, work force training, and parole eligibility, reverted back to original imprisonment methods after Elmira Superintendent Zebulon Brockway's resignation in

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<sup>12</sup><http://www.correctionhistory.org/html/chronicl/nysarchivesbrowse/nysarchivesbrowse3.html>, February 20, 2010.

<sup>13</sup> <http://www.britannica.com/EBchecked/topic/294180/Irish-system>, February 20, 2010.

<sup>14</sup> (<http://www.britannica.com/EBchecked/topic/294180/Irish-system>, February 20, 2010.

1900.<sup>15</sup> Upon Brockway's resignation after falling suspect of prisoner abuse, the reformatory became the Elmira Correctional and Reception Center. Today the Reception Center is the first stop for convicts aged sixteen to twenty-one. From the Reception Center, they are then assigned to a prison based on interviews and other findings.

According to the New York State Archives, Elmira Correctional Facility usually houses 1,300 inmates within in the facility itself and 400 inmates within the Reception Center.<sup>16</sup> According to a prison official, there were 1,825 inmates as of February 1, 2010 and only 425 correctional officers. The officers are divided amongst three shifts, 7 A.M. – 3 P.M., 3 P.M. – 11 P.M., and 11 P.M. – 7 A.M., with only twenty officers working during the night shift.

At times, this can prove intimidating. Robert Smith, served as a correctional officer for twenty-five years upon retirement from the Air Force, described the anxiety of unbalanced ratios.<sup>17</sup> "One of my first days at Attica, we were all out in the yard, wide open, and we're handing out

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<sup>15</sup>[http://www.questia.com/library/encyclopedia/brockway\\_zebulon\\_reed.jsp](http://www.questia.com/library/encyclopedia/brockway_zebulon_reed.jsp), February 20, 2010.

<sup>16</sup>[http://www.archives.nysed.gov/a/research/res\\_topics\\_legal\\_corrections\\_inst\\_elmira.shtml](http://www.archives.nysed.gov/a/research/res_topics_legal_corrections_inst_elmira.shtml), February 10, 2010.

<sup>17</sup> Name has been changed.

bats for the inmates to play baseball. And I'm standing there thinking, 'This might not be a good idea.' But the other guy I was with, it was just the two of us, hid two at the bottom of the bin and told everyone that was all we had. At least we had a moment of a chance, God forbid something break out."

### Power Construction within the Prison System

Although unnerving, the ratio of inmates to officer is indicative of a distinct power relationship in the prison itself. Power is an important factor within the field of geography, especially in regards to understanding constructed space, such as the space defined by New York State prison system. A prison official explained the power structure of the prison in regards to employees and inmates. Of course, for the most part, the correctional officer has distinctive power over the inmate, the lieutenants have more power than the officers, sergeants more power than the lieutenants, captains more power than the sergeants, and the Deputy of Programs, the Deputy of Administration, and the Deputy of Security, all bowing to the most powerful within the physical prison, the Superintendent. Over the Superintendent is the Commissioner of

Corrections and over the Commissioner, the Governor and his varied staffs. The Commissioner is granted power by the Governor to appoint others power.

Interestingly, inmates earn power within the system through good behavior, and within the community through bad behavior. Power is also present in the crime the inmate commits. According to a prison official, inmates incarcerated for sex crimes are the least respected, especially those whose victims are minors. This presents a catch-22 for the inmate. Many, he said, deny their guilt, but every inmate has a guidance counselor who encourages inmates to go the respective rehabilitation treatment. Going to these treatments presents a conflict for inmates who claim innocence, especially those who have been accused of sex crimes. By going, their fellow inmates not only know their crime, but also associate their attendance at the meetings with guilt. This ruins any chance the inmate may have at a somewhat safe term at a given prison. It also eliminates any chance for power in the inmate community. However, going to the sessions encourages the parole board to take the inmate seriously. As a result, the inmate therefore either faces ridicule from his fellow inmates for accepting his punishment, and to some degree guilt for

his crime, or faces the wrath of a parole board that sees no improvement worthy of release, and consequently a warped power system.

Of course, this power imbalance is magnified for those who commit crimes even other criminals deem horrible. Most inmates refuse to associate with other inmates until they have seen their commitment papers, or the form explaining why they are in prison, that inmates must carry. However, for drug abusers treatment in prison can be a beneficial thing, as fellow inmates tend not to criticize those going to therapy for drugs or alcohol, also called Alcohol and Substance Abuse Treatment, and the parole board looks highly upon these inmates when it comes time to determine transfers or release.

Power within the social context of prison, or amongst inmates is constructed through organized crime, religion, and or individual status.

According to the Federal Bureau of Investigation,

“Prison gangs are highly structured criminal networks that operate within the federal and state prison systems. Furthermore, these gangs operate in local communities through members who have been released from prison. Released members typically return to their home communities and resume their former street gang affiliations, acting as representatives of their prison gang to recruit street gang members who perform criminal acts on behalf of the prison gang. Prison gangs often

control drug distribution within correctional facilities and heavily influence street-level distribution in some communities.”<sup>18</sup>

These prison gangs have a great deal of power within prison and on the streets. According to a prison official, in regards to organized crime, the Bloods are currently leading in power in the prison system in New York, and estimates the numbers are similar all over the east coast, where they reside in larger numbers than on the west coast. The rival gang for the Bloods is the Crips. The Crips reside primarily on the west coast and do not fare well in Elmira, according to a prison official. Bloods refer to the Crips as “Krips,” and will not use the letter “C” in writing. Under the Bloods in the hierarchy at Elmira are the Latin Kings, who are usually of Puerto Rican descent and tend to deem themselves as a higher class than Dominicans, becoming enraged when people confuse them for a “lower class.” Under the Latin Kings is a interesting group called the Rat Hunters, a group not as common on the streets, but more prevalent in prison. They achieve power through hunting “snitches.” Fear of the Rat Hunters escalates until inmates are too fearful to step forward if they are being abused or know other important information. The last major group in organized crime in the Elmira Correctional Facility is the Trinitarios,

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<sup>18</sup> <http://www.fbi.gov/publications/ngta2009.pdf>, March 29, 2010.



primarily made up of Dominicans. They are the smallest recognized group in the prison.

According to a prison official, power is also constructed through religious groups in prison. Muslims are the most powerful in the prison due to their religious lifestyles. Because Muslims do not use drugs or violence, and do not support homosexuality, converting to or simply practicing their faith, affords them a degree of protection or safety, and thus power. The official has also witnessed many people converting to Islam without necessarily believing, in order to gain some sense of community, and thus safety.

In regards to power through individual status, notorious criminals tend to live easier lives in prison, unless of course there is another inmate who has a vendetta against them, whether out of jealousy, or for other reasons.

Two examples of such men are the Party Animal, a club murderer from New York City serving at Attica, who actively seeks out media members in order to promote himself, and Plexico Burrell, a former Giants football team member and Super Bowl champion who was convicted for a concealed weapon and is serving at Oneida. The Party Animal has

achieved some fame and thus power through his own work creating a public image. Plexico Burrell is an example of an inmate who could be left alone, or targeted.

Power is also construed through term sentencing. According to a prison official, inmates who are closer to the end of their term tend to act out less, as they have more to lose if they behave badly closer to their parole meeting. However, this does not necessarily mean that inmates who have served fewer years have more power, rather, they achieve a different type of power. Inmates further in their terms are less likely to react to violence or other issues themselves, but they do have larger networks within the prison, and this is understood by inmates who have only served a few years and have not created that network.

However, power is also interestingly constructed through bad behavior on behalf of those without a network. Committing a crime within the prison results in transfer to a super-maximum facility, in which you are confined in solitude for twenty-three hours of the day. For some, this is an advantage. If an inmate learns of a plot against him, he may choose to kill another inmate, or commit another crime, in order to be transferred to

a super-max. Southport Correctional Facility, the other prison housed in the suburbs of Elmira, NY is a super-max prison. Robert Smith also served as a correctional officer at Southport and described the interesting power dynamics within. While the majority of prisoners there have committed a crime within the system, some inmates are there because of good behavior. Long-term inmates who have acted admirably within prison can request transfer to Southport, where they work in the kitchen, or other places within the prison, have more freedom than typically granted in other prisons, and are sometimes rewarded for their work. Interestingly, this creates two different paths to power in the prison. For some, further crime is the only means to safety, while others behave well and are rewarded with the same end goal.

Meanwhile, those who behave well develop a new degree of power, not only over their fellow inmates, but also over the guards. In many prisons, those prisoners who are “promoted” within the system are called trustees, or a “trusty.” The “trusty” serves not only as an extra hand for the prison guards, completing menial tasks such as mopping, painting, and moving bins of mails and groceries, but also as a check on guard-inmate relations. If, for instance, a guard is abusing an inmate, the “trusty” in an ideal

situation would be able to report this abuse. This grants the “trustee” a certain degree of power over the guards, but also encourages a positive, mutual relationship with fellow prisoners, elevating the “trustee” within the prison community.

While it is easy to determine that guards in normal situations do have far more power over the inmate, there are other instances besides promotion to “trustee,” in which the prisoner gains a level of power equal to or greater than guards. Cyndi Banks, a Professor of Criminology and Criminal Justice, discusses this off formation of power within the system in her book, *Criminal Justice Ethics: Theory and Practice*. She writes,

“The notion that prisoners have any ‘power’ within prison seems to contradict the very nature of the prison environment. However some activities on the part of the inmates can be viewed as attempts to gain power or resist guard power; these actions include using the court process to enforce rights, manufacturing weapons, employing unprovoked violence against guards, and coercing other inmates” (Banks 2009, p. 200).

As Banks discusses, prisons serve as blatant sites for power struggles.

Guards are not permitted to carry weapons within the prison walls, so the manufacturing of weapons by inmates is not only a risk, but an opportunity for clear power advancement. Banks also discusses the implications of inmate coercion. She writes, “A more nuanced approach

to gaining power takes the form of inmates competing with officers for control over the inmate population, such as through the formation of gangs, or through persuasion, inducement, and manipulation” (Banks 2009, p. 200). She argues that guards, who are not constantly present at the prison, are often ill-informed about inmates, are few in number, and “socially distant from their captives.” This creates opportunities for the inmate population to unite and fight for power over guards. This is what occurred in Attica, New York, during the Attica Prison Riot in 1971.

The Attica Prison Riot is a telling example of how power dynamics can change rapidly within a site. The riot was the result of prisoner discontent with prison conditions, education, and job training services, and overcrowding. The prison, built in the 1930s, was over capacity at the time, prompting a group of inmates to assault a prison guard, take multiple employees hostage, and take control of specific portions of the prison.<sup>19</sup> The riot lasted for four days, ending with Nelson Rockefeller, worried about his image and being deemed too soft on crime, demanded tear gas to be administered to the grounds and open fire taken upon the prison. Dozens were injured and ten hostages and twenty-nine inmates

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<sup>19</sup> <http://www.history.com/this-day-in-history/attica-prison-riot-ends>, March 29, 2010.

were killed. Today it remains the bloodiest prison uprising in United States history.<sup>20</sup> However, justice was eventually served to the victims and their families through massive court settlements, perhaps due to a recent movement in prison reform and inmate advocates in hope of promoting prisoner rights and power.

This movement began decades ago when, Banks argues, there was

“An upsurge in prison litigation during the 1960s and 1970s as instances of inmate ‘power’ then counterbalanced administration power over inmates. During this period, jailhouse lawyers began to gain status within the prison as sources of authority who could contest prisoners’ rights with the guards and with the administration” (Banks 2009, p. 200).

These litigators and activists have had a strong role in expanding inmate rights and power. If it were not for this movement, prisoners would be subjected to subpar living conditions and given limited opportunities for beneficial personal advancement, such as earning a degree or workforce skills. The Attica Prison Riot became a catalyst for an activist movement promoting social awareness of prisons and their inner-workings. The actions of these activists are not only beneficial for inmates, but also for

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<sup>20</sup> <http://www.history.com/this-day-in-history/attica-prison-riot-ends>, March 29, 2010.

inmates' families, guards, and guards' families, as they create standards that keep our prisons safer for all involved.

### Understanding the Prison Industrial Complex Through Mapping

Power is often constructed through space and place. In regards to the prison industry, space and place play important roles in how prisoners move around the state. It has become a common claim in the City of Elmira that the prisons are the reason for economic discontent and rising crime levels. Many argue that the prisons draw in families of the prisoners who consequently promote crime in the area. A prison official admits that approximately five families associated with the prison move to the area each year, but does not attribute crime or poverty to their move. However, the creation of the prison industrial complex, and the implications it holds for small towns and big cities alike, has played a role in the movement of people across space and does have an impact local economies and social structures.

In this section, I will explain the importance of mapping in understanding these implications. I produced these maps through various methods.

After determining the addresses of the facilities, I used Google Earth to determine the latitude and longitude of each prison. I converted these measurements to degrees, entering the data into an Excel spreadsheet. I placed the points on the map using ESRI's ARCMAP, a program used to analyze geospatial data sets through mapping. My next step involved using data from the State of New York Correctional Services to determine gender, race, commitment regions, and populations of specific prisons. I entered these data into my spreadsheet and converted it from an Excel file into an attribute table within the mapping program. I then selected data to display on the maps and distinguished the data for legibility. My final step involved using U.S. Census Bureau data to determine the primary and secondary industries, and population of each prison town to determine whether prison presence had deeper implications on the population living in the area than one may be able to see otherwise (Please notice that some populations are based on County or Zip Code, as marked on the map).

My first two maps, please refer to the Appendix on page serve as basic references. Fig. 1: New York State Correctional Facilities depicts prison names, location, and security level. Notice there is only one drug



treatment center and four shock incarceration centers in the state. Fig. 2: New York State Correctional Facilities Gender and Population distinguishes how gender is represented in the prison system.

There are only three female facilities in the state, one of which is maximum security, and two that are medium security, offering limited options for female inmates whose crimes may not deem a medium security facility. Women are also permitted at the drug treatment center and one shock incarceration center, Lakeview. For female inmates whose crimes do not deem a medium security facility, or a shock incarceration or drug treatment camp, movement across space within the prison system is limited, and relocating to a prison close to the northeastern tier of the state is altogether impossible. Fig. 2 also depicts the total number of inmates in the system at the end of 2008. There are 62,599 inmates.

My next two maps describe regions of commitment, or areas in which inmates committed their crime, and the primary and secondary industries of the prison towns. Fig. 3: Regions of Commitment and Housed Prisoner Population shows the discrepancies between regions of commitment and areas in which the inmates are actually housed. As the map shows, the

five boroughs of New York City account for 52.1% of the crimes committed in the state. However, upstate communities with a population base of less than fifty thousand people, house 77.58% of the prisoners in the system. Through this map, the movement of inmates is made most apparent. For many, committing a crime downstate means serving a term upstate. When I asked a prison official if he agreed that inmates are constantly moving across space throughout the state, he answered yes.

“Inmates are always moving. Upon sentencing they are sent to a reception center that may be Elmira, which may be six hours from where he committed the crime. They then are sent to their first prison. If they behave or misbehave there could determine their next move. Those who behave will try to make their way back to where they came from, in many cases the metropolitan area of the city. So you see inmates traveling across the state to us, and then slowly working their way back through transfers. Because if you had a family, or a wife, you want to be closer to them. You’re trying to get back home, or at least to a lower security level.”

In some cases, usually long-term sentencing, families will cross space in order to be closer to their inmate, but this is rare and usually only occurs in cities with maximum security prisons because medium facilities usually house inmates who have far fewer years to serve.

My fourth map, Fig. 4: Primary and Secondary Industries of New York Prison Towns, depicts the primary and secondary industry of each town

based on census data. In Elmira, the main industry is the census category, “Education, Health, and Social Services” and the secondary industry is “Manufacturing.” Chateaugay Correctional Facility, the prison described specifically in a prison official’s anecdote about the Defense industry, is located in Chateaugay, NY and cites “Public Administration” as their secondary industry. Prison workers fall into this category, perhaps explaining the campaign to keep the prison open despite decreases in inmate populations.

The industries map is interesting because it may explain why so many criminals are shipped to different areas. The areas the prisoners are being shipped to, are striving for economic development and employment opportunities, thus transforming the inmate into a commodity for small towns.

My final two maps depict the percentage of inmates who are drug offenders and the racial/ethnic distribution of the prison system. Fig. 4: Drug Offenders by Hub depicts the percentage of inmates in each hub, or grouping of prisons, that have been convicted for drug crime. Overall, a very significant part of the population is incarcerated for some form of drug crime, whether for sale, use, or distribution. When I asked a prison

official why the Elmira hub has a lower percentage of drug criminals, he explained that Elmira has the most maximum-security prisons of any of the hubs. Those convicted for drug abuse are very rarely sentenced to maximum-security prisons, which is why the Watertown and Oneida hubs have higher percentages of drug criminals.

My last map, Fig. 6: Hub Race/Ethnic Distribution, shows the discrepancies in the racial makeup of the New York State prison system. Every hub, except for two, is over fifty percent African American. This could be due to racial profiling, unequal sentencing, faulty justice, or inept laws. As described earlier, drug laws in New York are blatantly racist, which could lead to unequal proportions of African American inmates within the system.

All the maps are relevant and useful in showing how prison space is constructed by crime, race, gender, and region of commitment, or geographic location. They also point out a blatant discrepancy in the prison industry and the justice system.



## Chapter Five: Conclusion

The prison industrial complex has promoted a system in New York, and across the United States, that has transformed our judicial system into a manufacturing machine. As the black male is transformed into a

commodity, small upstate New York communities revitalize themselves as centers for economic production. Some argue that after the earlier economic degradation of these rustbelt towns and cities, prisons are one of few options left for financial security. And for the most part, this is true. For areas similar to Elmira, prisons have become a main facet of local economies. However, the economic benefits that emerged with the construction of the prison industrial complex come at a greater cost. While some may see prisons as symbols of a successful criminal justice rubric, others view prisons as an inevitable part of the journey of life, which may seem ludicrous, but has its merits considering the number of people imprisoned in the United States.

According to *The New York Times*, the United States' population comprises less than five percent of the world population, yet houses nearly twenty-five percent of the world's prisoners (Liptak, April 23, 2008). The United States also housed seven hundred and fifty-one prisoners for every one hundred thousand free citizens in 2008, numbers that are far more telling when applied only to the adult male population (Liptak, April 23, 2008). In 2008, one in one hundred adult males were incarcerated (Liptak, April 23, 2008). The majority of those men were minorities.

The judicial system in the United States is not maintaining the ideals the general population has envisioned for their country, however, it is easily disguised by rampant anti-drug campaigns and the promotion of voter friendly legislation and crime budgeting. Today, campaigns centered upon eradicating crime and promoting the war against drugs, earn some degree of success because constituents can wrap their heads around the importance of both concepts and it is not necessarily something they have to research, as it is a bipartisan effort. However, this leads to a lack of general knowledge about who exactly is behind bars, for which crimes, for how long, and whether their incarceration is legitimate and justified.

The numbers are clear and indicate a vivid discrepancy amongst race and gender within the prison system. For the male minority, prison is a real threat regardless of personal lifestyle. And the manipulation of the system and the imbalance of justice through faulty legislation has promoted a system in which the male minority serves as a source of economic stimulation for the white male. The prison industrial complex in which Elmira is involved has created a sense of security within the city. After all, and as numerous interviewees also mentioned, crime will always



be present, and thus the prison industry is one of the most secure industries available for economically struggling towns. And while the reform of the Rockefeller drug laws will definitely lead to a decrease in the number of incarcerated drug law offenders, it will also lead to a struggle within the prison systems, as prisons close, guards are laid off, and an industry that once seemed infallible, begins to erode. However, there are some potential options for broader reforms that could not only curb the racist sentiments of current legislation, but also preserve the economic security of towns that have watched their industries move south, or overseas.

New York State began proposing vast reforms to the Rockefeller Drug Laws in the spring of 2009. The reforms eliminated minimum sentencing for certain crimes, allowing judges to decide the best reparation, and allocated nearly \$71 million dollars for drug treatment programs and other incarceration alternatives.<sup>21</sup> However, it also reestablished a previously eradicated law known as the “kingpin” law, which reestablishes the existence of a life sentence for specific drug offenses. The

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[http://www.drugpolicy.org/docUploads/Explaining\\_the\\_RDL\\_reforms\\_of\\_2009\\_FINAL.pdf](http://www.drugpolicy.org/docUploads/Explaining_the_RDL_reforms_of_2009_FINAL.pdf), April 7, 2010.

reforms also created a new crime: selling controlled substances to a minor, a Class B drug felony.<sup>22</sup> However, for the most part, the reforms are confronting problems long rooted in the New York justice system.

My own proposal, in regards to the maintenance of small prison town economies, is the allocation of some part of the \$71 million towards training current guards in drug rehabilitation, and or, shock treatment practices, in order to make prisons more flexible in regards to how many and which inmates they house. By doing this, not only do the guards develop skills they may be able to use if they decide to leave the prison system, but it also ensures that regardless of decreasing incarcerated populations, current guards will still be able to remain employed, as drug abusers will still be in need of treatment and shock incarceration centers. Also, I would strongly suggest refurbishing prisons with dwindling numbers of inmates into treatment centers or shock incarceration centers. This would help prisons stay open, and towns stay afloat.

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[http://www.drugpolicy.org/docUploads/Explaining\\_the\\_RDL\\_reforms\\_of\\_2009\\_FINAL.pdf](http://www.drugpolicy.org/docUploads/Explaining_the_RDL_reforms_of_2009_FINAL.pdf), April 7, 2010.

The Rockefeller drug laws have long promoted an industrial complex that has promulgated racist restraints on society. Today, 90% of those convicted for drug law violations are African American or Latino.<sup>23</sup> Hopefully, with the reforms presented by the State of New York, and with further activism and community concern, our prison systems will be transformed into a rehabilitation system, in which those facing addiction can find help, rather than punishment.

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[http://www.drugpolicy.org/docUploads/Explaining\\_the\\_RDL\\_reforms\\_of\\_2009\\_FINAL.pdf](http://www.drugpolicy.org/docUploads/Explaining_the_RDL_reforms_of_2009_FINAL.pdf), April 7, 2010.

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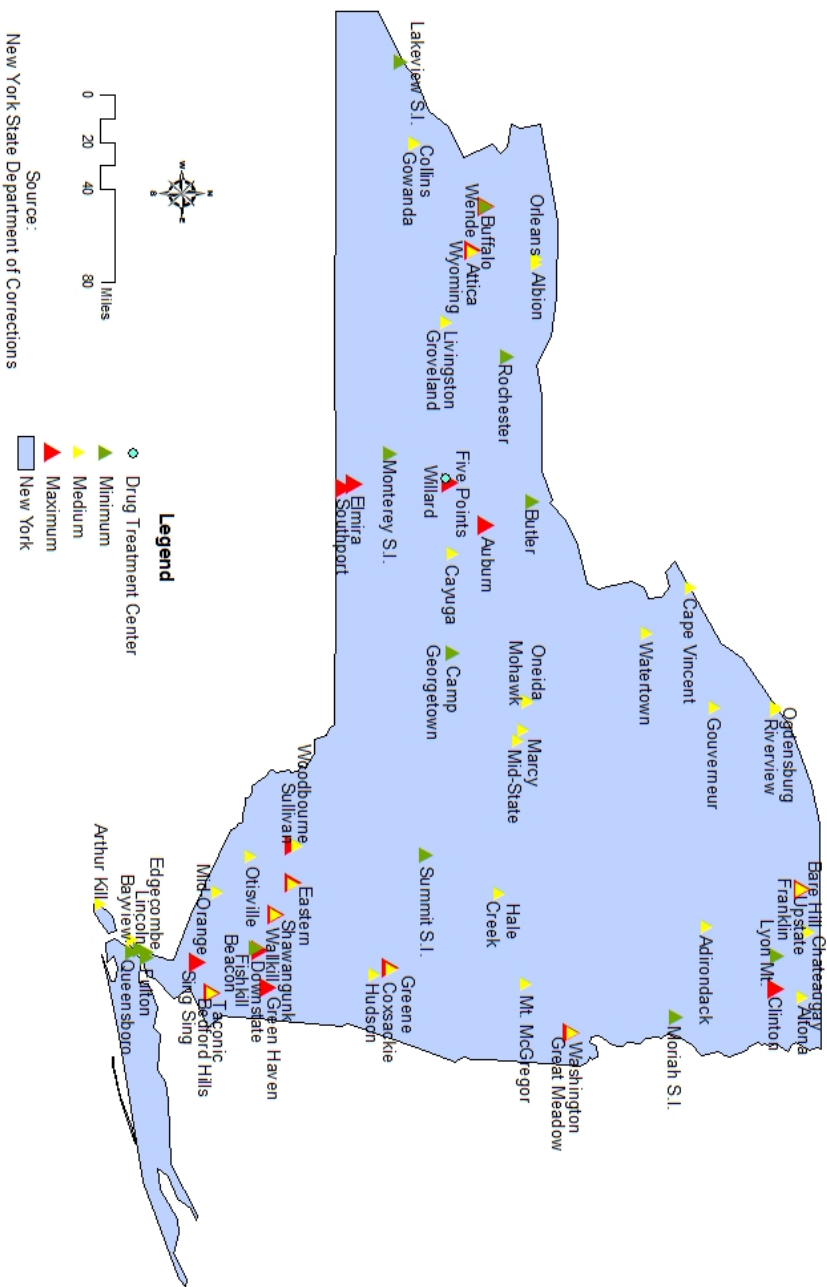
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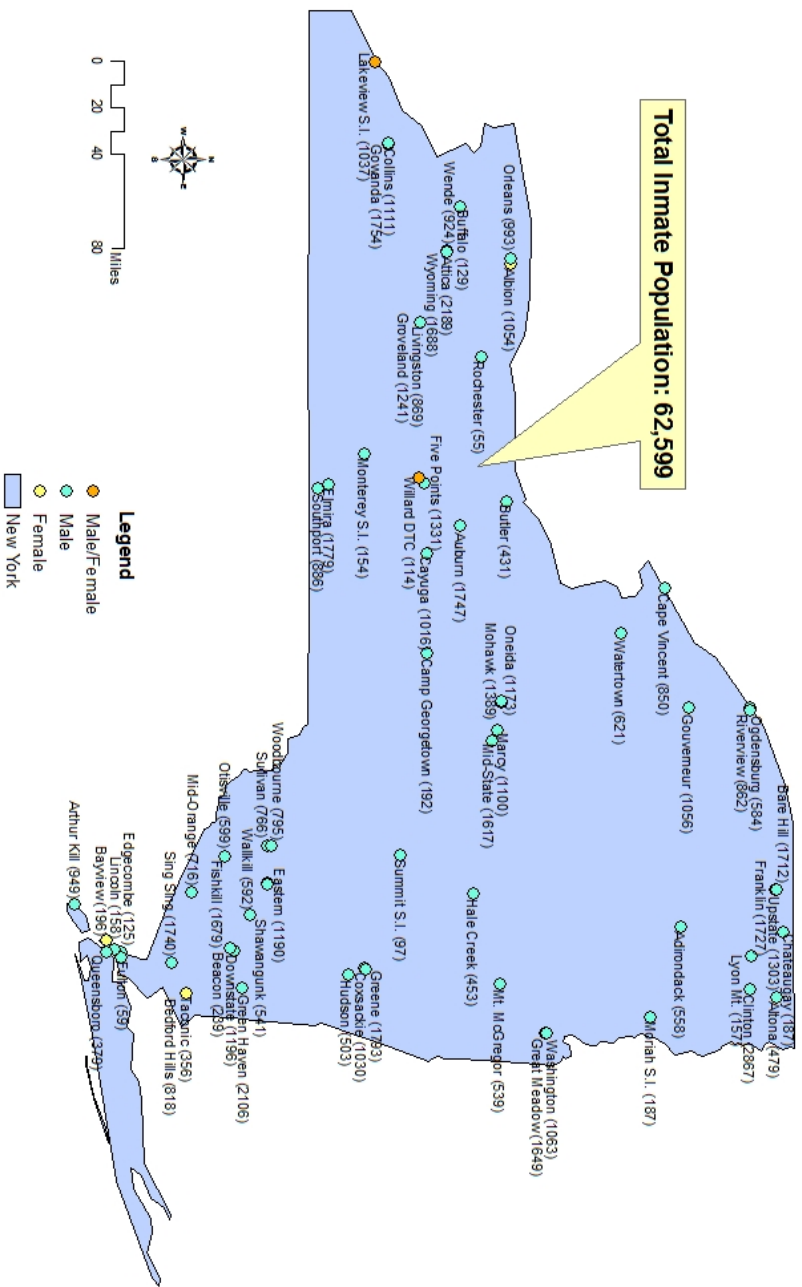
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# Appendix

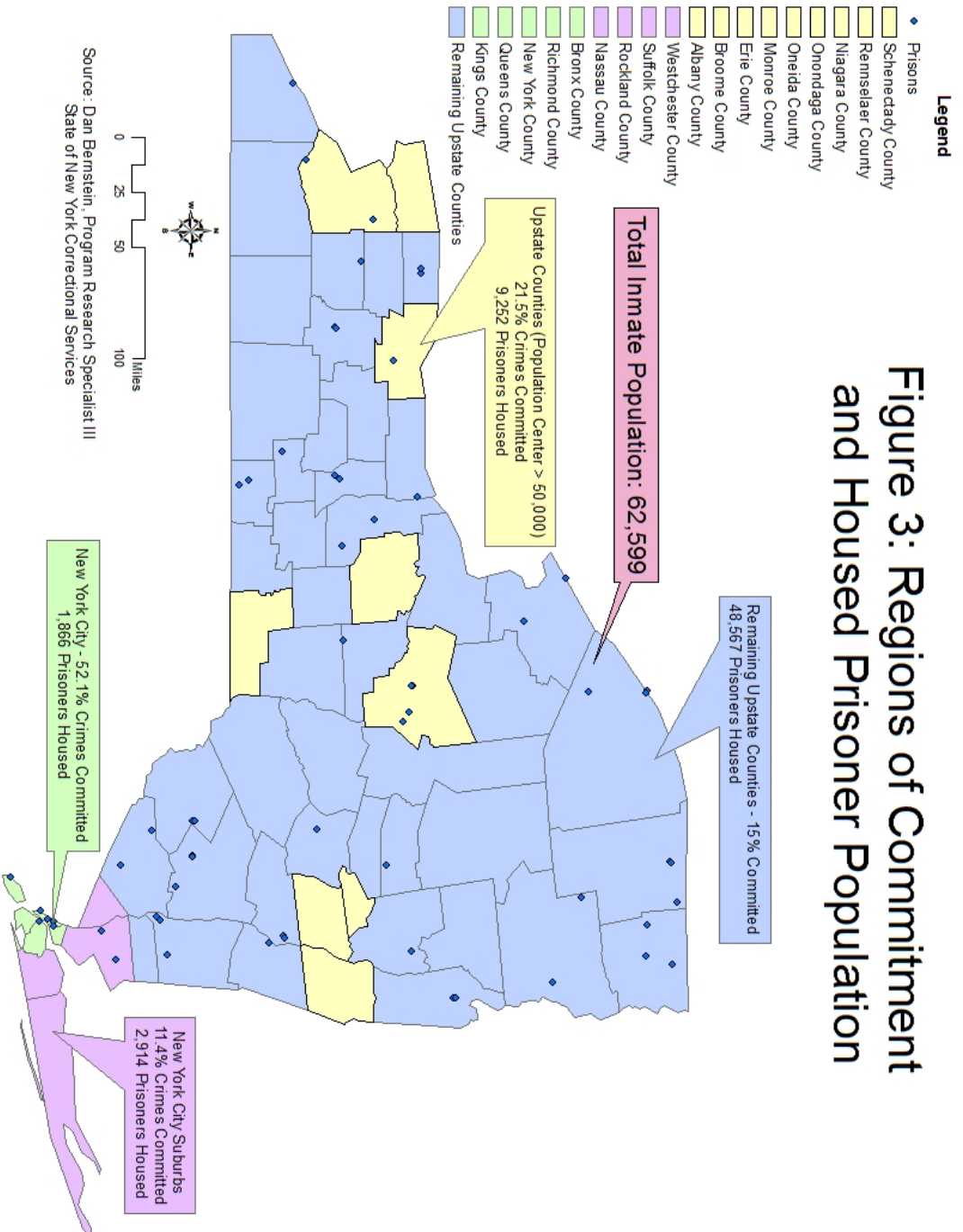
## Figure 1: New York State Correctional Facilities



## Figure 2: New York State Correctional Facilities Gender & Population

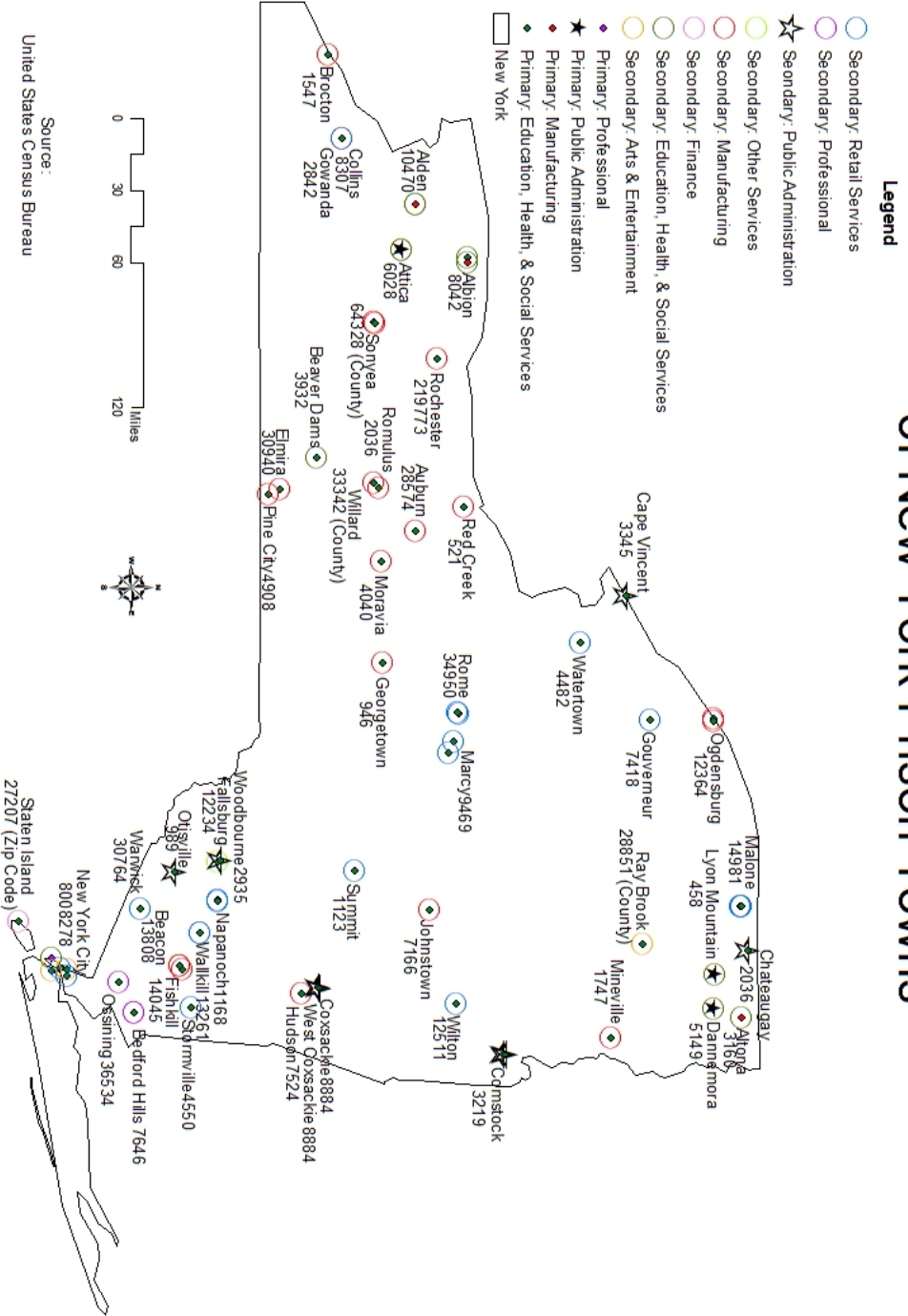


### Figure 3: Regions of Commitment and Housed Prisoner Population





# Figure 4: Primary and Secondary Industries of New York Prison Towns



### Figure 5: Drug Offenders by Hub

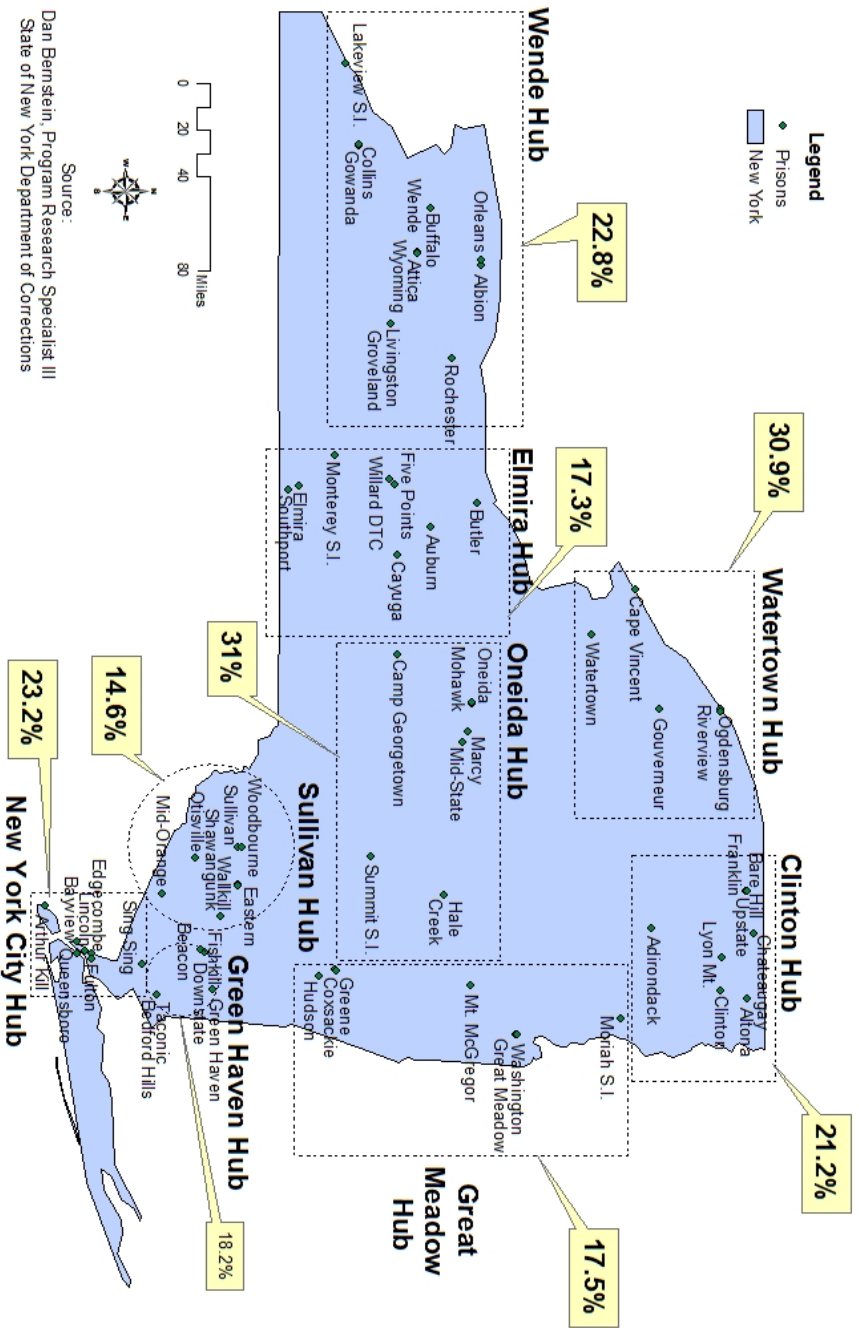
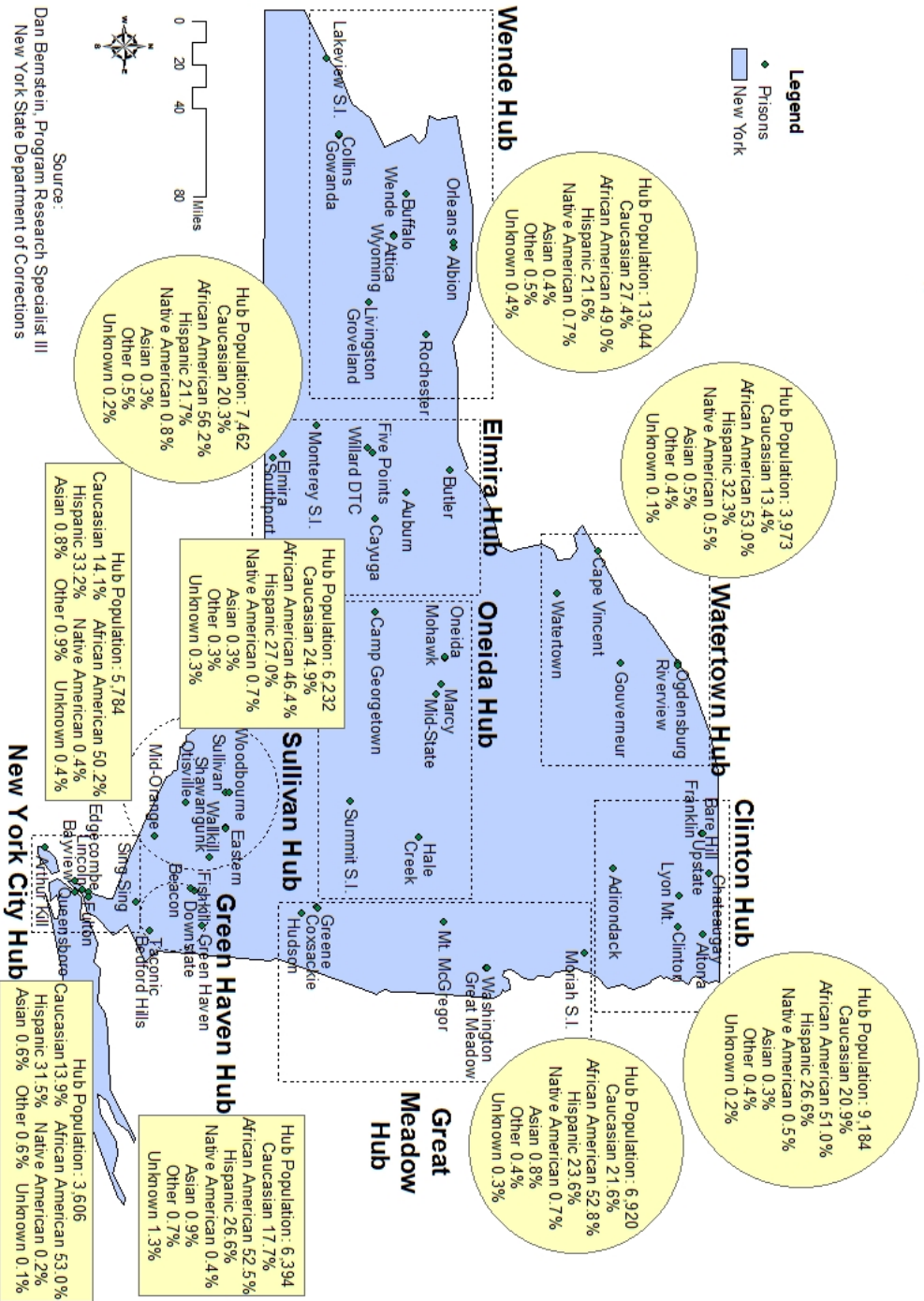


Figure 6: Hub Race/Ethnic Distribution



## Written Summary of Capstone Project

In my Capstone, I examine the specific effects of the prison industrial complex and the Rockefeller Drug Laws on the community of Elmira, NY, home to two major state prisons, the Elmira Correctional Facility and the Southport Correctional Facility. My focus is primarily on Elmira, as Southport is a super-max prison and predominantly houses inmates who have committed further crimes within the prison system. Through further examination of the prisons and through interviews, I determine a distinct power system within the prison community, through appointed positions of prison officials, to gang related power within the inmate community itself. Power is an important concept in geography because it can help or hinder a person's ability to engage with, interact with, or move across space. In regards to the New York prison system, space is strictly constructed through specified locations of prisons, primarily in the upstate region. The highest area of commitment, or area in which the most crimes are actually committed is the New York City area. However, prison communities in upstate New York, all of them with smaller central populations, house the majority of inmates. These inmates are thus

shipped across space at various times during their incarceration as they plea for transfer to prisons closer to their homes.

Meanwhile, in Elmira, as the social, economic, and political climate changed, views towards the prison shifted as well. Soon, with increases in drug use, crime, and welfare assistance, the prisons were viewed as main culprits as to why the city was falling to pieces. However, Elmira residents were unaware, or perhaps naïve to the fact that the prison was a secure employer in a rustbelt town for a reason.

Through my research, I realized that prisoners serve as cogs in a greater machine. This machine is the prison industrial complex. The prison industrial complex, or a system of imprisonment that, through various methods, transforms prisoners into commodities, is a huge force in the New York State prison economy. The prison industrial complex involves endorsing legislation to create more crimes and longer sentences for those crimes, thus increasing the number of incarcerated citizens. In New York, the creation of the Rockefeller drug laws resulted in revitalized diligence in the war against drugs. The answer to the drug problem became minimum sentencing and jail time and this “solution” led to the

manipulation of the justice system. The business of imprisonment transforms the addicted into convicts, and upstate towns into crime dependent hubs. During my research, which involved numerous interviews with various state and city officials, one interviewee explained the complex using an interesting and telling anecdote. He compared the prison industrial complex to the defense industrial complex, equating airplane parts to human beings. He explained for example, tires may be produced in Detroit, while the engine may be produced in a small town in the Midwest, wing paneling in New Mexico, and windshields in Louisiana. "It doesn't matter that the planes cost \$10.3 billion dollars to build, they aren't going to stop building C-150s because these small towns across America are depending on building whatever necessary part is needed in order to keep their economies afloat," he added. Relating it to prisons, he cites Chateaugay Correctional Facility as an example of a prison that is no longer needed. A minimum security facility on the border of Canada and New York, Chateaugay is surrounded by other larger prisons and far from New York City, the main region of commitment, but there is a strong fight to keep it open, despite its perpetual drain on tax dollars, because of its importance to the economic

health of the community it is located in. Elmira Correctional Institute has a similar effect on the city of Elmira.

In New York State, the prison industrial complex is vast and powerful. Black men, who have committed some type of crime, make up over fifty percent of ever hub, except two. Many attribute this discrepancy to the Rockefeller Drug Laws, a set of laws championed by Nelson Rockefeller that creates minimum sentencing for drug law violators and in many instances fosters prison terms that are disproportionate to the crime committed. The laws are racist for broader reasons. In the United States, specific races have been found more likely to use certain drugs, for example, crack cocaine is far more popular in African American communities, while cocaine is predominant in white upper-middle class communities. This wouldn't normally be a problem, as drug use is illegal and thus, in an ideal world, would be punished equally, but in the United States, some drug laws create minimum sentencing for violators using specific drugs. This is the case with minimum terms for crack, while no such terms exist for cocaine.

This is evident by the maps I have produced using data from the United State Census Bureau and the New York State Department of Corrections. I created my own Excel spreadsheet with this data, found the address of the prisons on Google Earth and converted latitude and longitude measurements into degrees, and placed the points on maps using ESRI's ARCMAP. The maps clearly depict the distinct discrepancies between race, crime, gender, and place and make understanding the effects of the complex easier for readers.

Overall, my Capstone presents a view of a political economic system that has shaped the rustbelt towns of upstate New York into prison towns, capable of transforming drug violators who should have access to drug counseling and rehabilitation prior to being locked in a cage, into profitable convicts.