

**“Carceral Trafficking”: Social Cognition, Ideology and Discourse
of an American Carceral Tradition**

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DISSERTATION
Submitted as partial fulfillment of the requirements
for the degree of Doctor of Philosophy in Criminology, Law, and Justice
in the Graduate College of the
University of Illinois at Chicago, 2019

Chicago, Illinois

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DEDICATION

तो ब्रह्मन्, गणेश, अन्द् परंहन्स योगानन्द मय बेलोवेद गुरु

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गुरु ब्रम्हा गुरु वषिणू

गुरुः देवो महेश्वरा

गुरु शाक्षात परब्रम्हा

तस्मै शरी गुरुवे नमः

ॐ शान्ति ॐ

ACKNOWLEDGEMENT

There have been several, key individuals whose experience, wisdom and willingness have guided me along this incredible academic journey. It was a process upon which I embarked later than most people; nonetheless, the following scholars embraced my abilities and shined a light on a path for me to follow. I want to extend my gratitude to each of these people in the order they were put before me.

First, I want to thank those from my undergraduate career, beginning with Dr. Andy Giacomazzi, who planted the idea that I could attain the highest honour at our university - which I did, thanks to his encouragement early on. His advice and mentorship were invaluable, and paved the way for my academic success. Next, I want to thank Dr. Michael Blain for his influence on my sociological worldview. His trust in me as a researcher and teaching assistant during undergrad gave me both confidence and much needed experience. Our discussions about power, language, and theory were everything to me. The third person I want to acknowledge is Greg Martinez. His persistent encouragement to participate in McNair Scholars was life changing, without which I would not be earning a PhD today.

The fourth person I must acknowledge is my graduate school advisor and committee Chair, Dr. Edna Erez. Her positive and earnest acceptance to mentor me was key for shaping the course of my graduate career. Her dedication to serving Jize Jiang and myself cannot be overstated. The memories of our time spent together at the end of each semester will stay with me forever. I must also acknowledge the incredible support of Dr. Hagedorn, who buoyed me through the preliminary exams. He was the first professor at UIC to encourage my theoretical writing. He also introduced me to Dr. Andrew Rojecki, who brought me into the Communication fold, introduced me to framing analysis and globalization, and graced my life with some of the most interesting, scholarly

research ever written. His courses have had a positive and lasting impact on my academic career. I want to thank Dr. Matthew Lippman for his irreplaceable encouragement and kindness. His positive attitude and excellent communication have grounded me, and I am so grateful to have him on my committee. Finally, I want to thank Dr. Jessica Bird for her critical guidance, especially during the advance research methods course she supervised for me. I am fortunate to have her on my committee, and appreciate her focus and work in the criminological field. Additionally, I want to acknowledge the influence of Dr. Peter Ibarra on my academic career. The ethnographic research I conducted for his course was by far the most educational (and most enjoyable) assignments I undertook during grad school. In addition, I want to thank my close friend, peer and confidante, Jize Jiang. I am grateful for his trust and camaraderie.

Closer to home and heart, I want to acknowledge the undying support of Jay Beauchene who has been my number one fan and support system throughout grad school and the dissertation process. Thank you to my daughter, Evalina, for enthusiastically and bravely leaving our hometown of Boise, Idaho to attend high school in Oak Park, so I could pursue my doctorate. Thank you, Blaise, my entrepreneurial son, for setting an excellent example of perseverance and personal success. Lastly, I want to thank my brother Martin for always being there for me, and to my parents for allowing me to find my way – *my way*.

NAW

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SUMMARY

This dissertation research formalizes an American carceral traffic ideology utilizing historical, carceral-centered, political discourses found in two National Archives locations (College Park, MD and Kansas City, MO), the Franklin Roosevelt Presidential Library, the UIC Special Collections, the digital Library of Congress, and the UNICOR website using the keywords: abolition, convict lease, and prison industries. This research identifies, codes and measures the “text and talk” of elite political and business actors in the U.S created around and through three significant legislative periods impacting carceral labor (1865, 1934, and 1979). Using the new archival method, hierarchical cluster analysis and qualitative discourse analyses, this research reveals embedded carceral ideologies, based on the topics of the discourse and the motivated actors who created them.

Congressional debates, presidential speeches, elite correspondence, and other archival discourses provide the data for this research and demonstrates the function and power of sociocognitive mechanisms in political processes by signifying the constitutive variables in discourse that animate ideologies of white hegemony, elite male authority, commerce, free labor, State power, and the racialized and class-based traditions of mass incarceration. Archival discourse reveals the production of timeless, and persistent themes in U.S. penology, which seem immune to reform. Consequences of mass incarceration like overcrowding, and justifications for instituting prison labor, e.g. idleness, rehabilitation, and skill acquisition are salient in archived “prison industry” discourse, and resonate in the current era. Examples of the recovered discourse are included in the dissertation and discussed in context.

UNICOR (aka Federal Prison Industries, Inc., or FPI) and its current, globalized marketing materials provided the fulcrum for this project. Understanding today’s federal “prison industries”

SUMMARY (continued)

also requires a basic understanding of Franklin D. Roosevelt and his presidency. He was the motivated, elite political actor and the architect of Federal Prisons Industries, Inc. in the 1930s. His cognitive choices must be reconciled within the historical context of enormous social change, including Prohibition, The Great Depression, and The New Deal.

To invigorate the fields of critical race theory and critical criminology, I am advancing Teun A. van Dijk's multidisciplinary theory of ideology and applying it to the intractable social problem of racialized, mass incarceration and penal labor. His theoretical approach to social cognition, discourse, and action combine with race, gender and class to aid my efforts for explaining how trafficking "convicted" human beings remains a legalized American tradition despite centuries of social harm, "prison reform," and social resistance.

Finally, a critical study of the archives and the construction of social memory imbricates with theoretical goals of this research to exhume historical, political and economic narratives that constitute the "public-private partnership" model of carceral trafficking – a practice deemed illegal when utilized outside the realm of privileged political relationships. This archival research has explanatory value for understanding the role ideologies and other aspects of social cognition play in maintaining the nationwide carceral juggernaut known as UNICOR, which is likely the latest incarnation and cultural adaptation of U.S. plantation slavery.

1. INTRODUCTION

What does a federal “prison labor” ideology look like? I argue it resembles a historically derived, politically driven, State-authorized, and male dominated, racialized-carceral-economic system that I call *carceral trafficking*.

Legal-rational authority, racial domination, hierarchical systems of class and the cognitive power of tradition energize the core of this historical system. This law-derived apparatus obtains its energetic capacity from specific intentions embedded in social cognitions along a carceral continuum that began during the Enlightenment era’s Atlantic slave trade, the first globalization of human trafficking.

These rationalized intentions are temporally reinforced by custom and ritual – passed through generations using visual and textual reinforcement, mitigated by degrees through cultural evolutions - and have successfully instituted a permanent, race and class-based carceral structure to manage, sell, commodify, and socially control captive individuals. Over time, these carceral practices appear to society-at-large as a natural, imperative, and ethically correct system of justice. Of course, in the context of the United States, elite white males have been, and remain, the motivated actors in charge of constructing and administering what has evolved to become the generically coined “criminal justice system” – a system initiated and supported by lawmaking and political economy, but whose ideologically-laden members remain off the radar in terms of culpability where the consequences of mass incarceration are concerned.

A prison labor ideology is governed by tacit rules embedded in reified white supremacy and elitist ideologies eliding with practices of male domination and the so called “rule of law.” Eventually, through a myriad of powerful, sociocognitive and cultural mechanisms, including the creation and use of elite discourses merged with carceral practices spanning centuries - an

expansive and encompassing federal-carceral-factory system materialized. Its name is UNICOR, also known as Federal Prison Industries, Inc. (FPI). The State institution and federal corporation known as UNICOR is the modern incarnation of an Enlightenment carceral ideology that began in the 18th century slave factories on the west coast of Africa (Rusche and Kirchheimer, 1939, p. 72).¹ It represents the rational outcome of the “exception” or “punishment” clause of the Thirteenth Amendment.² It is a prototypical, cleaned-up brand of carceral commerce, or a revamped “traffic in human flesh,” a euphemism used frequently in 18th century newspaper discourse to describe the market for African slaves. It is a carceral labor market that, in its latest incarnation as FPI, has used rational law, lawmaking, and law enforcement to locate, organize, and administer its carceralized workforce for almost one hundred years.

Moreover, the 21st century UNICOR is a complex of private corporate interests. The carceral traffic of today is still one in which prisoner labor can be exploited for value added means; however, the number of private contractors that profit from reification of brick and mortar federal prisons has grown exponentially since the advent of FPI, Inc. in 1934 under the Roosevelt administration. At that time the U.S. had only three (on the way to four) Federal prison institutions (Leavenworth, Atlanta, and McNeil Island – Alcatraz was added in 1935). In

1 In this seminal piece, the authors view the current prison system originating in the practices of Enlightenment and mercantilism. The entire history of punishment and imprisonment is beyond the scope and intention of this project; however, some of the analyses and arguments advanced by Rusche and Kirchheimer are applicable to my research.

2 The Thirteenth Amendment did not abolish slavery. It provides a loophole in an exception clause, which authorizes the enslavement of “duly convicted” prisoners. The past few years have seen an increased scrutiny by the public of this amendment as more people become aware its dualistic nature, which has managed to be essentially invisible to the naked eye for over 150 years!

2018, however, the Bureau of Prisons reports, “142 facilities spread out across the nation.”³ Professional organizations like the American Correctional Association (ACA) and the National Correctional Industries Association (NCIA) provide membership, networks, and “professional development” for the thousands of interested parties involved in this “industry,” which commodifies prisoners more than ever via outside corporations that invest in, and profit from, an expansion of mass incarceration. The latest “public-private” carceral scheme is predicated on the criminalization of immigration, or crimmigration. The “zero tolerance” policy has been a boon to private contractors who have reaped billions in 2018 by separating children from parents, and incarcerated thousands in detention facilities (new and old) across the U.S. This “detention” scheme is the recent face of carceral traffic, which is a cognitive process that relies on a whole set of social mind control practices (vilification, rhetoric, and framing, for example) to maintain its hold on social memory, social consciousness, and social cognition. Of course, social resistance is also present and has always held a counterpoint to the political process of carceral trafficking; however, the sociocognitive power to affect *lasting* social change in the field of carceral traffic has always been lacking in the U.S. So far, the ideologies of resistance have possessed insufficient energetic power to overcome the intentions and motivations of the dominant group of elite white males. Even the Civil War was unable to demolish the Black carceral frame, white supremacy, and the carceral trafficking of human beings.

Due to changes in culture, carceral trafficking has morphed during three major, historical periods from a legal enterprise that hinged solely on extracting profits from a privately owned and commodified carceralized labor complex (slavery) into a constitutionalized racket of publically owned, commodified carceral labor system (the convict lease/contract labor) to a

³ The government’s use of the phrase “spread out” implies a sense of pride and ownership. It can be likened to a corporation boasting about its size, and the number of people it employees. It is a symbol of the State vitality and a statement of biopower.

corporate, industrial, commodified carceral system - all of which requires the legal function of mala prohibita lawmaking (or a presidential mandate) to criminalize more behavior to construct more prisons and community corrections facilities that will be built, furnished, and managed by private industries using public tax monies. In the current era, billions of dollars are transferred from state and federal governments to multitudes of private industries involved in the complex of carceral trafficking – a social cognitive process contingent on the incarceration of a certain percentage of the population. The political economy of the public-private partnership (a variable examined in this research) is a function of social cognition, which again, is so ingrained in the social memory of the U.S., the probability of destroying this mighty imbrication seems nearly impossible without a seismic epistemological shift – and even less likely without a shift in the way social wealth is transferred from the bottom up.

Additionally, UNICOR embodies institutional ideologies, procedures and bureaucracies that also legitimize its existence. For example, carceral ideologies of white domination combined with State power and patriotism are echoed in the current discourses of UNICOR's official government website, and includes a variety of 'captivating' (pun intended) marketing materials (videos, brochures, financials, etc.) produced mainly for attracting prospective corporate clients. The discovery of this website and its discourse fueled the motivation for this dissertation. Carceral-oriented discourses, like those created for the UNICOR website, originate in top-down, politically elite relationships (van Dijk, 1998, p. 74), and are prevalent in the prison industry section of the government archives. Other political discourses germane to this project include text and talk from congressional hearings and other political correspondence related to the Thirteenth Amendment, the Convict Lease System, and the institutionalization of UNICOR. Historical newspaper discourses also offer insight to the State's elite 'mind' and frame the issue

for the public using familiar, socially constructed “ideological bundles” that resonate across a “liberal-conservative spectrum,” (Jost, Federico, and Napier, 2013, p. 234).

Apprehending the power and ability of consciousness and human “thinking” to hold a previously intended, elite and racialized carceral system in place is epistemologically important for realizing the creative and motivational power of thoughts and ideas that become culturally entrenched through social practice and discourse. For example, research conducted by Jost et al, suggests political ideologies have “social psychological functions” (Jost, et al, p. 234) and enough motivated force to transmit, preserve, and normalize any type of tradition or norm for hundreds of consecutive years (Jost, p. 235).⁴ Thus, the American political tradition of systematically incarcerating massive numbers of nonviolent “offenders” can be understood in ideological terms that Jost defines simply as, “motivated social cognition” (p. 235). Ideologies, then, can manifest as the action component of ideas.

Subsequently, generations of Americans have inherited a cultural tradition - a carceral legacy - so powerful and socially salient, it has become nearly impossible to imagine a “criminal justice” system any other way than it is represented now; however, deconstructing the ideological nature of U.S. carcerality to understand context, strategies, and aporias is necessary for advancing knowledge about this particular cognitive-carceral apparatus (Stråth, 2006).

Systematically analyzing carceral ideologies, and supplanting antiquated ideological-derived carceral practices with new, ethical ones (which are not grounded in maladaptive cognitive schemas inherited from Enlightenment and the public-private partnership of Black chattel slavery) would enable motivated actors to alter – or completely abandon - the ingrained social problem of carceral trafficking. Sequential systems of mala prohibita lawmaking, which

⁴ Jost, et al. theorize political ideology as “motivated social cognition”, and that the two major parties (liberal/conservatives) have existed “since at least” the French Revolution.

target and criminalize predictable behaviors of certain classes of people, have induced centuries of egregious and preventable social harms. So how can this system be stopped, reinstituted and transformed?

Extant interdisciplinary research demonstrates how social cognition, collective memory, discourse, and ideology are key concepts for understanding the social process involved in the construction and maintenance of U. S. carceral systems (for example: van Dijk, 1988, 2008, 2012; Wodak & Riesigl, 2001; Hart, 2015; Blaug, 2007; and Rosch, 1978).⁵ Social cognition and ideology studies are evolving and have utility for explaining how carceral traffic expands and transforms, and most importantly for social justice purposes - how it can be changed. That being said, criminology and criminal justice studies have historically had little use for social cognition, and instead sought to explain concepts of crime and consequence through grand theories and observational research. Social cognition studies often target politics and ideologies like racism, but omit criminal justice and criminological issues from analysis. This dissertation is an effort to introduce the disciplines of social cognition to criminology and vice versa.

For this dissertation I situate carceral trafficking, the object of this research, within the fields of Critical Criminology and Critical Race Theory (CRT). The entrenched motivations and intentions of elite political and economic actors in the U.S. who created and maintain a

⁵ Wodak & Riesigl (2001) use a multifaceted approach for ideological racist discourse because “[r]acist discourse should not be viewed as static and homogenous, but as dynamic and contradictory. See Hart’s (2015) research is a primer for understanding cognition and discourse from a contemporary, theoretical perspective. His book is well organized and up-to-date, but still recognizes the work of CDA pioneers in his development of a more empirical study of critical discourse analysis and cognitive science. Ricardo Blaug (2007) is an important paper that uses “cognitive psychology to reveal the ideological propagation of hierarchy” (p. 24). He continues, “...hierarchy has hidden cognitive costs [that] has important implications for the prospects of a more participatory democracy.” Blaug also explores Rousseau’s (1984) writings on the dangers of hierarchies and how “corruption brings dependency and suffering – a condition Rousseau equates with slavery” (p. 27). Eleanor Rosch (1978), a pioneer who changed the way cognition is understood, indicated that cognitive economy (mental shortcuts that maximize thinking) and the way the perceived world is structured, impacts the way categories are cognitively abstracted. This process is context sensitive and influenced by culture, p. 3.

nationwide carceral labor industry can be articulated from a “social harm perspective.”⁶ I argue that human trafficking of any kind is an issue for critical criminological engagement and can be analyzed within a unified field of corporate, State, and white-collar crime.

This dissertation is predicated on the following ‘thought-filled’ and grossly misunderstood, sociohistorical fact: The Civil War and the constitutionalization of the 13th Amendment did not abolish slavery in the United States – it was one of several compromises, which simply and instantaneously converted private power over, and private ownership of, people of color into a legalized system of racialized mass incarceration that is authorized and administered by the State. Of course being part of the elite class, former slave owners were not punished for trafficking human beings; in fact, they were rewarded with a legalized mechanism that allowed the system of racialized oppression they had built over several hundred years to continue with government approval, government organization, and legal impunity for at least another eighty years - especially, but not exclusively, in the South. The profits some former slave owners gleaned from the newly developing carceral institution (Convict Lease System, CLS) that sought and succeeded to “criminalize black life” (Blackmon, 2008, p. 53) far outweighed any pecuniary losses from loss of so-called ‘property.’

This research adds to the field of CRT by addressing the social cognition of race and gender. Without understanding the science of cognition and addressing the power of thoughts and thinking to maintain race, class, and gender hierarchies, the probability of permanent social change is nil – which only reinforces one of the main theories in CRT, which accepts that U.S. racism is permanent. The power to exert gender supremacy combines with the power to exercise racial superiority to create a substantial roadblock to penal changes. Marx was right when he

6 The social harm perspective arises from critical criminology literature and applies to white collar, corporate and State crimes. It examines the true costs of these types of crimes and explores ways to hold perpetrators (often from elite classes) accountable.

wrote, “To be radical is to go to the root of the matter. For man, however, the root is man himself” (Lukács, 1971, p. 83). It is impossible to wrest the ideology of race out of the white male dominated, carceralized frame-of-reference in the U.S.; therefore, this research also scrutinizes white male domination and its practices, in the context of Enlightenment and globalization, thus making issues of gender, race, and class constructs fundamental to the analysis. The compound ideologies embedded in male domination and white supremacy are the root causes of the current U.S. carceral race problem. Without unearthing the cognitive roots that first intentionalized this long running social problem, CRT predictions about the permanence of race are likely correct.

The evolution of prison industries has been a process of masculinities. The continuum of carceral events must be examined with an acceptance of social facts: white male elites created and have maintained all systems of justice since the inception of this country. To this day, few women and people of color have the power and social capital to influence the penal government – and historically speaking, the day-to-day world of Federal Prison Industries was not institutionalized and administered by women. This archival research attests to this social fact. To affect social change, balance must be intentionalized and instituted across the Federal government spectrum, beginning with Congress and lawmaking. It is time to formally bring politicians *into the criminal justice system*. Lawmakers have held this position since the 1700s, but because of elite status, they have legislated without accountability for the system’s negative outcomes. Instead, the problems of mass incarceration are blamed on metaphoric “crime waves” and homogeneous “criminals.” Lawmaking is the ultimate cause of the criminal justice system; and to strike at the heart of negative carceral effects, politicians must be acknowledged in their role for creating the largest incarcerated population of people in the world, and then they must

take meaningful steps to reimagine and re-intentionalize a new system of justice based on social preparedness and knowledge that is not grounded in an ancienne political economy of gender, race and class domination and wealth attainment.

1.1 Significance of the Dissertation

Despite the lengthy history of captive and convict labor in the United States, and despite the ubiquity and diversity of “prison labor” literature written over the past century, scant scholarly attention has examined the marketing and elite discourses of carceral traffickers, and perhaps no one has explored the discursive, ideological, theoretical and cognitive construct of UNICOR. Most references to UNICOR (and prison labor in general) steer clear of social cognition, discourse and a theory of ideology. Instead, ‘prison labor’ research is often nomothetic; focusing on what is observed as “real,” i.e. penal practices, statistical analyses, facts, and figures. On the other hand, there is also a growing field of exceptional interdisciplinary and critical literature focused on the political economy of prison labor.⁷ This dissertation contributes deeper meaning and fosters greater understanding of the American carceral tradition by deconstructing its historical, political discourse, analyzing the roles and attitudes of political-economic actors, and reconstructing the constitutive components to formalize an all-American carceral traffic ideology.

This project is also significant because it adds a new, under-explored dimension to the fields of Critical Criminology and Critical Race Theory by: 1) exposing sociocognitive structures of Enlightenment-based carceral traffic embedded in archival discourse, 2) deconstructing harmful ideologies inherent in carceral trafficking practices to reveal original intentions, 3) revealing the ‘mind set’ and identities of motivated sociopolitical actors involved in the system,

⁷ See in general Susan Kang (2009); James J. Misrahi (1996); and Robert P. Weiss (2001). “Repatriating” low-wage work: The political economy of prison labor reprivatization in the postindustrial United States, *Criminology*, 39(2), 253-292. Here Weiss examines prison labor using Rusche and Kirchheimer’s theory of labor markets and penal change in the context of globalization. He recognizes that prisoners are subject to commodification; however, he also sees this as a “new” phenomenon and misses the connections of these carceral practices with those used since the Atlantic slave trade. His is an interesting and critical perspective. Noah D. Zatz (2008); Genevieve LeBaron (2008). *Captive labor and the free market: Prisoners and production in the USA*. *Capital & Class*, 95, 59-82.

and 4) introducing ideas for humanistic ideologies to interrupt the marginal use of mala prohibita lawmaking, mass captivity, and institutionalized carceral trafficking.

In addition, this project reframes the generalized term “prison labor” and re-contextualizes it using the term *carceral trafficking*. By removing the business of selling prisoners and their labor out of a conventional, status quo, criminal justice or legal studies frame of reference, and situating it in a critical criminological perspective in the context of human trafficking, I am forcing a reconsideration of the laissez-faire-normalcy and invisibilization of prison labor, and suggesting the historically-bounded, globalized carceral traffic apparatus is simply a continuation of an ideologically-based system that often produces immense and irrevocable social harm. These types of elite, public-private-carceral-partnerships are tied to male dominated, U.S. cultural history and appear predicated on a corrupted use of mala prohibita lawmaking to make the system functional for political economy and social control purposes; therefore, I suggest, this fraudulent use of Law can be researched in the contexts of criminal behavior from (at minimum) a social harm perspective and situated in the fields of white collar, corporate, and State crimes. This perspective facilitates critical analysis and provides impetus for questioning the legitimacy of the whole historically-and-cognitively-bound system of carceralized human traffic.

Furthermore, this work represents a “New Archivalist” approach to social-penal research, which stems from the social field of archival theory and method, and represents a significant feature of this project. Besides being part of the research method, a critical engagement with government archives accompanied with an understanding of the field of archival theory is necessary for deeper comprehension of social and institutional memory as well as other critical

issues that arise from increasing levels of governmentality, biopower, and securitization – all of which take center stage in the National Archives and the discourse discovered there.

Interrogating primary source documents also elevates the authenticity of these analyses. The State's digital archives provide access to a great deal of the federal government's discourse (for example, the Congressional Record maintains congressional hearings, daily activities, and a historical newspaper database) and were accessed for this study; however, other historically relevant text and talk are omitted. Most original, historical letters, administrative correspondence, and other written and visual materials are inaccessible from the National Archives digital collection, presumably because the sheer volume precludes the ability to scan and digitally document all of it. Critical information about UNICOR and the corporate actors with whom they "partner" is sorely missing in digitized, publicly accessible literature. There are secondary and tertiary speculations on the Internet regarding UNICOR's corporate partners, but the State keeps most of these relationships out of the public stream of information – and even the Freedom of Information Act lacks the power to reveal corporate "who's who" in carceral trafficking.⁸ Hearsay evidence, while intriguing and ubiquitous, is not included in the quantitative analysis. Only primary source documents and contents of actual files retrieved from the offices of government workers and elite political actors are analyzed for this research.

⁸ See Chris Caesar (2014) Bureau of Prisons refuses to name businesses that employ prison labor: UNICOR cites deliberative privilege to withhold list of contractors. (<https://www.muckrock.com/news/archives/2014/mar/27/bureau-prisons-refuses-name-businesses-employ-pris/>). Between 2014 and 2015, Chris Caesar, from MuckRock News in Boston, Massachusetts, was denied numerous requests (and appeals) by the US Department of Justice and Bureau of Prisons for "a list of all contracts with private companies who employ, or have employed, UNICOR prison labor, including a summary of those contracts" (quote from the first USDOJ denial letter). According to the letter he received, Congress included nine exemptions in the FOIA "that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities"; therefore, they declined his multiple requests and disregarded his arguments completely. The DOJ likely has several nondisclosure agreements in place with corporate clients knowing the stigma attached to convict-made goods and anticipating public backlash if the names of corporations are disclosed.

Next, engaging the marketing aspect of carceral traffic and analyzing the elusive relationships of elite actors using archival data and framing analysis to develop a carceral traffic ideology is a unique and innovative approach for addressing this social problem. Modern UNICOR marketing materials betray the hidden intentions and buried carceral cognitions inherited from the African slave trade. They display inherent State values of patriotism, neoliberalism, race stratification, and globalization that are embedded in the essence of carceral trafficking. Marketing carceral labor is an unconscious (but deliberate) act likely performed because of centuries of institutional *habit*.⁹

Finally, this project is significant to criminology because it brings the science and theory of human cognition to the forefront and assigns it epistemological importance. Understanding how thought, thought forms, memory (and forgetting), and cognition are the seeds from which discourse, action, and ideologies reproduce is fundamental for promoting progressive social change and for advancing many disciplines, including criminology, criminal justice, and critical race theories. Social cognition must not be summarily dismissed as indefinable, immeasurable, or incommensurable with “legitimate” science. In fact, social cognition is an advanced and diverse scientific discipline with an interdisciplinary, theoretical field that adds tremendously to epistemological understanding of society and social facts. The manmade world is a function of cognition.

⁹ See Geoffrey M. Hodgson (2004). Reclaiming habit for institution economics. *Journal of Economic Psychology*, 25, 651-660. Hodgson writes, “... habituation is a social mechanism, which typically involves the imitation of others, or results from behaviour that is repeatedly constrained by others. Habits, in short, are tied up with social institutions,” and adds, “The crucial point is that the concept of habit is not only essential for economic psychology but also provides a crucial component in the understanding of interactions between institutions and individuals,” p. 652.

1.2 **Organization of the Dissertation**

This remaining dissertation is organized as follows. CHAPTER TWO introduces and explores the theoretical contexts that inform, influence, and underlie this research. First, I briefly engage the reader with an introduction to the ideology research of Teun van Dijk whose work is featured throughout this project. Second, the fields of Critical Race Theory and Critical Criminology are critically examined in the context of social cognition, discourse and ideology to illustrate the value of adding social cognition to these fields' analyses. The literature review illustrates how even critical, race conscious, and class-based discourse perform positivism because they describe and explain "the reality" of status quo carceral, legal, and political phenomena at face value, while ignoring the powerful, underlying, and cognitive "nature" and mechanisms of ideology that are ever present in the highly political, criminal justice field.

Finally, this chapter explores theoretical concepts derived by Michel Foucault in the context of carceral trafficking and prison industries. Theories of biopower, securitization and governmentality are fundamental attributes that gird embedded historical, carceral practices of human beings in the U.S. Much of the government's archival data I reviewed contained each of these elements, and the vast penal-factory-apparatus is better understood using Foucault's philosophical contributions to the topic. From trafficking schemes like chattel slavery to constitutionalized prison slavery, evidence of Foucauldian criminological themes are replete in the archival discourse of prison industries, and excerpts of discourse apprehended in the archives will be used to illustrate them.

CHAPTER THREE is an in depth examination of archival theory and methods, which is necessary for understanding this dissertation. According to archival theory, the research I conducted in the archives is part of the New Archivalism approach, which is increasingly

popular with social scientists. The experience of researching in the U.S. federal government archives is as important to this project as the results derived therein.

CHAPTER FOUR is the methodology section. The research design, data collection, social research experience, plus the chosen quantitative and qualitative analyses are demonstrated and discussed in this chapter.

CHAPTER FIVE explicates significant, recurrent themes in the archival data. Archival discourse combines with historiography and social theories to formalize the carceral traffic ideology and satisfy the purpose of this dissertation.

CHAPTER SIX presents the formalized carceral traffic ideology and discusses its sociopolitical implications.

CHAPTER SEVEN offers concluding remarks, discusses implication of the findings, and reviews the moral shortfalls of the criminal justice system. It proposes a few, simple and progressive ideas for altering entrenched, negative sociocognitive ideologies that are holding the current political-penal system in place. These suggestions could have the motivated, sociocognitive power to institute new, positive and permanent changes in the penal field of carceral trafficking.

NOTE: A list of definitions follows next (section 1.3); and throughout the dissertation, excerpts and examples of archival data are integrated to illustrate context, embedded ideologies in discourse, or to provide examples that reinforce concepts examined in this research.

1.3 **Definitions of Terms**

The following definitions are included to clarify meaning in the context of this project, and include theoretical and philosophical terms crucial to my research. The terminology, particularly the terms I am advancing of my invention, may require further explication, so I have included it here. This section is arranged in alphabetical order.

1.3.1 **Black Carceral Frame**

The Black carceral frame is a cognitive frame, which in U.S. history has proved impossible to completely transform or reframe (see Figure 1, p. 17). It is the term I use to describe the carceral prototype borne from imprisonment rituals designed for socially controlling Africans in the American colonies during the Atlantic slave trade. A temporal and obdurate frame of Black confinement can be traced from chattel slavery of early American colonization through the current drug war. The racialized frame persists within a spatialized enclosure, and operates symbolically and economically to confine Blacks in segregated communities under white surveillance using techniques of mass incarceration to confine Blacks in county jails, state and federal prisons, and community corrections. This general notion is uncontroversial, and has been an object of interdisciplinary research efforts for decades.¹⁰ I have been theorizing the Black Carceral Frame for several years and see it as a part of what could be called a Cognitive Race Theory.

¹⁰ See in general Loïc Wacquant (2005) in *Race as civic penalty*. Oxford: Blackwell Publishing, Ltd.; Michelle Alexander (2010) in *The new Jim Crow: Mass incarceration in the age of colorblindness*. New York: The New Press; Marcus Rediker (2007) in *The slave ship: A human history*. London: Penguin; Orlando Patterson (1982) in *Slavery and social death: A comparative study*. Cambridge: Harvard University Press; Joe R. Feagin (2013) in *The white racial frame: Centuries of racial framing and counter-framing*. New York: Routledge.

Figure 1. Cognitive Map

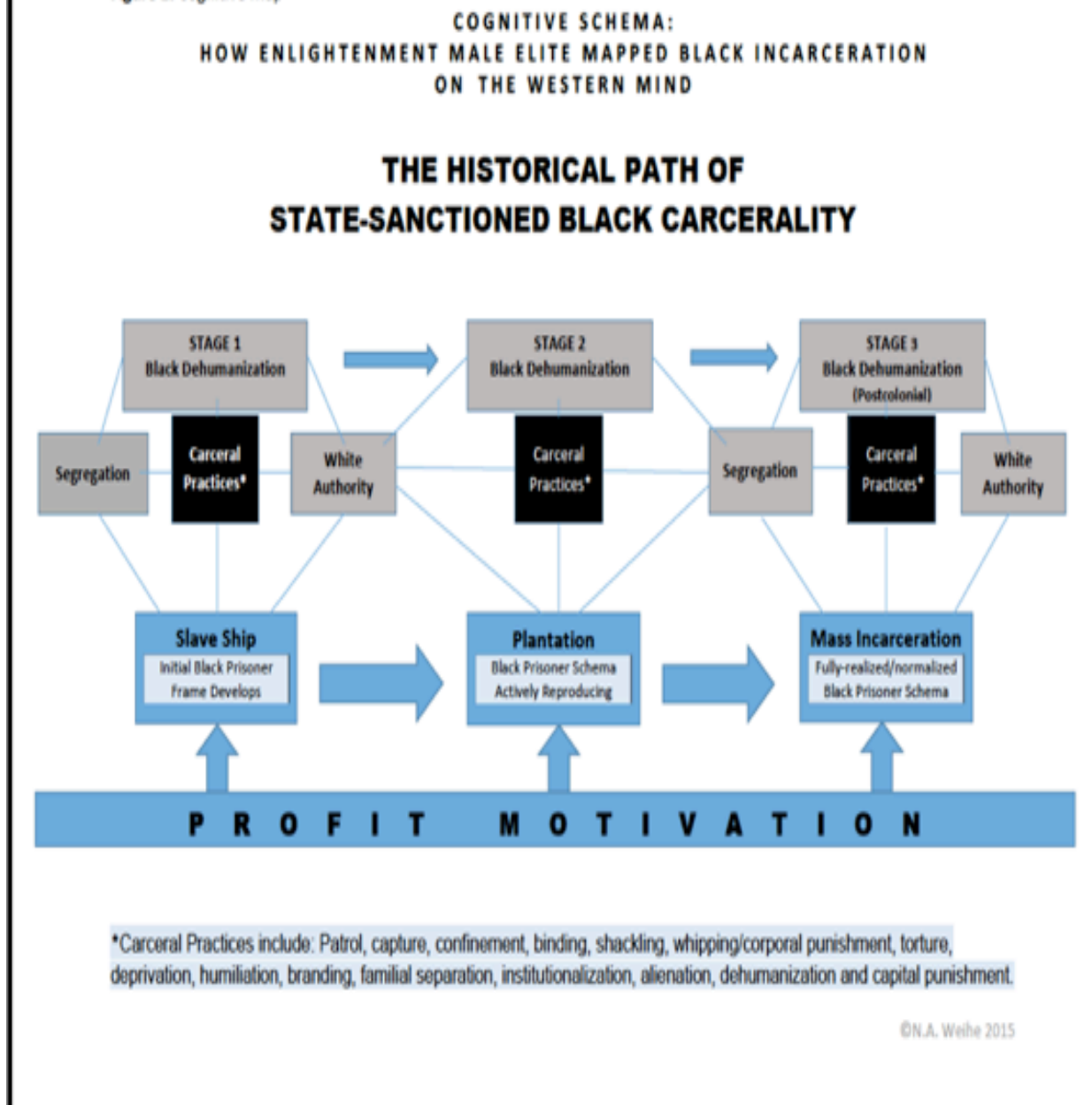


Figure 1. Cognitive Schema: A History of Black Carcerality in the U.S.

1.3.2 **Carceral Practices**

Carceral practices are race and class based domination rituals. They include: Patrol, capture, confinement, binding, shackling, whipping/corporal punishment, torture, deprivation, branding, familial separation, institutionalization, alienation, dehumanization, white authority and capital punishment. These white supremacist tactics are not specific to a particular era of US history, but can be viewed on a continuum that originated and used against Africans during the Atlantic slave trade and continue against Blacks in the U.S. today.

1.3.3 **Carceral Traffic**

Historically, carceral traffic is a joint venture and a public-private partnership. It has been the transportation and/or use of convicted prisoners for labor - often as a means of procuring profit from the work and energetic output of prisoner bodies. Convict laborers are used for government purposes and are also utilized by private, multinational corporations for labor. In addition, corporate run prisons profit from the bodies of prisoners, who are dehumanized and reduced to “bed counts” to fulfill contractually agreed upon quotas between the state and private corporations, thus commodifying the bodies of convicted felons (Kilgore, 2015). Carceral traffic is a critical exercise in race, class and gender that is currently expanding to include more women, undocumented immigrants, and even their children.

Carceral traffic is still a globalized practice that originated during the Enlightenment, and persists in the group mind through social cognition and carceral ideologies. It is a commercialized, State endeavor and, in the current UNICOR incarnation, is a modern form of state-administered, state-owned chattel bondage that “looks and acts” differently today than it did during the Convict Lease System and African slavery.

Because of the 13th Amendment's exception clause, ownership of carceral subjects (and their labor) was transferred from private individuals to the State; and in the case of the Convict Lease System – actually transferred from the State to private owners again (completely outside State institutions and purview) to be used for labor that profited both State and private entities. With these transfers came the need for legitimization of authority; thus, Law became the only rightful course of action. Upon conviction of a crime, prisoners become the legal property of the state and subject to a full range of substantive rules and regulations that differ greatly from citizens in the public at large. Slavery became a legalized function administered by the (carceral) state; thus, putting the State in the position of both utilizing and selling convict/prisoner labor. The omission of the Thirteenth Amendment exception clause from public memory and political rhetoric speaks to the power of State institutional actors to intentionalize and obscure reality. The sociopolitical fact that slavery is legal under certain political conditions should be alarming and unacceptable to all U.S. citizens. Legislators should have closed this (gaping) loophole by now; instead, they have deliberately utilized it and built upon it.

Carceral traffic is a type of human traffic specific to captive or incarcerated individuals, their labor, and the industry built around the maintenance of a commercialized system. This captive market is either legalized by political action or allowed by tradition (for example, chattel slavery was a custom). It is not time or era specific, but relates to historical relationships between (mostly) signified elite males, i.e. political and private actors, who buy, sell, market, and utilize a legalized and government condoned carceral labor force. Access to positive, substantive and procedural lawmaking is fundamental for legitimating the system. Carceral traffic is normally performed outside the purview of most Americans; however, the negative effects of this market are far reaching and exert undue influence on U.S. society.

Because UNICOR is part of an enduring carceral labor tradition in the U.S. that also expresses pride in its historical connections to chattel slavery,¹¹ the term “carceral traffic” frames my research and places it the context of a peculiar and historical, class-based and racialized market that operates in two fields: One field buys and sells the energetic output of captured and confined individuals, who are subjected - en masse - to carceral practices (both individually and as a social group) inside and outside the so called “factories with fences”¹²; and the second – and the most profitable field – is occupied by the hundreds of private businesses that contract with prisons and prison industries to provide raw materials, services, equipment, and other products. These vested interests also lobby Congress to maintain current levels of mala prohibita criminalization and to expand prison systems – private and public.¹³

1.3.4 **Cognitive Frames**

The human mind creates ‘frames’ of reference for cognitive utility. Frames are stable and fluid over time. Simply put, Shmueli, et al (2006) explains:

11 On the first page of UNICOR’s “Factories With Fences” marketing brochure is the following, illuminating passage: “Prison industries work programs have grown from deep-seeded roots which have withstood the challenges of time. From the late 1700s, spanning the Civil War, Great Depression, World War II and other major defense conflicts, and despite periods of criticism from detractors, increasingly constrictive procurement laws, misinformation and stigma associated with the value of inmate-made goods, prison industry work programs have endured.”

12 In 1981, Chief Justice Warren Berger coined the term “factories with fences” to describe his vision for UNICOR. See Fred Barbash in The Washington Post, 17 December 1981, Burger urges ‘factories with fences’.

13 The website, “OpenSecrets.org” keeps up-to-the-minute figures and statistics on campaign contributions and lobbying efforts of private prison corporations: <https://www.opensecrets.org/industries/indus.php?cycle=2018&ind=G7000>. Additionally, Mother Jones reports that private prison corporations spent “record amounts” on the 2018 midterm elections (over \$1.6 million) with a significant portion of the effort going to Florida where GEO Group is headquartered. According to the magazine, GEO Group “manages 129 prison, immigration detention centers, and reentry or youth facilities nationwide, including five prisons and on detention cent in Florida,” see: <https://www.motherjones.com/politics/2018/11/private-prison-companies-poured-record-cash-into-the-2018-elections/>

We create frames to name situations in which we find ourselves, to identify and interpret aspects that seem to us key in understanding the situation, and to communicate that interpretation to others. These cognitive structures help reduce information overload, and operate as models of reality that by necessity trade detail for clarity. Frames organize phenomena into coherent, understandable categories, giving meaning to some observed aspects, while discounting others that appear irrelevant or counter-intuitive (p. 1).

Cognitive frames can be held by individuals and passed intergenerationally to future populations through repetition and practice. For example, David Reisman (2012) writes, “New cognitions build on old cognitions. They are the way in which the unique collectivity locks in its own survival and reproduces its historic genome” (p. 8). Cognitive frames also construct institutions. Thorstein Veblen (1917) explains:

Any institution is a body of habits of thought bearing on a given line of conduct, which prevails with such generality and uniformity throughout the groups as to have become a matter of common sense ... [r]igorous embedding is all that is required to pass on the patrimony of the clan (p. 91).

Thus, cognitive frames not only provide mental references for human thought, they have energy to materialize institutions that embody, and are the embodiment of, those frames. This material effect of cognition is also known as reification and concretization.

The mind connects people with actions or visual representations, for instance: Blacks as slaves, or Blacks as criminal. These schemas are created and reinforced through cognitive framing techniques that produce and reproduce stereotypical ideas through written or visual text, and are passed on intergenerationally in the form of social cognitions that van Dijk (2000) calls a social memory of “socially shared mental representations” (p. 47). (See Figure 1, p. 17.)

1.3.5 **Critical Race Theory (CRT)**

Critical Race Theory is a critical, scholarly movement started in the 1980s by legal academics “interested in studying and transforming the relationship among race, racism, and power” (Delgado and Stefancic, 2001, p. 2). CRT began as a critical study of law and the social

construction of race,¹⁴ but has been used to interrogate a broad range of social doings, which is a testament to racism's systemic reach. Researchers use a CRT framework to interrogate most social structures, including gender, sexual orientation, class, and intersectionality. CRT theorizes the ways social constructs of race overlap and interact with one another. CRT is expansive, integrative and interdisciplinary, which makes it an attractive and useful theoretical model for critical social scientists, including criminologists, who are invested in unraveling the obdurate nature of embedded and racialized criminal justice practices.¹⁵

1.3.6 **Discourse**

For this project, the term “discourse” relates to social acts of text or talk in historical, political and cultural contexts. This includes visual (as in government created movies and videos), written and oral texts. According to van Dijk (1998), discourse has a “special status in the reproduction of ideologies” (p. 192). The concept of discourse I am using for this project is “socially oriented,” and per van Dijk’s sociopolitical perspective, “such a communicative event is itself rather complex, and at least involves a number of social actors ...taking part in a communicative act, in a specific setting (time, place, circumstances) and based on other context features” (p. 194). Discourses are often socially specific; for example, political discourse or carceral trafficking discourse describes specific “socially constituted” fields of text and talk (p. 196). Additionally, ‘discourse’ is a “written or verbal product of the communicative act” (p.

14 In the 1980s, Critical Race Theory emerged as a discipline from Critical Legal Studies (CLS). Scholars in CLS share the belief that “law is politics.”

15 See generally Bennett Capers (2014), Critical race theory and criminal justice in *Ohio State Journal of Criminal Law*, 12(1), p. 1-7; Martin Glynn (2014) in *Black men, invisibility and crime: Towards a critical race theory of desistance*. New York: Routledge; Molly Schiffer (2014) in *Women of color and crime: A critical race theory perspective to address disparate prosecution* in *Arizona Law Review*, 56(4), 1204-1225; AND Michael J. Coyle (2010) in *Notes on the study of language: Towards a critical race criminology*, in *Western Criminology Review*, 11(1), 11-19.

194). Context, then, plays a role in the reproduction of ideology and plays a prominent role in this dissertation. van Dijk continues:

Ideologically relevant interest such as group identity, activities and goals, norms and intergroup relations of dominance and resistance, as well as social resources, are also locally exhibited and reproduced in social situations, and hence in communicative contexts. Specifying contexts thus provides insight into the details of the exercise of social dominance and its underlying ideologies (p. 211).

1.3.7 **Elites**

The term *elites* is used often in this dissertation. van Dijk (1993a) defines “elites” as a group of individuals (politicians, corporations, academics, and media, for example) whose

influence are often discursive and are implemented by preferential access to and control over public discourse and its consequences for the manufacture of consensus. This is particularly the case for the symbolic elites, those who control the means of communication and who are engaged in the manufacturing of public opinion (p. ix).

The use of “elites” in this body of research comports with van Dijk’s definitions, but adds men who possess political and economic capital. This elite status has the motivated power to transform or manipulate many aspects of American society to favor the upper echelon. With the exception of one piece of elite generated data collected and analyzed for this dissertation (a magazine article, authored by a woman), all archival discourse was written and produced by white men working in government or business. White males continue to dominate elite structures of power and control most American institutions, including the government, military, education, economics, and most forms of information (media). In addition to gender dominance by elites, van Dijk (1993a) also stresses the elite’s role in reproducing “ethnic dominance” and racism using text and talk discourse, which also serves to “manufacture the consent needed for the legitimization of their own power in general, and for their leadership in maintaining the dominance of the white power group in particular” (p. 8).

1.3.8 **Ideology**

van Dijk (1998) has a simple definition of ideology. It is “the basis of the social representations shared by members of a group (p. 8).” These ‘representations’ are equally social and mental (p. 10). Ideologies influence true/false epistemological concerns and are related to core principals of group beliefs, which are often “self-serving and a function of the material and symbolic interests of the group” (p. 8). Like Stuart Hall, van Dijk defines ideology as a mental framework of beliefs, which “also serve to regulate social practices” (p. 9). In Marxian terms, Engels defined ideology in philosophical terms as “a process accomplished by the so-called thinker consciously ... but with false consciousness. The real motive forces impelling him remain unknown to him” (Lange, 1963, p. 328). Similarly to van Dijk, Engels determined ideology as both a mental and social process. Ideologies are not simply constructs of “mere thought material” (Pines, 1993, pg. 1), he wrote, but are the product of previously compounded social actions of others that “remain unknown to him” (p. 1).

Understanding the mental framework of carceral traffic, and observing how elite political (mostly male) actors communicate those representations to each other and the public, is an ideological concern that interacts with discourse to exert power and dominance; thus, ideology, is a combination of cognition and social practice, i.e. sociocognitive. Oskar Lange distinguishes between two kinds of ideologies - those “which obscure, mystify reality” and those “which lay bare, reveal reality” (p. 327). The first, asserts Lange, “hinder(s) the scientific cognition of reality” (p. 327) and, conversely, the other is a “stimulus to scientific cognition” (p. 328).¹⁶

¹⁶ According to Lange, ideologies that obscure reality contribute to “fetishization of social relations and sociological and economic laws,” and are intricately constitutive of political economy. Fetishization is another key concept in this dissertation project.

1.3.9 **Male Domination**

Male domination is a prominent thread in this dissertation because it is an omnipresent feature – and an embedded, *foundational* ideology - in U.S. and western culture in general, and Abolition and prison industry discourse more specifically. This construct has been invisibilized and essentialized to such a degree that its presence is neglected in most analyses. Male domination is hegemonic, and can be defined as a wide-scale social deception, and one that continues to exert physical, economic, emotional, political, and social control across every aspect of the world today. Domination by men is “like” a force of nature *but not natural*. It is a synthetic, hardly constrained, social construct; and the thinking errors associated with it have infected the group mind to such a degree and *for such a long time* that historical realities are politically misconstrued and reframed to maintain white male domination. Evidence of male domination is *everywhere*. From architecture and designs of street patterns and neighborhoods to all-things-scientific to law and order and the institutions that administer their constructs – male domination is a common, ordinary and seemingly unremarkable aspect of American life. Because male domination is essentialized, it must be called out, defined, named and scrutinized for the multitude of harm it causes sentient beings and their environments.

2. THEORETICAL CONTEXTS OF THIS RESEARCH

2.1 **Introduction: UNICOR and Carceral Traffic Ideology**

UNICOR is an American carceral juggernaut. This carceral labor firm is part of the United State Department of Justice's Federal Prison Industries, Inc. (FPI) - a federal corporation and State administered factory complex created by Congress in the early-1930s. This corporate entity embodies U.S. carceral ideology, which is fundamentally an amalgamation of several other elite ideologies, including (but not limited to) white supremacy (racism), free market (neoliberalism), commerce, and legal-rational authority.¹⁷ It can also be understood positively as an attempt to institute (the appearance of) an "ethical" remedy for the post-abolition and seventy-five-year-carceral-experiment called the "Convict Lease System" (CLS). The CLS arose from Black chattel slavery the moment that particular form of mass, private human bondage was quasi-"outlawed" by the federal government in the Thirteenth Amendment. In other words, UNICOR is the rational outcome of both forms of previously racialized, class-based carceral bondage; and in 2017, it remains a racialized, class-based system of convict lease. UNICOR represents the perfected intentions of the Thirteenth Amendment, wherein, the State uses ideologies of law, order, race and class to maintain and administer a duly convicted prisoner/slave population for multi-purposes of economic and social control. Instead of selling prisoner bodies in totality to private businesses for private labor exploitation and public recompense, which occurred for almost a century during CLS, UNICOR's form and function

¹⁷ Weber's definitions of domination and models of legal-rational authority is instantiated in this dissertation. His understanding about the power of "cognition" was limited because "thinking" in certain contexts is difficult to "observe" per se, especially if considered outside its constructive role; but, perhaps more importantly, because cognitive science was just starting development during his lifetime. That said a cognitive philosophy did exist in Marx's work on commodity structure. Reification and fetishism, for example, are important theoretical concepts when it comes to matters of cognition and consciousness. If Weber had access to the applied science of social cognition available today, I believe he would use it to fortify his social theories. See Max Weber (1978) in *Economy and society: An outline of interpretive sociology*. Berkeley: University of California Press.

was revamped to appeal to newly established 20th century capitalistic and industrial values - with the added bonus of pacifying critics (or what UNICOR calls “detractors”¹⁸) of the previous convict lease system first in the 1930s as “Federal Prison Industries, Inc.”¹⁹ - and second in the 1970s when it ‘became’ UNICOR (short for: *unique corporation*). The carceral construct’s relation to social class, social control and political economy remains intact and (dys)functional to this day.²⁰ The purpose of this dissertation is to formalize a carceral traffic ideology of which the UNICOR of today holds the key to its development.

2.2 Teun van Dijk

Because my work focuses on the cognitive aspects of criminological issues, I have chosen to guide my research with the unifying theoretical framework of Teun A. van Dijk. His interdisciplinary theory combines the fields of discourse analysis and social cognition to study

18 See UNICOR (2009). *Factories with fences: 75 years of changing lives*. http://www.unicor.gov/publications/corporate/CATMC1101_C.pdf; <https://www.unicor.gov/FPIHistory.aspx>. From this page, the reader has access to a full range of UNICOR discourses. There is a timeline on this page as well that reads “UNICOR from the PAST...to the PRESENT” and shows four time periods accompanied by random photographs of prisoner workers: 1943, 1942, 1950 and 1958. Underneath the timeline reads this revealing sentence: “When the prisoners work, so does the system.”

19 See The New York Times (21 Dec 1930). “Nation-wide system sought for prisons: New effort has as aims better classification of prisoners and provision for their future.” This informative (now historical) article accounts for the genesis of the Federal Prison Industries (FPI) and UNICOR. It describes “a cooperative effort, said to be the first of its kind, toward a more intelligent prison management throughout the United States...a unified program of prison reform to include all States is the object of the present committee...[and] plans now being worked out include standardization of prison buildings, supervision of industries developed in prisons...standards of work will be established; sales demonstrations will be held ... [t]he need, it [the “emergency” committee] believes, is to set up such methods as will best fit each State’s economic, geographic and industrial conditions,” p. 128. See also Alex Lichtenstein (1996). *Twice the work of free labor: The political economy of convict labor in the New South*. London: Verso for an exhaustive (and depressing) historical account of the CLS.

20 The “Pig Laws,” “Vagrancy Laws,” and “The War on Drugs” are all excellent examples of corrupt use of *mala prohibita* lawmaking, which all share a common, racialized lineage that influence future social cognition.

ideology. van Dijk (1998) theorizes ideology using a practical, multidisciplinary and systematic framework. He argues that ideology is more than a philosophy. It is an “integrated socio-cognitive” process, i.e. social and mental; and is “the foundation of the social beliefs shared by a social group” (p. 48). Thus, distinguishing a carceral traffic ideology, which governs the minds, relationships and practices of those who interact in a specific, historically bounded carceral marketplace has bifurcated value for identifying the constituent properties of this peculiar historical, sociopolitical construct.

First, examining the cognitive foundation of the carceral construct’s constitutive elements strips away the fetishized and positivistic nature(s) of carceral labor by exposing one of the longest political “games” in the United States.²¹ Identifying the key players, the normative rules, and the powerful, intergenerational ideologies used to maintain control of the carceral playing field brings the frame into focus and illustrates how the federal State remains stubbornly anchored in Enlightenment carceral ideologies that run counter to positive ideologies of ethical and moral progress, democracy, liberty, and equal rights under the law.

Second, it enables a more effective counternarrative (a positive and ethically progressive ideology) to emerge capable of 1) dismantling the sociocultural embeddedness of divisive and Enlightenment racist and elitist carceral labor schemes, 2) rethinking the intention for sustaining prison labor in the U.S.

This proposed research should be thought of as an applied philosophy of ideology. Using van Dijk’s definitions, this project brings together the complexities of historical carcerality and

21 See in general Tara Herivel & Paul Wright (2007). (Eds.). *Prison profiteers: Who makes money from mass incarceration*. New York: The New Press. The authors write: “Private prison firms work hard to raise the ante in the political power game in ways that disadvantage or disempower other players. They bring the profit motive directly to the foreground of policy decisions, raising the stakes, shifting the goals, and changing the dynamics of the policy process,” p. 10. The public-private partnerships involved in carceral traffic are well developed and synchronized using the political process – well out of public purview.

the ongoing and fundamental processes of discursive social cognition that supports it. van Dijk (1998) writes,

[I]f we want to know what ideologies actually look like, how they work, and how they are created, changed and reproduced, we need to look closely at their *discursive manifestations* (p. 6). [Emphasis van Dyke].

I imagine UNICOR as a discursive manifestation, and the archival data I encountered illustrated the truth and technique of this statement.

Using an ideological theoretical approach to understand State carceral trafficking is equally critical and pragmatic. A sociocognitive theory of ideology has utility for identifying embedded sociopolitical features in carceral trafficking, and for examining how they are expressed through the marketing practices and marketing discourses of UNICOR by elite actors.²² This research adds to critical criminological literature by reframing the conversation about prison labor to combine sociocognitive and historical dimensions of carceral trafficking and formalizing the effects into a recognizable and definable ideology.

While the carceral connections of state prison labor to the Convict Lease System and U.S. Black chattel slavery have been drawn by a number of researchers in many disciplines, including Critical Race Theory (CRT), critical historiography, and critical economic studies;²³ archival research specifically focused on the discursive and sociocognitive nature of carceral traffic by federal and corporate actors is scant and hard to find. According to van Dijk (1998), “institutions

22 van Dijk (1998) writes, “Ideologically based dominance and inequality, conflict and competition, resistance, and opposition ... are implemented and reproduced in many ways, both discursively and in other interactions” (p. 192). UNICOR marketing materials embody all these elements.

23 See in general Loïc Wacquant (2005) in *Race as civic penalty*. Oxford: Blackwell Publishing, Ltd.; Dylan Rodriguez (2006). *Forced passages: Imprisoned radical intellectuals and the U.S. prison regime*. Minneapolis: University of Minnesota Press; Michelle Alexander (2010) in *The new Jim Crow: Mass incarceration in the age of colorblindness*. New York: The New Press; Marcus Rediker (2007) in *The slave ship: A human history*. London: Penguin; Orlando Patterson (1982) in *Slavery and social death: A comparative study*. Cambridge: Harvard University Press; Joe R. Feagin (2013) in *The white racial frame: Centuries of racial framing and counter-framing*. New York: Routledge.

or organizations are the ‘practical’ or social counterpart of ideologies” (p. 186). This is an important concept that relates to reification and connects the social cognition of discourses to the materialized concretization of ideologies like the creation of UNICOR out of the CLS.

2.2.1 **The Thirteen Major Tenets of van Dijk’s Theory of Ideology**

1. Among many other things, ideologies are systems of beliefs.
2. These systems of beliefs are shared by members of a social group.
3. Groups also share other beliefs, such as knowledge and attitudes.
4. The beliefs shared by a group will be called 'social representations' (SRs). e. Ideologies are the organizing, 'basic' beliefs of these SRs. ,
5. Groups not only have their 'own', ideologically based, “knowledge” (often called “beliefs” by other groups), but also share in more general, consensual, culturally shared knowledge, which may be called (cultural) ‘common ground’.
6. This cultural common ground may be seen as the foundation of all cognition, across and between different groups, and thus is also presupposed by different ideologies.
7. Common ground may be empirically assessed as all beliefs that are presupposed in public discourse. This means that, for a given culture, such common ground is non-controversial, commonsensical, and hence non-ideological.
8. Parts of the common ground are also the general norms and values shared by the members of a culture.
9. Groups select some of these cultural values and organize them in their own ideologies, e.g., freedom, equality, justice or objectivity.
10. Ideologies probably have a canonical structure that facilitates their acquisition, use and change.
11. Although we don't know yet what this structure might be, it is probably related to the basic social properties of a group, such as the criteria of group membership, activities, aims, norms and values, relations to other groups, and specific group resources (or lack thereof) —or 'capital'.
12. Ideologies and their structures may also be seen as the cognitive core of the identity of a group and its members, that is, as a social self-schema of a group.
13. Ideologies and the social representations organized by them control the social practices of actors as group members.²⁴

24 “The major tenets” of van Dijk’s approach to ideology (2002, p. 2): Political discourse and ideology. In Clara Ubaldina Lorda & Montserrat Ribas (Eds.), *Anàlisi del discurs polític*. (pp. 15-34). Barcelona: Universitat Pompeu Fabra. IULA, 2002.

2.3 **Critical Foundations and Criminological Imagination**

This research is unique in the fields of both Critical Criminology and Critical Race Theory (CRT). Criminological imagination is used in this research to illustrate how a particular set of sociopolitical actors are controlled by – and use - social cognition and discourse to create, sustain, institute and frame race and class based carceral labor apparatuses as a benign and un-noteworthy social reality. This project fills a void in criminological literature by 1) objectifying the federal labor corporation, UNICOR, 2) reframing its business as a form of quasi-legal human trafficking, and 3) adding social cognition to the epistemological mix. This project approached the archives for provenance - the “cognitive seeds” – to define and formalize a carceral traffic ideology from elite discourse of past and present carceral traffickers.

2.4 **Social Cognition and Critical Race Theory**

Like most criminological literature, critical race scholarship has missed an epistemological opportunity to explicitly utilize, explain and integrate sociocognitive mechanisms like ideologies to theorize race-based phenomena and this research aims to change that calculus. CRT and social cognition are a perfect fit, and together explain the mental and sociopolitical structures that coalesce(d) to create three culturally normified and historical American institutions: 1) Black chattel slavery, 2) the racially skewed criminal justice system, and 3) carceral trafficking via Federal Prison Industries, Inc. (FPI). These institutions embody the major and fundamental social problem long associated with U.S. culture: white supremacy. UNICOR is an actualized, political symbol of white domination and exemplifies the normified outcome of racial oppression. A repressive, corrupt State, asserts Friedrichs (2007) is a form of

state criminality (p. 125), and is an object of research for CRT. This repressive State is connected to social cognition and the social memory of the United States and its criminal justice system.

CRT research is discourse driven and grounded in Law. Because UNICOR is a manifestation of Congressional and presidential decision-making, which includes lawmaking and institutionalization, this project fits well within the field of Critical Race Theory. This field benefits from explicitly utilizing and explaining the power of social cognition, discourse and ideology in its analyses. How the fundamental building blocks of materialized events emerge from sociocognitive processes is an option to consider when weighing strategies for advancing human progress in race relations through law.

A sociocognitive theory of ideology makes up explanatory deficiencies in CRT. Richard Delgado, a founding member in the CRT movement, asserts that CRT embraces the unconventional study of white supremacy and the social problems that arise from “unconscious” mechanisms at work in law and other social institutions.²⁵ So, although cognitive phraseology may appear occasionally in some CRT literature – it is used in a way that assumes the reader (and the author) knows the significance and the power of the concept in social scientific and social cognitive terms. For example, what are the constituent variables that hold a particular racialized ideology together? A cognitive definition of ideology facilitates understanding better than the vagueness of a commonly used word. Ideologies, for instance, are located in the social mind as socially shared beliefs of a particular group. Van Dijk (1998) explains:

They [ideologies] are not metaphysical or otherwise vaguely localized systems ‘of’ or ‘in’ society or groups or glasses, but a specific type of (basic) mental representations shared by the members of groups, and hence firmly located in the minds of people, (p. 48).

²⁵ See Richard Delgado & Jean Stefancic (2001). The term “unconscious” is seen ten times in the book; however, social cognition is entirely absent as a conceptual framework.

So, “ideology” deserves more than a superficial mention in theories of critical race. Enormous social problems arise when current U.S. culture continues to act out its outmoded Enlightenment past. Progressive leadership and a deliberate awareness of embedded racialized carceral ideologies are needed to address ideological entrenchment at institutional and societal levels.

2.4.1 **“Implicit Bias” Biases**

Overall, there is limited social cognition patois included in pure, CRT analyses - and even less explanation of the importance or relevance of cognition to the social condition of structural racism and white supremacy. As previously mentioned, the term “ideology” is often used in critical race texts; however, there is no definition provided, for example, of a white supremacist ideology – a term used often in critical race literature. Critical race theorists could, instead of describing law and society ad rem, embrace new and broadening theories of social cognition to evaluate “hidden” qualities that lie beneath the surface and inform recalcitrant racialization and other criminal justice concerns. This oversight may be explained by an epistemological misunderstanding about how the fields of social psychology and social cognition have grown since the inception of CRT in the 1980s. Social cognition has not stayed nestled under the heading of social psychology. Instead social cognition is an interdisciplinary affair with broad appeal and epistemological application. In the late 1990s, some researchers criticized social psychologists’ use of social cognition experiments to measure race and racism, claiming that such experimentation led to “new racism” by legitimizing category-related practices (Hopkins, Reicher & Levine 1997, p. 312). A year later, Colin Wayne Leach critiqued the authors claim-making, suggesting the “new racism” was perhaps already realized under the term *ethnocentrism*, a term coined by sociologist, W.G. Sumner in 1906; thus, blaming social psychology and social cognition for creating so-called “political danger” is unwarranted and ahistorical. Relying solely

on the results of traditional social psychological models and experiments from the late 20th century, which analyzed racism and prejudice on mostly an individual basis, the science was deemed problematic by some CRT researchers, who then discounted cognitive science completely.

Testing individual implicit biases is still researched today. In fact, implicit bias is implicated in “unconscious racism,” a term used frequently by CRT writers and other researchers in the field.²⁶ On the other hand, there are legal scholars studying racial effects outside the field of CRT, who interrogate implicit bias²⁷ and use it as an explanatory tool in their work. For example, legal scholars and university professors, Levinson and Smith (2012), adopt the role of social scientists and explore unconscious racism and implicit bias in diverse areas of law and society. Like CRT scholars, they also look past the “hopeful dialogue” (p. 1) of social commentators to reveal a pessimistic racial future for the U.S.²⁸

Researchers Lane, Kang and Banaji (2007), hail the evidence provided by experimental psychology regarding implicit social cognition. Their work explores issues of intent and the virtue and “moral obligation to be intelligent” (p. 444) when faced with demonstrated knowledge about unfamiliar ideas. They direct their commentary to legal scholars and lawyers who are interested to “challenge...existing assumptions about human nature that currently reside in law

26 See Richard Delgado and Jean Stefancic (2001) in *Critical race theory: An introduction*. In the glossary on page 156, the authors define unconscious racism: “Racism that operates at an unconscious or subtle level.” What is a “subtle level” of operation? The authors leave readers guessing.

27 Northwestern professor, Lincoln Quillian (2008) in *Does unconscious racism exist*, explains the psychology term implicit: “Implicit is a term from memory research referring to memories from past socialization or experiences that affect current thought and behavior without conscious awareness,” p. 7. Apparently, people may hold implicit biases, stereotypes and attitudes through vicarious experiences (experiences of others) too.

28 The authors (Levinson and Smith) are joined by ten other legal scholars/professors who explore the social science of implicit bias and how it works in the legal system – from intellectual property law to tax law and everything in between.

(p. 444).”²⁹ The fact that so many individuals hold implicit biases is directly related to the reason collective society is unaware that unconscious racism is real, and which leads to the “colorblind” fallacy, a hallmark topic of CRT research.³⁰ It is also a concept used in political and corporate discourses to disguise implicit racial biases (van Dijk, 1993, p. 141). It seems clear that doing “colorblindness” is a cognitive process, and undoing it – a goal of CRT - will require understanding the cognitive mechanisms and actions, like discourse, that create and sustain it.

Interestingly, CRT writers contend: “Critical Race Theory offers a valuable conceptual compass for mapping the doctrinal mystifications which the current Court has developed to camouflage its conservative agenda,” (Crenshaw, et al, 1995, p. xxviii). It may be more accurate to state the concepts offered as evidence in CRT (ideology, hierarchy, unconscious racism, mapping, etc.) are constitutive of social cognition, not CRT. The utility of using CRT, as a theoretical framework (not a “conceptual compass”), is not its implicit use of social cognition. Its usefulness is underscored by the main tenets developed by CRT scholars, which could be enhanced with an explicit definition and understanding of ideology and other sociocognitive mechanisms that maintain status quo, racialized power arrangements.

Additionally, CRT could adapt the conceptual framework offered in George Lakoff’s extensive research on conceptual systems and metaphors, and their relationship to American politics. Lakoff, a politically active cognitive scientist, followed Rosch’s lead, and expanded on

29 Lane, Kang, and Banaji offer an informative and robust piece of research that holds out hope for changing racism through understanding social cognition and the way people think.

30 See Kimberlé Crenshaw, Neil Gotanda, Gary Peller, and Kendall Thomas (1995) in *Critical Race Theory: The key writings that formed the movement for explication of CRTs colorblind agenda*. They write, “The appeal to color-blindness can thus be said to serve as a part of an ideological strategy by which the current Court obscures its active role in sustaining hierarchies of racial power,” (p. xxviii). Law is cognitive action. Social cognition theories address many of the concepts used in CRT to describe the structure of law.

research of categories and prototypes (Lakoff, 1987). He has also advanced and successfully conceptualized framing; and is a premier resource for understanding the power of the mind and its relationship to racism, politics, and social movements— on both individual and group levels. Lakoff (2008) confers superpowers to language, and hails it as a “political force” that can change minds, emotions, “and the life of a nation,”(p. 231).

Finally, UNICOR is equipped with the power of political, legal and corporate intentions, making it an excellent subject for CRT research. The racist language used in visual and narrative contexts by UNICOR actors is often subliminal and implicit – and has a powerful effect on the mind. The type of sociocognitive project I am proposing affirms the goals of Critical Race Theory, and adds another weapon in the conceptual and theoretical arsenal for fighting systemic prejudice in the criminal justice system.

2.4.2 **“Cognitive Race Theory”**

In the current modernity, there is an ongoing conversation between four social facts: racism, social cognition, the public, and the institutions of justice. Because ideologies are powerful and compounded over time, plus products of social cognition, the concept of “ideology” should be theoretically understood and practically applied. van Dijk (1998) maintains, “Ideological practices” require “ideological institutions,” which, he theorizes, are “created [and] have as their task the ‘realization’ of a shared ideology” (p. 186). The criminal justice system and UNICOR are ideological institutions, and it is an error to underestimate the ideological power inherent in this enormous carceral system. It sustains social memory and entrenches social inequalities. Racism and the criminal justice system have been temporally normalized and each are energized by socially derived acts of hierarchy and ideology. In fact, the State legitimates race through law and vice versa. According to Gómez (2010), law and race

are mutually constitutive and co-construct each other (p. 487).

The relationships between the social facts of Black chattel slavery, crime, fear of crime, and the criminal justice system are incomplete without understanding social cognition. The energetic input and output of social cognition(s) remain underestimated in many disciplines – although the concept of cognition and its social role has been a serious sociological and philosophical inquiry since the 19th century. Durkheim’s nephew, Marcel Mauss, wrote about total social facts and observed that cognition(s),

Penetrate every aspect of the concrete social system...they concentrate it and constitute its focus, they are the constitutive elements, the generators and motors of the system: In certain cases they involve the totality of society and its institutions ... and in other cases only a very large number of institutions (James, Mauss, and Allen, 1998, p. 67).³¹

The practices, rituals, and habits of carceral institutions include the use of manmade law as a means to legitimize corrupt values (Miller, 2005).³² The study of law and the U.S. Constitution is incomplete, in my view, without acknowledging the relevance of cognition in discourse.

From the macro level of ‘Law’ to the micro level of social actors and their social practices, van Dijk (1998) suggests discourse “has a special status in the reproduction of ideologies” because as a social practice, the text and talk of discourse allows members of a group to “express and formulate abstract ideological beliefs, or any other opinion related to such ideologies” (p. 192). The legal scene and its myriad of sociopolitical actors interface, collaborate, and institute using discourse. There is no discourse without social cognition, and there is no

31 In Durkheimian terms, the research of social facts is a significant sociological concern that can lead to expanded knowledge of social meaning. More importantly, Mauss extended Durkheim’s social facts to what he termed *total social facts*, which includes observations of all the aspects of objects being studied – even those facts represented in the mind via consciousness and cognition, linguistics and individuals and collectives.

32 Miller writes, “Ritual is also likely to assume greater importance relative to law when the apparatus of legal enforcement is ineffective (due to corruption, weak government, or disrespect for the law)” p. 1229.

carceral traffic institution without racialized ideology – certainly not in the United States. Far from being “idealistic,” social cognition is embedded in the foundation of every socially reified and racially determined construct, hierarchy, and ideology.³³

In a CRT retrospective, Kimberlé Crenshaw (2011), a founding member of the CRT movement, used the terms frame, framed and framing over one hundred times; hierarchy twenty-two times; ideology/ideological was used forty-six times – thus indicating the utility, relevance and epistemological importance of conceptualizing CRT issues using social cognition. As I have indicated, critical race theorists often utilize everyday language of cognition by using words like “unconscious,” “preconceptions,” “stereotypes,” and “thoughts”; however, the interrogation of racist or white supremacist cognition stops there. There remains a real need, in my opinion, for expanding CRT terminology, and explicitly integrating social cognition into CRT analyses. Even cursory explanations might enhance the perspective and open up new possibilities for readers to comprehend and mentally articulate the underlying concepts presented in CRT, thus sparking the sociological and criminological imagination of researchers – and, perhaps more importantly, the imagination of the public at large.

In conclusion, I have attempted to convey how, for decades, researchers from various disciplines have applied knowledge from the field of social cognition to study racism and to untangle the social construction of race. According to Siegel et al. (2001), racial ideologies have been maintained in a process of “preservation through transformation” (p. 149), which explains

33 Delgado (2001) explains some of the tenets of various “schools” that exist in CRT. He compares the “idealists”, those who look toward social cognition theory to explain racism, with “the realists or economic determinists”, a more pragmatic school that makes claims about race based on privilege and social status. See page 17 for more comparisons. The binary approach to claims making is unproductive, of course. Underlying all action is cognition; therefore, minimizing the role of cognition in the creation of culture, norms and human behavior could be construed as shortsighted and missed opportunity to explore how social facts are unconsciously replicated.

how repetitive (and sometimes destructive) historical phenomena are constructed by powerful subconscious proclivities and motivators to reproduce domination and legitimation of power that sustains social inequality (van Dijk, 2000).

Cognitive issues of race, racialization, and ideology have been studied at length using tools acquired from the umbrella discipline of social cognition. Political discourses about race and ideology, for example, have been widely researched in a range of other disciplines, including cognitive linguistics, for instance, where Musolff (2007) writes about historical memory and the “historical baggage” (p. 5) of certain turns of phrase and metaphors. He claims “we remember individually and collectively the history of some political actions, we have a memory of political discourse” (p. 5) that has the power to infect social memory for centuries, adapting rhetoric to suit the current culture, and which can be detected and analyzed in discourse. Even some neuroscientists have been examining the power of political ideology. Researchers like Jost and Amodio (2012), for example, call this type of ideology motivated social cognition, thus showcasing the activating component of ideology. Their research suggests, “ideology ... might under some circumstances even eclipse the motivation for self-preservation” (p. 62). These (and other) neuroscientists are looking into the existential underpinnings of ideology to develop what they call a political neuroscience, concluding “[t]his interdisciplinary synergy will likely prove useful in understanding and reducing the sources of ideological acrimony that encourage incivility and obstruct progress in our politics and our society” (p. 62), which is hardly a sign that science is always on the side of maintaining status quo power arrangements as claimed by some CRT researchers. Like critical race theorists, these researchers have deconstructed discourse, analyzed news media and other forms of mass communication, and developed quantitative and

qualitative analyses to expose racial structures embedded in social cognition.³⁴ It is time for CRT to join other disciplines and expand its own vernacular, using the power of social cognition to enhance analyses.

34 See, for example Teun A. van Dijk (1998); van Dijk (1991). *Racism and the press*. London: Routledge. See also Rogers Brubaker, Mara Loveman & Peter Stamatov (2004) in *Ethnicity as cognition*. *Theory and Society*, 33, 31-64. These authors engage ethnicity, race and nationalism from a cognitive perspective. See also Jonathan Gayles & Sarah Tobin (2006) in *White conceptions of racial hierarchy: Temporary versus permanent preferences*. In this piece, authors examined research on racial categorization and hierarchy from the 1980s and beyond. The authors determined that “race is salient because humans make it salient” and it cannot be discarded as a category, to do so would be dangerous, (page 49).

society: for social organisms, so opposite as those of the North and the South cannot be equally well suited to people in all other respects so exactly alike. We must *surrender* the doctrine of State equality and of Slavery extension, unless we are prepared to meet the attacks of Black Republicanism on our institutions, by making equally vigorous assaults on theirs."

The Richmond Enquirer says:

"THE TRUE ISSUE.—The Democrats of the South in the pending canvass, cannot rely on the *old grounds of apology* and excuse for slavery; for they seek not merely to retain it where it is, *but to extend it into regions where it is unknown*. Much less can they rely on the mere constitutional guarantees of slavery, for such reliance is pregnant with the admission that slavery is wrong, and but for the constitution should be abolished.

Nor will it avail us aught to show that the negro is most happy and best situated in the condition of slavery. If we stop there, we weaken our cause by the very argument intended to advance it: *for we propose to introduce into new territory human beings whom we assert to be unfit for liberty, self-government and equal association with other men*. We must go a step farther. We must show that African slavery is a *moral, religious, natural, and probably in the general, a necessary institution of society*. This is the only line of argument that will enable Southerners to maintain the doctrine of 'State equality and slavery extension.

For if slavery be not a legitimate, useful, moral and expedient institution, we cannot, without reproof of conscience and the blush of shame, seek to extend it, or assert our equality with those States having no such institution."

Figure 2: "THE TRUE ISSUE." This 1856 newspaper discourse located the need to frame slavery as moral, natural, and necessary to be on equal, ethical ground with non-slave States — but if the conscience dictates that slavery is none of those things then it cannot be expanded westward. (From UIC Special Collections, Abolition Pamphlets)

2.5 Critical Criminology, Ideology & the ‘Social Harm’ Perspective

My research also fits well within the field of critical criminology as this project grapples with a phenomenon that is often considered (even by U. S. standards) a contravention of human rights (and other laws) when practiced by individuals outside the U. S. or outside an elite-approved and constituted construct of legal rational State authority. Hepburn (2017) makes this point particularly interesting regarding the legal mechanisms used by corporations and contractors to ‘misuse’ the H-2B visa system to “import people from other countries and pay them half” as much as they were paying locals to clean up the region after hurricanes Katrina and Rita (p. 8). How this practice imbricates with UNICOR is made even more interesting as federal statistics show the second most common federal crimes in 2016 were immigration offenses (~30%, and include both lawful and unlawful entry) – and an enormous, 96.2% of offenders are Latino. According to the United States Sentencing Commission (2017), men, more than women, have “committed an even higher proportion of immigration crimes (92.6%).”³⁵

There is substantial interdisciplinary, critical scholarship examining the intersections of race, class and incarceration, and the negative social consequence that result,³⁶ however, as a whole, the practical and cognitive aspects and outcomes of race, class and incarceration constructs are largely overlooked, taken for granted, or accepted as an unfortunate – unintended–

³⁵ Many of these individuals are punished and made to serve time in federal prisons (i.e. UNICOR) where they will then work in a factory for the US government or a private corporation at taxpayer expense.

³⁶ See in general Mathieu Deflem (2017). *Race, ethnicity and law*. Bingley: Emerald Publishing Limited; Michelle Alexander (2010). *The new Jim Crow: Mass incarceration in the age of colorblindness*. New York: The New Press; Marc Mauer (2010). *Race to incarcerate*. New York: The New Press; Gregg Barak, Paul Leighton, and Jeanne Flavin (2010). *Class, race, gender, and crime: The social realities of justice in America*. Lanham: Rowman & Littlefield Publishers, Inc. This book has an in depth analysis of white collar crime, social harm and punishments – and points out the deficiencies within criminology to address it in terms of “power dynamics,” p. 14. “Cognition” and cognitive processes find no home in these discourses – even though, including the social science of cognition would strengthen and inform the analyses.

sequence of events. In an interesting gender study, Chesney-Lind and Mauer (2002) maintain that women have been the “collateral” (p. 83) victims of mass incarceration and cite the difficulty (and limits) of determining the political origins and intentions of public policies. They also suggest that broad crime control considerations are created using “limited vision” (p. 10), which could have foreseen public consequences with more thoughtfulness. I agree with notions of possible political shortsightedness; however, the mass incarceration of Blacks and poor people (which includes a growing population of women) is part of a lengthy campaign perpetrated by the elite. Parsing these events into specific time periods is a mistake when looking at the big picture. The original Enlightenment male thinkers who devised programs of mass incarceration for purposes of labor and social control – like any other generation of thinkers – were concerned with the perceived needs of the time. The fact that mass incarceration-prison labor campaigns span centuries is a product of social cognition – which is maintained through discourse, ideologies and action. The State’s less savory and surreptitious nature is an evolving object of interdisciplinary research, including critical criminology and its examinations of State crimes, crimes of globalization, and so called ‘white collar’ crimes.³⁷

2.5.1 **White Collar and Corporate Crime**

Predictably, there is an overwhelming amount of criminological literature that addresses cognition from a purely psychological perspective that focuses mostly on a certain ‘class’ of “criminals” and their individual or group behavior. In fact, historically, criminological theories

³⁷ See in general David. O. Friedrichs (2007); Rothe and Friedrichs (2015), Crimes of globalization. London: Routledge. Brian K. Payne (2017). White-collar crime: The essentials. Singapore: Sage Publications, and of course the seminal work of Edwin H. Sutherland (1949) White collar crime. New York: Holt, Reinhart & Winston

have been behavior oriented.³⁸ The so-called “criminal behavior” of a run-of-the-mill offender does not interest this project. This research is focused on the sociocognitive political and economic behavior of institutions and sociopolitical actors who create and administer the “laws” that affect – and construct – prisoner laborers for carceral trafficking.³⁹ Thorstein Veblen (1921) called these types of individuals, “Guardians of Vested Interests,” which I think is an appropriate moniker.⁴⁰ The cognitive and ideological behaviors of these “interested” actors have been identified and addressed using the discourses they produce in the context of their carceral trafficking business relationships, which are defined as ‘legal’ via instruments of U.S. law; however, the same acts have been construed as illegal from a human rights perspectives when

38 See in general Rational choice theory in Derek B. Cornish and Ronald V. Clarke (1987). Understanding crime displacement: An application of ‘Rational Choice Theory’, *Criminology*, 25(4), 933-947; Strain theory in Robert King Merton (1968). *Social theory and social structure*. New York: The Free Press, and Robert Agnew (2006). *Pressured into crime: an overview of general strain theory*. Oxford: Oxford University Press; Social control theory or General theory of crime in Michael R. Gottfredson and Travis Hirschi (1990). *A general theory of crime*. Stanford: Stanford University Press, and Ronald L. Akers (2009). *Social learning and social structure: A general theory of crime and deviance*. New Brunswick: Transaction Publishers. [In this book, Akers uses the word “cognitive” thirty-nine times and “ideology” five. The terms are not explored or explained outside the basic understanding of “cognition” as a thinking process or “ideology” as a set of ideas (this word is thrown around without definition). The power of thought to create or maintain social structures is only present to the degree it relates to choice and in an individualistic and positivistic paradigm, ignoring an analysis that includes history and social constructions of gender, race and class as independent variables. For example, issues of white supremacy are not studied or measured.] Social disorganization theory in Jackson Toby (1957). *Social disorganization and stake in conformity: Complementary factors in the predatory behavior of hoodlums*, *Journal of Criminal Law, Criminology, and Police Science*, 48(12); Social learning theory in Ronald L. Akers (1973). *Deviant Behavior: A social learning approach*. Belmont: Wadsworth, and under another name as Differential Association Theory in Edwin Hardin Sutherland and Donald Ray Cressey (1974). *Criminology*. Philadelphia: L.B. Lippincott Company. Labeling theory in the seminal sociological piece by Howard S. Becker (1963). *Outsiders: Studies in the sociology of deviance*. New York: The Free Press; Routine activity theory in Marcus Felson and Lawrence E. Cohen (1980). *Human ecology and crime: A routine activity approach*, *Human Ecology*, 8, 389-406.

39 See for example, Eugene Soltes (2016). *Why they do it: Inside the mind of the white-collar criminal*. New York: Hachette Book Group.

40 This book contains Veblen’s observations of the practices within the American industrial culture. The Guardians of Vested Interests, or simply “The Guardians,” hold political and economical sway over the citizens. According to Veblen, there are Guardians in many economic sectors, and include the full range of motivated actors – from union bosses to politicians to the “Captains of Industry” (p. 27) and “entrepreneurs” (p. 29).

practiced outside the U.S.⁴¹ For example, during a Depression era, congressional debate about prison industries in 1934, House member Reed of New York, arguing against an expansion of prison industries into certain manufacturing sectors, said: “It is manifestly unfair at a time like this for the Government to start in manufacturing furniture with convict labor. We condemned Russia for trying to bring *her* goods into the United States in competition with our free labor because they used convict labor...” (p. 1878).⁴² The following year, the Ashurst-Sumner Act was passed that (in part) forbid convict made goods from foreign countries entering the U.S., but admittedly, it was likely not based on human rights as framed in 21st century terms, but as an economic and “free labor” rights concern.

Also critical criminologists apply classic criminological theories to corporate actors, State actors, and the State in general to reframe what may or may not constitute “crime” by adding the dimension of social harm to criminological analyses (Rothe & Friedrichs, 2015, p. 64). Thus,

41 See, for example: United States Department of State (2011). “Country Reports on Human Rights Practices.” The report says: “Forced labor remained a serious problem in penal institutions. Many prisoners and detainees in penal and RTL facilities were required to work, often with no remuneration. Information about prisons, including associated labor camps and factories, was considered a state secret,” p. 6. The Department releases this report each year. UNICOR documents report that all of their prisoners are also required to work. Also, Sophia Yan (6 June 2016). “U.S. steps up pressure on China over prison labor.” CNN Money at: <http://money.cnn.com/2016/06/06/news/economy/china-prison-labor-exports/index.html>. This short article mentions UNICOR, and barely implies the hypocritical nature of a U.S. law that bans the importation of prison made goods from China or other countries. What is the difference between Chinese and American prison labor industries? The author only offers this: “Unlike China, the U.S. doesn’t deny that prison labor is taking place. Detainees are subject to a more transparent judicial process and review than in China ...” This article is indicative of the type of discourse fed to the public. It is a good example of us v. them, i.e. U.S. prison labor is ‘more transparent’ than Chinese prison labor – which is a complete falsehood. Another web-based article by Reese Erlich (09 February 1994), “US, as well as China, exports prison goods: Prison-rights activists call US criticism of China hypocritical,” *Christian Science Monitor*, explains how the state of Oregon planned to export \$3 million of convict made goods to several countries, including Italy and Japan. The article states that Oregon Prison Industries actually has a “line of work clothes called *Riggers*, as well as specialty jeans, shirts, and shorts dubbed *Prison Blues*.” (<https://www.csmonitor.com/1994/0209/09081.html>).

42 [Emphasis mine. Speaking of countries in the feminine is almost the only time the elite male discourse I read mentions *her* or *she*.]

given the potential for covert nefariousness in the so called ‘white collar’ sector,⁴³ this project draws from mainstream criminology to theorize a number of social, political, psychosocial - and what Friedrichs (2010) calls “marginal”⁴⁴ - behaviors that I found in government archival discourse – and which can be identified and explained using a sociocognitive research approach.

2.5.2 **Elite Manipulation and the Media**

Privileged and elite relationships operating within the field of carceral trafficking generally occur outside the purview of mainstream cognition, and access to the discourse can be difficult to attain through normal channels like internet searches, or in some cases, as mentioned earlier, even the Freedom of Information Act (FOIA) has proved unreliable, as gatekeepers throw up barriers to shield the business of carceral labor from the public eye.

Unlike chattel slavery and the Convict Lease System, the practice of carceral trafficking today is mostly hidden from everyday view, yet it remains, as it always has been, a protected political practice. When corrupt actions of the elite enter social consciousness, it often does so through the lens of the media (news media, mass media, and social media), which van Dijk and others frame as the primary, discursive portal that maintains a range of political ideologies both positive and negative. van Dijk (1987) writes, “... we have reasons, and empirical evidence to assume that elite groups provide the initial (pre)formulations of ethnic prejudices in society, and that the media are the major channel and the communicative context for such discourse” (p. 361).

43 See E. Sutherland (1949). In this breakthrough criminological piece, Sutherland found “that persons of the upper socio-economic class engage in much criminal behavior...”(p. 9). He questioned differential treatment under the law given the “causation of crime” by elite offenders was insignificant, (p. 9).

44 Friedrichs uses “marginal” thirteen times in this book to describe various offenses, businesses and attitudes. He differentiates between various types of white collar crimes based on the context in which the activities occur, the status/position of the offender, the victims and forms of harm and legal classification. Some of the crimes are occupational crime, government crime, state-corporate crime, crimes of globalization, enterprise and technocrime, p. 192.

For example, van Dijk (1998) suggests the media reproduces “top-down, elite influence” (p. 178) of racist and class-based ideologies.

Without the media ... public debate about issues, and shared knowledge about what happens in society and the world, would at present be unthinkable. It may therefore be assumed that in the reproduction of ideologies, the media play a central role. Social representations are easily and widely shared because of these forms of accessible public discourse, and the same is true for the ideologies that underlie these representations (p. 187).⁴⁵

This representational process is a pathway to sociocognitive ‘manipulation’ that interferes with human understanding and facilitates us vs. them social divisions, which are necessary to exact political agendas (van Dijk, 1987, p. 359)⁴⁶ – and, sometimes, economic agendas.⁴⁷ van Dijk (2006) implicates sociocognitive manipulation as “a form of social power abuse, cognitive mind control and discursive interaction.” The media is complicit in these efforts, and often obscures the criminal acts of the State and other elite actors by attempting to remain “neutral” and manipulating social cognition about crime and fear of crime. But, as Levi (2009) explains, crimes of the elite are not reported in the same way as ‘visible crimes’ committed by everyday

45 See also Robert M. Entman & Andrew Rojecki (2000). *The black image in the white mind: Media and race in America*. Chicago: University of Chicago Press. Entman and Rojecki maintain that the deeply rooted racial hierarchy in the U.S. poses a problem for “racial comity” (p. 55); however, while these researchers see advances in race relations on individual levels, there still remains the problems associated with media representations that promote racial stereotypes and hierarchies on a societal level.

46 See in general Robert M. Entman (1993). *Framing: Toward clarification of a fractured paradigm*. *Journal of Communication* 43(4), 51-58; Entman & Rojecki (2000); Susan T. Fiske (2016). *Social cognition: From brains to culture*. London: Sage Publications. Studies examining “us versus them” are ubiquitous in social research.

47 See in general Edward Royce (2015). *Poverty and power: the problem of structural inequality*. Lanham: Rowman & Littlefield, p. 3. Citing current political conditions regarding “Tea Party” activists, Royce provides a timely example of racialized “us v. them” political language intersecting with economic rhetoric. He writes, “They [Tea Party Republicans] have had some success on the ideological front...promoting an image of a divided society... on the one side, hardworking, taxpaying, white Americans, and on the other side a growing population of moochers mostly non-white, living off the largess of big government,” Us versus them can only survive in a hierarchical arranged society. This coded rhetoric is an example of embedded racism – and the takers rather than makers, trope is reproduced decade after decade. A market society likely requires this type of top-down arrangement.

people (murders, rapes, abductions, burglaries, etc.). Criminal elite actors are not portrayed the same in the media either; apparently, conclude researchers, due to time and space constraints intersecting with the perceived diminished cognitive capacity of the audience:

In other cases, perceptions of harm are shaped by media treatment, and these are affected by the way that the conduct is portrayed, either as events or in the aftermath of criminal or other official actions. Visibility, bureaucratic and commercial interests, ideology, and media production values and routines all play their part in media representations of both white-collar and other crimes ... one of the principal differences ... most white-collar crimes require more space and time for the story to be told and more concentration by readers and viewers to follow these stories than do other forms of crime...(p. 87).

Levi's explanation is key for understanding how the harms and crimes of the State and business actors are minimized by media institutions that favor reporting and dramatizing crimes of marginalized (non-elite) offenders. This type of elite discourse plays a direct role in promoting misinformation that manipulates cognition about what types of "crimes" and what types of people the public should actually "fear" – and simultaneously re-instituting and re-entrenching ideologies of the State that targets the poor and people of color (Entman and Rojecki, 2000).⁴⁸

Using van Dijk's (2000) definition of social cognition as "a combination of socially shared mental representations and the processes of their use in social contexts," (p. 47) it becomes clearer how mental mechanisms combine with discourse to re-entrench unconscious cultural traditions like carceral trafficking simply through verbal and visual repetition. van Dijk stresses the importance of understanding the "processes and strategies" (p. 47) of acquiring social and mental representations – not just the fact that they are present. "Social

48 In Chapter Four, Entman and Rojecki explore "The meaning of Blackness in network news." This is an informative chapter that begins by explaining how prototypes and cognitive schema structure racialized categories in social cognition, which are then continually passed on through discourse – including all forms of print, visual and audible media. *See also*, David Kidd-Hewitt & Richard Osborne (1995) *Crime and the media: The post-modern spectacle*. London: Pluto Press; David Kidd-Hewitt (Eds.) (2002), Yvonne Jewkes & Gayle Letherby (Eds.) *Criminology: A reader*. London: Sage.

representations” are, van Dijk claims, “organized clusters of socially shared beliefs (knowledge, attitudes, ideologies, etc.) as located in social memory,” (p. 46).

Multi-faceted news discourse is utilized by the media making it unconsciously complicit in the reenactment of crime control ideologies that are part of – what Richard Quinney (1974) designates – *the legal order*. Quinney asks criminologists to forego positivistic notions about the State and law, and reject what he (and Marx) maintains is a “false conception of reality” (p. 51). From Quinney’s critical perspective, the legal order was created by the class-in-power, which since Enlightenment has remained a class of elite white males. “The state,” he writes, “is thus a political organization created out of force and coercion. The state is established by those who desire to protect their material basis and who have the power (because of material means) to maintain the state. The law in capitalist society gives political recognition to powerful private interests,” (p. 52). This ‘instant corruptibility’ is observable in the politics of carceral trafficking – an elite arrangement since the beginning of the African slave trade.

The simple repetition of political rhetoric and discourse in news media, which often promotes a “false conception of reality” negatively influences social cognition and behaviors of individuals and groups. Additionally, white elite institutions dominate the control and dispensation of news discourse; and, according to Entman and Rojecki (2000), the demands of the market put pressure on journalists to “stay vigilantly attuned to the presumed tastes of their target audiences” (p. 73). It is assumed in academic literature, therefore, that citizens are less interested in discourse that reflects actual truth – the reality being corporate violence and medical malpractice, for example, cause more death, morbidity, and financial loss than all violent adjudicated crimes combined – and are more interested in reinforcing belief system they perceive

are better aligned with the drama and misrepresentations that politicians and the media feed them (Friedrichs, 2010).⁴⁹

So is there another, more plausible reason media focuses on the visible crimes of certain classes and races of individuals? The media rationalizes the consumers of discourse are not interested in elite crimes, or decides it takes too much time to explain the crimes (Friedrichs, p. 20), and assumes, mistakenly, the public controls the media – when in reality, news discourse is produced and distributed to the public from the top-down (van Dijk, 1998, p. 78). While ‘reality’ may not conform to previous, long-held ideas implanted in social cognition through various elite discourses and ideologies – does there come a time when authentic leadership demands the public be privy to ‘reality’ outside the influence of ideological discourse? It is the processes and strategies used by elite actors that coalesce to create a carceral traffic ideology and provide the foundation of the social beliefs (van Dijk, 1998, p. 49), which become traditional and ideological that most concern this research.

2.5.3 **Corruption and Political Crime**

David O. Friedrichs (2010) pushes the definitional boundaries of “white collar crimes,” and his research in the field of critical criminology is extensive. Friedrichs is keen to highlight the role of politicians and political institutions as “the locus of major forms of corruption ... and a principal instrument for the exposure and prosecution of such activity” (p. 30). This dialectic role is apparent in the discourse of Congressional hearings related to prisoner labor and its

⁴⁹ Friedrich (2010) writes: “Even though the physical cost of crime – personal injury and loss of life – is most immediately associated with conventional predatory crime, the physical costs of white collar crime are substantial and, by one interpretation, exceed such costs for violent personal crime...and include death and injury from polluting the environment, from unsafe working conditions, and from marketing unsafe products” (p. 52). This book, overall, contains a well-researched litany of definitions and statistics regarding corporate violence and corruption, and includes medical harm and medical violence and other white collar crimes.

effects. Politicians run the razor's edge trying to maintain an ethical, patriarchal appearance while 1) tacitly participating in the traffic of human prisoners and their labor to businesses, and 2) presenting a believably indignant, front-stage-face to other constituents, who are losing business contracts – and ultimately laying-off ‘free’ workers – because of UNICOR.⁵⁰ That said Friedrich's excludes the United States in the subchapter: “The Corrupt State,” and writes, “[I]f systematic corruption is carried out by the leadership of the country, we can claim a corrupt state exists” (p. 139). It is unclear what “systematic” means to Friedrich; however, it should mean the historical and corrupt use of systematic *mala prohibita* lawmaking targeting predictable behavior to widen the net of so called “criminal conduct” for the purpose of mass incarceration (p. 140). One could suggest, perhaps, State negligence could signal a corrupt state given all Friedrichs' examples related entirely to the United States (p. 124).⁵¹ The nefarious use of the Thirteenth Amendment's exception clause is glaringly missing from Friedrichs' analysis of State or white collar crime, although he does positively mention the due process clause in the Fourteenth amendment (p. 259) and gives lip service to the harms of chattel slavery and Native American genocide (which he called “devastation”) (p. 61). So, while most of Friedrichs work is on target and critical, there are some stunning omissions that should be addressed, and a missed opportunity for Friedrichs to address the issue of (corrupt) *mala prohibita* lawmaking to further enhance his argument.

50 See in general Alan Farnham (2012). Will a federal prisoner steal your job? ABC News, (19 Sept). <http://abcnews.go.com/Business/prisoners-stealing-us-jobs/story?id=17263420>. This piece is about the Alabama clothing maker, American Apparel, which lost a government contract to make US military jackets for the Army. It is reported that 225 workers were laid off because UNICOR won the contract. Note the title of the piece blames the prisoner – as if they are responsible for being trafficked by the government.

51 To be fair, Friedrichs does cite the possibility of U.S. malfeasance in the category of “State Negligence.”

2.5.4 Globalization

The world is globalized, and modern globalization includes very real, and culturally entrenched markets for carceral labor; however, the topic is often omitted from sociological and economic literature about work and labor markets. A globalized and “free market” was instituted by European (and later, American) men who gave birth to a complex and manmade system of political and economic developments, spreading from Europe outward, eventually encapsulating the world in a construct of (often brutal) domination (Ponzanesi, 2014), westernization (Said, 1978), and cultural hybridization (Ritzer, 2010). Utilizing prisons to constrain and punish people - and using them as a site for holding captive laborers - is a well established, salient and culturally resonant sociopolitical practice that elides with western ideologies predicated on white male supremacy and the legitimacy of Law. The political component of law and lawmaking is camouflaged in social ritual, rhetoric, and institutionalization; and the United States has managed to separate its lawmakers from the consequences of their actions.

Enlightenment male ideals, values, and ideologies about race, gender, commerce and work were forced upon the surface of the Earth, and have exercised dominion over the planet, the environment and its diverse inhabitants for such a long time that the current world order – including carceral practices⁵² - appear natural and normative. Issues of race and structural racism are deeply embedded in the social cognition of western society and its institutions, including the carceral use (legal or extralegal) of minorities for the energetic output of their labor. Modern

⁵² Carceral practices include patrolling, capture, binding, shackling, confinement, whipping and corporal punishment, torture, deprivation, branding, familial separation, institutionalization, alienation, dehumanization, and capital punishment. These practices grew from problematics associated with mass importation of slave labor from Africa. Slaves often “stole” food to supplement the poor diets provided by their masters, and interracial intercourse posed social implications for early colonists resulting in formalized policing, laws, fines and punishment – but only for slaves and servants. The masters and their children were not prosecuted for sexual relations with their “property” (*See in general*, Hoffer, P. C., 2006. *The brave new world: A history of early America*. Baltimore: The John Hopkins University Press).

globalization includes very real, and culturally entrenched markets for carceral labor; however, the topic is often omitted from sociological and economic literature about work and labor markets.

Friedrichs joins with Dawn L. Rothe (2015) to deliver a timely and critical criminological theory aimed at the actors and effects of globalization. Being that carceral traffic was part of the first, systematic globalization, aspects of this theory are useful for flipping the tables on the time-honored practice of carceral trafficking. For example, the three elements of Cohen and Felson's theory of routine activity: a motivated offender, suitable targets, and an absence of capable guardians explain how the State and/or elite actors operated to procure laboring subjects. Rothe and Friedrichs suggest this theory is played out globally where "...the organizations...and the actors within them must have the opportunity to pursue the policies that result in crimes of globalizations...[t]he lack of guardian and control does provide carte blanche power to pursue opportunities that have long been criticized for doing more harm than good" (Rothe & Friedrichs, 2015, p. 64). As Susan Kang (2009) has shown, the United State's use of forced prison labor violates the International Labor Organization's Convention (p. 139). So, while the United States condemns Chinese use of prison labor, citing it each year in agency publications as a human rights abuse, and outlawing the importation of Chinese prison made goods, the U.S. has ramped up its own carceral traffic business showing, says Kang, how, "in the context of contemporary globalization, changes in international economic policies and domestic criminal policies have been intimately related" (p. 140).

Globalization is an oft-condemned, male dominated enterprise, which is predicated on exploiting life at large, and that requires a great deal of human labor (and cultural hoodwinking)

to realize its goals - relying on violence, the abrogation of human rights, and support of the State to legitimize the needs of the market by creating and enforcing laws (Krishna, 2009).⁵³

2.5.5 How the Elite “Legally” Exploit Convict Labor

Prison laborers are a unique class of individuals.⁵⁴ They have long been some of the most marginalized populations around the world; and in US society (before, during and after incarceration), prisoners would benefit from minimum wage protections - yet employment law has consistently failed them and ruled that prison labor is “statutory,” “noneconomic,” and exempt from state and federal wage protections.⁵⁵ The courts rationalize the relationship of prison labor this way, according to Zatz (2008), because

[P]rison labor does not fit a paradigm of discrete, financially motivated market transactions that are independent of any other relationship between the parties ... and under the exclusive market view, the inability to separate inmate labor from the institutional context of the prison renders it a nonmarket relations, and thus not an employment relationship (p. 882).

Yet, the State currently markets federal prison labor to private corporations using globalized language and methods, and provides complete factories and manufacturing capabilities for achieving dual goals of economic gain (private profit) and economic discipline (*qua* “work”).

Delegitimizing prison labor as “not employment” (Zatz, p. 893) to justify nonexistent or extremely low pay, while producing goods and services using the energetic output of prisoners’

53 Once the globe was colonized, and a system of commerce and state power was instituted, the crush of globalization occurred. Krishna (2009), offers an interesting explication of these important and interlocked, historiographical concepts.

54 See Georg Rusche and Otto Kirchheimer (1939). Notions of class and class production are important variables in Rusche and Kirchheimer’s analyses of punishment. Historically, “class differentiation in punishment” became more prominent as “crime” increased – and was meted out differentially based on the prisoner’s ability to pay a fine, (p. 17). Note the similarities in that tradition, which the authors locate in 16th century Europe, with the fiscal “punishments” meted to white collar criminals today. There are not many wealthy corporateers working in UNICOR factories according to government statistics.

55 The list of FLSA cases is long, and a majority of outcomes have ruled that prisoners are not covered by the Act. There are a few exceptions.

labor, appears to be an attempt to maintain correspondence with a “chattel” paradigm - cognitively familiar with historical uses of carceral labor for the benefit of State and commercial actors. Zatz indicates some dissent within the courts on this matter of prison labor. For example, in a 2-to1 ruling, Judge Dorothy Nelson, in a dissenting opinion on *Gilbreth v. Cutter Biological*,⁵⁶ referred to products produced by prison laborers that are sold in the free market. She wrote, “The logic escapes me,” referring to the way the court had ruled against prisoner labor (p. 894). An illuminating factor for this decision, however, can be seen in another of the judges’ opinions that bypasses the prisoner as a legitimate employee and, instead, applies criminal labels that apparently have more significance, thus justifying their decision to withhold minimum wage protections to prisoners. Why the judges do not simply utilize the 13th amendment’s exception clause *directly* to justify their actions is an interesting consideration. Perhaps using the “s”-word (slave) would serve to affirm prisoners’ claims, so the State dances around the issue, instead.

Arjun Appadurai (1990) uses the term *ideoscapes* to describe the paradoxical “master-narrative of the Enlightenment” (p. 300) used in globalized political discourse. The UNICOR documents I have researched fit well within this ‘master narrative’ description. Images that relate to keywords like freedom, America, work ethic, for example, can be defined by ideoscapes, and are replete in UNICOR discourse. Images and statements of democracy, work, military, and State power are explicit in carceral traffic narratives. Appadurai explains:

These scripts can and do get dis-aggregated into complex sets of metaphors by which people live as they help to constitute narratives of the Other and proto-narratives of possible lives, fantasies which could become prolegomena to the desire for acquisition and movement, (p. 9).

56 See [92] 931 F. 2d 1320, 9th Cir. 199.

This description perfectly illustrates the fantasy produced by the UNICOR depictions that disembody the convicted criminal from the laborer – from the act of being incarcerated and exploited for labor under the premise of being reskilled, retrained and/or rehabilitated (*See in general*, Misrahi, 1996).

Archival research revealed elite text and talk discourse showing an imbrication of the political and economic nature of carceral traffic. The negative consequences of the traffic (particularly overcrowding) is often downplayed, mentioned in passing as a problematic, or completely omitted from most elite narratives, yet reducing the human prisoner to a notation in a ledger, or an object of labor, is similar to the way UNICOR marketing discourse depicts prisoners merely as ‘hands.’⁵⁷

The ‘punishment’ aspect of prison labor was predicted, because of historiographic accounts, to be more prevalent during the convict lease period; however, because the federal prison system was prohibited from selling prisoners to private companies, or contracting them out for labor, the punishment aspect of incarceration was obscured in the data. Punishment discourse found in prison industry discourse was administrative in nature, and located in separate files as it related to discrete acts of prison violence by inmates. Additionally, it was almost completely absent from elite discourse too, and only occasionally debated in Congress in relation to labor. The following is an example of the way House members in May 1888 framed and debated intersections of convict labor and “honest” free labor.

Mr. BRUMM. “But does not my friend know that the greatest punishment that could be inflicted upon those convicts would be not to permit them to work?”
[Note: Contextually, Brumm is arguing *for* “punishment.”]

57 One UNICOR brochure reduces State prisoners to “hands.” Almost all the photographs of prisoner laborers are pictures of their hands performing work acts. Additionally, all the hands are people of color. *See here*: UNICOR. *Bringing jobs home, Investing in America*. unicor.gov/publications/corporate/CATC6300_C.pdf

Mr. BUTTERWORTH. I know that the greatest punishment we could inflict upon honest men is to tax them to support in idleness criminals who have robbed them. I know that. I cannot understand how it is that these criminals are found to be so especially dangerous when they get together and work, although if they were industrious citizen working outside and adding double the amount to the general supply, they would not be regarded as dangerous.

Prison industries were, and still are, portrayed as normative and rehabilitative based almost completely on the healing power of work, which the elite presumably feel is unknown to lawbreakers. No UNICOR discourse reflects a punishment theme. Unfortunately, most prisoners are not privy to industrial employment because only a small percentage of federal prisoners are actually employed by UNICOR;⁵⁸ thereby, adding to the tax burden of “honest men” and to what constructive end? Because “prison industries” does not simply mean, “prison labor.” The term “prison industries” has become a double entendre and instrumental in the modern theme of carceral trafficking. Prison industries now encapsulates industries that cater to the vast network of prisons across the U.S. – free labor and free market industries that rely on the incarceration of millions to sell their wares to government entities. The Bureau of Prisons reports during FY2013, “73% of UNICOR expenditures went toward the purchase of raw materials, supplies, equipment, and services from private sector businesses,” and then as a means to rationalize this point further, BOP adds, “More than 50% of UNICOR’s purchases were from small or disadvantaged businesses” (*see* the link in the footnote below).

58 The BOP (2018) reports a paltry **8% prisoner participation rate in UNICOR factories**, and also report a waiting list of 25,000. Only 14% (of the 8%) are more likely to find and maintain employment (thus, 86% are unlikely) – and 73% (of the 8%) are equally as likely to recidivate as prisoners who do not work at UNICOR. See: https://www.bop.gov/inmates/custody_and_care/unicor_about.jsp

2.6 Overview of Concepts from Foucault and Foucauldian Criminology

2.6.1 Biopower

In the western world, complete (but bifurcated and differential⁵⁹) systems of social control have developed from theories and ideologies about which type of people commit crime and why they do it, and even sometimes how they feel when they do it. But something happens to the entrenched system when the lens turns toward the often-questionable social control practices of the institutions. French philosopher, Michel Foucault called this act, *sousveillance*, or “counterveillance,” which translates to “watching the watcher” (Welch, 2011, p. 308). It is a main theme in a contemporary branch of criminology named after Foucault, called *Foucauldian Criminology*. Foucault’s theories and Foucauldian Criminology are included in the theoretical context of this research because of the prevalence of his concepts which are experienced in both the method of retrieving information from government sources and the subject of the research: prison industries. Counterveillance is a critical practice, and an essential component of this dissertation.

One of Foucault’s most advanced concepts, and a constituent variable that was examined and notated in this research, is *biopower*. It is the mechanism implemented by power wielding institutions to exert control over populations of people, which in the case of lawbreakers extends into a particular and pernicious set of carceral practices that are acknowledged instigators of criminogenic behaviors inside and outside of prison. Incarcerating lawbreakers is a penal technique that securitizes freedom for some by absolutely denying it to others; and controlling populations of these groups and disciplining bodies is indicative of governmentality and

⁵⁹ Bifurcated and differential systems of control and punishment have developed for corporate crime and visible crime, even though corporate antics cause more sickness and death than all violent crimes combined. The FBI reports that white collar crimes exceeded \$500 billion in 2016 compared to ~\$15 billion from personal property crimes.

institutional power, which is an example of the biopolitics of biopower (Foucault, 2007, Dillon & Lobo-Guerrero, 2008, p. 266).

The governmental mechanisms of biopolitics, such as legislation, incarceration, administration, surveillance, and disenfranchisement, for example, pose as natural and necessary sociopolitical practices to promote freedom and safety for the majority; however, many of the practices cross ethical boundaries that are criminalized when put in action by a citizen, and are essentially ignored when practiced by State actors. In contemporary, Foucauldian vernacular, institutional power is parlayed into State power over life (Foucault, 2007). Carceral traffic necessitates power over life, and it is likely an inescapable human reality as long as the same actors hold the same power with the same economic-cum-social control intentions, under the same social, political and cultural conditions.

2.6.2 **Governmentality**

The philosophical work of Michel Foucault provides a template for theorizing U.S. carceral traffic. The beauty of philosophy is the fertile ground it provides researchers as they grapple with the inherent problems of human being. Foucauldian criminology interpolates an influence of anti-dogmatism that is necessary to counteract the positivism so entrenched in criminological research and the criminal justice system. It is in this vein that one approaches the term governmentality. Here, governmentality is used to define the active practices of government. Government is not a “thing,” not an entity, it is a management of being(s) from self to world populations. Foucault defined government as an action, or “the conduct of conduct” (Foucault, Burchell, Gordon & Miller, 1991, p. 2). From this perspective, criminological researchers and theorists can dive deeper into the dialectic embedded in control, wherein external and internal controls pass in and around each other in a power play. Self-government from this

vantage point better informs the seminal work of Gottfredson and Hirschi (1990), which examined lack of self control as a precipitant of crime.

Within a Foucauldian framework, differential forms of governmentality exist to exact order and discipline on individuals. In this sense, self-control is predicated on regulation of society by the State. Is there self-control, in modern society, without external government regulation? Yes, for some. Likewise, in modern, democratic society, would external government even exist without first exercising self-government? While this idea rings of Rousseau and a social contract, there is more to it than allowing external government to operate as a *quid pro quo* for civilization versus a state of nature. From a macro-criminological point-of-view, governmentality encompasses the governing of others via a legalized or juridical framework, and includes the many devices and strategies employed by the State and its actors to direct, control and discipline bodies (Foucault, 1995). A simple research trip to a government archive is a firsthand look of governmentality. Coupled with an examination of “prison industries” inside the archives, the differential and infusive layers of governmentality and biopower are readily apparent and, at times, overbearing – even to an “innocent” researcher. More about this aspect of archival research is explored in the Methodology chapter of this dissertation.

The governing of populations is a decidedly politicized affair, and much of Foucauldian criminological discourse centers around neoliberalism and its normalized practices. Researchers like Walter Williams (2012) find the proclivity to combine governmentality with liberalism or neoliberalism a narrow view and a missed opportunity to study the phenomenon of power in its own right. He writes, “[Governmentality] is a framework for analysis that begins with the observation that governance is a very widespread phenomenon, in no way confined to the sphere of the state, but something that goes on whenever individuals and groups seek to shape their own

conduct or the conduct of others” (p.11). How does this work when one is incarcerated? When the right to liberty has been or relinquished by “law breaking” and self government is abrogated, the individual’s self control or ‘self government’ is still mediated by external power and consequences, which solely exist to instill discipline in the prisoner. Interestingly, much of the historical discourse produced by the State rhetorically assigns “labor” transformative and life changing powers, as well as uses it as a tool for institutional control that produces “docile bodies” (Foucault, 1991).⁶⁰ The government’s goal to create and institute docile bodies is, naturally, prevalent in archival prison industry discourse. The movies produced in the 1930s, and still pictures of chain gangs in the south, are revelatory and provide visuals associated with the mechanics of power and discipline being “held over others’ bodies” (p. 138). Even the new UNICOR marketing materials illustrate how docile bodies are ‘made’ through work. It is through law enforcement and carceral practices that State power is most obviously illuminated, and individual power is eclipsed by the weight of external power. This is the point in which the meaty part of Foucauldian criminology begins to emerge, when externalized forms of government are reified, and governmentality in all its forms exerts downward pressure upon individuals and societies in which they abide. When the state of law flexes its technologies of power, what happens to technologies of the self (Foucault, Martin, Gutman & Hutton, 1988)?⁶¹

60 Foucault’s concept of the docile body is a theoretical mainstay, and he dedicates a full chapter to it in *Discipline and Punish: The Birth of the Prison*, p. 135-169.

61 In *Technologies of the Self* (1988), Foucault defined four technologies of human reason: 1. Technologies of production; 2. Technologies of sign systems; 3. Technologies of power, and 4. Technologies of the self. All four technologies are necessarily present at once. According to him, technologies of power “objectivize the subject” and represent domination over the actions of others, which seek to control conduct, and technologies of the self, which “ permit individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls, thoughts, conduct, and the way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality” (p. 18).

The diadelphous connection between micro- and macro-governmentalities is a human exercise of technological change and adaptation. Lemke (2000) captured this in his interpretation of Foucault's criticism of the juridical model. He writes, "Foucault... saw the central mode of power not in law and consensus but in war and struggle... [but] even in his negation of the juridical-discursive concept of power, he remained inside this problematic of legitimation and law" (p. 3). This observation is key to explicating the obverse side of legalized U.S. governmental authority that exacts wars on the citizenry under the guise of declaring war on inanimate objects (drugs or alcohol) or social phenomenon ("terrorism" or crime).

The 150-year trend to initiate euphemistic and state-sponsored wars upon citizens in the form of law making, mass arrests, and mass incarcerations is a fantastic example of Foucault's observation. It shows the power of cultivating legislation for social control without consensus and the subsequent proliferation of human struggle from within and between the many forms of government that exist in human society. From a criminological theoretical standpoint the resurrection of totalitarian practices in the U.S. (for example, the passing and enforcement of the Fugitive Slave Law in 1850 by Congress) that impede Constitutional protections and abrogate human rights, is a matter of grave concern in a culture of democracy, and has long been a point of contention. The archives revealed a great deal of contestation and debate during tumultuous social changes like those that occurred during Abolition and Reconstruction, and prison industry discourse illustrates how the elite discussed and strategized ways of administering increasing prison populations caused by Congressional legislation.

2.6.3 **Securitization**

Securitization appears within the problematics of political government when it initiates action as a result of other conducts of governmentality. Stefano Guzzini (2011) seeks to move

the theory of securitization out of the realm of concepts of security and toward an empirical theory of causation. Guzzini explains that “security is understood... through its performance: securitization” (p. 330), and suggests that security is first and foremost a “speech act” (p. 330) that can be viewed as the genesis of subsequent steps taken by the State, for example, to secure, not just a population from harm, but also to secure and erect an ideological framework against an identified and subsequently otherized individual or group. Politicians use of lawmaking power, and the rationalizations and rhetoric used to justify its use are issues of securitization – and which have led to serious and perhaps insurmountable prison problems like mass incarceration and the social consequences that result whether released from prison or not, i.e. citizen disenfranchisement, stigma, inability of ex-felons to find housing and employment, disintegration of the family, and a host of other social harms. Securitization is a “contingent process... and can be used as a causal mechanism” (Guzzini, 2011, p. 332). These ideas are cogent with Foucauldian concepts that address the criminogenic effects of criminal justice practices like securitization where “doing security” sometimes causes criminal behavior, but is that the intention? Perhaps, suggests Foucault (1995). Where prisons have failed to eliminate crime, for instance, they have succeeded in producing criminals (p. 277).

In addition, Guzzini asserts that mechanisms, like securitization, are irreducible to “a sequence of intervening variables” (p. 332). What he is saying, and it is really quite important in elevating the object of securitization into the mental realm of *verstehen*, is that securitization analysis has to move beyond the reductionist exposition of how it has been used as a system of control – for political spin or even resistance. It is a real manifestation of particular practices, but cannot be reduced to explanation or used to predict outcomes. Securitization is best understood, according to Guzzini, as a historical-political process. Reactions to threats will be largely based

on the political perspective of the actor in relation to the way issues of security are historically situated.

In 2008, Dillon and Lobo-Guerero explain the problem of viewing Life (or as they assign the term: biological entities) primarily through a lens of geopolitical subjectivity. In this passage, the authors unpack the double-edged sword of securitization of biological entities via biopolitical governmentality:

They cannot be secured in such ways [as political subjects] because, representing a differently understood referent object of both freedom and power, living entities pose a quite different kind of security problematic. For one thing their very presence is not fixed. For another it is their very fructification that is being sought, not their simple protection. In order for living entities to fructify they have to be allowed to do so. Their biological freedom to adapt and change is integral to securing their very existence and the realization of its potentialities. Securing here is not a condition of possibility of their freedom. It is that regulation of their behaviour which promotes their vital signs of life (p. 271).

The “prison problem” is an extant example of society’s inability to critically examine the State’s reasoning for denying freedom to a certain class of people – many of whom are arbitrarily incarcerated based solely on mala prohibita lawmaking. The problem is recalcitrant, and the archival data I examined show how historical actors often discussed the consequences of mass imprisonment, especially overcrowding and the dangers inherent in the practice. The inability to secure basic human rights to an incarcerated population has shown repeatedly to impede the regulation of behavior, and produces negative circumstances for everyone involved.

A neoliberal economy that conflates with biopolitical “self governance via contingency management” (Dillon, p.280) pertains to criminological concerns of social control and the ethical question of using crime for profit via criminal justice mechanisms, i.e. securitization. The criminal justice complex is a securitization monolith, which has, does, and will continue to utilize law for a dualistic purpose of preventing and creating crime opportunities. There is a risk

for all citizens when governmentality institutes practices of power as a means to a monetary end, and the ever-present battle (since the days of chattel slavery) between carceral labor and “free” labor is the case in point. Entire capitalistic enterprises have emerged from securitization, while at the same time legalistic maneuverings (governmentality) have a tendency to obfuscate civil and human rights for millions – all posing as necessary and natural, and sometimes having the effect of making crime.

In conclusion, the government’s widely dispersed archival system is intimately related to the power of the State, and utilizing the archives for primary source data is another theoretical component of this project. The archives have long framed history and constructed social memory in the contexts designed by those who have authority over its contents; and they combine organizational information with the power and intentions of the State (Schwartz and Cook, 2002), thus creating another vast and benign looking network of governmentality, securitization, and biopower that oversees the historical discourse it produces and the people who seek to use it.

3. APPREHENDING STATE ARCHIVES

3.1 Recollecting the Custom of U.S. Carceral Traffic

Let us begin ... at the word “archive” – and with the archive of so familiar a word, Arkhe, we recall, names at once the commencement and the commandment. This name apparently coordinates two principles in one: the principle according to nature or history, there where things commence - physical, historical, or ontological principle – but also the principle according to the law, there where men and gods command, there where authority, social order are exercised, in this place from which order is given – nomological principle. – Jacques Derrida⁶²

The contested space of a government archive is an ideal location to critically engage and apprehend western State-produced discourse, the history it makes, and the sociopolitical and cultural ideologies that result. The government archive is not simply a repository of organizational documents; it is a male dominated space, a self-storage system of institutional memory and social construction - and it is a discursive exercise in State reflexivity. For this project, the archives hold the potential for “witnessing” carceral provenance - that is, uncovering a discrete moment in time that might explain the commandment of white male supremacy, and the commencement of institutionalized carceral traffic - something tangible that will account for embedded and insurmountable racialized inequalities in a so-called “democratic” society. Reconciliation lies buried in the historical past, mediated by archivists, and waiting for exhumation by the social researcher, who possesses the right access, the right methods, and the right amount of serendipity to conduct successful social science research in a State-mediated archive.

While it might be tempting to simply utilize the archive and archival data as a ‘straightforward’ means to an end - with the end being the discovery and acquisition of desired

62 This is the opening passage from Derrida’s (1995) seminal piece, which infused a new theoretical understanding about the archives (p. 9). It spurred critical scholarship by archivists, historians and social scientists to question historical epistemologies and social memory.

data - to do so, without considering and integrating archival theory into the analysis, is a lost opportunity to critically engage with the archives. Schwartz and Cook (2002) frame archives as intentional *social constructs* (p. 3). These socially constructed institutions are

“places of social memory” (p. 3) that can be examined collectively, and on an individual level of a single document, i.e. “the letter, the photograph, the diary...[and] like archives collectively, the individual document is not just a bearer of historical content, but also a reflection of the needs and desires of its creator, the purpose(s) for its creation, the audience(s) viewing the record, the broader legal, technical, organization, social, and cultural-intellectual contexts in which the creator and audience operated...(p. 3).

From this perspective, differential levels of institutional and cultural ideologies also govern the archives, which can be dealt with analytically and systematically through various forms of discourse analysis.

Archival theory and method is a peculiar, humanistic undertaking in its own right. Government archives combine organizational information with the power and intentions of the State, thus archival research depends on critical theory to see it to the end; otherwise, the social researcher could fall into the same traps as the traditional historian, who accepts both the archives and its products at face value without weighing the absence of objectivity involved in its construction. Issues of epistemological authority, historiographic truth claims, and layers of subjectivities make for a complicated, but richly textured, research experience – all of which finds a comfortable place in the final analysis of social research conducted in the archives.

This research searched for genuine understanding about the moral and ethical rationale underpinning congressional decisions to create UNICOR as a federal corporation, which legally operates a State-run carceral traffic business in the United States.⁶³ I looked in the government archives to unravel the hidden sequence of sociopolitical events, including Congressional

⁶³ In 1981, Chief Justice Warren Burger coined the term “factories with fences” to describe his vision for UNICOR. See Fred Barbash in The Washington Post, 17 December 1981, Burger urges ‘factories with fences’.

conversations and elite discourse, beginning in the postbellum period of 1865, which rationalized carceral labor into a State function; and, subsequently, fashioned the State into a ‘deployment agency’ for the dispensation of carceral labor for State, public, and private use. The most critical piece surrounding this massive institutionalization was, and continues to be, the combined, ideological efforts of politics, politicians, and the corrupt use of mala prohibita lawmaking to generate a myriad of “public-private partnerships.” My argument maintains the primary cause(s) of mass incarceration are not due to an actual increase of corrupt behavior in the polity. The need for prison expansion; the cause of prisoner idleness; the institution of racialized stigma and class-based segregation, plus a litany of other sociopolitical and economic consequences - are the resultant efforts of ideologically situated, elite male antics motivated by fear and attachment to ideological outcomes. In my opinion, the archival, criminological, and social research of this dissertation bears out this argument and illuminates a path forward that liberates U.S. society from the cognitive shackles of Enlightenment.

3.2 Why Archival Theory and Methods

Irving Velody maintains, “The backdrop to all scholarly research stands the archive” (p. 1), which currently functions as a sort of laboratory for social science and humanities scholars interested in utilizing primary source data. An archive is an excellent locale for accumulating and researching historical, institutional documents – and it is no longer a space solely reserved for historians. As the result of a social process Glenn and Enoch call the “social turn” (p. 321), the archive and archival research has taken on additional - often more critical - meaning(s), as more social scientists are using the archives than ever before as well as *writing history*, an occupation once solely attributed to a particular discipline.⁶⁴

According to Osborne (1999), “the archive is preeminent in that it supports all [disciplines]” and is a “centre of interpretation” (p. 52). It is by reading the historical past of the State in a government archive that the researcher *qua* social historian is enabled to 1) come face-to-face with the past “firsthand,” 2) comprehend the absolute weight of recorded State history, and 3) interpret history in a new way - or, as Gaillet puts it, “make knowledge rather than simply finding what’s already known” (p. 36). This is a key aspect for researchers seeking to influence social control epistemologies by re-reading and re-interpreting historical and political events like, for example, proverbial “crime waves” and the accompanying mass incarceration schemes. While State archives are “offered (and promoted)” (Cook, 2011, p. 627) as neutral and objective, experts in the field contend the archive is a space of “heavily mediated filters” (p. 626).⁶⁵

Recalcitrant social problems like mass confinement of racialized minorities sat in the historical

⁶⁴ See in general Robert Vitalis (2006), *The past is another country*, in Perecman, E. & Curran, S. R. (Eds) *Handbook for social science field research: Essays & bibliographic sources on research design and methods*. Thousand Oaks: Sage Publications.

⁶⁵ Cook (2011) notes archivists “habitually clean up” the actual “chaos” of history because of archivists’ organizational practices, which “impose” order in the archive, p. 626.

mind for centuries without critical interrogation, taken solely at face value, and handled with the kid gloves of sociopolitical positivism. Thus, as the “archive is ... transformed from source to subject” (Cook, p. 631), interrogating the State’s archives, both as a means and an end, becomes central to the analysis, and seeks to reveal and understand the State’s carceral memory – and, perhaps, eventually change the contemporary State’s carceral mind.

The Thirteenth Amendment is an appropriate example to illustrate the constructive and subjectivized process of history making. This particular constitutional law is sacrosanct in mainstream social cognition, and simply remembered as the “Abolition amendment.” The main, defining (and presently active) feature (and mechanism) of this amendment, however, is the social control aspect of the exception clause, which has received less attention, or rather - has been almost completely ignored - by politicians, the public, and criminal justice scholars.⁶⁶ State archival discourse was useful for gaining a greater understanding of the State’s original rationale for instituting quasi-abolition under the guise of substantial social change. So, while a constitutional amendment appears to be an objectively achieved outcome, legitimated by the power of politicians to make law (and presumably grounded in reason), the underlying issue of subjectivity is potentially problematic when dealing with the motives and behaviors of human beings.

The same happens when approaching and apprehending archival data for analysis. Acknowledging the history of a particular archive (for example, how it came into being, how it is and was contextualized, and grasping the professional practices and intentions of the archivists)

⁶⁶ Section 1 of the Thirteenth Amendment reads: Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. This amendment was a compromise of ideals and values, and the exception clause is the legal mechanism that allows carceral trafficking to continue in the U.S. It bears mentioning that there is some rustling in public media about the 13th Amendment’s exception clause. Time will tell how much of an impact it will have on social memory and public policy.

and acknowledging the archive's power to shape historical record, human knowledge, and social memory is essential for a holistic analysis of archival data (Schwartz and Cook, 2002). Thus, archival method plays a dialectical role with archival theory, each being integral to the other's existence.

3.2.1 **Subjectivity and Selection**

The topic of subjectivity is omnipresent in archival practice, theory and method. It is also a thematic "issue" in social science as a whole, and a condition which some positivistically-oriented researchers claim detracts from achieving objective (i.e. scientific) results. According to Cook and Schwartz (2002), the subjective process of appraisal and selection is a "performative act" executed by the archivist, whom they assert is "an actor; not a guardian; a performer; not a custodian," (p. 183). Sternfeld (2011) notes that researchers in the humanities use the term "interpretation" to define the subjective nature of archival appraisal. He writes, "Interpretation occurs the moment an archivist must decide which records to keep and which to discard," (p. 552). The social researcher also uses this process, so issues of subjectivity and selection are not unique to the archivist. The added layer of a researcher's subjectivity, and the rationales made for what data is selected or ignored for analysis, must be reconciled. In fact, subjectivity is a humanistic attribute and can simply be addressed in context and duly noted as a limitation in the research. The outcome of subjective decision making offers clarification about the intention of the subjective thinker, can add texture to analyses, and interjects alternative perspectives that may or may not complicate the topic being examined.

The western archives are a product of Enlightenment values, and have not been immune to the social (and political) process of subjectivity. Because of this, Terry Cook (2011), claims historians and archivists have denied the subjectivity of the archives for far too long. He rejects

the notion of a “value-free” (p. 617) archive; in fact, Cook claims, archivists leave “very large footprints ... on the writing of history” (p. 617) - an unappreciated fact that he and other researchers claim is taken for granted in archival science. Researchers, he asserts, must understand that acknowledging the history of the record will invariably produce better history (p. 601). It will also produce better social science research, which could lead to new perspectives and, perhaps, progressive and lasting social changes.

Barbara L'Eplattenier (2009) echoes Cook's perspective, but in the practical application of methods. Due to fundamental issues of subjectivity and appraisal, L'Eplattenier suggests that archivists become more transparent in their decision-making processes and include this information in a methods section in archivalist-produced literature. She argues, “If all histories are constructions, then a methods section allows us to see the building blocks of that construction” (p. 74). In general, social scientists have been keen to offer up sound reasons for their choices of data and included such in a method section. Interestingly, the archival sciences are playing catch up in this regard and coming to terms with the discipline's long-term neglect of both subjectivity and methods.

3.2.2 **Historical Subjectivities**

Beginning in the 1800s, a “collecting mentalité” (Cook, 2011, p. 604) emerged in western societies, which led to public collections of discourse and relics previously enjoyed solely by the elite.⁶⁷ So, the history of the archive – how a particular archive came into being⁶⁸ - and the archive's ability to shape historical record and knowledge is a fundamental consideration for this

⁶⁷ Cook sees this shift from private collections to public ones as democratization of culture and an exertion of social control over popular taste.

⁶⁸ This includes the archive's creation, the internal conceptualization and contextualization of the archive, and the professional practices of the archivist.

dissertation. Understanding why the State frames its carceral traffic business in patriotic terms, for example, requires a holistic analysis of the entire sociopolitical process – including an examination of the subjective space where the State buries its discursive and weighty historical processes. It cannot be enough to accept a social phenomenon like carceral traffic as simply existing. Yes, prison industries is real, and yes it remains a questionable practice, framed often as an unethical social issue; but understanding how prison labor is culturally, economically, and cognitively related to the Atlantic slave trade and US chattel slavery practices, and why carceral traffic persists, despite public opposition and legislation, are more pressing social questions. So, while the archive contains previously mediated documents, which have undergone a subjective appraisal process, Derrida (1995) defined as *archivization* (p. 17) there is likely no better place to witness political provenance⁶⁹ than a government archive.

⁶⁹ Provenance is the beginning, or origins, of the existence of something. It is a popular (and contested) term used in archival theory and historiography.

3.3 **Archival Methods**

Interestingly, guidelines for conducting archival research are incomplete, and Lynée Lewis Gaillet (2012) sees the need for training archival researchers as well as developing research methods for novices and professionals alike. Apparently, the serendipity surrounding the mystique of archival research has its limitations, and some experts, whose lives are enmeshed in the archives, are ready (to varying degrees) to share archival praxis with other disciplines – and they are encouraging other archive scholars to do the same.

In the past, it was simply a matter of trusting a historian's rendition of historical truth - and the place that contained the textual history (i.e. the archive) was likely completely omitted from the narrative. It is only within the past decade that archival researchers and archivalists have been compelled to discuss research methods and its explicit role within the discipline's research literature. According to L'Eplattenier (2009), a methods section will instill a sense of trust, which is needed for the reader to accept the 'truth' of the history being presented. She writes, "[A] method section in a history helps us create a self-aware, self-reflective, self-representational description of not only how information was found, but also the time and care used to put that information together" (p. 75). Gaillet (2012) agrees, but sees this endeavor as a two-way street; wherein, the influence of new researchers is playing a role in redefining the archives and the materials they hold, writing, "Cutting-edge scholarship identifies issues associated with archival methodologies while integrating practical advice for working in the archives" (p. 35).

Archival science now views the archive from a variety of new perspectives through the individuals asking different types of research questions and needing the archivists' expertise for finding answers to research questions. It makes sense that archivists would seek to "control" aspects of archival research – which they likely know better than anyone else; and they can use

their expertise to enhance research for social scientists and others who delve into the archives looking for data. Gone are the days when readers take the truth of historiography for granted. Epistemology is no longer a simple matter of accepting historical “knowledge.” How we know what we know is a critical concern in most disciplines, and it appears that archivalists have started to see the value of transparency in their field’s research.

3.3.1 **New Archivalism**

Ventresca and Mohr (2001) have theorized three modes of archival research, which can be applied to organizational research: historiographic, ecological (a formal, positivistic approach), and new archivalism (p. 9). The new archivalist tradition is diverse in theoretical approaches to the archive, and my research falls in this category and adheres to the following list (p. 74):

1. Reliance on formal analytic methodologies
2. Focus on the measurement of social organization and its constituent elements rather than on organizations themselves
3. Emphasis on the study of relations rather than objects or attributes
4. Concern with measuring the shared forms of meaning that underlie social organizational processes
5. Focus on repertoires and grammars of action
6. Interest to understand the configurational logics that tie these various elements together into organized activity

Ventresca and Mohr emphasize the aggressively social scientific standpoint of the new archival tradition. From this approach, the archive is chockfull of analyzable data that works well for content and discourse analysis. Ventresca and Mohr discuss this type of researcher:

They [the new archivalists] enter the archives in search of datasets, they rely on formal methods to reveal features of social life that would otherwise be difficult if not impossible to perceive and they put their analytic findings up front, at the core of their interpretive endeavor (p. 9).

My work fits well within the “new archivalist” mode because I did not merely read archival materials from a historiographic perspective – I looked for specific, measurable data that comports to framing analysis. From this standpoint, a clearer path is made for analyzing elite discourse and State marketing materials because I am specifically examining one organization as an end product, including its particular historical connections, its qualities and relationships, its historical relationships between commercial interests and the State combined with the commercialization of carceral labor. Because I am approaching the historical archive as a social scientist, I aimed to code the data for use in hierarchical cluster analysis, the quantitative method chosen for locating frames in the texts. In this method, the data are eventually coded as variables for statistical analysis.⁷⁰ Ventresca and Mohr (2001) write:

This approach depends upon a careful assessment of the relevant variables that are implicitly embedded within the material and a systematic method of recording the constituent information in order to apply formal methodologies. Insights here stem from attention to systematic variations, patterns, or configurations within formally measured data fields (p. 16).

The new archivalist method approaches data from the “ascending model of analysis” as defined by Foucault (1980). From this perspective, “local practices and logics of action are presumed to develop in their own fashion after which they are incorporated at higher levels of social organization” (Ventresca, p. 16). This makes sense regarding the organization of carceral labor in the US, which began as a (micro) system of localized African chattel slavery and eventually transformed into a countrywide prison industries complex on the macro level. This approach is

⁷⁰ See Jörg Matthes & Matthias Kohring (2008), The content analysis of media frames: Toward improving reliability and validity, *Journal of Communication*, 58(2), 258-279.

valuable for pinpointing “relational networks that tie elements of organizational life together” (p. 16), which is fundamental for grasping the long-term relationship between the State and commercial interests, i.e. “public-private partnerships.”

Another issue for research design deals with the types of archival materials to choose for analysis. According to Ventresca and Mohr (2001), “there are as many kinds of archive materials as there are types of organizational talk” (p. 18). Organizational talk is a key feature for understanding how the State frames itself and its carceral traffic business. Understanding the main actors who construct the State image through text and visual data, interrogating and analyzing the rhetoric created and produced by them, and exposing the rationalizations for instituting and perpetuating carceral labor necessitated a narrow focus to keep this project manageable. I looked for key, “strategic networks” (p.19), or what the State calls public-private partnerships, which remain connected over time, but which morph in appearance due to cultural pressures, social change, and resistance.

A final consideration about research design from the new archival tradition concerns the intention behind data collection. Is it a means to learn about a specific object, or is the data “used in the service of understanding the relations among objects” (Ventresca, p. 17)? Because I examined State prison industry discourse and the relationships between public-private partners and elite political actors as well as the imbricated roles of Congress to manage commerce and make laws, the relational approach fit better than the “object-oriented” approach for studying the organization of carceral labor. If this research was simply studying “carceral labor,” the object-oriented approach would be more useful.

An excellent example of the new archival method’s diverse application is an investigation by Guerra-Pearson (2000), who examined custodial institutions of the 19th century and created a

database out of an enormous data set. She examined primary source documents to gather information about “architectural details of buildings, the rationale behind various decisions, the ways in which and the amounts of money spent, the architect’s comments, the practices that were embodied with the organization, classifications of inmates...” (Ventresca, p. 20)⁷¹ The data shows “the material embodiment of the ideas which both defined and fundamentally shaped the organizational character and competitive success of these institutions” (p. 20) In other words, for organizations of social control, the results of her research demonstrated how architecture is, indeed, reification.

The findings of Guerra-Pearson’s work is indicative of the power of social cognition and is reminiscent of the connection between the “factories” on the West Coast of Africa and the “factories with fences” euphemism used by UNICOR. First, the “factory” is a historical and literal term – the *factor* being the business owner, and the *factory* being the place where business is transacted. The factories on the African coast were transitional buildings for confining captured Africans, who were transformed into commodities (slaves) for use in the New World. The factories were holding stations where slave ship captains picked up their “goods” (commodified human beings) for shipment to slave owners. When Justice Burger coined the term “factories with fences” to define UNICOR’s purpose, it was likely no coincidence. Factories can be imagined as cognitive placeholders that represent the physical gathering place of a centuries-long, systematic, and racialized carceral traffic project. Because of the power and influence of western globalization, today’s carceral prison factories are also used as transitional spaces, which are culturally and cognitively bound to the African carceral slave factories.

71 Ventresca & Mohr (2001) use F. Guerra-Pearson (2000) as an example of new types of research being conducted in the archives using, what they term, a “new archival method.” From the unpublished dissertation of Guerra-Pearson (2000), *The chief ornaments of the Christian Metropolis’: Charitable, moral and benevolent institution building in New York City, 1736-1920*. University of California Santa Barbara.

The value of using primary source, archival data for content analysis cannot be underestimated. Examining the State's organizational texts in the field of government archives firsthand increases the likelihood of provenancial discovery. It also, creates an opportunity to apprehend buried State memories that shaped the current racialized and over-carceralized U.S. society. Examining and coding prison industry materials and other, related government-produced archival materials (for example, Congressional hearings) has the potential to expose the State's deliberate role in constructing the bifurcated, carceral labor-for-profit/social control frame embedded in the 13th Amendment, which then drives the economic incentive for mass incarceration and the proliferation of carceral traffic. Marketing narratives illuminate cultural-cognitive associations with the African slave trade that still guide State and commercial organizations' actions and keep them unconsciously dependent on the defunct and un-Enlightened Black carceral frame.

3.4 **Measurable Data**

What is “measurable data”? The answers will vary according to discipline, thus pointing to another aspect of the ambiguous and complex nature of the archive. Velody (1998) attempts a partial explanation by suggesting historians may receive the archive as a “more or less clearly signified space” (p. 11); whereas social scientists may view it more as a space of contestation and power (Schwartz and Cook, 2002, p. 5). There is evidence (because of interdisciplinary influences) that methods of studying the archive are in flux. The archive is a place possibly immune to the type of scientific analysis utilized by the natural scientist, i.e. “deductive argument resting on quantitatively assimilable data” (Schwartz, p. 5). Some positivistically oriented sociologists, for example, will take issue with “data” that cannot be quantified, and thus, de-legitimized as unscientific. Velody (1998) speaks to the scientific needs of some social scientists, which use the archive to produce data. To legitimate the social sciences (sociology, anthropology and psychology, for example) in terms of being scientific, these disciplines have attempted to “establish standards of data collection and collation” (p.6) and engage in scientific methods on par with the “natural” sciences. However, these types of sociological inquiries often ignore and exclude the value of social narratives and other qualitative data. Manoff (2004), and others who work in the archives, deems this approach “highly problematic” (p. 14). Exclusion of social narratives can lead to a skewed, superficial, and anti-humanistic portrait of American sociopolitical life, which this dissertation attempts to avoid by including participants’ voices.

3.5 Institutionalization, Organizations & Contextualization

Understanding how institutionalization interacts with the archive is fundamental for developing a theoretical understanding of it. Velody (1998) unpacks perceived differences between how social science disciplines approach, use, or define the archive. He calls this the *age of blurred genres*.⁷² This may simply speak to different ways of making meaning of meaning, which is an epistemological issue. Velody's work highlights the importance of possessing the ability to question the archive's existence. It is a critical undertaking to know the rationale for creating an archive and the role it plays in the system of institutionalization.

Contextualization is a key concept when working with discourse in the archives, and corresponds with the study of ideologies, where context also plays an important, even pivotal role. Sternfeld (2011) examines digital historiography and archives using a triadic framework to explain three archival practices. By combining archival theory with historiography and digital archivization, Sternfeld created a theory he calls *digital historiography* (p. 544). Selection, search, and application of metadata "form the theory's foundation for determining a digital historical representation's contextualization, which may aid in assessing its trustworthiness and effectiveness to communicate historical knowledge" (p. 544). These three methods of contextualization are not limited to digital archives. He writes,

These archival processes unlock the many layers of a digital historical representation's contextualization. Each relationship or potential relationship between units of historical information – brought together by a selection process, a search inquiry, and archival provenance – reflects an act of historical interpretation by the representation's creator that signifies a convergence of historiographical and archival decisions. In the end, contextualization contributes to a representation's trustworthiness and consequently its effectiveness (p. 548).

⁷² Velody quotes C. Geertz (1983) from Chapter 1. *Blurred genres: the reconfiguration of social thought in Local Knowledge*. New York: Basic Books, 19-35.

In other words, contextualization is an act performed by the archivist, and contextualizing history is key to understanding and relating its cultural meaning and significance. Context was a key reason the FDR Presidential Library was chosen after three previous trips to the National Archives. The library's digital collection was good but limited; and given Roosevelt's crucial role in the evolution of prison industries, it was necessary to see the collection of his papers firsthand to gain a greater understanding of historical and social context.

The need for contextualization is an ongoing practice in the archive, which is an intertextual space of ambiguity (Velody, p. 5). As an intertextual space, different methods are available to make meaning from the data. In the classic sense, archival research methods are used simply to study historical documents produced by "organizations, individuals and events of [an] earlier time," (Ventresca, 2001, p. 2). As far as organizational science is concerned, the "production of written documents" (p. 3) is foundational within modern organizations, which Ventresca and Mohr suggest are "fundamentally systems of talk... [and] represent forms of social discourse – literally" (p. 3). Noting the connection between text and power, the authors write, "The production of written documents may well be the most distinctive quality of modern organization life" (p.3), and the government's "prison industry" discourse affirms and supports this statement. Indeed, nothing happens in an organizational structure without text production, which Ventresca frames as "social discourse;" and archival records, he suggests, hold the power of truth telling (p. 3).

3.6 **Social Memory and the Archives**

“No memory is possible outside frameworks used by people living in society to determine and retrieve their recollections.” – Halbwachs (1941, p. 43)

The State archives serve a symbolic function as an authoritative space of political power. In general, the archives also play a distinctive role in maintaining status quo ideas about social history, challenging historical representations, and even creating better understanding about lived realities of shared experiences. Cultivating social memory and historical understanding through archival practices has been a tool the State uses for maintaining group solidarity that reinforces traditional historical accounts and ascribes authority to the State. The archivist, too, is a key player and a provenancial actor, who possesses the power to “interpret the archives” (Derrida, 1995, p. 10) and “shape social memory” (Sternfeld, 2011, p. 557). [See Figure 3, p. 88 for an example of U.S. slave discourse intersecting with social memory.]

In the late 20th century, when “memory” became a cultural topic of interest Blouin (2011) claims, “the validity of multiple pasts challenged established archival assumptions of a shared and unified past” (p. 98).” The previous power that traditional historical accounts had over historians working in the archives was transformed by interdisciplinary scholars, who read history – and reported it - in critical and contested ways. The archives have the power to maintain normative historical memories on one hand, yet also holds power to reveal counter-histories of marginalized Others extracted from the dominant narrative, thus complicating traditional recitations of historical events that connect individuals to a social memory. Social processes that interrogated classic, historiographic recall have changed what was once called “historical memory” to what is now known as “social memory” (p. 99). The archivist’s role, which (subjectively) appraises and selects documentation from the past lays the foundation for social anamnesis (Derrida, p. 14) or social remembering – and of course the archive also

contributes to social and historical amnesia (Blouin, 2011, p. 111). French historian, Pierre Nora (1989) ascribes a relational power of externally signified objects to the maintenance of social memory. He writes,

Modern memory is, above all, archival. It relies entirely on the materiality of the trace, the immediacy of the recording, the visibility of the image ... [t]he less memory is experienced from the inside the more it exists only through its external scaffolding and outward signs – hence the obsession with the archive that marks our age (p. 13).

From this perspective, memories become social objects – and, in relation to the power of the archive to contain history, Blouin writes, “acquire categorical meaning” (p. 111).

Additionally, Blouin convincingly explains how social memory is subject to practices of nostalgia, remembrance, and commemoration (p. 98). This is a political issue and applies directly to prison industry and UNICOR discourse. The State-produced *Factories with Fences* pamphlet can easily be framed as a commemoration of US carceral history that expresses the social normativity of carceral practices directed at Black males and administered by white ones. It represents a celebration of events that depicts historical carceral progress girded by an Enlightenment fascination with commerce, labor, and war – both actual and euphemistic. Blouin correctly sees a link between social amnesia and commemoration (p. 107). How societies remember and forget is directly connected to the hegemonic narratives that create and sustain social memory.

The method that history uses to remember or forget is epistemological. How societies process knowledge is contingent on social memory, which encompasses political memory and the authority to construct history. The archives may serve to moderate truth claims of a popular past – but only if the archivist has maintained evidence (data) of it. Blouin claims, “dominant narratives of social memory ... almost always are cast ... in morally positive terms, but such historical revelations simply may not match, or confirm, the truth of lived experiences,” (p. 106).

He argues the archival space has a “tendency to suppress social memoirs that contradict the master narrative,” or what Huistra, Paul and Tollebeek (2013) call, “an epistemological master pattern” (p. 11).

The memory of carceral trafficking is sanitized in the modern world, and called simply: prison labor and prison industries. But social memory, according to Blouin, “is not some magically constructed body of ideas or images, but a sociocultural artifact in and of itself, an imagined reality of the past that is socially and culturally articulated and maintained” (p. 112). The archives contain and produce “imperfect” and subjective history of collectively remembered pasts; however, the memory narratives held in the archives represent a signified form of cultural connectivity and reflects the institutions, which construct meaning (Blouin, p. 112).

3.6.1 Notes on Suspicion

The “suspicion” theme runs through a great deal of archival theory literature, and is a familiar refrain echoed by many social disciplines as a contestable issue that weighs heavily on the archivist tradition. In the piece, *Between Memory and History*, Pierre Nora (1989) writes, “History is perpetually suspicious of memory ... and its true mission is to suppress and destroy it” (p. 9). Suspicion of cultural, religious and social facts, traditions and rhetoric represents one of the more positive aspects of the unending project of Enlightenment. Manoff (2004) suggests there is “postmodern suspicion of the historical record” (p. 14), which directly implicates the archives and archival materials (and archivists) as accomplices in creating what is and is not remembered in the sociohistorical group mind. Additionally, Manoff asserts, there is a shared interdisciplinary suspicion of institutionalization in the archives. This makes sense from a critical perspective, and is a suspicion with which I relate – and one that drives the basis of my research. The politics of archival appraisal is another theme in archival theory, and must be considered

when examining historical documents because, as Greetham (1999) observed, “all conservational decisions are contingent, temporary, and culturally self-referential, even self-laudatory: we want to preserve the best of ourselves for those who follow” (p. 20). The State’s archives should be approached as both historical *and* political repositories. My own suspicions about the meaning of social problems like corrupt *mala prohibita* lawmaking, mass incarceration schemes, and racialized social cognition that accepts the Black carceral frame as a cultural normativity had to be weighed against the archived materials made available for reading. My success in the archives was dependent on the intentions of State actors to preserve the evidence to make my case.

Suspicion of his-story, and what artifacts are or are not included in the archives, has a constant presence in disciplines that grapple with gender, race and class. State archives contain instantiated political utterances, signaling the exact moment when a sociopolitical policy is birthed from a political actor’s thoughts, through (his) words and, ultimately, into political action (law and policy). These moments of provenance manifested real world, and avoidable, negative consequences. Take, for example, the incorporation of prison industries or the actual personal note written by a U.S. Attorney General to the president, tucked in a file from his office about postponing the federal anti-lynching law because of politics and timing. How many Black men and boys were terrorized during the time it took the federal government to finally act?

THE ABOLITION SCHEMES OF NEGRO EQUALITY EXPOSED.

SPEECH OF HON. W. A. RICHARDSON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES, MAY 19, 1862.

Mr. RICHARDSON.—Mr. Chairman, I desire this morning to submit a few remarks for the consideration of the House and the country. It is not my purpose to discuss questions pertaining to the army already in the field, which, if judiciously officered and managed, is able to crush out the rebellion. I shall direct my attention, therefore, to the consideration of some of the many new questions which are continually arising during the progress of this terrible civil war.

NEGRO EQUALITY DETERMINED UPON.

Mr. Chairman, there is a manifest anxiety, an overweening desire, a persistent purpose, upon the part of prominent members of the dominant party in this government, to place upon terms of equality and make participants with us in the rights of American citizenship an inferior race. The negro race, which is incapable of either comprehending or maintaining any form of government—by whom liberty is interpreted as licentiousness—is sought to be exalted, even at the cost of the degradation of our own flesh and blood.

We all remember with what intense satisfaction a recent order of the Secretary of State, Mr. Seward, one of the chief clerks of the President, was received in certain quarters, because it declared that no fugitive slave should be retained in custody longer than thirty days, unless “by special order of competent civil authority.”

That I may do no injustice to the head of the State Department, and his unwarranted assumption of power, I quote the official paper itself:

“DEPARTMENT OF STATE, }
WASHINGTON, January 23, 1862. }

“SIR—The President of the United States being satisfied that the following instructions contravene no law in force in this District, and that they can be executed without waiting for legislation by Congress, I am directed by him to convey them to you:

“As Marshal of the District of Columbia you will not receive into custody any persons claimed to be held to service or labor within the District or elsewhere, and not charged with any crime or misdemeanor, unless upon arrest or commitment, pursuant to law, as fugitives from such service or labor; and you will not retain any such fugitives in custody beyond a period of thirty days from their arrest and commitment, unless by special order of competent civil authority.

“You will forthwith cause publication to be made of this order, and at the expiration of ten days therefrom you will apply the same to all persons so claimed to be held to service or labor, and now in your custody.

“This order has no relation to any arrests made by military authority.

“I am, sir, your obedient servant,

“WILLIAM H. SEWARD.”

PRIVILEGES FOR THE NEGRO—OPPRESSION FOR THE WHITE MAN.

While Mr. Seward was issuing this order for a general jail delivery of the negroes, he was also

sending, under a usurpation of power, and in violation of the laws and the constitution, hundreds of white men and women to fill the cells of the prisons in this District and throughout the loyal States. Against many of these white men and white women thus incarcerated by this despotic Secretary of State, no charge has ever been made; they are imprisoned without the form or authority of law; and thus the personal liberty of the Caucasian is ruthlessly violated, while the African is most tenderly and carefully guarded, even to the nullification of State enactments and the national statutes. Let a rumor become current that a negro has been deprived of personal liberty—either in this District or anywhere else—and there are dozens of republican members upon this floor striving to obtain the attention of the House while they may offer resolutions inquiring by what law, by whom, when, and where, these objects of their undivided affections may have been arrested. But never yet has any of those philanthropic gentlemen made inquiry for the law or the authority under which white American citizens have been kidnapped by the State Department, dragged from their homes, and left to pine, and die perchance, in some of the many Bastilles which this administration has established.

It is well known, sir, that if any white citizen, perhaps a father or brother, desires to visit a relative or acquaintance in the military service of this government, that he is obliged to secure a “pass” from some competent authority, and to obtain this he is required upon his honor to declare his loyalty and fidelity to the government. But the negro goes and comes within the lines of our army, whether his destination be towards or from the enemy; the color of the black man is his passport, and is received as equivalent to the pledge of honor and of loyalty upon the part of a white person.

RUNAWAY NEGROES RECEIVE EMPLOYMENT TO THE EXCLUSION OF WHITE CITIZENS.

In this District you have abolished slavery. You have abolished it by compensation, by adding \$1,000,000 to the national debt, and a tax of \$73,000 to be paid annually, as interest upon this sum, by taxes imposed upon the laboring white people of these States. Not satisfied with doing this much for your especial favorite, you extend the freedom of this city and the hospitality of the government to all the runaway negroes in the country who choose to visit the District of Columbia. You issue rations to them day after day, and week after week, rations which must be paid for through the sweat and toil of tax-ridden white men. You are thus supporting in indolence hundreds upon hundreds of black men. How many and at what cost I am unable to state, because when a resolution, asking for this information, was introduced by the honorable gentleman from Ohio [Mr. Cox], it was immediately tabled by the republican majority upon the other side of

Figure 3: *The abolition schemes of negro equality exposed* (1862). This is an example of *social memory*. Note the cognitive continuity in this discourse that frames the labor of runaway slaves in competitive terms with white (i.e. “free”) labor. This frame still exists between prison and free labor today. Another cognitive binary suggests “privileges for the Negro – oppression for the white man.” (From UIC Special Collections, Abolition Pamphlets)

3.7 **Derrida and Social Memory**

The concept of the archive shelters in itself, of course, this memory of the name arkhe. But it also shelters itself from this memory which it shelters: which comes down to saying also that it forgets it. –Jacques Derrida, (1995, p. 9).

The final word about social memory goes to Jacques Derrida (1995), who appointed the archive as a scene of “institutional passage” (p. 9) where authorities (*archons*) file private documents, effectively placing them under “house arrest” (p. 10) in a process of domiciliation that Derrida admits is patriarchic and possesses the authority and power of consignment – not only the power to deposit documents for archival, but the power for “gathering together signs” (p. 10). The power of the State authorities to frame meaning is the power to construct historical truths and embed them in the social mind for recollection. The importance of reaching into Congressional narratives to wrestle the deliberative nature of white (male) supremacy, social control and commercial rhetoric out of suspicious “good intentions” embedded in U.S. Abolition cannot be understated. On the other hand, the archive also holds potential for undermining the historical process of authoritative memory making, and transform the archive from a hidden realm of buried truth to a source of social illumination.

4. METHODOLOGY

This dissertation research is heuristic, and utilizes textual and framing analysis using data retrieved from discourse located at the National Archives Records Administration (NARA), the Library of Congress, University of Illinois at Chicago Special Collections, and UNICOR website. I used primary source archival data to examine the historical and elite text and talk of elite actors, and at NARA, used the keywords: “prison industry,” “convict labor,” and “abolition.” In the University of Illinois at Chicago special collections, I examined and coded all the pertinent Abolition pamphlets and other post-Abolition discourse held there. Three significant, historical and carceral-oriented timeframes were chosen to frame this project: 1865 (Congressional approval of the 13th Amendment), 1934 (Federal Prison Industries, Inc. is created and approved by Congress), and 1979 (Prison Industry Enhancement Act is approved by Congress). These legislative events can be viewed as ‘stages’ on the carceral continuum. The discursive correspondence between elite actors in public-private partnerships and other systemic actors will be explored, measured, and compiled to reveal a cognitive framework for identifying an discrete and fluid carceral trafficking ideology.

4.1 **Data Sources: The National Archives, FDR Library, and UIC Special Collections**

Archives frame history and memory in the context designed by those who have authority over its contents. The information and data available to the social scientist is predicated on the organization of the archive, its openness, and its accessibility.

The National Archives apparatus is gargantuan, and a State exercise in biopower, governmentality and securitization. Information from the “Archives.gov” website describes a nationwide “network” of federal repositories scattered across the U.S. Accordingly, the government maintains fourteen actual “National Archives,” nineteen “Records Centers,” and

fifteen Presidential Libraries. These “brick and mortar” locales contain the tangible, archived records, mainly in the voluminous forms of paper, film and photographs – all of which are subject to a complex system of coding, details, cataloguing, subjectivity, and surveillance. The sheer weight of this archival system is further evidenced by the complex nature of the government’s website, which at first sight appears organized and easy to navigate - but which is governed by institutional regulations, technological rules, organizational limitations, and multiple, human-instigated, subjective barriers.

The virtual database of the National Archives offers only a fraction of the vast amounts of information available to researchers. The digital archive is only able to produce as much digitalized information, as a human being is capable of inputting (scanning and uploading); therefore, the resulting data is not fully representative of available information in the physical archive.⁷³ There are other issues affecting acquisition of information in digital databases, including syntax of search terms and limitations related to digital architecture, indexing and cross-referencing that inhibit successful digital queries, and which flummox even the most seasoned internet user.⁷⁴

My research experiences in both virtual and actual National Archives were not unique; however, the topic of interest (carceral traffic), combined with a hyper-awareness of the State and an omnipresent criminological imagination, made the performance of archival research inside the belly of government memory an unparalleled research experience. The tangibility of

73 This is evidenced by the inclusion of countless “Request for Records Disposition Authority” forms from keyword searches. These forms are used when an agency sends items to the archives, and instructs the archive how to treat the (generically described) contents; however, to view the items, one must go to the physical archive.

74 In general see Joshua Sternfeld (2011) for deeper insight into contextualization issues and other limitations associated with digital historiography, a term he developed to define digital, archived databases.

experienced governmentality was of inestimable importance to this type of epistemological engagement, and the experiential difference of governmentality between venues was palpable.

Each of the research locations was chosen based solely on the availability of “prison industry” or “Abolition” data. Every National Archive locale: College Park, Maryland; Kansas City, Missouri, and Hyde Park, New York, offered a unique selection, and uniquely different research experience. There was some overlap in procedure, but differences in the performances of biopower by State actors were extreme and seemed to increase due to proximity to the seat of State power, i.e. Washington D.C. Kansas City was the friendliest National Archive location I visited, and the FDR library was the most protective, and emotionally detached; however, College Park was equally as regimented as Hyde Park, and both were highly surveilled arenas throughout the entire facilities, not just the research rooms. The UIC Special Collections department was on par with Kansas City regarding access and amenability. The procedures were streamlined, and the staff was efficient and extremely knowledgeable about the Abolition materials. See Figure 4, *Archival Discourse Distribution*, on the following page for an expanded description of the research experience at each venue.

All combined, these archives embodied many of the concepts derived from the study of archival theory, particularly the element of suspicion, which is the precursor to the development and institution of so much surveillance. No matter how engrossing the discourse might be, the feeling of being watched and scrutinized was real. The State actors, no matter how friendly, were charged with protecting the government’s sacred papers, remnants of subjective histories. Fundamentally, the National Archives are a repository of ideologies; thus, the archives are also ideological in that they constitute and contain the “cognitive core” of State identity (van Dijk, 2002, p. 2).

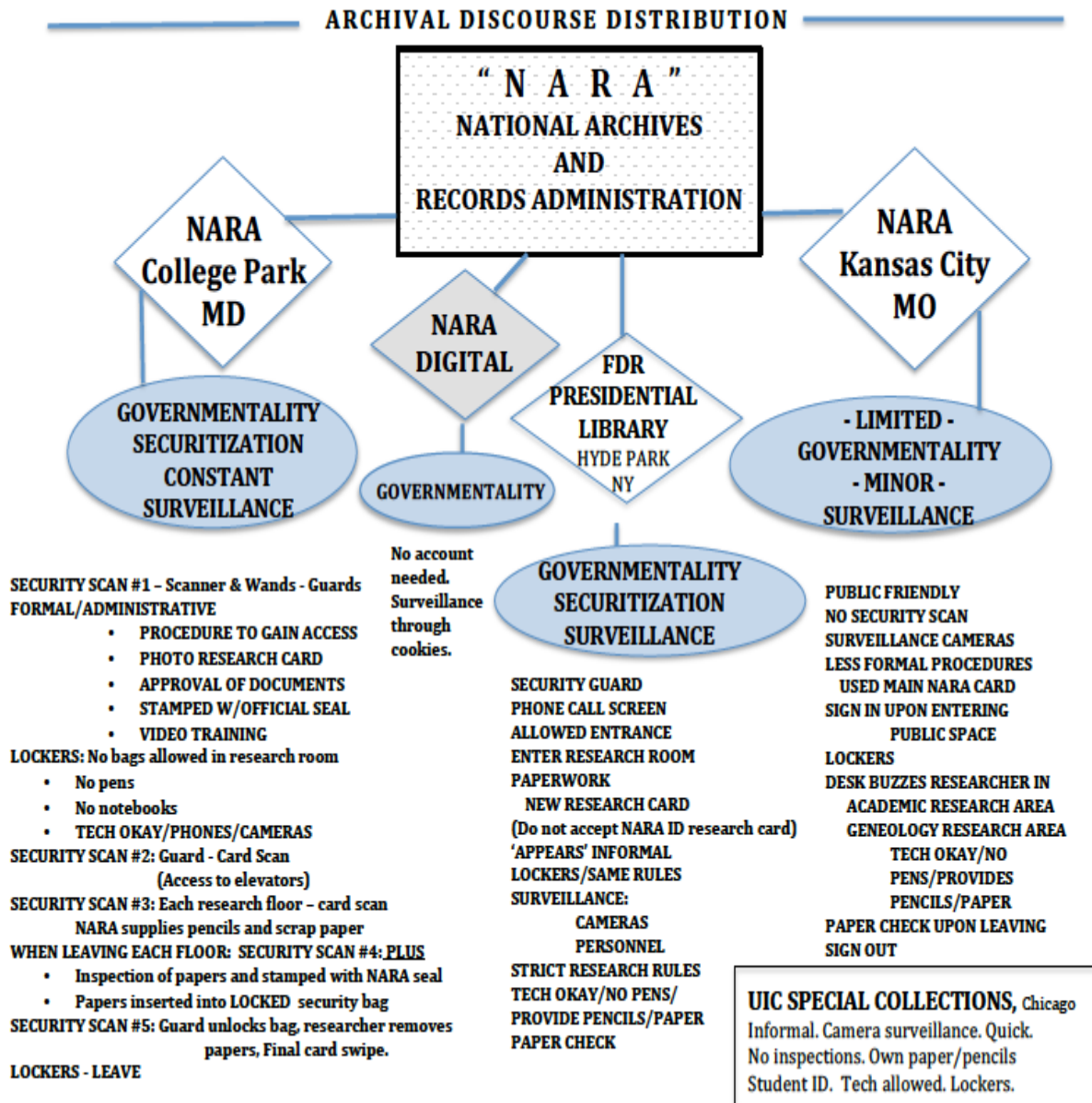


Figure 4. Archival Discourse Distribution: A Research Exercise in Archival Theory, Governmentality, Securitization and Surveillance

4.2 Organizing the ‘Data’

The government’s archive organizes its vast discourse under “National Archives Identifier” and a “local identifier” called a “record group.” Prison Industries is located in the Records of the Bureau of Prisons, or BOP, and identified numerically – regardless of location as Record Group 129.⁷⁵ For example, a “moving image” made by the BOP would be locally identified as “129-IPPA-X” (the ‘X’; representing the number of a particular movie). This numbering system proved overly complex and unnecessary for this project, so I streamlined the identification process. Instead, I devised a simpler method for identifying and organizing the various pieces of data I encountered and photographed in the archives.

Each piece of discourse was numbered using simple numeric sequence (1-301), identified each piece or section by year, by type of discourse, and the location of the data (*See* Tables 1 and 2 on the following pages). This was done to facilitate a reasoned method of coding, inputting, and analyzing the data in SPSS as well as for replication of the findings should another researcher attempt this type of engagement with the archival materials I found using the search terms “prison industries,” “convict labor,” and “Abolition.”

To further facilitate statistical analysis, the “Year” variable was recoded into three time periods: 1833-1900, 1903-1946, and 1963-1992. Most of the discourse for this study was produced during the middle time period. Because federal prison industries was incorporated

⁷⁵ Four National Archives hold 129 record groups for prison industries. The prison industry (129) data I examined were located at College Park, Maryland and Kansas City, Missouri. I visited both locations (College Park twice). The Record Group 129, Prison Industry holdings for McNeil Island were not necessary for this research. All Atlanta 129 record group holdings had been sent to the College Park location, although they are listed as holding 257 cu ft of materials. (Leavenworth in Kansas City, Atlanta, and McNeil Island represent the first three federal prison locations with Alcatraz added shortly after FPI, Inc. was founded.) After the first three trips to NARA facilities, I found it necessary, based on my research, to travel to Hyde Park, New York to witness the provenance of “FPI, Inc.” in the holdings at the FDR Presidential Museum, which is also a part of NARA.

during that time period, and represents a historical turning point in U.S. carceral trafficking, oversampling of this era is warranted.

Critically reading the compiled government discourse was only the first step in processing this archival data. For quantitative analysis, a comprehensive list of all the mutually exclusive topics contained in the texts had to be compiled and turned into useable variables for this research. The subsequent data set was constructed within statistical software, and each of the 301 pieces of coded discourse was entered in the construct. The unit of analysis is each piece or section of discourse. The discourse was then assessed and coded using 68 mutually exclusive variables that had been identified in this type of discourse, and which represent framing elements comprised of topics, actors, causal attribution, moral evaluation and treatment (more on this in the next section). The coding process determines if any, all or some of the variables were “present” or “not present” in each of the n=301 articles.

ID		Frequency	Percent
FDR	FDR Presidential Library	62	20.5
LOC	Library of Congress	46	15.3
NARA1	College Park	111	36.9
NARA2	Kansas City	54	17.9
UIC	Special Collections	28	9.4
Total		301	100.0

Table I. Frequencies: Codes for Locations and Totals/Percentages Each

CODE	TYPE	Total
AC	Academic	2
C	Court Papers	1
CDB	Congressional Debate	13
CR	Congressional Report	3
CSP	Congressional Speech	10
CST	Congressional Statute	8
EC	Elite Correspondence	68
GP	Government Publications	8
M	Memo/Report	90
MAG	Magazine Article	2
MV	Movie	16
NL	Newsletter	27
NWS	Newspaper	40
SP	Speech	13
Total		301

Table II. Totals: Codes for Types of Archival Discourse

4.3 **Framing Method and Hierarchical Cluster Analysis**

As previously noted, my research employed the framing analysis method designed by Matthes & Kohring (2008), who suggest 1) texts are simply “clusters of frame elements” (p. 293), and 2) statistical analysis may be better suited for identifying frames than the researcher alone. This method is predicated on the framing concepts of Robert Entman (1993), who contends, “To frame is to select some aspects of a perceived reality and make them more salient in a communicating context, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described,” (p. 52)(Entman’s emphasis). Like Matthes & Kohring, my research uses Entman’s definitions as the template to construct a pattern frame.⁷⁶ The pattern frame is a compilation of variables observed together in a text. Through the use of hierarchical cluster analysis, each of the frame element variables forms specific patterns that result in clusters or frames. These frames conceptualized the scaffolding from which I formalized a carceral traffic ideology.

The elements within each article contain at least one topic, and an actor or actors. These two elements represent the main subject or problem in the discourse. Following Matthes & Kohring’s (2008) example, all codes are mutually exclusive, exhaustive and independent (p. 266). The topic variable consists of many subtopics (*see* Table VI, p. 307), which have been collapsed into 49 topics and 19 actors, and entered into the dataset as variables. Several carceral leitmotifs were included in the topics and analysis: Metaphor; Rationalization; Rhetoric; Patriarchy; Critical; Positivism, and Biopower. Causal Attribution, Moral Evaluation and Treatment variables were operationalized in the same manner. The frame elements of Causal Attribution were determined by who, or what, was responsible for the problem or topic of the

⁷⁶ Entman’s frame elements are as follows: Problem Definition (Topic and Actors), Causal Attribution, Moral Evaluation (how or if the social problem is portrayed in a moral framework), and Treatment (positive, negative, or neutral) of the problem.

article. This variable was condensed into System and Prisoner/Slave. The Moral Evaluation frame was operationalized as “moral,” “immoral,” or “neutral.” Moral Evaluation applied to the attitude of the actors or the theme of each discourse/data. Sometimes more than one was present. The Treatment variable was operationalized in terms of “promotes” or “repudiates” carceral labor practices. Table 3 illustrates the coded variables in the context of the frame elements defined by Entman (1993) that were operationalized for cluster analysis (see page 121).

The variables were computed as a binary variable being present (1) or not present (0). Matthes & Kohring (2008) excluded variables with frequencies less than 5% from their final analysis, so I followed suit and eliminated three variables that had no bearing on the results. In terms of reliability, Matthes & Kohring attribute advantages for using this method because the coder extracts elements from the discourse, but statistical algorithms construct the frame, thus eliminating subjective frame definitions created by the researcher. Given the subjective nature of archival research in general, any steps that can be taken to introduce objectivity to the research is eagerly embraced.

4.4 **Results**

The purpose of explaining the social problem of carceral traffic this way is to provide visual evidence of invisibilized cognitive energetics, a term I am using to describe *elements of thought* that are manifested in discourse through the use of language in the form of ideologies that become more energized over time. The resultant dendrogram, produced by hierarchical cluster analysis, is useful for identifying themes, organizing the discourse, and providing a visual aid that facilitates intuitive analysis of the resultant clusters, or in the case of this type of discursive research, *frames* (see the dendrogram for this project in Figure 5, p. 103).

Cluster analysis identified structures within the data; subsequently, three clusters or frames were identified from the dendrogram and provided easy interpretability. Table 3, p. 121, lists these frames with mean and standard deviation using the following labels: 1) Ideological, 2) Carceral, and 3) Elite. The mean score facilitates interpretation of each variable within each of the computer generated frames, as well as the frames themselves. The mean score represents the amount of data containing a particular variable; therefore, the higher the mean score, the more often the variable was read and coded for analysis. Although occurring less frequently, the variables with lower mean scores are also important for the analysis and provide meaningful interpretation of the overall frame analysis (Matthes & Kohring, 2008). A more thorough examination of each frame is analyzed later in this section; however, a general overview of key statistical results is in order.

Several Pearson Chi-Square tests were undertaken to test relationships between variables. For example, Moral Evaluation was significantly related to the year the discourse was published. Overall, carceral discourse topics were deemed moral or neutral (85%) by the actors creating them, with most of the immoral evaluations coming from elite actors during the 19th century

(43%). After Abolition, attitudes toward Black carcerality changed and much of the contestation regarding incarceration was based on perceived competition between “free” and “convict” labor and not human rights. This historical trend was reflected in the discourse; for example, results show negligible instances of contestation between elites in the years 1963-1992, and 17 instances (30%) of contestation during 1903-1946 when tabulated with free labor. When computed with carceral labor, statistics show similar amounts of contestation: less than 3% during 1963-1992, compared to 22% during the middle period (1903-1946) of prison industries. During the early period (1833-1900) contestation was present in 83% of articles where free labor was a topic and 72% during the same time frame for carceral labor.

Biopower was present in every type of elite discourse in this study and present in 224 pieces of discourse or 74% of the data set. It was also, unremarkably, significantly related to several other variables for the fundamental reason that carceral practices arise out of government and those agents who ‘do’ carcerality are engaged in biopower writ large. For example, whenever law and order was present biopower was present 74% of the time. Biopower and the presence of technology, administration, carceral consequences, labor users, and Congress (to name a few) were also significant. Biopower was also present with Gender in over half the discourse, which is predictable; and Gender, alone, was present in 53%; in other words, whenever Gender was present it was likely that Biopower was too. The Gender variable was coded as present whenever words like “men,” “man,” “his,” or “women” were used; however, women were sorely missing from elite carceral traffic discourse, except in administration documents. One of the more memorable (and irrelevant) examples of female presence in archival data was found at NARA in Kansas City, which had a collection of handwritten letters from women asking the warden for a pen pal, and included carbon copies of his responses (of course

none of this data was included in this analysis). The entire carceral apparatus and the discourse it produces were authored by, or focused on, men. Had gender been coded as present for authorship, the result would have been almost 100%. Some of the anti-intuitive and insignificant statistics in relation to biopower were Prison Staff, President, Expert, and Industry.

The five variables in the data set with the highest sums were: The State, [272, 90%]; Institutions, [252, 84%]; Administration, [249, 83%]; Positivism, [230, 76%], and Biopower, [224, 74%]. Each of these topic and actor variables are located in the *Elite Frame*, and represent an overriding theme associated with a formalized carceral traffic ideology.

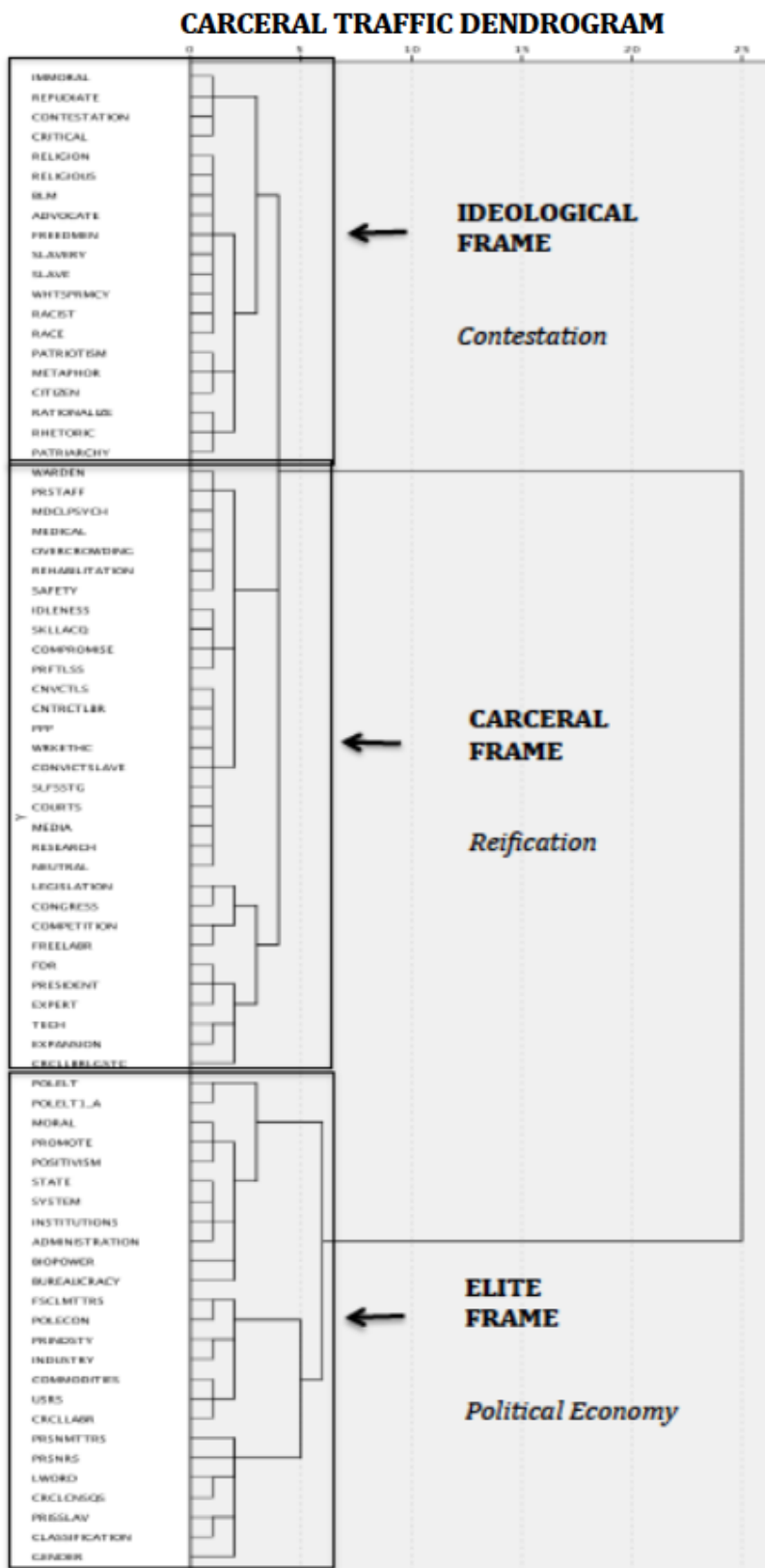


Figure 5. Carceral Traffic Study Dendrogram.

4.5 **Ideological Frame**

The theme of this frame is “Contestation” and reveals competing social cognitions at work in the discourses, including systemic ideologies like race, religion, and patriarchy. It is interesting how these particular constituent elements grouped together to create this frame. The constituent elements are the cognitive seeds that govern U.S. sociopolitical memory, influence(d) racialized and class-based carceral policies, and continue to foster resistance and contestation.

4.5.1 **Race and Ideology**

Ideals of equality included in the Constitution did not apply to people of color and women, and attempting to ‘make it true’ could not (and have not) overcome the ideological power of white male domination that constructed and legalized racism and sexism in the United States.

The following excerpt is a fantastic example of political elite ideology at work, and was delivered to the Senate in March of 1864 during a debate about the Thirteenth Amendment and Abolition prior to approval. Senator Saulsbury of Delaware discusses the authors’ true intentions when constructing the Declaration of Independence, and highlights the cognitive reason(s) Emancipation and Reconstruction failed, leaving the U.S. with the crippled social fabric it has today.⁷⁷ Saulsbury avers:

Because they inserted in the beginning of that declaration a general speculative truth that “all men are created equal,” it is said that was an acknowledgment by them that slavery itself was wrong. Why, Mr. President, how absurd! The authors of the very instrument, themselves slaveholders, declaring to the world that they were criminals, and up to the time of their death, by holding slaves in bondage, continued to be criminals! No, sir. They were speaking not of the rights of the subject race in their own midst, but of those rights to free and independent government which distinct political communities had, and that as against other distinct political communities a separate people had a right to govern itself, and derived that right from their Creator. It might with as much reason be contended that because in the preamble to the Constitution it is said “We, the people of the

⁷⁷ Note: Delaware did not ratify the 13th Amendment until February 1901.

United States,” that thereby is meant that the negro race, the slaves at that day, helped to form the Constitution of the United States because they are persons. But in the sense in which the instrument was formed they constitute no people, having no voice in the Government under which they live. (The Congressional Globe, 1864, p. 1365.)

Saulsbury was likely correct. There was no intention to include or protect the rights of Blacks (and women) in the Constitution, and this country still struggles with these issues because of these original intentions. It appears impossible to “amend” and overcome the cognitive impulses embedded in political discourses and Law; and Saulsbury seemed to intuit that reality. Simply put, Southern social cognition was unable to assimilate a new framing of free and equal Blacks – by force or otherwise.

Another ideological and race-embedded concept, “Freedmen,” is also located in this frame, and applies to both “freedmen” (the “new” term given to newly emancipated slaves; in other words a racialized cipher) and references to the Freedman’s Bureau, a federal government agency created during Reconstruction to administer the logistical, legal, and protective needs of freed slaves. The U.S. military played a key role in the saga of Reconstruction. Thinking about the concept of “freedmen” in ideological terms makes sense in relation to the short-lived, and contentious, seven-year history of the agency. The intentions for creating the Freedmen’s Bureau in the wake of centuries of chattel slavery were “good,” but even the name of the agency is ideological, and there was not a great deal of thought-filled energy behind its creation despite the outcome of the Civil War. It was a rational and radical idea, but one that underestimated and misunderstood the power of social cognition to reject such enormous social change. The Freedman’s Bureau was not well organized beforehand, and was originally only intended to last one year. In fact, the institutionalized ideologies of race and white supremacy far out powered the nascent ideology underpinning the creation of the Freedmen’s Bureau and the idealistic

notion of “freedmen” as it was applied to newly emancipated slaves, plus the old, racialized class system was firmly entrenched in culture. In fact, the federal government simply tried to transform the previous system into a new one based on “contracts” – using the same actors, same environment, same political economy and same racism (Peirce, 1904).

What follows is a rather lengthy, but insightful excerpt (in the “Q and A” format used verbatim in the discourse) from a Senate Committee Report, dated 21 Feb 1866, titled “Reconstruction” with questions from Senator Howard to General Rufus Saxton about the Freedmen’s Bureau in South Carolina (p. 218):

Have you any statement in writing going to illustrate the treatment of the whites toward the freedmen?

Answer. I have briefs of the reports that reached me of many aggravated cases occurring with the several districts. I have the original reports in my possession. (Witness presents the briefs, referred to and which are annexed to his testimony.)
Question. How do the whites in South Carolina feel about the education of the freedmen?

Answer. I believe it to be the desire of the large majority of the white people that they shall not be educated. Some intelligent planters, however, have assured me that they would not oppose the education of the freemen.

Question. Do they generally appear to want the black people to remain among them?

Answer. If they could manage them in their way they desire them to remain.

Question. How do you think they will manage them if the federal troops are withdrawn and the Freedmen’s Bureau is withdrawn?

Answer. I think it will be the purpose of their former masters to reduce them as near to a condition of slaves as it will be possible to do; that they would deprive them by severe legislation of most of the rights of freedmen. I think that the black codes that have passed the legislature of the State are a sufficient indication of the truth of what I say, and the most unjust contracts which they try to force upon the freemen, and which they ask the of the military authorities to enforce.

Question. If the State should have its own way in regard to the freedmen, what, in your judgment, would be the result in the course of time?

Answer. I believe it will lead to insurrection and a war of races, in which the United States troops will be called upon to aid in the extermination of the black race. I think it is the belief of a great majority of the former masters that the freedom of the black race is a failure and that slavery is his best condition, and that they desire to pursue such a policy as to prove that they are correct in that belief. I can see no hope for the freedmen except through the care of the United States government.

Question. State whether that doctrine is inculcated by persons of condition in South Carolina, from the pulpit, in lectures, discourses or essays, that slavery is the best condition for the black race.

Answer. I believe it is; I have seen it in their papers. I think they go as far in that direction in the pulpit and press as it is possible for them to do without being subjected to the restraint of martial law.

As this incredible exchange illustrates, the racist, carceral framing of Blacks was not dismantled by changes in Law, by military occupation, or as the result of a deadly civil war. The General seemed keenly aware of the motivating power of discourse to maintain status quo, race and class hierarchies. This passage is indicative of the socio-economic-carceral legacy that haunts the U.S. and which is grounded in an “ideological polarization” (van Dijk, 1998, p. 312) that nurtures us versus them schemata. White racism against Blacks runs extra deep in the South, but its divisive and intractable tentacles effectively reached into every aspect of American sociopolitical life (North and South). The combined economic, cultural, and economic traditions of the ideologically charged Black carceral frame continued in the form of the brutal Convict Lease System for another eighty years - until once again the federal government intervened and instituted a more refined carceral labor system that better suited an increasingly bureaucratic and industrialized American culture, one that had lost its taste for witnessing explicit, repressive punishment of Blackness.

More than two hundred years after quasi-Abolition, racist contestation remains real in the social cognition of Americans. The altruistic intentions of a few progressive actors, who knew

racial equality was a moral imperative, were ill equipped to overcome the centuries of socially internalized emotion, and institutional violence of, southern racism and aggression. It did not take long for the federal government to give up and abandon Reconstruction efforts (March, 1877), wherein they compromised with southern states yet again. The politically elite State actors quickly permitted other political elite business actors to (re)institute the next stage of black carcerality with impunity using the loophole in the Thirteenth Amendment to legitimate and foster their goals with no repercussions or accountability. Thus, based on the ideological roots embedded in centuries of carceral framing of Blacks, and the inability (or lack of willingness) of the federal government to successfully reframe emancipated Blacks as equal and precious human beings, the instantaneous rise of the Convict Lease System during this condensed time frame of post-abolition was likely the only rational outcome because of social cognition and the power of ideology. There simply was not enough cognitive motivation or willpower to positively alter the corrupted cognitive field. Without the military protection of the Federal government, emancipated Blacks were put at risk of being legally captured and institutionalized in the South.

Metaphors were noted in about 25% of the discourse, and were included in this research because of the role they play, and the power they have, in language, frames and social cognition. Lakoff (2008) asserts, “Language gets its power because it is defined relative to frames, prototypes, metaphors, narrative, images, and emotions...[i]f we hear the same language over and over, we will think more and more in terms of the frames and metaphors activated by that language” (p. 15). In this research, it was the political elite who referred to prisoners or slaves as “human baggage” or “hardened criminals.” This type of political speech, which frames ‘lawbreakers’ in pejorative terms is powerful and actually changes peoples’ brains when repeated over time (Lakoff, p. 130). Elite discourse that expressed advocacy for Blacks and prisoners, or

which repudiated slavery and prison industries, deeming either or both institutions immoral (for a variety of positive and negative reasons), are also part of the ideological frame. This makes sense in ideological terms and in the cognitive relationship between the constituent elements in the other frames:

“[S]ocial cognition establishes the important missing link between individual and society, between individual opinions and social group attitudes, and hence between discourse and racism...the reproduction of the system of racism presupposes the reproduction of its social cognitions...through processes of inference, learning, and sharing with the group” (van Dijk, 1993, p. 27).

So, taking the constituent elements together, the ideological frame represents the primordial ideological bases from which the topics and actors in the other two frames (Carceral and Elite) historically take cues, reify, and animate racism.

The Ideological Frame is a visceral space of contestation, rhetoric, racism, and rationalization – all of which are present to varying degrees in the discourse of this research. There is an emotional opposition of ideas between advocacy and domination based on race, ideas of citizenship, and gender norms. It is important to note that this frame contains some of the lowest scoring concepts and, in my opinion, illustrates the unconscious motivations that underlie subsequent government actions. If this was not a critical engagement, it is likely the reader would not consciously observe ideologically machinations like rhetorical devices working in the discourse that “manages how recipients will understand and especially how they will evaluate certain events” (van Dijk, 2008, p. 208) Rhetorical structures have the capacity to trigger mental representations that can persuade, emphasize or de-emphasize content, which van Dijk says “play ... an important role in ideological manipulation” (p. 3).

4.5.2 Ideologies versus Frames

Of course, ideologies and frames are not interchangeable concepts. They mean different things in social science. I surmise that ideologies are initially informed by cognitive acts (thoughts, words, and intentional actions), including framing, which are reinforced over time. From this standpoint, there is a time and an action element injected into the process that “creates” an ideology and determines its durability and intractability. According to van Dijk (1998), “ideologies are defined as the foundations of group representations” (p. 128) and “group self-schema is the core of all ideologies” (p. 129). This suggests a form of institutional reflexivity, which is evidenced in the discourse buried in the government’s archives and reproduced through institutional practices inherited by previous administrations and which continue to influence administrative practices over the long term. The *impulse* to “reform” carceral practices is a theme repeated in the archived documents I read; and the ideas *for* reform were also thematic and hinged on a two-pronged approach to simultaneously reduce ‘idleness’ and instill work discipline to improve public and institutional safety and, as the ideologically based theory goes, reduce recidivism. Because of this reflexive loop, meaningful carceral reforms are unlikely to take hold. There can be no permanent change without addressing the motivated social cognitions reifying other intentional systems preceding it. These ideological elements (intentions) do not die like other ‘life forms’ on this planet. They persist and are passed on through political traditions, institutions, and culture.

The temporally reinforced carceral framing of Africans as slaves – which included all the discourse created about, rituals performed by and/or witnessed by members of society, and which manifest in a naturalized discourse and hierarchical ‘way of thinking’ by whites about Blacks (and racial hierarchies, in general) continues to the present moment. The underlying

ideology of Black inferiority and white supremacy, and the naturalness of white authority and Black incarceration for labor and capital, originated as a mental construct in human cognition. These were simply a set of ideas and thoughts that led to actions, repeated over time by a group of white elite men in society who (continue to) control most institutions and who have the status and power to signify and define. Ideologies of Black carcerality have become axiomatic, and researchers like van Dijk agree with Critical Race theorists that racism (an ideology) is relatively permanent. They can change overtime, but the process of eliminating or transforming them is a slow one (van Dijk, p. 128).

A research trip to the government archives shows the reality of these statements and illustrates the constructive, ideological, and institutive power of elite white males. The ability to frame reality for the masses is a super power; however, it does not exist in a vacuum. Resistance to power is simply a matter of physics that can be applied to society and social movements. The longer the period of resistance, the more likely it overcomes obstacles to power.⁷⁸ The intensity of the resistance must also be factored into the equation. For example, it was not until Abraham Lincoln took office that enough power was generated through war to strike a meaningful blow to the institution of slavery, but even the Civil War was only able to change the way the institution of slavery operated. It did little to undermine or change the Black carceral frame or racism in general.

⁷⁸ See Lee, D.W. (2017). Resistance Dynamics and Social Movement Theory: Conditions, Mechanisms, and Effects. The example I use of the power and intensity of social resistance is analogous to electrical power and the way resistance is generated through a cable, cord or wire. The longer the conduit, the more resistance occurs. There is no energy without resistance. It would likely be wise for those seeking to change status quo power relations to examine the laws of physics that govern energy and power distribution. Also, see the Journal of Strategic Security 10(4), and Avison, J. (1989). The world of physics. Cheltenham: Thomas Nelson & Sons, Ltd, p. 231 for an illustration of how resistance works in nature to better understand how it can be applied to human behavior.

Ironically, transformation does not guarantee structural or even significant change. Transformation is a functional process that maintains social familiarity with little, if any, change in social outcomes - perhaps because intentions, which are embedded in ideologies, are hidden in a strategic process that Oliga (1996) calls “systematic concealment” (p. 198). Oliga describes an inverted reality (p. 198) in constitutive ideologies. This process is a form of psychological projection; wherein, internal problems of a system (for example, the human corruption and malfeasance of a chattel slavery system) are attributed externally to the victims of slavery, i.e., Black men and women. In other words, Blacks were constructed as the scapegoats for white male domination, all the while hiding the true social problems associated with enslaving African people for forced labor then and the social problems created by social control schemes like mass incarceration of Black people for profit now.

Historian Barbara Fields (1990) contends that an ideology “is not a material entity, a thing of any sort, that you can hand down like an old garment, pass on like a germ, spread like a rumour, or impose like a code of dress or etiquette...[n] or is it a Frankenstein’s monster that takes on a life of its own” (p.110); however, the contrary is likely true. Cognitively speaking, ideologies do have mental agency, existing in the subconscious of the group mind, in the form of cognitively informed constructs. These “cognitive seeds” are articulated over time and became bona fide, racialized, stereotypical formations that inform, social and carceral practices against Blacks in the U.S. today. van Dijk (2000) suggests that ideologies are a cognitive and social system (p. 4); subsequently, ideologies are a form of symbolic interaction between people and groups that are, indeed, passed down from person to person through example, practice and communication, and are disseminated through authoritative representational discourse to the subordinated individual or group – whether a family hierarchy, or a hierarchical world order.

Materialized practices, like slavery and incarceration, are reified ideological forms that are embedded, stereotyped and transmitted intra- and intergenerationally by patriarchal mechanisms like politics and religion through discourse (Van der Merwe, 1994; Essed, 1991, Feagin, 2009). A great deal of language's power comes from hidden, "unconscious aspects" (Lakoff, 2008, p. 15), and effects of language and discourse are encoded on cognitive structures in the brain and are activated through symbols, events and ideas – much of which is directed by unconscious mechanisms and thought. Through repetition (whether discursive, symbolic or interactional) ideas and actions become naturalized and assimilated. Accepting a normalized, carceral reality for Black people arises from centuries-old, cognitive processes that infected social cognitions and which were manipulated by politics of power, economics and ideologies.

4.6 **Carceral Frame**

The Carceral Frame is the largest of the three frames identified in this research. The theme assigned to this frame is "Reification," and the majority of constituent elements populating the Carceral Frame pertain to the manifestation of the U.S. federal system of carceral traffic from the fertile grounds of chattel slavery and the Convict Lease System. This frame is the concretization of ideologies and intentions of the other two frames, and represents the on-the-ground penal actors, events, rationalizations, and institutional consequences. The elements in this frame are instrumental and represent the ground level implementation of race and class-based social cognitions. According to van Dijk (1993), the reproduction of racism has a "crucial double function" (p. 27) that operates on micro and micro-macro dimensions. On the "micro level of situated interaction" racist social cognitions "underlie the actual planning, execution, and understanding of action that may have discriminatory effects" (for example, segregating

prisoners based on race and knowing it violates the law), (p. 27). In addition, the actors in the Carceral Frame operate in the hands-on world of incarceration, interacting with people from all social classes, races and ethnic groups. They exist outside the mental world of the elite who create committees and institute plans based on rational ideas. They are the conduits, or pipelines, that share, transmit and cognitively map the ideologically infused intentions and social cognitions from actors in the Elite Frame onto the prison field.

The criminal justice system begins in Congress (whose elite members represent the values of other elite actors, for example industry, so it could be argued the criminal justice system begins with the ‘vested interest’ groups) operates “along the micro-macro dimension [and] social cognitions link these individual cognitions, actions, or events of particular participants in specific situations to the overall system defining the relationships between ethnic groups” (van Dijk, 1993, p. 27). The Carceral Frame is the action level of the Bureau of Prisons (BOP) and reflects the ‘neutral’ and grounded field from which it operates.

The highest scoring means in this frame include Congress (.31), Legislation (.38), Carceral Logistics (.36), Free Labor (.32), Tech (.30), and Expansion (.30). These elements coalesce to demonstrate the ‘nuts and bolts’ of the federal prison apparatus and prison industry, and actually illuminate the role politicians and lawmaking have to institute and sustain incarceration as a sanction and the carceral traffic apparatus as a whole. Other actors in this frame constitute the administrative arm of the federal “criminal justice system.” The Courts, Warden and Prison Staff represent the normative face of the system, which has long obscured the actual motivational actors (lawmakers/politicians) responsible for creating the need for these positions in the first place. Issues of overcrowding, idleness, the subsequent need for expansion,

and the need for subcommittees of experts, often joined together in discourse to present a common theme in prison industries and convict labor archival discourse.

On December 5, 1927, the U.S. House of Representatives submitted House Resolution 17 (H. Res. 17), which in effect was the first attempt by the federal government to address the need for U.S. penal reform. At the time it was written, according to the resolution, there were 19,000 U.S. prisoners living in the three U.S. prisons (Atlanta, Leavenworth and McNeil Island). According to the report, all three were “overcrowded by more than 100 per cent of their normal capacity” (p. 1). From the report:

Whereas during the one hundred and forty years since the system of boarding out Federal prisoners in local jails and prisons has existed no standards have ever been established, either for the care and treatment of such prisoners or for the compensation of local authorities for their care and maintenance; and

Whereas no detailed facts have ever been gathered by the Department of Justice with respect to the conditions under which prisoners are kept ... and

Whereas no inquiry has been made by either House or Congress with respect to these matters for at least forty years past ...

Thus it was resolved that a committee (“experts”) would (finally) be appointed to investigate and report information to Congress about the treatment of Federal prisoners being held in all the state prisons and jails in the land. The House appropriated \$25,000 to get the job done.

After only three months from the time HR17 was established, HR145 came into being (March 23, 1928). This new resolution (again from the Judiciary Committee) authorized the appointment of another subcommittee – this time seven members – to do the same job as HR17, but instead of a report, the committee wants a survey with the goal of establishing “a Federal penal system” no later than December 1928. Meanwhile, in “A BILL” H. R. 11850 dated March 7, 1928, and “A BILL” S. 3572 dated March 6, 1929, the Attorney General was authorized by Congress to “submit a report covering the establishment of an adequate penal system.” The

Senate and the House authorized the Attorney General “to employ by contract or otherwise, and without reference to the Classification Act of 1923 or to civil-service rules, such expert assistance as he may deem necessary in the preparation of this report...”

Then, on January 31, 1929, Report No. 2303 was ready for the 70th Congress, 2d Session, titled “Report on Federal Penal And Reformatory Institutions,” and lamented, among other things, the “magnitude of the federal penal problem,” including the 10% annual increase of prisoners since 1919. The following is an excerpt from the committee regarding prison conditions in the penal institutions they visited for the report:

The committee found that a very serious crisis confronted those who were administering the Federal penal system. Due to the lack of proper program and to the tremendous increase in the number of persons arrested, convicted, and committed for violations of Federal penal laws, the penitentiaries are overcrowded and those sentenced to prison for more than one year. The committee also observed in all the county and municipal jails it visited that there was overcrowding and idleness. It also has received information which leads it to believe that these same deplorable conditions exist in many of the 1,100 local jails where short-term Federal prisoners are confined. The committee also found that the federal Government has no power to remedy the conditions in these local jails in which persons convicted of offenses against the United States are confined, and has little or not control over their discipline, employment, or general care. The committee found that the Leavenworth Penitentiary now has within its walls more than twice the number of prisoners it is able to accommodate ... the normal capacity of the Atlanta Penitentiary is 1,712 and upon the day the committee visited it there were 3,107 prisoners... [m]en are sleeping in dark, ill-ventilated basements, and corridors; improvised dormitories are in use; the kitchen and mess facilities are overloaded to more than twice their proper capacity ... and the committee does not see how any further prisoners can be jammed within their walls (pg. 2).

The reasons given for overcrowding is the “tremendous increase” in prisoners (a tautological explanation), and fails to address mala prohibita lawmaking like the criminalization of alcohol, for example. The increase of the penal population “due to the lack of proper program” is an ambiguous and indirect statement that *may be* a reference to recidivism wherein, the lack of

effective prison programs fails to rehabilitate offenders... but it is unclear, and the phrase, “proper program,” seems out of place for the era.

Nonetheless, the absence of an honest assessment that attributes a crisis of overcrowding to politics and legislation, which makes crime by making law, is unfortunate, but not unremarkable. Clearly the mental realm of the system was operating on an ideological level, unattached to the material, ground-level reality of its intentions. The neutral space of the actors and topics in the carceral frame is not a critical engagement. It accepts what is given because its job is maintenance and administration of law enforcement, legal outcomes, and ultimately negative, carceral consequences.

During this general timeframe, because of inquiries from outside, interested parties, the federal prison authorities realized they lacked (and needed) a nationwide, statistical classification and accounting of prisoner populations. Archival data suggests this process was initiated on July 24, 1928 with a direct and simple request from Representative Thomas M. Bell (D, Georgia) to the Department of Justice:

Gentleman:

Please give me the location of all Federal Prisons in the United States, and the number of inmates approximately in each, at your earliest convenience.

Very Respectfully,
Ths. M. Bell

Within two days (January 26), the Superintendent of Prisons had set about preparing the “questionnaire covering Statistics of United States Prisoners” to be sent to all jails and prisoners in the United States (state and Federal), which Hammack (Asst. Superintendent) called a “*hum dinger* of a job.” Then, on the 27th, Hammack answered Bell’s request with the modest information he had available for the “two general classes of [Federal] institutions: penal and

correctional.” At that time, there were only three penal and two correctional institutions – all of which were also part of prison industries; although, they had not yet been incorporated.

The Department of Justice also received statistical inquiries from the public. For example, a typed letter signed by “Casper Butler” of Kokomo, Indiana, dated January 1929, was found in an archived file asking the “Attorney [sic] General, U.S.A.” for the following ‘data’ (I have tried to maintain the ‘look’ of the original letter below because the structure of correspondence has changed over time, and the formatting, in my opinion, is significant):

Dear Sir: -

I would like to ascertain the number of criminals (men and women listed separately) who are confined in Federal prisons in the U.S.A.; also the number of each on parole.

In addition to the foregoing, I would like to know the number (men and women separately) confined in the individual state penitentiaries, penal farms and other corrective institutions.

Also I would like to know the number of juveniles (boys and girls [sic] separately) who are inmates of corrective institutions in the entire United States. I should be very much obliged to you if you can supply me with the above data.

Awaiting your reply with interest, I am
Very truly,
Casper Butler

Butler assumed the modern U.S. government would have these numbers readily at hand; however, at the time he wrote the letter, the “Federal penal system” was in its nascent stage, no compilation of statistics yet existed, and the Federal government did not oversee state penal institutions. In this instance, the government did not offer (or keep record of) a reply to Butler; however, other letters did receive a response. For instance, a letter dated December 21, 1928 from H.C. Heckman, Assistant Superintendent of Prisons to a Mr. McVicker, Investigator from Wichita, Kansas states unequivocally: “...you are advised that this office does not have a list of all penitentiaries in the United States, and that this department has no jurisdiction over prisoners

in State Institutions unless they are Federal prisoners ... it might be that the American Prison Association could give you the information you desire.”⁷⁹

On April 29, 1930, Assistant Superintendent, A.H. McCormick responded personally to a request for statistics from Mr. O.V. Ross of St. Louis, Missouri. The most interesting aspect of this reply is how McCormick associates prisoner convictions with specific Congressional Acts:

“Of the 10,000 or more Federal penitentiary prisoners confined in our institutions on June 30th, 1929, the greatest number, 2731, were convicted under the Harrison Narcotic Act. The next largest was under the National Prohibition Act, of which there were 1827. Third in order came those confined under the Motor Vehicle Act, of whom there were 1337. The fourth largest class were the violations of the Postal Laws, of which there were 1068. Fifth in order were violators of the Mann Act, known as the White Slave Act, of which there were 241.”

It is unusual for elite discourse to attach the names of bills/Acts with prisoner convictions.

Typically, congressional elite and lawmaking are obscured from the role they play in prison overcrowding, so this was a remarkable example.

Most prison level logistics and consequences fly below the radar of Congressional actors. There were many congressional debates in the discourse encountered for this dissertation, but in none of the discourses was Congress seeking solutions for overcrowding that included a change in lawmaking rituals. Overcrowding was a topic for remediation, but post-legislation. The answer for prison overcrowding was, and continues to be: expansion. The need for more prisons is a long running theme in U.S. corrections. These were the years of focused determination by the federal government to organize and institutionalize the carceral state. There was a real need for order, as the decentralized prison system was vast and out-of-control because the states, by political tradition, maintained jurisdiction over their penal systems at this time, and often

⁷⁹ The government has long relied on outside ‘experts’ to facilitate its penal programs, and no one availed himself of expert advice more than the FDR, who appointed many Boards and Committees to oversee all aspects of the New Deal, including the study and incorporation of prison industries.

resented what was deemed as federal government overreach (a U.S. thematic).⁸⁰ They signify the male dominated birth of the current, expansive Federal Prison Industries, and represent the actual genesis of modern day UNICOR.

Thus, in the late 1920s, through a system of sociocognitive reproduction – a system governed by gender, Law and discursive processes – the constituent elements comprising the U.S. carceral traffic ideology were reinforced by a significant, transformative process: formalized institutionalization of prison industry. Consequently, a more ‘permanent’ configuration manifested on the carceral continuum. The Franklin D. Roosevelt presidency, and the creation of Federal Prisons, Inc., followed on the heels of these weighty changes in the penal field and continued to transform-without-changing the sociocognitive, racialized underpinnings and constitutive qualities of the carceral traffic apparatus.

80 Note: All excerpted discourses in this section were quoted from primary source documents held in the National Archives and stored under the ‘129.BOP’ identifier.

Frame Elements	Ideological Frame <i>n</i> = 49 Contestation			Carceral Frame <i>n</i> = 131 Reification			Elite Frame <i>n</i> = 121 Political Economy		
	Variable	<i>M</i>	(<i>SD</i>)	Variable	<i>M</i>	(<i>SD</i>)	Variable	<i>M</i>	(<i>SD</i>)
Topic	Religion	.07	(.261)	Overcrowding	.14	(.344)	Political Elite	.60	(.491)
	Black Lives Matter	.08	(.271)	Rehabilitation	.16	(.364)	Administration	.83	(.379)
	Freedmen	.05	(.225)	Safety	.15	(.360)	Bureaucracy	.67	(.469)
	Slavery	.12	(.325)	Idleness	.20	(.398)	Biopower	.74	(.437)
	White Supremacy	.11	(.317)	Skill Acquisition	.15	(.354)	Fiscal Matters	.56	(.497)
	Race	.22	(.412)	Compromise	.14	(.351)	Political Economy	.65	(.478)
	Patriotism	.18	(.382)	Profit/Loss	.19	(.395)	Prison Industry	.58	(.494)
	Metaphor	.23	(.421)	Convict Lease	.11	(.317)	Commodities	.44	(.497)
	Critical	.29	(.453)	Contract Labor	.12	(.321)	Prison Matters	.48	(.500)
	Contestation	.25	(.433)	Public Private			Prisoners	.65	(.478)
	Rationalization	.28	(.448)	Partnership	.13	(.340)	Law & Order	.39	(.487)
	Rhetoric	.27	(.444)	Work Ethic	.07	(.249)	Carceral		
	Patriarchy	.24	(.427)	Self Sustaining	.05	(.218)	Consequences	.46	(.499)
				Research	.14	(.347)	Carceral Labor	.54	(.499)
				Legislation	.38	(.487)	Classification	.45	(.499)
				Competition	.26	(.437)	Gender	.53	(.500)
				FDR	.15	(.357)	Positivism	.76	(.425)
				Tech	.30	(.457)			
				Expansion	.30	(.460)			
				Carceral					
				Logistics	.36	(.481)			
				Medical/Psych	.15	(.360)			
Actor	Racist	.08	(.276)	Warden	.18	(.384)	Political Elite	.66	(.473)
	Prisoner/Slave	.50	(.501)	Prison Staff	.22	(.412)	The State	.90	(.296)
	Religious	.06	(.238)	Medical	.10	(.304)	Institutions	.84	(.370)
	Advocate	.10	(.300)	Courts	.10	(.300)	Industry	.44	(.497)
	Citizen	.27	(.442)	Media	.09	(.286)	Labor Users	.46	(.499)
				Free Labor	.32	(.466)			
				President	.23	(.423)			
				Expert	.25	(.431)			
				Congress	.31	(.463)			
Attribution	None	.00	(.000)	Convict/Slave	.04	(.204)	System	.95	(.211)
Moral	Immoral	.15	(.360)	Neutral	.13	(.340)	Moral	.71	(.454)
Treatment	Repudiate	.15	(.357)	None	.00	(.000)	Promote	.85	(.354)

Table III. Mean Values and Standard Deviations for Three Identified Frames Around Three Legislative Periods Combined (1865, 1934 and 1979).

4.7 **Elite Frame**

The Elite Frame is the cognitive matrix from which the modern version of UNICOR was imagined and realized by Franklin Roosevelt, who was the primary motivated and organizational actor responsible not only for a nationwide system of industrialized federal prisons, but for a revolution of social ideas taken for granted today (Social Security, 40-hour work week, minimum wage, and ending child labor, for example). Although the variables “FDR” and “President” are located in the Carceral Frame, the power animating FDR’s carceral creation is generated by the variables in the Elite Frame.

The theme corresponding to the Elite Frame is *political economy*, which is evidenced in the topics and actors that constitute the frame (italicized in the following text). It is also the most ‘powerful’ of the three frames because its constituent elements dominate the real world of criminal justice, carceral traffic, and society at large. The cognitive realm of *Biopower*, and the political intention of *State*, *Industry*, and *Political Elite* actors, are energized by a complex of institutional ideologies, which control and administer political economy like *Commodities*, *Fiscal Matters*, *Law and Order*, and *Classification*. As mentioned earlier, the Elite Frame contains all the highest scoring means in this study, which is indicative of the power embedded in these topics and variables – all of which arise out of government-created or government-saved discourse from the archives. van Dijk (2001) defines social power in terms of “control” (p. 355). Those individuals and institutions that have the power to generate discourse, and control access to it (for example, the National Archives) is a vital, “symbolic resource” (van Dijk, 2006, p. 362) and, thus, having the power to control the minds and mental representations of others, invariably, leads to control of their actions (van Dijk, 2001, p. 355). This is a key component of the reproductive process that maintains institutional race and class hierarchies in specific social

domains by transmitting a prescribed set of ideological values using the social power of elite discourse.

Prison and prison politics are exercises in social control – not only in obvious carceraly prescribed ways, but also in the ways that may or (mostly) may not allow society to access the reified construct in real life terms. This is a realm of sociopolitically instituted, mental representations that are transmitted through differential types of discourse and public displays. There has been an effectual campaign to instill fear of criminals to such a degree that all felons are constituted dangerous regardless of crime. The classification systems used by government entities are not shared with the public.

As if the process of officially documenting and institutionalizing the federal prison apparatus through congressional resolutions (discussed in the Carceral Frame section) was not complex and repetitious enough, other elite penal actors, on other levels in the penal field, were simultaneously communicating with each other through other forms of discourse, for example, using memos – thus, further embedding the discourse into other forms of action. For example, in a “Memorandum to Capt. Conner” dated March 9, 1928, the Superintendent of Prisons, W.T. Hammack, discussed the ‘Attorney General survey’ with Conner (an elite military actor), repeating the phrase: “with a view to the establishment of a more adequate penal system...” Like an incantation, all directly involved actors remain on script and reinforce the stated goal of the resolutions verbatim; but which, in terms of discourse and ideology, indicate a focal strategy by motivated actors to cognitively map agency and activate purpose, using syntax to emphasize the goal (van Dijk, 2008, p. 203).

Fiscal Matters and Classification are among the higher scoring variables in this frame, and the aforementioned memo from W. T. Hammack, the superintendent of prisons, enumerates

the daily total costs of operating institutions (in FY1928 it was 75 cents per day per prisoner; compare that figure to FY2017 which sat at \$99.45 per day each)⁸¹ as well as other financial issues. This discourse represents the provenance of a federal penal “classification” system, as Hammack tells Conner how the “Office of the Superintendent of Prisons” is ‘engaged’ in organizing the institution into a cohesive unit. One of the most interesting concepts related to “classification” in this memo is this sentence by Hammack. He writes,

The plan is that as soon as the basic facts have been developed, that experts would be requested to develop plans as to the best methods *of creating various types of criminals*, such as juveniles, recidivists, women, drug addicts, first offenders, etc. [Emphasis mine.]

Here, elite “experts” (men) *create criminal types* by defining, ranking and rating them in a “hierarchical system of intermale dominance in which groups of elite males subjugate and dominate groups of less-status...” (Sabo, Kupers, and London, 2001, p. 5). An interesting note from the 1928 memo is the absence of race in Hammack’s classification list. My research suggests the absence of racialized delineation in this type and at this level of elite discourse rests on institutional knowledge that knows most of the so-called “criminals” in the system are Black, so redundancy is unnecessary. Race is a constant and, of course, other institutional level classification systems were often organized around race and ethnicity combined.⁸²

The penal field is a sphere of governmental rules and male domination that arises from the primal depths of the masculine mind. It is his pregnant space of carceral ideas, fiscal concerns, and classification that gestates personal and administrative cognitions into concretized, hierarchical institutions. Concomitantly, through redundant processes of intense and burdensome

81 Adjusted for inflation, \$.75 is equal to \$10.69 in 2018.

82 The National Archives saved countless volumes of antique, handwritten, institutional ledgers from prison industries that include fiscal matters and administrative data, such as daily prisoner logs, which accounted for race and ethnicity.

discourse and action, elite-appointed, expert committees are given license and power to deliver a myriad of reproducible, repressive, rationalized, and complicated systems of biopower camouflaged as public imperative.

It is certainly true that society needs protection from violent individuals. The fear of pain associated with brutal harm and victimization is rational and understandable; however, most of the people incarcerated are not legitimately classified as “harmful” or “violent” in as much as they cause direct harm to others’ minds and bodies. For the vested interests in the Elite Frame, nonviolent property crimes, perpetrated by subordinate groups or individuals, rank high on the list of punishable offenses – primarily as a symbolic deterrent, but also showing where elites’ “minds are at” regarding what is important to them in terms of social control.⁸³

The public costs for mass incarceration are astronomical,⁸⁴ and pecuniary losses for the political elite can effectively be reimbursed using congressional appropriations through the public-private partnerships of the aptly named “prison industrial complex” that political elites have instituted and re-instituted for the past several hundred years. The remedies for the elite include, but are not limited to, investing (e.g. buy stocks) in private businesses that contract with the carceral State, or contract directly with the government themselves. In a piece of elite correspondence, dated November 15, 1929, from the editor from *Wyoming Oil World Publishing*

83 In 2016 FBI indicates the U.S. loses more than \$300 billion per year from white-collar crime, most of who will not be caught, fined, or sentenced to incarceration. This figure far exceeds the loss resulting from personal property crimes. In addition, the cost of incarcerating nonviolent property offenders adds tens of thousands of dollars to the public bill. This bifurcated system of justice is expensive for the tax paying public, and there are much less expensive alternatives – and policy makers know this; however, there is some form of cognitive gravity that seems to maintain the criminal justice system in a particular mental configuration that has proven resistant to change and reform.

84 Recent figures (2017) from the Prison Policy Initiative (prisonpolicy.org/reports/money.html) indicate the costs of mass incarceration in the U.S. at almost \$200 billion. Federal prison data in 2016 indicates most prisoners are incarcerated for property, drug and public order crimes; less than 8% were classified as ‘violent’ crimes. Women were implicated in the most federal property crimes at 18.6% compared with men at 5.2%. There were 172,554 federal prisoners at the end of September 2016.

Company, Inc. of Casper, Wyoming, A.J. Hazlett obsequiously addresses President Herbert Hoover, writing: “To His Excellency.” Hazlett uses his elite status as a magazine editor, who apparently catered to the domestic oil industry, to make recommendations regarding employment opportunities for “male convicts” in the “various forest reserves in the country” to deal with “a number of disastrous [sic] conflagrations” plaguing the nation’s forests. “Such employment,” Hazlett claimed, “would be heathful [sic] for the convicts, and save millions of dollars annually in the prevention of forest fires.” This is a prime example of a prospective public-private partnership. This letter illustrates how elite networks might utilize high status relationships to influence public policy for private benefit and frame it in beneficent terms. Institutions’ and organizations’ archives provide access to the history of its thoughts, words and actions as they occurred over time. Cultural shifts in society are seen in changing organizational practices stored in archival data; and incremental organizational changes can be located through archival research, which speaks to the value of archival documentation for investigating the tactics used by elite politic actors, who create and use carceral traffic to solve a multitude of social problems that they have likely created.

In the U.S. government archives, there were files after files; boxes after boxes, and library carts after library carts ... of all male everything, all the time. This imbalanced and hegemonic male-borne, cognitive condition was witnessed in full view while researching the Bureau of Prisons, Record Group 129 in the State’s National Archives system.

4.8 **Limitations**

There are some limitations associated with using the methods and materials I have chosen for this project. First of all, archival research is a labor-intensive method. Traveling to various archives for research was time consuming, costly, and required precise orchestration. These can be major, logistical limitations in some instances.

Information from the Archives.gov website describes a nationwide “network” of federal repositories scattered across the U.S. Accordingly, the government maintains fourteen actual “National Archives,” nineteen “Records Centers,” and fifteen Presidential Libraries. These “brick and mortar” locales contain the tangible, archived records, mainly in the voluminous forms of paper, film and photographs – all of which are exposed to subjective system of coding, details and cataloguing. The sheer weight of this archival system is evidenced by the complex nature of its website, which at first sight appears organized and easy to navigate - but which is governed by institutional regulations, technological rules, organizational limitations, and multiple, human-instigated, subjective barriers.

Because of the dispersed nature of government archives, I was dependent on government archivists for assistance, which necessitated pre-visit coordination and planning. Initial, digital archival research indicated that most of the archived data I needed was located in College Park, Maryland, a suburb of Washington D.C. and home to the University of Maryland. The discourse from congressional hearings is easily accessible digitally, so I bypassed the brick and mortar Library of Congress. There was a significant possibility that private correspondence between elite political and commercial actors would be scant, unavailable, or difficult to obtain. There is no way of actually knowing if elite discourse was: 1) deliberately buried and inaccessible because of privilege, 2) misfiled or cross-referenced incorrectly, 3) discarded, or 4) stolen.

Nonetheless, and on a positive note, there was a wide array of discursive data available for this project, and the “iScanner” app designed for use with the iPhone facilitated celerity, ‘on-the-spot’ cataloguing, and organization of the data.

4.9 **Reliability**

In general, textual analysis runs the risk of unreliability because of problems inherent in manual coding. Matthes and Kohring (2008) have improved both reliability and validity of frame analysis by limiting coding to frame elements and allowing statistics to develop the frames (p. 276). To develop a carceral trafficking ideology, I focused on the actors, how they frame their discourse, the actions they propose, and the moral tone of their text and talk.

Additionally, there can be issues of researcher subjectivity present in qualitative, quantitative, and archival research. Patton (1987) finds an easy fix for the potential problem of researcher objectivity, which can never be completely eliminated. He writes,

The practical solution may be to replace the traditional search for truth with a search for useful and balanced information, and to replace the mandate to be objective with a mandate to be fair and conscientious in taking account of multiple perspectives, multiple interests, and multiple possibilities (p. 167).

On the other hand, potential issues of intercoder reliability are negated, primarily because I am the sole researcher coding discourse for this study; however, a codebook for researchers could be produced, if necessary, that would explain the process, variables and measurements, and could minimize future problems in this area, allowing for replication of the study’s ideological findings (Riff, Lacy, and Fico, 2014, p. 46).

4.10 Final Words About Method

It is not enough to identify and describe the historical connections between chattel slavery and prison labor. That has been done many times before. The cognitive threads that bind these practices together, and perpetuate structural and institutional racism, are less understood. Ideologies can be forced to materialize using coded, statistical data, and addressed for criminology and criminal justice examination. Addressing the ideological underpinnings of criminal justice decision and policymaking is likely a fundamental key for realizing lasting transformation of this particular, ideology-laden enterprise. Cognitive science reveals a real need to address the intentions embedded in social practices to positively affect outcomes. In other words, there is more to carceral epistemology and memory than meets the eye. *Intention is action*, and related to time, context and ideology.⁸⁵

The selected hybrid method of inquiry is designed to expose carceral-centered ideologies concealed in elite discourses. The results of this process illustrate how sociocognitive mechanisms of discourse combine with *semantic memory*⁸⁶ to reify concepts, including the concrete reality of UNICOR. Understanding the actors and the strength of their original intentions – both in individual and group minds – can lead researchers to intentionally create

85 See in general Peterson, M. A. (1999). High-level vision in Wilson, R. A. and Keil, F. C., (Eds.), *The MIT encyclopedia of the cognitive sciences*, Cambridge: The MIT Press, p. 376; Malle, B.F., Moses, L.J., and Baldwin, D.A. (Eds.), (2001). *Intentions and intentionality: Foundations of social cognition*. Cambridge: The MIT Press. The relationship between intention and outcome is an object of research in cognitive science, which has a particularly useful application to social science problems like mass incarceration, racism, and failed policy outcomes.

86 van Dijk (2009) explains: “For social representations such as ideologies, knowledge and attitudes to have any specific impact at all on concrete discourses and social practices, a very important cognitive interface is still missing: mental models. Whereas social representations are traditionally located in social memory (or semantic memory) as shared by groups, mental models constitute the personal, episodic memory of individual people. Mental models are representations in episodic memory and may simply be identified with people’s experiences. They are representations of the specific acts/events people participate in, witness or hear/read about,” p. 16.

positive policy outcomes by cognitively destroying antiquated, defunct ideas that are holding the current, racialized and male-dominated carceral frame model in stasis.

The various framing elements revealed in this study of prison industry and abolition discourses illuminated cognitive frames as expected; however, this research goes further by theorizing key, constituent variables within each frame to reveal more information about the cognitive and ideological nature of this type of elite discourse. The unique manner in which patterns of topics and actors coalesce in this project, and how each of the frames' contents subsequently communicate with the others, reveals not only embedded ideologies, but also provides a visual map for understanding historical context, including how, by, and for whom, the carceral traffic ideology is maintained and perpetuated. Certainly these outcomes could be accomplished without using this type of quantitative cluster analysis by utilizing solely qualitative means; however, this method eliminates the subjective and difficult undertaking of frame identification, while still relying on the researcher's knowledge and ability to interpret and contextualize computer-generated frames (Matthes, p. 18). The combined methods used in this work created a mutually affirming, symmetry of results that intuitively move from the constituent variable level of framing analysis to the theme driven level of ideologies. Together, these levels of inquiry provided a clearer path to the goal of formalizing a carceral traffic ideology.

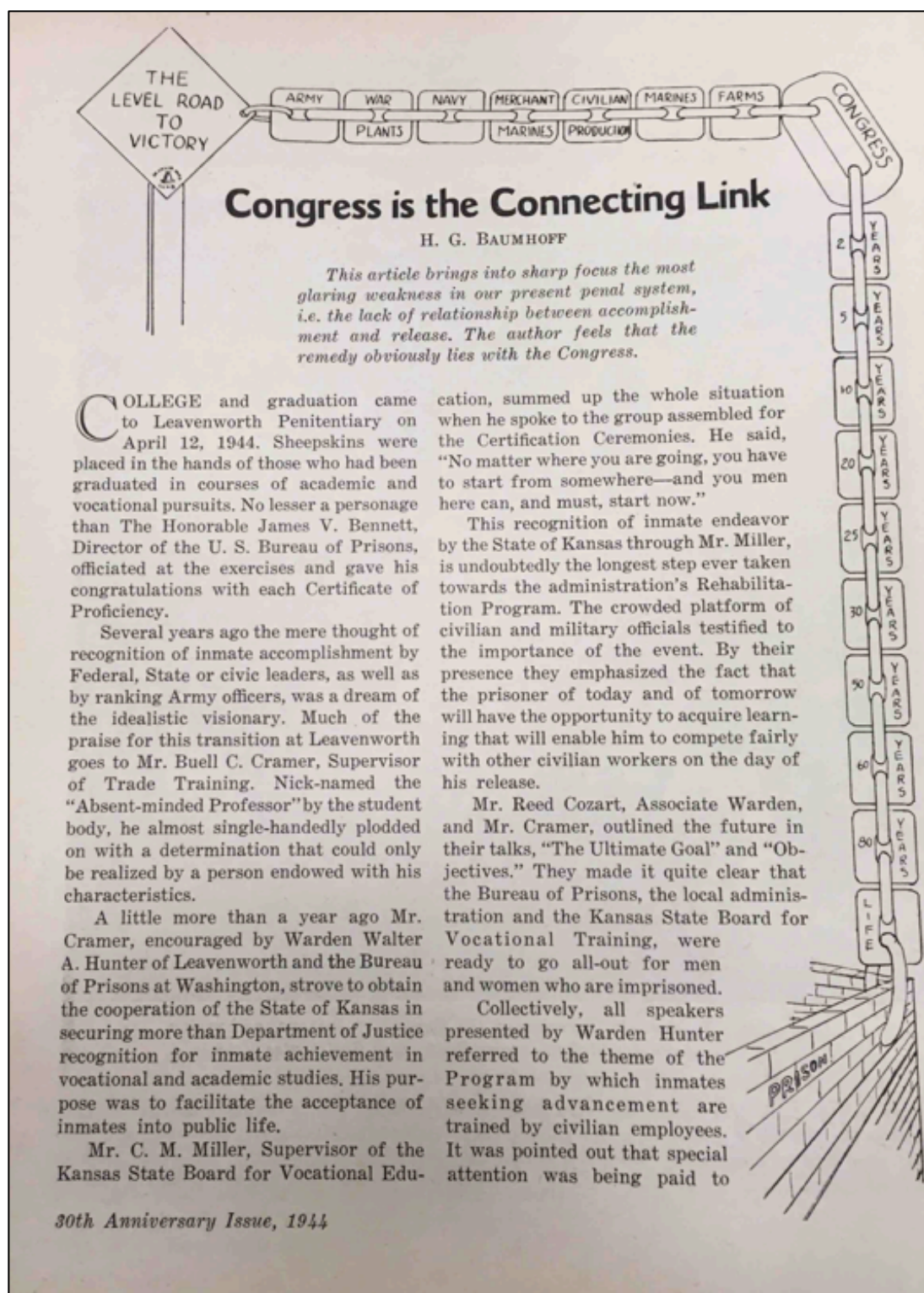


Figure 6: *Congress is the Connecting Link*. Prisoner Newsletter Discourse (1944). Acknowledging Congress in the System. This non-elite discourse was the only piece found that implicated Congress as any sort of "link" in the criminal justice apparatus.

5. THEMES IN ELITE DISCOURSE: FORMALIZING A CARCERAL TRAFFIC IDEOLOGY

5.1 Introduction

Several overlapping themes emerged in the discourse/data that relate to both the results of the cluster analysis, and the goal of this dissertation to formalize a carceral traffic ideology. The following themes are emblematic of the carceral discourse uncovered in the government's physical and digital archives; and the constituent elements that combine to construct these themes represent the macrocosmic, ideologically driven, U. S. carceral universe as well as expose the motivated cognitions and intentions of its male creators and sustainers.

Carceral traffic can be construed as rational in as much that it is contingent on jurisprudence, ratiocinative analyses, and 'expert' oversight. It is also a reflexive system, meaning it is self-defined, self-regulated and self-reinforced, thus almost completely immune from outside influence. Moreover, the time honored institutional forces of political economy, i.e. law and commerce – the hallmark of public-private partnership - propel the system(s) of carceral traffic. It is a refied system of ideologies held in place by entrenched, ritualistic masculinities.

In Weberian terms *carceral traffic is a domination ritual*. Carceral traffic is contingent on the existence of differential, organized and hierarchical systems of *command and obey*. To explain power and domination in sociological terms, Weber (1978) combined the definition of *Herrschaft*, or *domination* ("the probability that a command with a given specific content will be obeyed by a given group of persons," p. 53) with *discipline* ("the probability that by virtue of habituation a command will receive prompt and automatic obedience in stereotyped forms, on the part of a given group of persons," p. 53). Thus, a government system (*Herrschaftsverband*, or "ruling organization," p. 53) relies first on rites of jurisprudence that produces intentionalized legal edicts, and second on an obedient administration to expedite the orders. Next, or finally, the

first-disciplined administrators empower ground level actors to exercise a modicum of power against the primary subject of the entire carceral apparatus: prisoners. At each level, carceral traffic is a performance of legitimacy that requires compliance by all sociopolitical actors who collectively abide (Weber, 1978, p. 36).

The following explication of discourse thematics begins with the contested social condition (and subsequent element in carceral traffic ideology) *idleness*, which I can argue remains the primary instigator triggering a perceived need for 1) carcerality of nonwhites and the poor, in general, and 2) Black carcerality, specifically. The potentiality of (Black) idleness is an elite-created problem, first caused by the institution of chattel slavery with the accompanying importation of millions of natively alienated Africans.

Second, the *fear* of slave (think “Black”) uprisings were a very real, acute, and self-created social concern for whites across the board. The *Negro Book: An Annual Encyclopedia of the Negro, 1937-1938*, (Work, 1937), included a section on “Slave Insurrections,” and estimated “some twenty-five insurrections of slaves took place in the United States prior to the American Revolution...” (p. 305). Several of Work’s entries describing slave insurrections were revealing. The positivistic narrative he employed illustrated an elite framing technique that maps criminality on the Other when the Other is a simple rational actor trying to self-extricate from a dangerous and traumatic situation, i.e. abduction and forced labor. The following example is emblematic of a ‘criminal way’ of writing about Blacks’ rational actions, still seen today (although, of course, the topic has changed – but not the power arrangement). Work writes: “1734 – Conspiracy of slaves to gain their freedom by massacre of the whites discovered near Somerville, New Jersey. About thirty Negroes apprehended, two hanged, some had ears cut off, others whipped.” Of course, massacres are wrong; however, if it were not for the first immoral

act involved in the institution of chattel slavery, the scenario would not have likely occurred. The whites' reactions to the so-called "conspiracy" were framed as justifiable responses. As long as the narratives remain decontextualized and unmoored from the social realities associated with human enslavement, and the immorality of human slavery is left intact without critical consideration, the social memory of 'rightness' regarding racial social order is allowed to further entrench in the collective mind. The attempt to escape enslavement by any means available is a rational response to abduction and forced captivity – even killing the perpetrator(s) to gain freedom. The kidnappers' ability to frame the social situation otherwise speaks to the power of white men in America to construct durable frames implicating the criminality of Blackness regardless of context.

Third, this imported-forced-captive-labor scheme created the need to socially control Others' 1) captive bodies, 2) their labor, and 3) manage *the potential* for mass idleness to control movement and actions. Concomitantly, the institution of slavery established a powerful hierarchical, racialized, and fear-trauma-based social cognition in the minds of groups and in individuals. There was no escaping the cognitive mapping of race and carceral practices on both dominator and the dominated. Fear, anger and trauma are powerful instigators on collective social memory (Neal, 1998).

5.2 **Idleness Ideology: Invoking the Power and (Im)potency of the White Man's Fear**

Abolition came early in Washington D.C., the nation's capital. In 1862, the labor market was flooded with the District's previously enslaved bodies as well as unemployed white men and former soldiers. With the influx of surplus labor came the well-established fear of (Black) idleness, particularly in the South where social cognition never made room for the mental representation of free, idle Black bodies to dwell. For some elites in government, idleness had differential meanings depending on race. An 1862 speech by Representative W. A. Richardson (Illinois) to the House reveals these stark differences in a narrative titled, "The Abolition Schemes of Negro Equality Exposed" (Figure 3, pg. 88). The subtitles offer familiar refrains heard in later prison labor discourse, and merely require substitution of the word "negro" with "convict." For example, "Runaway Negroes Receive Employment to the Exclusion of White Citizens," "Privileges for the Negro – Oppression for the White Man," or "One Hundred Thousand Dollars Per Day Expended on Lazy Negroes." In Richardson's view, white labor "languishes in irksome idleness" (Freedley, 1856, p. 2), but the federal government "support[s] in indolence" their "especial favorite ... runaway negroes" (p. 1).⁸⁷ The labor conditions during pre- and post-Abolition collided with the growth of capitalism. As the market economy became more entrenched across American society, it created and relied on what Marx and Engels (1915) called a "reserve-army", or an abundance of unemployed, idle workers to keep wages down and maintain profitability and capital accumulation (pp. 689-702).⁸⁸

87 Found in the UIC Special Collections, Abolition Pamphlets, Box 10.

88 The opposite of the "reserve-army" of labor is the "labor army." Marx viewed idleness in relation to methods of capital production. Some laborers are overworked, while others have no work and live in a state of "enforced idleness" – a condition condemned by the elite and working classes.

Mass incarceration-labor schemes, then, are the *natural* and rational result of political economy – whether the labor is free or unfree. The result of this wedding is a lucrative complex of power and profits – made possible by the natural ‘idle’ effects of capitalism combined with fear of unoccupied others - plus the legal power to socially control large groups of individuals, by coercion or force, who live (by choice or otherwise) outside the magnetism of the market economy. Thus, the so-called “prison industries” of state and federal governments constitute reification of several mental models: people-types (race, class and gender), social control responses (differential levels – penal/non penal), and marketability. An article found in Franklin Roosevelt’s personal files titled “Prisoners Must Work,” (Lerrigo, 1936),⁸⁹ speaks to the ‘naturalness’ and power of FDR’s (and other elites’) intentions. Quoting an expert committee assembled by Roosevelt, Lerrigo writes, “Let us go all the way or none” (p. 1). The author continues:

What “all the way” means is now coming clear in the first studies and reports, state by state, of the Prison Industries Reorganization Administration, outgrowth of that first committee. It means that *prison industries* are not a thing apart, a “frill” of prison administration, *but are at the very core of the whole theory of crime and punishment, part and parcel of the penal system* (p. 1). [Emphasis mine.]

The emphasis above affirms the previous point I was attempting to make. Regardless of epoch or economic events, prison industry, or carceral labor, is constituted in U.S. penology. It is an integral component, first and foremost, for reducing the “dangers” of idleness. According to FDR and his team, to do this required organization, refinement, and federal control over state prison industries. “The increase of G-men” (p. 1) and prisoner idleness was framed to elicit fear in the group mind (justifiably so, perhaps). Lerrigo quotes Judge Ullman, Chairman of PIRA:

89 This was the only a piece of elite discourse that I found in my research written by a woman.

Prison wardens, whatever their philosophy, are loudest of all in demanding that the men who overcrowd their prisons shall be put to work. They say, and nobody can doubt they are right, that a prison full of idle men is a menace; that discipline and idleness cannot exist side by side; that every prison filled with idle men is the lurking place of incipient riot and bloodshed ...in spite of this during the past year idleness in prisons has increased by leaps and bounds...every prison in the country has its hundreds or its thousands of idle men, milling about, plotting mischief, deteriorating mentally and physically...nearly all of them to go back into free society worse men, more dangerous men, than they were before they were locked up (p. 2).

Emphasizing idleness is a technique that reproduces and inscribes fear in the audience. This magazine discourse will reach a broader *membership* of participants outside the penology universe, thus the repetition of idleness and the way it is represented in the text is intentional to extend carceral ideology into the greater group mind (van Dijk, 1998, p. 224).

The Prison Industries Reorganization Administration (See Figure 7, p. 141 for an example of race and gender in an excerpt from the PIRA survey of Georgia prisons, 1936) was the Federal government's first step to rein in the independence of the decentralized state prison systems. FDR thought it was necessary to mitigate the effects of prison labor and prison made goods flooding the market because of states' convict lease practices – which proved a distraction for his vision of prison industries. PIRA conducted surveys of various states' prisons and their industries to determine a better path toward industrialization, and also to address the myriad of penal problems unique to each institution. Initially, FDR offered financial incentive to the states, but government assistance (at least during the Depression) was undermined by Congress and appropriation issues. Still, the surveys and recommendations proved useful to reorganize state prison industries based on the federal prototype despite the Janus-face of Congress that enacted several laws “shackling” the commodities made by prison labor. It seems, from carceral discourses in this study that reducing idleness in a carceral situation is the first cause, and teaching prisoners useful skills is an add-on, or a secondary cause. If acquiring education and

skills were of primary importance, it can be argued, these remedies would be offered pre-incarceration as a means to abrogate crime and increase public safety (in accordance with the government's theory on the matter).

To recap the aforementioned sequence of historical carceral events: Chattel slavery created the *potential* conditions for future mass idleness. Abolition without infrastructural planning and jobs created *actual* idleness. Capitalism compounds idleness. Idleness creates fear. Fear of idleness creates carcerality. Carcerality creates markets. Markets prey on labor, the elite prosper, and the cycle continues. In the binary world of masculinities, there is either work/labor or there is idleness. Each of these is two sides of the same coin and shares a similar ideological basis for the elite. Work (free or unfree) is the preferred condition for the laboring class, and touted by the elite as the cure for society's ills. Conversely, when elite discourse includes the object "idleness" it is either a symbolic trigger to elicit fear in other actors to justify social control schemes *or*, from a critical perspective, the presence of "idleness" in discourse appears as a revelation exposing elite actors' primal fear of individual or group inaction, which *is* a simple act of *not working*. Controlling idleness, I argue, holds cognitive primacy over other factors related to carceral traffic post-abolition – even economic gain, which I believe is the bonus prize of modern carceral traffic practices and the natural result of prison industrialization and corporate expansion. The institutionalization of prison industries created more opportunities to engage the public-private profit model and energized peripheral business entities to innovate and profit from prison expansion to ease overcrowding – and which also further activated the fear of mass idleness by the laboring class to effectively widen the net to encompass prison laborers as well.

Therefore, as the following themes are presented, visualize each of them overlaid on, or woven into, an impermeable and unyielding fabric of white elite maleness determined to control the (potentially dangerous) outcomes they create(d). Imagine the density and complexity of these properties accreting over centuries of practice to form the very real, racialized field of carceral traffic today. Every sector of American society is involved in the traffic now – from local police departments and state legislatures, to the federal halls of Congress and the prison factories of UNICOR, to publically-located ‘community corrections’ and privately run ‘halfway houses’ (the latest, culturally acceptable, and oft-used additions to the world of carceral traffic) – each institution is subjected to the logistics of white male-dominated political economy plus inherent ideologies of market capitalism and penology. The benign sounding *public-private partnership* is actually the longest running carceral trafficking scheme in the U.S. and a powerhouse of socially embedded ideologies.

MEN, 19 WHITE WOMEN, AND 197 NEGRO WOMEN. THIS GROWTH HAS BEEN IRREGULAR, AND WAS ESPECIALLY MARKED FROM 1926 TO 1934. FROM JANUARY 1, 1920, TO JANUARY 1, 1936, THE STATE'S POPULATION INCREASED 5.3 PERCENT, WHILE THE PRISON POPULATION INCREASED 51.3 PERCENT BETWEEN DECEMBER 31, 1920, AND DECEMBER 31, 1936. THE PRESENT TREND SEEMS TO INDICATE THAT THE TOTAL PENAL POPULATION WILL REMAIN AT A HIGH LEVEL AND MAY WELL BE EXPECTED TO INCREASE.

IN 1879, NEGROES MADE UP 90 PERCENT OF THE FELONY POPULATION, BUT IN 1898 THE PROPORTION BEGAN TO DECREASE GRADUALLY, AND IN RECENT YEARS THE PERCENTAGE OF NEGROES HAS BEEN ABOUT 75. THE NUMBER OF NEGRO WOMEN HAS LATELY SHOWN A TENDENCY TO INCREASE MORE RAPIDLY THAN THE NUMBER OF NEGRO MEN.

TABLE 1.--GROWTH OF GEORGIA PRISON POPULATION, 1879-1936 ^{1/}:
BY RACE AND SEX

YEAR	TOTAL	MEN			WOMEN		
		TOTAL	WHITE	NEGRO	TOTAL	WHITE	NEGRO
1879	1,230	1,198	120	1,078	32	1	31
1880	1,186	1,155	144	1,041	31	1	30
1890	1,697	1,655	168	1,487	42	..	42
1900	2,158	2,080	255	1,825	78	3	75
1910	2,548	2,480	244	2,236	68	4	64
1920	3,076	2,958	543	2,415	118	13	105
1922	3,654	3,541	692	2,849	113	6	107
1924	3,164	3,043	764	2,279	121	13	108
1926	2,945	2,805	746	2,059	140	18	122
1928	3,424	3,253	916	2,337	171	28	143
1930	4,084	3,914	1,058	2,856	170	25	145
1932	4,425	4,250	1,167	3,083	175	29	146
1934	4,707	4,540	1,178	3,364	167	14	153
1936	4,653	4,437	1,088	3,349	216	19	197

1. FELONY PRISONERS PRESENT APRIL 1, 1879; OCTOBER 1, 1880-1900; JUNE 1, 1910; DECEMBER 31, 1920-1936.

GEORGIA'S FELON POPULATION IS YOUNG. THERE ARE 651 CONVICTS SERVING IN GEORGIA'S PENAL SYSTEM WHO ARE UNDER 20 YEARS OF AGE (NEARLY 14 PERCENT OF THE TOTAL). THESE BOYS, WHOSE AGES RANGE FROM 13 THROUGH 19 YEARS, ARE THROWN INTO CONTACT WITH ALL SORTS OF CRIMINALS. ANOTHER LARGE GROUP OF

Figure 7. Growth of Georgia Prison Population, 1879-1936 by Race and Sex. Racial disparity is noted. A high level of incarceration is "expected to increase." [Emphasis mine.] (From Franklin D. Roosevelt Library, PIRA Survey for Georgia).

5.2.1 **“The Negroes were idle and worthless...”**⁹⁰

“Some of the Negroes will work, but of course some of them are idle. I have told a good many of these rebels that they were standing about in idleness themselves, finding fault and apparently waiting for something to turn up, and that I thought the negroes were looking to following their example...”⁹¹

On February 3, 1866, Representative J. W. Chanler of New York⁹² gave a very lengthy and noteworthy speech in the House on the topic to “enlarge the powers of the Freedmen’s Bureau.”⁹³ Keep in mind, the Civil War had just ended in May of the previous year; the Thirteenth Amendment had been officially ratified on December 6, 1865 as well as the Freedmen’s Bureau had been established that same year. So, at the time of Chanler’s speech, Blacks en masse had been “free” for only a matter of *months* after having been subjected to systematic human enslavement in the U.S. *for over two hundred years*.

Chanler’s complete narrative is so replete with disturbing racist commentary that it was difficult to select only a few for explication. It is this type of elite discourse, however, that reinforces theories of social cognition and the pathology of racist reproduction. Chanler’s antiquated discourse buried in the archives and in U.S. social cognition leaves little room for doubt about the intractable and psychological nature of racism in modern U.S. culture. In the

90 From page 310, Volume 8, in Executive Documents: Printed by order of the House of representatives, during the first session of the thirty-ninth congress, 1865-’66, in sixteen volumes. Washington: Government Printing Office.

91 Taken from a primary source book: The Reports of the Committees of the House of Representatives Made During the First Session Thirty-Ninth Congress: 1865-’66, in three volumes. Washington: Government Printing Office. Part II, p. 32. This excerpt is the reply from Joseph Stiles, who appeared before the committee on Reconstruction, to answer questions from Rep. Jacob M. Howard, Republican from Michigan about the social climate in the Alexandria, Virginia.

92 John Winthrop was a very wealthy man. The New York Times reported his will, Friday, December 21, 1877, stating he left an estate of \$2,000,000 (almost \$46 million in 2018).

93 From the Library of Congress (1866), “Appendix to the Congressional Globe,” 39th Congress, 1st Session, p. 79-82.

following excerpt, Frosh (2013) explains how whites have historically ‘flipped the script’ and projected their own irrational incivility onto a subjugated and white-male-manufactured group of (carceralized) Others, e.g. slaves, ex-slaves, freedmen, and/or criminal (each label signals race):

In relation to psychoanalytic practice, primitive usually means either or both of fundamental and irrational. A primitive impulse is never a rational one; it always arises unmediated from the unconscious and hence has not been worked over by the secondary processes of thought. The sleight of hand then is to link this kind of primitivity with the irrationality of the colonized other and then to make rationality itself the marker of civilized human society— or even of what it means to be human at all. After all, when one loses one’s power of reason, one ceases to be able to function as human at least to the degree that equal citizenship is at risk, (p. 144).

Racial hierarchies were erected in the group mind by the self-serving intentions of individual political elite actors, and a psychologically primitive and irrational fear of Blackness is (still) projected onto the oppressed group. Frosh continues, “Racism, socially structured though it may be, is consequently deeply invested in by the individual, distorting and disturbing her or his relations with reality and with truth” (p. 150).

Thus, the following, chosen Abolition-aged narratives should *not* be read from an anthropological, *cultural relativism* point-of-view.⁹⁴ If white supremacy had ended after the Civil War, perhaps this would be an option; however, because the structure of Southern racism and its racialized carceral practices continued without abatement, accountability, or transformational social change, the cognitive placeholders of white supremacy must be engaged with critical analysis – not as an end in itself, but as a means to end; and the end being a new plateau of human equanimity.

Structural racism was alive and well in the discursive reproductions taking place in the Victorian halls of Congress. Ideologies of racial inferiority, dangers of idle Blacks, and economic

⁹⁴ Cultural relativism is an anthropological term. The premise of cultural relativism is predicated on the idea that truth, morals, values and cognition are situated in cultural context and, thus, should be examined without prejudice from a neutral, value-free standpoint.

competition between differential others, seeped into carceral traffic practices nationwide. It is imperative, then, to read and digest historical racialized discourse from the standpoint of social cognition, and acknowledge the tricks of thought embedded in a psychology-cum-psychoanalysis of elite white male racism and *his* us-versus-them-idleness discourse.

5.2.2 **John Winthrop Chanler, 1866**

J. W. Chanler begins his soliloquy with the following pronouncement: “... the black race [are] as dependent on the white race to-day [sic] as when first brought here from Africa” (p. 76). This assertion is based on the needs of newly freed Blacks to be protected, resettled, and enfranchised as citizens. It makes sense that newly freed slaves would need assistance for an extended period of time; however, Chanler and others in the House are unable to accept this reality, imagining some other sort of miraculous outcome based on ideologically biased, *personal mental constructs* (van Dijk, 2002, p. 18). Instead, the power of mental representations of race and power impede Representative Chanler’s reason, and freed Blacks in need of guidance and support are blamed for their condition and seen as threats to the public good.

The Freedmen’s Bureau was situated under the auspices of the U.S. government’s War Department, primarily because Blacks needed actual military protection because of intense and brutal Southern hostilities. Chanler frames the Freedmen’s Bureau as “a scheme” (p. 78) for profit, projecting the white elites’ addiction to slave labor for profit onto the Bureau appointed to aid ex-slaves. According to Chanler’s version of the Bureau’s history, it was originally organized, or as he says below, “represented,” to be “self-sustaining,”⁹⁵ but it is unclear how this could have been accomplished; nonetheless, he continued,

⁹⁵ UNICOR claims of being self-sustaining come to mind here, and can be read in a similar context because it is unclear how this assertion can be true when public monies support/supported both systems.

That representation has proved untrue; and now large appropriations are called for to keep the bureau alive. A scheme introduced under the popular plea of economy is now costing the country from eleven to twenty-eight million dollars per annum [Note: it has not yet been a year since the Freedmen's Bureau's inception] ... how did this bureau come to be so costly? First, in supporting an army of idle negroes with food, homes, and all the comforts as well as necessities of life. Secondly, by transporting them from point to point at the option of the ignorant and improvident negro who might choose to take a trip North, East, West, or South. Third, by transporting a few white refugees and supplying them with temporary shelter and absolute necessities of life. Lands, houses, cattle, farm stock of every kind, farming implements, guns, powder, shot, libraries, household furniture, finery of every sort were distributed or allowed to the negro slave, while the poor white man was driven from his home and land to which he had a right and title, that he might become a public pauper and live on the cold charity of the Government, or be transported away from the homestead which he was forced to surrender to the negro. Negroes were brought from distant sections of the country to squat on the lands of loyal white men and innocent minors, widows, and orphans who had nothing to do with the war. Now that the war is over the whites are left to take care of themselves, and the blacks are to receive the benefits of the bureau. This present bill is to secure the protection of Government to the blacks exclusively, notwithstanding the apparent liberality of the measure to all colors and classes, (p. 78).

The first thing to note is the metaphor, “army of idle negroes.” This phraseology is indicative of what van Dijk (2002) calls a “context model” (p. 18). Contexts and context models are ideological, and according to van Dijk, the “personal mental constructs and interpretations of a communicative event ... [that] ... exercise the ongoing control of discourse production and understanding” (p. 18). The imagery reproduced from Chanler’s mental representation he called “an army of idle negroes” had the rhetorical power to evoke a negative mental image in the white male mind. This political rhetoric exposes Chanler’s racist, cognitive baggage.

This lengthy paragraph contains many of the “welfare” tropes still heard in political rhetoric today that makes distinctions of worthiness based on race. It seems reasonable to expect the government to make ex-slaves whole human beings once liberated from slavery. These people had *nothing*, not even legitimate human standing, only a few months prior! Labeling

Blacks as “improvident” is shocking to modern sensibilities – as if there was a socioeconomic structure in place (and at their disposal) during enslavement that could have offered any sort of preparation for emancipation. Omissions of truth surrounding the plight of ex-slaves and the harm done by centuries of human enslavement are absent, and deliberately left out of the narrative for ideological reasons. According to van Dijk (2002), “Omissions are often ideologically based, and they can only analytically be recuperated if one knows about the details ... knowledge that few members of the public at large have, so that such incomplete and therefore misleading discourses meet very little critique...” (p. 30).

To Chanler and other elites, including rebel military officers and representatives from the War Department, newly emancipated Blacks belonged to a certain “class of refugee,” and whom suffered from an *incurable idleness*, “rapacious long and covetousness ... without any capacity, skill, or *will to work* [the land] for the general welfare” (p. 79). Chanler quotes the observations of some Union General Howard, who reported, “...there were authentic complaints of idleness, for which no remedy seemed to exist.” The general continues to explain *how* and, perhaps, even *when* Blacks were targeted for this new, clever carceral traffic scheme to address (white fear of) Black idleness. He explains, “I directed that the vagrant laws of the respective States, so far as they applied to whites, be extended to freedmen; where this law authorized corporeal punishment, it was modified by the existent commissioner” (p. 79). In other words, the general sought to extend vagrancy laws to newly freed Blacks *without* the use of whipping or branding. This modification did not hold in the South, and many unfortunate Blacks were subsequently arrested, convicted (often for the misdemeanor crime of vagrancy, i.e. *idleness*) and sentenced to “jail”, but were in fact sold by the state into the Convict Lease system - where, Blacks in

particular, were subjected to “corporeal” means that too often resulted in death by whipping, lynching, infection, and gunshots (Blackmon, 2008).

A former rebel general in January 1866, who had been held as a prisoner at Fort Warren, wrote the next letter Chanler read. When the general returned to South Carolina he found:

“...the negro civil and orderly, but idle and restless; no more concerned about his future than the stalled ox, feeling perfectly secure of being fed and lodged by his former owner until January, and equally confident that then he would acquire equal rights, social, political and proprietary with the white man ... while the negro was intoxicated by these delusions, fostered as they were by the system of rule adopted over the country ... the white man was correspondingly depressed” (p. 80).

This narrative makes plain that white men were mired in centuries of social cognition that sustained race and class ideologies, and that no law (or war) could undo. Not only did Blacks lack logistical understanding about how to live in the so-called “free” world of white domination, but white men in the South also lacked preparation and willingness to assimilate radical social changes. Whites continued to rely, as could be expected, on what they *knew in their hearts and minds* to be true – which was *not* social equality of the races. Indeed, the southern rebel was keen to keep Blacks framed as domesticated animals by any means necessary.

It was difficult (impossible) for many whites to see Blacks outside a labor and property frame; and it was difficult for former slaves, whose entire lives revolved around labor and laboring for others’ benefit, to adjust to performing “free labor” – especially with no job market, no access to fair pay, the lack of social acceptance by whites, and centuries of forced labor. Discourse from the years around Abolition indicated, while many freed Blacks were disconnected from the pecuniary “need” to work, people observed that freedmen “not only labored, but labored harder than they ever did in a state of Slavery” (the *Anti-slavery Reporter*, August 1, 1865, p. 205). White male definitions of work combined with an ideology of ‘Other

idleness' that framed Blacks as inferior, delusional 'creatures' was partially induced by what Southerners saw as federal government overreach. Ideas about imposed racial equality simply did not compute in the white (male) mind. Southern whites conceptually and logistically *required* Black labor and simply could not imagine a different type of culture or world. One South Carolinian, Edmund Rhett, spoke for many, when he expressed the following in an 1865 letter to U.S. Representative Armistead Burt about the "unwise, injurious, and dangerous" case of Abolition:

the general interest both of the white man and the negroes requires that he should be kept as near to the condition of slavery as possible, and as far from the condition of the white man as is practicable ... negroes must be made to work, or else cotton and rice must cease to be raised for export.

Is there any way to escape this powerful sociopolitical, socioeconomic and racialized framing?

There was no accountability or penalty in place to stem the tide of racist cognition. Southern males continued to operate slave-like paradigms for Blacks - with impunity - for at least another eighty years after emancipation in some states; thus, reinforcing racialized, economic, and carceral ideologies still in play today.

These particular elite discourses attempt to reinforce the social fact that expanding the Freedmen's Bureau's (federal) power would be folly; and Chanler emphasizes this point by presenting one local claim after another, often in contradictory terms, which he and the other contributors do not seem to comprehend. Claims-making statements, like the following are indicative of malcontented mental representations (LOC, 1866, p. 80):

- The "great law of labor" is unfamiliar to ex-slaves.
- "I think our people, as a general rule, greatly prefer the negro labor, because they are more accustomed to it, because it is a trained labor, and they know it will succeed if they can induce its faithful application."

- “The negro is not much of a reasoning creature.”
- “He [the Black man] never knew the agony of thought until now.”

These types of politically powerful white supremacists sought to sublimate American-style, systemic racism into a positive space of cultural normativity by attempting to reframe race relations without using terms like “slave” or “master”, yet still using rhetoric to denigrate the newly emancipated Blacks to keep them in a lowly place beneath the status and sociopolitical power of whites. These narratives expose the true motivated intentions, which are subsequently backed-up by the very real social, political, and economic outcomes.

Blacks, previous *slave laborers*, were framed as lazy, government addicted vagabonds prone to *idleness*, which Chanler argues is “the parent of every vice and crime” (p. 82). He also thought that government support of the Freedmen

[was] not philanthropic, but partisan, sectional, and subversive of all the principles of well-ordered society; it establishes a class distinction fatal to the dignity of labor, through the local land agents who can become the petty chiefs of the ignorant and docile negro subjected to their control; it stirs up the natural antipathies between the races, should any white men insofar degrade themselves by accepting the condition of temporary serfdom established by this bill, (p. 82).

Of course, social order and “class distinction” were already well established in America prior to Abolition, and that is the crux of Chanler’s argument. He is arguing to maintain white supremacy, but uses a form of political rhetoric that straddles the line between evolving and culturally acceptable/unacceptable ideas about racial hierarchies. He is navigating a changing scene; however, his deeply held, racist mindset is on display in this speech as he tries to insert and trigger mental images in other white male minds that reduce *him* to the level of a ‘serf’, i.e. *white slave*. Chanler (a democrat, representing New York) and the Democratic Party at that time was the party of conservative values that included rigid racial hierarchies. Chanler clearly sympathized with the plight of poor whites and the demoralized standing of southern military

men, and although he claimed, “the amelioration of the condition of the negro race is as much my duty and as near my heart as it can be” (p. 76), his goal to undermine and destroy the Freedmen’s Bureau belied these altruistic statements, and is evidenced throughout his verbose speech to the House, making his conservative, racialized intentions clear.

This discourse was chosen to represent a prototype of contestable elite discourse from this time period. It is used to illustrate the complex of senescent social cognitions from which the legal fabric of modern American life was made, and with which it continues to struggle. It shows one of the racialized paths that connect the mental representations of slavery to the mental representations of carceralized subjects today. Ideologies of work, patriotism, social welfare, racial hierarchies and dependence culminate in these narratives to aid in the production of a carceral traffic ideology.

The recurring theme of “idleness” in carceral discourse represents a mental provocation in white minds that conjures up a primordial fear of unoccupied Others, which I argue, is the underlying force motivating the Chanler discourse and others like it. These types of congressional (or other elite male) discourses, centered on scenes of quickly changing sociopolitical and criminological fields, are hotbeds of motivated cognitions and show social immaturity, impatience, lack of social awareness, and a lack of willingness to change – and cannot be divorced from male domination and masculinities. The social problems associated with Black human rights today can be traced to this particularly querulous period of U.S history, where Abolition was accomplished only on paper. It was quasi-abolition that ruled the social mind and the systems that emerged from that matrix. Black freedom (represented in the newly designed moniker, “Freedmen”) failed to penetrate the conscious awareness of society at large, including the white men elected to represent it, indicating motivated social cognition is

significantly stronger than military force, and the half-life of white racism has yet to be determined.⁹⁶

To make social upheaval more palatable to the Southern white male mind, the U.S. government took heed the warning by conservative men like the prisoner-of-war-general from South Carolina in the discourse above, who offered a prescient (and disguised) “solution” to the intractable race/work problems in the postbellum South, suggesting a sociopolitical stalemate on race relations - “unless the Government will change its system and leave the white man and the negro face to face to work out their own destiny *under the Constitution*” (p. 80). I emphasize this phrase because “under the Constitution” was a wink and a nod to the Thirteenth Amendment’s exception clause, and a legitimized vehicle by which white males could continue performing racial domination. Thus, long before the military left the South, new, more expansive laws targeting recently freed (and segregated) Blacks were introduced by southern state legislatures to “duly convict” free Blacks of all sorts of ridiculous infractions, including the vagrancy laws mentioned earlier (more on this point later in this research).

Finally, there was no cognitive interruption to stymie the next Black carceral frame. The Convict Lease System took hold immediately, and the next public-private partnership began *with a vengeance*, and this is not a colloquial phrase. There was actual retribution and suffering directed at Blacks – as if *they* caused the Civil War. The discourse and motivated cognitions of

96 The current modern state of U.S. sociocultural and political relationships suggest that racist cognitions are capable of living in an apparent dormant, private state within an individual and held ‘in check’ under most circumstances by positive peer pressure and fear of being ‘outed’ as that type of individual. However, recent observations of white male mob groups like those who appeared in Charlottesville, VA indicate that these types of white men can be triggered to express anti-democratic and violent thoughts, words and actions when joined in close proximity to like-minded others. Societal morals and values can control most of these individuals, but only to the degree the racist remains isolated. So called “white” western, masculine culture appears to be susceptible to fear of skin color, and capable of expressing that fear in irrational, but politically powerful ways. If not monitored closely, it has the cognitive strength to infect a portion of the group mind. We cannot, as a progressive culture, continue to believe that racism will self-extinguish.

another generation of political elite white males simply picked up the baton and ran with it. The carceral framing of Blacks is part of a stable, segued carceral continuum that operates on an imperceptible level that, I argue, no longer needs a human mind to exist. It remains a constituent element in the group mind, but functions systematically in Law and legal instruments as a matter of course (Gómez, 2010).

After the Civil War, the fear of “negro idleness” became the federal government’s concern as mala prohibita lawmaking aimed at people of color spread beyond the Southern states’ borders and into the federal prison system of governmentality, organization, and biopower. The carceral framing of Blacks was converted from the plantation system model and private ownership of Blacks into a cognitively familiar, yet institutionalized, system of carceral traffic that comported with American industrialization. The *slave frame of Blacks* was transformed into a *prisoner frame of Blacks* with relative ease, and the ongoing fear of idleness continued as a theme in prison industry discourse.

5.2.3 Unoccupied Prisoners: “Tidal Wave of Idleness”

“They say, and nobody can doubt they are right, that a prison full of idle men is a menace; that discipline and idleness cannot exist side by side; that every prison filled with idle men is the lurking place of incipient riot and bloodshed ... during the past year idleness in prisons has increased by leaps and bounds ... the prisons themselves are engulfed in a *tidal wave of idleness*...”⁹⁷

Political economy is implicated in a negative ideology of idleness (Hollands, 1998). The idleness theme is replete in prison industry and Abolition discourses. When idleness was mentioned in elite discourses of this study, it was mentioned repeatedly in a single text; so although “idleness” had a lower mean score (.20) than other variables in the research, its

⁹⁷ Judge Joseph F. Ulman, Chairman of the Prison Industries Reorganization Board, in a speech delivered 28 October 1935 to the 65th Annual Congress of American Prison Association at Atlanta, Georgia, p. 12.

presence in 59 pieces of data was nonetheless a significant fixture. The mass amount of data required for this project enhanced an understanding of the elite focus on idleness regarding the carceral subject. The appearance of idleness signaled an ideology that might otherwise be dismissed or go unacknowledged from within a positivistic, or ‘common sense’ frame in which it is often presented. The elites’ obsession with idleness exposes a specter of fear that animates ideological choices by elite actors in the carceral field. Moving the carceral timeline forward about 70 years from the days of Abolition, to the incorporation phase of prison industrialization, represented a significant, operational and organizational leap from the days of abolition and convict lease. The first quarter of the 20th century was transitional, and paved the road to the UNICOR of today; however, the problem of prisoner idleness vexed prison administrators forced to grapple with the real life consequences of mass incarceration, and policy officials’ seeming addiction to using it for social control and (other) ideological reasons (Pratt, 2009).

The following discourse is an excerpt from a lengthy, annual report about FPI, Inc. located (1936) in the *Rosenman File* at the FDR Presidential Library in Hyde Park, New York.⁹⁸ The invisible hand of free markets is not at home behind the barbed wire of a prison factory. Markets act differently in the world of prison industries, where the “advantages” of incorporation take a backseat to the employment needs of the outside “free” world. The following narrative is an example of elite induced idleness, and shows how biopower sometimes works at cross-purposes with itself:

One of the incidental advantages of organizing federal prison employment in the form of a corporation is that it points the way for the states to follow the same methods in organizing their penal industrial activities. This is of great importance when it is realized that most of the states are now faced with the serious problem of prison **idleness**, which has been aggravated by the passage of regulatory federal legislation, (p.6). [Emphasis mine].

98 See: “Federal Prison Industries, Inc.: History and outline of its policies and activities since incorporation” in the Samuel I. Rosenman Collection, Container 36: Federal Prison Industries, Inc.

The “regulatory federal legislation” to which the author of this report (presumably Rosenman) refers was the first two bills in a series of three laws enacted by Congress designed to curb competition between private industry/free labor and agents of carceral trafficking. 1) The Hawes-Cooper Act (1929) made interstate trading of prison-made goods illegal; 2) The Ashurst-Sumners Act (1935) made knowingly transporting interstate or foreign commercial goods made by convict labor a crime, and 3) The Walsh-Healy Act (1936) created conditional exemptions to Federal restrictions on marketability of prison-made goods, as amended from time to time (among other things unrelated to carceral practices).⁹⁹

In addition, there were other, overlapping and historically significant social events girding the creation of these series of laws: Prohibition (1920-1933), the Great Depression (1929-1939), and FDR’s 1934 “Campaign Against Crime.” Each of these events had a significant and cumulative effect on prison populations, contributing to mass incarceration and overcrowding that subsequently necessitated an expansion of the federal prison-cum-prison industry system. These events preserved the chronic fear of prisoner idleness in elite’s minds, which are then passed to society at large, influencing “public perceptions of symbols of crime”,

⁹⁹ Ashurst-Sumners Act is now known as 18 U.S.C. §§1761(a) and is incorporated in the Prison Industries Enhancement Certification Program (PIECP) 1979, which relaxed the Ashurst-Sumners and Walsh-Healey Acts, and allows for the manufacture, sale and distribution of prisoner-made products across state lines. PIECP was expanded to allow participation and certification in 50 jurisdictions. Previously, 18 U.S.C. §§1762 included the marking of packages of “merchandise manufactured, produced or mined wholly or in part by convicts or prisoners – except prisoners on parole or probation, or in any penal or reformatory institution ... shall be plainly and clearly marked, so that the name and address of the shipper ... may be readily ascertained on an inspection of the outside of such package.” After the enactment of PIECP, however, contractors that use prison labor to make their products do not have to label the items as such for individual resale, and consumers would likely be unaware that the items they buy may be made wholly or in part by prisoner laborers. Some countries, like Canada for example, also require labeling for prisoner-made goods and in 2012, Anderson Hardwood Floors was found in violation of the Ashurst-Sumners act and Canadian law after exporting their products for 15 years (!) signaling a stunning lack of oversight (See David M. Reutter, Prison Legal News, February, 2013, page 13, <https://www.prisonlegalnews.org/news/2013/feb/15/two-companies-acknowledge-exporting-us-prisoner-made-goods-to-canada/>).

and which “reveal...moral and ideological boundaries [wherein] people identify things in their community that are hostile to social order” (like Black idleness, for example) (Jackson, 2008, p. 144). This white *fear-of-(Black)-idleness-condition* was likely a holdover from Emancipation, resembling the cognitively embedded fear of idle “Freedmen” – a code signifying, not only “Black” in the white man’s mind, but masses of ill-intentioned and potentially *dangerous* Blacks (and to a lesser extent poor whites). Fear of idleness is, generally speaking, a fear of “crime” – and what better way to manifest and maintain this cognitively familiar fear than by criminalizing idleness?

The polity was experiencing tremendous social changes and economic adjustments from unemployment during 1920 - 1940. According to the 1980 U.S. Census Bureau data base, between 1920 and 1940, the U.S. population grew from 106,461,000 to 132,122,446 (19% growth). Prison populations exploded accordingly as new laws resulting in criminalization and incarceration were instituted. These sociopolitical conditions created the oft-discussed themes in prison discourse that combined typical elements (labeled “Carceral Consequences” in the data set for my research) related to mass incarceration: overcrowding, idleness, industry, expansion and governmentality. Government statistics indicate an annual rate of growth (combined state and federal prisoner) of 5 percent between 1925 and 1939 – higher than the growth from 1925 – 1981, which averaged 2.4% each year (90,000 to 178,000 prisoners). The rate of incarceration grew between those same years from 79 to 137 per 100,000 (it is 860 per 100,000 now). In a rare downward move, incarceration rates decreased during World War II, and the U.S. Census Bureau reported a decline of 50,000 *potential* prisoners due to the draft; therefore, incarceration rate dipped to 99 per 100,000 by 1946.¹⁰⁰ Still, there were both chronic and acute needs to

100 See: U.S. Department of Justice. Bureau of Justice Statistics: Bulletin (December 1982). Prisoners 1925 – 81.

expand prison growth, but coupled with the innate tendencies, logics and intentions for corporate growth, the apparatus was energized to achieve a fuller, more organized and institutional configuration, in no small part due to the influence of elite white male actors in the penal field.

In a private, September 1933 memorandum prepared for President Roosevelt and the Attorney General, Homer Cummings, the Director of the Federal prison system, Sanford Bates outlined the government's prison labor policies. In article (2) "General Arguments in Favor of Prison Labor" Bates lists the normative *raison d'être* arguments justifying prison labor: it saves taxpayer money; aids prison safety; eases the public "burden of supporting their dependents" [Bates' emphasis]. In addition, Bates stresses how, prison labor "trains men in industrial pursuits rather than corrupting the through idleness and helps prevent crime [again Bates' emphasis] by releasing men more fit to hold a job, thus protecting society." Bates reinforces his argument against idleness by condemning and vilifying the "loafer" claiming "[he] is an economic liability and a menace to society whether in or out of prison."

At this time in prison industry history, Bates enumerates the "fact" that there were no contractors (his emphasis) in Federal prisons. This condition changed in 1979 and then again in 2011. The first iteration began with the introduction of the *Prison Industry Enhancement Certification Program* (PIECP, authorized under the Justice System Improvement Act), and then again under the *Commerce, Justice, Science, and Related Agencies Appropriations Act*, which allows FPI to participate in (its own) PIECP, and is perhaps the most critical and controversial change to prison industries since its incorporation.¹⁰¹ It allows FPI to "manufacture goods for the commercial market if they are currently or would have otherwise been manufactured outside the

101 P.L. 112-55. The Act amended 18 U.S.C. Section 1761(c) to allow for FPI participation in PIECP. For more information see Nathan James (9 January 2013). *Congressional Research Service*. Federal Prison Industries: Overview and legislative history.

United States.”¹⁰² The PIECP is currently marketed on the UNICOR website under the title “Contract Manufacturing Opportunities” (see Appendix C, Figure 32, p. 306). Contracting prison labor is no longer illegal in the Federal prison system.

Today’s FPI, Inc., has a nationwide system of “strategically located facilities for warehousing, distribution, and manufacturing” plus “a flexible, experienced workforce responsive to marketplace upswings and downturns.”¹⁰³ It is likely a refied dream-come-true for President Roosevelt; however, the implications for providing manufacturing jobs for carceral labor still positions it in opposition to ‘free’ labor – and gives U.S. corporations the legal opportunity to exploit carceral labor (which is provided to them at a cost to taxpayers of \$36,299.25 *each* prisoner per year), and framed by the government as “Bringing Jobs Home”¹⁰⁴ where, as of 2014, private businesses that bring jobs back to the U.S. and use “inmate workers” can claim their products are “Made in America.” According to another UNICOR marketing brochure:¹⁰⁵ “at the close of FY2014, more than 900 inmate workers were assigned to repatriated business projects.” The materials are unclear about the identities of its private partners.

At any rate, the topic of idleness in elite discourse is contextual and serves an ideological purpose. Introducing idleness functions to produce a mental model in the minds of its carceral

102 Public Law 96-157, Sec 827. The Crime Control Act of 1990 (Public Law 101-647) authorized PIECP (also known by its original, older name ‘PIE’) indefinitely.

103 See UNICOR Contract Manufacturing Opportunities, and note the “three Work Management Business Structures” from which business partners can choose; See: <https://www.unicor.gov/pieprogram.aspx>.

104 See the UNICOR (2014) brochure “Bringing Jobs Home-Investing in America” online at: https://www.unicor.gov/publications/corporate/CATC6300_C.pdf.

105 See the UNICOR (2014) brochure: “80 years of new beginnings” online at: https://www.unicor.gov/publications/corporate/CATC6500_FINAL_20160114.pdf

actors, or as van Dijk (1998) calls them, “speech participants,” (p. 218). The purpose for using the term “idle” or “idleness” is to achieve whatever carceral goal is being discussed or introduced. van Dijk (1998) theorizes “purpose” as “a separate category in context structures” which is a “mental model[s] of the broader consequences” (p. 218) associated with the act under discussion, in this case *idleness*. Thus, using this term signals to the participants’ minds a need to thwart, plan and avoid an unpleasant (presumably avoidable) social condition (and consequence) associated with mass incarceration. In an example of elite correspondence, Bates writes to Senator Thomas J. Walsh (July 15, 1931) to discuss the use of federal prisoners in National Parks and National Forests. Bates writes:

I am sure you realize how very difficult it is to secure the right kind of labor for prisoners. We are desirous in every way of minimizing the competition with free labor. The law does not permit us, and rightly so, to sell in the open market. But even our program of manufacturing articles for Government consumption meets with opposition as it necessarily takes away that much opportunity from private manufacturers. However, we are faced with an ugly alternative. Not only is it unfair that men who have broken the law should be allowed to live in idleness, but it is productive of mischief and dangerous results.

The elite alter the way they present “idleness” in discourse based on the audience who will be reading it. It is not unusual for men of high, but differential government statuses, to speak in tough, descriptive, and mostly ignominious way about (low status) prisoners and idleness – as if it is an essential quality all prisoners share. Bates offers the Senator two choices; the “ugly alternative” of idleness, which is both “unfair” and “dangerous” or his tacit approval of prisoner work in the nation’s forests. Contrast the manner of elite speech above with the following example, by the same actor, Sanford Bates (1929), but this time in a memo to the Attorney General:

The Government is spending \$3,000,000 to maintain 9000 short-term prisoners in idleness in county jails all over the country. Cannot both of these situations be

partially remedied by cooperative action between the Department of Justice and the Department of Agriculture at a saving of money, timber and manhood?

In this instance, Director Bates is speaking directly to the Attorney General, his superior in his *professional role* (van Dijk, 1998, p. 221); in addition, they operate within the same department with the same goals and institutional knowledge, so they share common values that do not require additional fear inducing rhetoric to meet organizational goals. In this discourse, fiscal concerns intersect with ‘idleness’ with the added bonus of “saving ... manhood” and *trees*.

The straightforward mention of idleness in elite discourse, as previously mentioned, is contingent on the audience. Prison discourse from the 1970s changed on many levels, due in large part to structural changes in civil rights, Nixon’s war on drugs, and changing social norms. Overcrowding due to mass incarceration was worse than ever, and the need for innovation and reform was acute. In a report by Leavenworth Warden, C.L. Benson (December 11, 1976) presented to the United States Commission on Civil Rights, Benson outlines the current inmate population by race (total, 1,945: White, 47.7%; Black, 30.1%; Latino, 20.8%, and Indian, 1.4%).¹⁰⁶ He begins “Major Prison Management Problems” with *idleness*. Below is the excerpt using the same style and (similar) all-caps font as the original:

IDLENESS – AT THE PRESENT TIME EVERY INMATE HAS A JOB OR PROGRAM ASSIGNMENT WITH THE EXCEPTION OF NEW COMMITMENTS WHO ARE AWAITING CLASSIFICATION AND PEOPLE WHO ARE MEDICALLY UNASSIGNED. WHILE EACH INMATE HAS A JOB ASSIGNMENT WE DO HAVE INMATES ASSIGNED TO SOME JOBS THAT ARE MENIAL. MANY DETAILS ARE OVERLOADED AND THEREFORE WE DO HAVE A PROBLEM WITH INMATES BEING IDLE.

Speaking of idleness in a straightforward manner is significantly different than the earlier years of prison industry. The discourse above bears no mention of an inherent danger of idleness; neither does it attribute a negative moral deficiency to the prisoner. There is no ideology attached

¹⁰⁶ Today, Leavenworth has a total of 1,726 prisoners, so *less* than the total in 1976.

to idleness in this context, as the warden is conveying information and is unattached to a goal or outcome. Warden Benson is speaking as a representative of the BOP, thus his affiliation “plays a prominent role in the context” (van Dijk, 1998, p. 223) of this discourse. This differs from the Bates-Senator discourse where Bates is using ideology to elicit 1) a reaction from the senator based on fear of prisoner idleness, 2) achieve a departmental goal to employ prisoners in the forests. Overcrowding is also on the list of major problems for the Leavenworth warden, and at the date of the presentation (1976) the “Bureau of Prisons has reached an all time high population of 28,000” (federal inmates in BOP custody on 08 November 2018 was 152,984 and does not account for inmates held in private prisons or other facilities, which equal another 28,417).

5.2.4 Modern Idleness at UNICOR.gov

A search for “idle” or “idleness” on the unicor.gov website returns ten results. Each of the ten results is analyzed below in context to reveal historically based themes used in carceral traffic discourse. When the government uses “idle” or “idleness” in the text, it is bolded as well as the reason idleness must be avoided. Four of the results are identical, i.e. recycled sentences cut and pasted into future discourse.

- 1) “APPLICABLE LAWS SUMMARY.” In this context, idleness is conveyed within the FPI mission to: “train and employ inmates in federal custody and is a vital BOP correctional management program. FPI provides inmates valuable training and experience which develop job skills and a strong work ethic, thereby preparing inmates for successful reintegration into society. It also keeps inmates productively occupied and **reduces inmate idleness and the violence associated with it.**”¹⁰⁷ Training, job skills and

¹⁰⁷ <https://www.unicor.gov/LegalOverviewForPurchasing.aspx>

‘a strong work ethic’ are key features of historical, carceral marketing discourse, and repeated to such a degree that the reasons have become ideological with questionable effectiveness in the real world.

- 2) “Education and Vocational Training.” This section briefly describes Federal prison educational programs and recreational activities. It also broadly mentions its “wide range of occupational training programs to obtain marketable skills.” Idleness is nestled into the recreation paragraph, and states: “BOP **recreation programs are intended to help reduce idleness**, stress, and boredom associated with incarceration. Keeping inmates constructively occupied is essential to the **safety of correctional staff, inmates, and the surrounding community...**” The meaning of idleness is again associated with danger, and occupation of any kind is preferred.¹⁰⁸
- 3) This discourse is an official “Urgent and Compelling” waiver form dated May 9, 2018. It has a FAR Reference: FAR 6.302-1; 10 U.S.C 2305(c)(1) – (This is a Federal Acquisition Regulation put in place to provide full and open competition between carceral traffic and free labor – and this is the official waiver to get out of it.) The urgent and compelling reason is UNICOR needs a certain part for a defense contract on which it is working, and it can only be acquired from one manufacturer at the cost of \$278,510.00 (!). This waiver is official, explicit and lengthy (3 single spaced pages); and it designed to achieve its outcome to obtain the part without further delay, and must address all the requirements to ensure compliance. UNICOR employs a familiar tactic to convince a preferred outcome

108 https://www.unicor.gov/Education_and_Vocational_Training.aspx

by introducing a potentially dangerous result, writing: “The subject items are critical and ... [a] delay in award would result in serious financial loss, customer delinquencies, and inmate idleness” [Emphasis mine].¹⁰⁹

- 4) The fourth set of results is from the FPI, Inc. 2017 Annual Report.¹¹⁰ Idleness is mentioned three times in the report. The first is on PAGE ONE: “*UNICOR Reinforces Safety and Security: UNICOR helps minimize inmate idleness and greatly facilitates the safe, efficient operation of federal correctional institutions.*” Thus, UNICOR has utility. The second mention is a historical reference on PAGE 26: “**The need to address inmate idleness was a contributing factor in the creation of FPI** in 1934. This program continues to directly support the BOP’s mission by keeping inmates productively occupied which lowers the likelihood that they will engage in disruptive behavior and contributes significantly to the safe and secure management of prisons...” This line relates directly to my interpretation of the archival data about the original, institutive power of “idleness” to motivate elite actors in the penal field based on fear of dangerous others. It is indeed a major theme. Finally on PAGE 31, “**The goal of FPI is to reduce undesirable inmate idleness** by providing a full-time work program for inmate populations. Many of the inmates do not have marketable employment skills. FPI provides a program of constructive industrial work and services wherein job skills can be developed and work habits acquired.” Again, the transformative power of work on those who have no skills. It is a timeless theme, but may or may not be based in reality. There is more about this theme in Section 5 of this dissertation.

¹⁰⁹ <https://www.unicor.gov/publications/procurement/JA-15-18.pdf>

¹¹⁰ https://www.unicor.gov/publications/reports/FY2017_AnnualMgmtReport.pdf

- 5) The fifth example of idleness in UNICOR discourse comes from the 2016 Fiscal Year Annual Management Report.¹¹¹ In this report, idleness is only mentioned once in 34 pages. This time, idleness is mentioned under “Program Values” and is *the exact same excerpt* in the third example above under number 4) **“to reduce undesirable inmate idleness.”** In that example idleness was part of an FPI goal, and in this instance it is a program value. UNICOR recycles its ideologies and presents it to the same people who may or may not 1) notice, or 2) read it. Either way, whether a goal or a value, the theme of idleness plays a role to justify the institution’s existence, and maintains the desired mental representations of work on one hand versus idleness on the other. In the context of this type of publication, all actors share the same epistemological universe; thus, idleness obtains in the carceral field, and as van Dijk (1998) submits, “the mental dimensions of participants” – namely those participating in FPI and UNICOR – “also share social representations, such as knowledge, attitudes and ideologies” (p. 225).
- 6) The “Factories with Fences” brochure came back as the sixth result that mentions idleness.¹¹² There are two mentions in this piece, the first example on page 14 in relation to Director Sanford Bates, who **“implemented a wide range of reforms, including a new industrial structure to address idleness.”** As this research indicates, Sanford Bates was quite convincing, and definitely a main, motivated actor in making Federal Prison Industries the monolith it is today. The second instance is used as a justification

111 https://www.unicor.gov/publications/reports/FY2016_AnnualMgmtReport.pdf

112 https://www.unicor.gov/publications/corporate/CATMC1101_C.pdf

for UNICOR as well as assigning to idleness its requisite safety role, positing that as “a critical correctional program” it “provides constructive job skills training and work experience, which eliminates inmate idleness and greatly assists in the safe and efficient operation of the institution.”

- 7) The next example is in a mission statement from 2016 that highlights FPI programs.¹¹³

The intended audience is unclear; however, it has all the indispensable references to its history, its alleged non-reliance on tax dollars that makes it “self sustaining.” At the time this was written (two years ago), “**FPI currently provides inmate employment** to approximately 10,981 inmates, which is significant in **reducing idleness** among the inmates.” Unfortunately the discourse omits the fact BOP was incarcerating a total of 189,192 prisoners in 2016 (BJS, 2018), which indicates less than 6% of prisoners were employed at UNICOR. It is difficult to understand how much of a positive impact that level of employment will have on public or prison safety - in the context of mitigating idleness, and using the abrogation of it as a justification for prison labor.

- 8) The eighth result is from the 2015 Fiscal Year report.¹¹⁴ This is the same repeated “**undesirable inmate idleness**” excerpt as numbers 4 and 5 above, and continues with the same rhetoric about the lack of marketable employment skills and the development of work habits.

113 https://www.unicor.gov/publications/corporate/FPIHighlights_20160920.pdf

114 https://www.unicor.gov/publications/reports/FY2015_AnnualMgmtReport.pdf

- 9) The FiscalYear 2014 report uses idleness identical to that in 2015.¹¹⁵
- 10) The FY2013 report is also identical to FYs 2014 and 2015 as well as numbers 4 and 5.¹¹⁶

The *special function* of UNICOR discourse is the “implementation” and “reproduction of ideologies” (van Dijk, 1998, p. 316). Carceral discourses are persuasive and goal oriented, and contains a myriad of socially embedded, and familiar, ideologies that are bound to one another through common usage, tradition, and time. According to van Dijk, the production of ideological discourse “is a complex social and cognitive process in which underlying mental models are mapped on discourse structures” (p. 317).

Prison industry discourse, including the modern discourse of UNICOR, is genealogically related, and expressed through institutional and individual ideologies of race, male domination and work. These ideologies are translated through the discourses the State produces and are sometimes hidden in certain words, phrases and images. Discourse structures are dependent on context models, which “exercise the overall control of...discourse production and ensure that discourses are socially (or indeed, ideologically) *appropriate* in the social situation” (van Dijk, p. 317). This adjustment was seen in the various ways idleness ideologies were expressed between various types of elite actors depending on the context of the discourse being produced. For example, elite male actors within the same prison organization (FPI director to AG) communicated ideologies differently than elite males inter-institutionally (FPI director to Congressman).

115 https://www.unicor.gov/publications/reports/FY2014_AnnualMgmtReport.pdf

116 https://www.unicor.gov/publications/reports/FY2013_AnnualMgmtReport.pdf

The UNICOR ‘idleness’ discourse above offers another example of context and structural differences of ideological discourse. For instance, the structural differences between number three (a form requesting a waiver) and the “reform” context of number 6 (Factories with Fences brochure) is indicative of the ways a single ideology, or set of ideologies, can be transferred in discourse and changes dependent on the social situation or relationships between group members. The mental representation of *prisoner idleness* will differ between actors and is dependent on the recipient’s social context; thus, the way in which prison administrators convey, or reproduce, the ideological meaning of prisoner idleness in discourse may or may not have an intended effect. According to van Dijk’s (1998) theory of ideology,

Ideological influence, and hence reproduction, will hence be most successful if ideologies are consistent with personal experiences (models), if social actor have no (better) alternatives than the proposed ideologically based models for their opinions and actions, or if they can be manipulated to believe and prefer (misguided) information (‘facts’, opinions) even if it is not in their best interest (p. 318).

So, although individuals within the same organization or institution may share a common mental representation and meaning of prisoner idleness, it does not guarantee they will ‘see’ it in the same “dangerous” way. The same can be said for an individual on-the-outside-looking-in at prison industries, who is laser-focused on “outing” embedded ideologies. The premise of controlling idleness in prison has some common sense implications; however, it is the underlying, deliberate intentions creating mass incarceration and the resulting idleness that are in question here. The newest refrain of carceral idleness (and the inherent dangers of it) appears to be a ‘manufactured’ problem, originating in 1930s by the “power elite,” who, according to Mills

(1956),¹¹⁷ were a union of “corporate chieftains” and the “political directorate” (p. 275).¹¹⁸ The power of the State to implement mass incarceration schemes creates both the conditions that produce idleness and the conditions to counteract (the potential for) it; thus, the State uses its power for “reproducing power relations” (Hörnqvist, 2010, p. 4) between the State/master and prisoner/slave. To simply acknowledge the entire “work-idleness-safety” trope as relayed by the State requires blind acceptance of the State-induced, political-penal, economic ideologies at work in this very active scene of reflexive reciprocity.

5.2.5 Elite Idleness

This research found an example of political economy discourse from 1890 that demanded a certain class of (white) men could *earn* idleness by beginning “industry from early boyhood ... serving other men, and receive from them ample rewards freely bestowed” and with these conditions satisfied, he rhetorically asks the reader, “*have I not the right to be idle?*” (p. 267). [Emphasis mine.] Using this premise, with the exception of ‘rewards freely bestowed’, a slave would have the right to idleness; however, the author explains his ideology further, granting to “the idle rich” man a “*legal right* of idleness to him who blamelessly inherits property.” Newman continues this argument, suggesting to “punish a rich man for idleness” is to “make him a slave,” and “for the integrity of private property ... we frankly avow the political *right* of a rich man to be idle” (p. 268) [Emphasis Newman]. This example is added to further the argument that ‘idleness’ discourse is ideological and directed away from the (parasitic) elite/ruling class (by the elite/ruling class) and cognitively mapped onto the so-called working and prisoner classes.

117 Mills defines the “power elite,” writing: “By the power elite, we refer to those political, economic, and military circles which as an intricate set of overlapping cliques share decisions having at least national consequences” (1956, p. 18).

118 The union is *the* “public-private partnership” prototype.

5.2.6 **Final Thoughts on Idleness**

Modern, academic discourse often fails to capture the intense emotion and drama of the 1860s. The “idleness” theme, in the context of carceral traffic research, is intricately tied to the loss of slave labor, and the raw emotion expressed by Southerners about their so-called ‘property losses’ (enslaved human beings) is best communicated in their own words to get a truer sense of U.S. carceral history and the power of social cognition. In other words, while theories of social cognition may make perfect, intuitive sense on a cerebral level, “ideology” risks ‘flatness’ and superficiality if left in the abstract and disconnected from discourse. This is part of the reason van Dijk took pains to develop a theory of ideology, and why it is useful for the goal of this project to formalize a carceral traffic ideology.

Contextualizing the race-based business of carceral practices using primary source discourses animates social cognition and ‘brings to life’ the actors of the past as well as the sociopolitical conditions that inform carceral traffic ideologies today. Elite ideologies of idleness arose from a three-pronged need to suppress their deeply held fear of (unoccupied) Black masses, to institute reliable work regimes for profit (for free or unfree labor), and to camouflage the elites’ own propensity for idleness. Idleness, in the context of carceral practices, is the performance of power and resistance that Hörnqvist (2010) says, “challenges the power relation” between the “superordinate” (carceral elite) and the “subordinate” (p. 4) carceralized class.

5.3 **Political Economy: Public-Private Partnerships**

The National Archives has retained an inordinate amount of federal prison *ledgers* denoting the economic nature of the federal government's carceral practices. Historically, convict labor (called "prison labor" today) has been a "public-private partnership," which is an innocuous sounding term used by the government to denote ideological, political-elite relationships across the State-Capital spectrum (see, p. 179).

Merchants of human capital during Enlightenment provided the cognitive prototype for prison entrepreneurs in the U.S. today, who view the value of incarcerated human beings not solely by the commodities their bodies produce (the output of their labor), but, also by the value of commodification; wherein the incarcerated human body itself has economic value. In other words, utilizing cheap prison labor to produce commodities for increased profits may simply be a bonus in today's public private partnership; and that aspect may be less of a "draw" now than the absolute value of the incarcerated body itself – as long as "it" (the incarcerated body) remains under administration and carceralized in some fashion, whether it be institutionalized in a federal prison without a job, in a privately run 'halfway house' in the community, or as a carceral laborer working in a business contracting with the government. The incarcerated body is commodified, and has historically been used (as slaves and prisoners) for remuneration purposes like tax breaks, state and private profits, capital gains, and private expansion.¹¹⁹ For example, the three-fifths clause/compromise in the Constitution was both a tax and a representational issue, and the Convict Lease System transferred private capital to states' coffers on a per-carceralized-body-basis not dissimilar to the way the business is conducted today. In the modern era private prison corporations contract with state and Federal governments based on "bed counts" – the primary

¹¹⁹ See in general Eric Williams (1943). *Capitalism and slavery*. St. Johns: Brawtley Press.

difference between the two systems of compensation being a directional reversal of monies (the CLS was private to public, and today the public (State) pays the private ‘partner’); and prison expansion requires an enormous public contractor apparatus to construct and service institutions, which profit solely off numbers of bodies – and which lobbies for more criminalization and prison expansion. All manners of carceral businesses profit from state monies from private bail to private community corrections actors. In addition, UNICOR offers tax breaks to companies that contract with them, and the federal government gives business or trades a credit to companies who will hire “low income ex-offenders” into certain types of jobs (‘maids, chauffeurs and other household employees’ not included.¹²⁰ This is not done merely to provide work opportunities for prisoners. It is a system designed for private opportunities to profit off the vast, carceral enterprise. The government has several (historical) reasons for providing industrial and labor ‘opportunities’ for prisoners. “Work” ideologies and the rhetoric that girds them play the front face role; however, keeping prisoners occupied is, more simply, an administrative necessity for controlling the negative effects of mass incarceration.

Organizing state and federal government penal systems to legally assist and partner with private businesses (which profit from incarceration and carceral traffic) is an integral part of U.S. political economy and, despite its exponential growth, is *so* interwoven into the sociopolitical

¹²⁰ See the *Work Opportunity Tax Credit*. Also, the Pew Charitable Trust published a fact sheet in 2015, Federal prison system shows dramatic long-term growth that 1) Illustrates the costs of the federal prison system (including “federal grants to states or funding for Federal Prison Industries Inc., a wholly owned corporation of the U.S government that employs and provides job training to inmates.” I found it curious the report would include the FPI spiel), 2) Reports how the \$182 billion spent each year fails to improve public safety, and 3) Brings into focus the public-private relationships that make up the most recent incarnation of carceral traffickers. A timely report (Feb. 2017) by the Prison Policy Initiative enumerates the \$182 billion of public and/or personal money transferred to private partners who profit from mass incarceration, and who have a vested interest in maintaining current incarceration levels, including: bail bond companies (\$1.4 billion); phone companies (\$1.3 billion), commissary vendors (\$1.6 billion); private health care (\$12.3 billion); construction (\$3.3 billion); interest payments (\$1.9 billion); food (\$2.1 billion); utilities (\$1.7 billion); private corrections (\$3.9 billion), and private prison profits (\$374 million). See report at: <https://www.prisonpolicy.org/factsheets/money2017.pdf>

fabric of U.S. penal policy that it has become invisibilized. This racialized process resulted from significant contestation after abolition, especially after Lincoln's assassination and the ascension of Johnson (a strident Democrat) to the presidency. Hints of future race relations intersecting with work are apparent in the following *Journal of the Senate* discourse, wherein Johnson (1866) explains why he was forced to veto the first draft of the 14th Amendment because it conferred too much equality to Blacks. From the Journal:

I do not propose to consider the policy of this bill. To me the details of the bill seem fraught with evil. The white race and the black race of the south have hitherto lived together under the relation of master and slave – capital owning labor. Now suddenly, that relation is changed and, as to ownership, capital and labor are divorced. They stand now each master of itself. In this new relation, one being necessary to the other, there will be a new adjustment, which both are deeply interested in making harmonious. Each has equal power in settling the terms, and, if left to the laws that regulate capital and labor, it is confidently believed that they will satisfactorily work out the problem. Capital, it is true, has more intelligence, but labor is never so ignorant as not to understand its own interests, not to know its own value, and not to see that capital must pay that value.

This bill frustrates this adjustment. It intervenes between capital and labor, and attempts to settle questions of political economy through the agency of numerous officials, whose interest it will be to foment discord between the two races, for as the breach widens their employment will continue, and when it is closed their occupation will terminate (p. 284).

This passage is fairly remarkable, especially given the sociopolitical importance of the 14th Amendment in the group mind of Americans today – most of whom will never read or understand the heavy burden of racism embedded in its creation. Here, Johnson is analogizing race, based on traditional, Southern economic and ideological relationships: master = capital = white = intelligence, and slave = labor = black = ignorant. He also reduced human slaves to acts of “labor” – but “capital” remains whole, and maintains a hierarchical advantage regardless of situation. The President's rhetoric attempts to suggest that Abolition (less than a year old, and quasi-abolition at best) made slaves masters of themselves, and absurdly conferred to both races

“equal power” to define their relationship to each other. But his next words reveal his true beliefs. He was disturbed how jurisprudence was being used – not to naturally affect relationships of political economy per se, but as a partisan means to disturb white supremacy and the power of the individual (southern) states to decide race relationships. Indeed, the South is *still* complaining about federal overreach, and the current (white) “nationalistic” administration has recently returned to the contested Fourteenth Amendment for review. Johnson continues to rationalize his veto:

In all our history, in all our experience as a people, living under federal and State law, no such system as that contemplated by the details of this bill has ever before been proposed or adopted. They establish for the security of the colored race safeguards which go infinitely beyond any that the general government has ever provided for the white race. In fact, the distinction of race and color is, by the bill, made to operate in favor of the colored and against the white race ... [i]t is another step, or rather stride, towards centralization, and the concentration of all legislative powers in the national government. The tendency of the bill must be to resuscitate the spirit of rebellion, and to arrest the progress of those influences which are more closely drawing around the States the bonds of union and peace (p. 285).

The 39th Congress overrode Johnson’s veto of the Fourteenth Amendment on April 5, 1866, and it was ratified in 1868. Eventually, Andrew Johnson was impeached based on eleven articles by both the House and Senate, but was acquitted, according to the U.S. Senate’s ‘.gov’ website, “to protect the office of president and preserve the constitutional balance of powers.”¹²¹ Whatever the reasoning, Johnson’s utterances communicate his intention to prolong racialized ideologies, and he manipulates reason to portray a justifiable argument about the very historical relationships that Abolition set to undermine and transform. Johnson is unable to escape his racist ideology, which van Dijk (1998) also defines as a “group self-schema consisting of a number of categories” (p.

121 See: https://www.senate.gov/artandhistory/history/common/briefing/Impeachment_Johnson.html.

218). Even while speaking to the “Radical Republicans,” who were doing everything in their constitutional power to right the wrongs of human enslavement, Johnson was unable to throw off the cloak of Southern racism and accept the solutions placed before him. This illustrates how even the intentional *act* of vetoing the amendment was itself ideological.

The “public-private partnership” is a self-legitimizing, self-regulating system of State-Capital reciprocity; and it can easily be argued that commercial gain accumulated from the criminalization of human conduct corrupts moral virtue and human values. So, while it is certain that Americans no longer see advertisements for the next “slave sale” posted on every street corner today, they do see and hear inherent white domination in enduring frames and schema of U.S. carceral practices targeting segregated social spaces occupied by the poor and people of color. Political edicts, social control modalities, law, and media representations are stratification tools that made possible the original public private partnerships innate in carceral mechanisms like those used in chattel slavery beginning within the colonial slave shipping industry. The carceral labor industry has undergone a great deal of refinement over the past few centuries, and is reflected in archived prison industry discourse, and the modern marketing materials of UNICOR today.

The following November 3, 2016 discourse was taken from “*Tradeology. The official blog of the International Trade Administration.*” Tradeology is a federal government blog of the International Trade Administration, or ITA, which includes “guest blogs” from other government agencies. The following digital discourse is written “by UNICOR” and exemplifies a modern “contract system” contingent on the public-private partnership. It is dressed up in persuasive, globalized, and value laden rhetoric that almost completely invisibilizes the carceral subject,

while framing the carceral traffic issue in charitable terms, as a matter of “doing good”

[hyperlinks are maintained from the original]:

Workforce Development with UNICOR

Companies looking to establish, reshore, or expand manufacturing operations in the United States can benefit from a unique federal partner that exemplifies the business principle of doing well by doing good. This partner – which offers modern facilities as well access to a reliable U.S. workforce with a broad spectrum of manufacturing and technical expertise – is UNICOR, a government corporation under the U.S. Department of Justice.

Let’s begin with the idea of doing good.

Since 1934, UNICOR has been a crucial correctional program, with a mission to provide federal inmates valuable “real world” job and life skills training to enhance their prospects for employment and reentry success upon their release from prison. President Obama has emphasized the Administration’s goals of helping inmates prepare for reentry, stating: *“Our prisons should be a place where we can train people for skills that can help them find a job...”* UNICOR provides job skills to approximately 17,500 inmate workers annually. Upon release, program participants are 24 percent less likely to recidivate and 14 percent more likely to find and maintain sustainable employment, than those who did not participate. These numbers mean more productive, law-abiding citizens, more intact families, and safer communities.

UNICOR is good for local economies as well. On average, 72 percent of UNICOR’s revenues return to the economy from the procurement of ancillary equipment, supplies, and services within the region of factory production. Companies that first manufacture with UNICOR may even grow to the point of building their own factories. Additionally, the UNICOR workforce can add to the skilled labor force of the community upon release from prison.

Now on to doing well.

UNICOR serves as a viable business incubator or manufacturing extension for business operations. When companies lack capital to build new or additional factories in the United States or face other constraints, UNICOR can provide immediate access to factory and warehouse space nationwide. UNICOR also offers a flexible labor force to help meet companies’ surge production needs. Moving production to the United States – the world’s largest market – can help companies reduce transportation costs, increase sales, as well as lower production costs, most notably by avoiding the significant outlays of purchasing equipment and leasing factory space.

UNICOR also possesses repatriation (reshoring) authority to produce or assemble products for a company that certifies they are currently produced, or would otherwise be produced, outside the United States. UNICOR can also produce non-repatriated products for the private sector when the work performed will not displace sector jobs, inmates are paid the local prevailing wage, and other conditions are met. UNICOR also provides commercial market services (e.g., call centers) to the private sector when doing so does not displace local workers.

Through the Federal Interagency Investment Working Group, SelectUSA and UNICOR have partnered to assist and encourage companies to create and retain U.S. jobs both through UNICOR factories and the private sector at large. By working with UNICOR, companies can obtain financial and manufacturing benefits, help inmates obtain technical skills, and turn distressed areas into vibrant hubs of economic activity.

UNICOR discourse is formulaic, and this UNICOR blog is true to its form. The corporation typically maintains some sort of historical context, and garners esteem based on its longevity. It also tends to highlight three dominating elements: 1) its *authority* as an incorporated State actor to operate for the benefit of private business, 2) contrasts that authority with its beneficent purpose for existence (provide “*real world* job and life skills training...”), somehow untied from the political economy of private profits and losses; and 3) its business is obscurely framed in elite terms as a *public-private partnership*.

In the discourse above, UNICOR features two bifurcated, value-laden themes for potential clients’ consideration: “doing good” and “doing well.” *Doing good* applies to UNICOR’s self image and how its work benefits the public, and implies that private entities will “do good” by association. *Doing well* is reserved for potential business actors, and explains how using prison factories and workers can increase the bottom lines for its private partners if they opt to use the “viable business incubator” and “flexible labor force” that UNICOR provides. There is no mention of the labor force’s status in that particular paragraph, and divorced from the rest of the text, there would be no way to know the ‘employees’ are incarcerated.

Taken as a whole, there are 503 words in the blog. The word “inmates” is used only five times and “prison” only three. UNICOR camouflages the carceral and punishment aspects of its “industry,” and transforms it into a language of “work discipline” – an overriding theme in prison industry discourse that conflates work with the quality of being “law abiding.” It seems clear from history that these two aspects fail the contingent elements test, and the statistical evidence they provide indicating ‘success’ of prison industries (recidivism and job attainment) – while better than *zero* – should be higher for a more convincing argument that working in UNICOR during incarceration is a panacea for America’s crime problem.

The final paragraph combines UNICOR’s goals with the goals of the ITA administration to “retain U.S. jobs” but omits the obvious – that prisoners are not rightfully U.S. citizens during and after incarceration (depending on the state, some ‘ex-felons’ will be permanently disenfranchised). This omission, I suggest, illuminates the organization’s true intentions, which are adaptable to social changes and fueled by prevailing motivated social cognitions. The point of highlighting the retention of U.S. jobs is no longer solely directed on the utilization and exploitation of incarcerated labor, although that feature still exists, it is not the most lucrative function of carceral traffic today.

During the mid-to-late 20th century, carceral traffic had undergone a major institutional transformation, and the public-private partnership based on the relationship between private vested interests and elite political actors changed from exploitation of, and profiting from, carceral labor (slavery/convict lease model), which also provided many state governments with operating capital and increased the wealth of many private citizens, to profiting off mass incarceration through mandatory *prison expansion*. This aspect of carceral trafficking is revealed in the blog where it states that UNICOR is good for local economies. In the latest carceral

trafficking model, tax monies are distributed to exponentially more individuals, both public and private, using the mechanisms of lawmaking, prison expansion and maintenance (of course, the key players/modus operandi, Congress and politics, are left out of the narrative). According to the blog, UNICOR will even provide an institutional type of seed money to private enterprises that “lack capital” to expand. This is one example that explains how the process of fiscal return functions in the new carceral traffic system using the language of liberalism to persuade and incentivize potential clients. Apparently, if the blog’s premises are true, it could be surmised that criminals make the economic world go round, and thus “crime” can be construed as a moral good - without which “law abiding citizens” would not have certain employment opportunities. It may be deduced from the discourse that some industry necessitates crime, which equals jobs (for free and carceral labor) that equals ‘intact families’ (a phrase signaling “traditional” or heteronormativity) and finally, ‘safer communities’... which returns to the necessity of having *non-law* abiding citizens to commit crimes to close the circle and make the system ‘function’ for this type of political economy.

The guidelines for determining the success of this carceral traffic model is unclear, and presumably based, at least in part, on subsequent rates of crime and recidivism; however, the true sociopolitical costs of carceral trafficking apparatuses have been shown to be negative, expensive, and outweigh the “positive” outcomes of job creation for “free” labor and private profits. The reliance on predictable law making (crime making) as an effect of race and class schemes instituted and administered by the elite, *practiced over centuries*, can be attributed, I argue, to a socially inherited, cognitive malfunction, or mass psychopathology. In other words, modern systemic racism descended from performances of extreme racism, which Poussaint (2002) deems “a delusional symptom of psychotic disorders” that is perceived as “normative and

not pathologic [and] lend it legitimacy” (p.1). Poussaint (professor of psychiatry at Harvard Medical School) sees problems with the perception that extreme racism is normal. He feels it is past time for the American Psychiatric Association (APA) to “designate extreme racism as a mental health problem” (p. 4) and add it to the DSM (the Diagnostic and Statistical Manual of Mental Disorders). This is currently a contested idea; however, it seems obvious to contemporary sensibilities that racism is a cognitive disorder that must be addressed from several different points of attack: mentally, structurally, sociologically, biologically, etc. I agree with Poussaint that pretending racism is “normal” only legitimizes its existence as a counterpoint to being non-racist.

Additionally, if industrial occupation were the hallmark of lawful behavior, then it would be ethical and reasonable to provide industrial opportunities to disenfranchised groups prior to incarceration – *if* that is the government’s real argument about the miraculous-effect of work. Otherwise, the prison industrial/carceral traffic scheme is the same elite social cognition inherited from institutional predecessors that uses its front stage face to espouse an ideology of work to the public as a rational justification for its existence, but its backstage face is an imbroglio of worn out ideologies mired in illegitimate reproductions of racism, classism and male domination (Goffman, 1978). This “predatory habit of mind,” according to Veblen (1912), is a typical, binary arrangement based on “economic differentiation” (p. 301) and power, which have developed into social norms. He writes:

The social structure in which the predatory habit has been the dominant factor in the shaping of institutions based on status. The pervading norm in the predatory community’s scheme of life is the relation of superior and inferior, noble and base, dominant and subservient person and classes, master and slave (p. 301).

Thus, industrial schemes that utilize some form of carceralized labor (slave or prisoner) to affect some predetermined outcome are not only structural, but also recurring features of mental and cultural habits of the elite (to Veblen, the “leisure”) class.

There’s nothing new to see here – except the net of carceral traffic system is even wider, more entrenched, globalized, and invisible than ever before. Carceral trafficking is a condition of the global economy that reinvents itself to comport with structural changes in politics, culture and evolving social ideas about liberty, freedom and human rights. The cognitive and social continuities between slavery, convict leasing and modern privatized mass incarceration and prison labor schemes are axiomatic, well documented and indisputable (Lichtenstein, 1996; Roediger, 1999; Alexander, 2010). Historical carceral discourse shows how globalization enabled the power of the state to combine with the power of commercial interests to form an intractable partnership that remains inextricably linked today. Globalization has been a major component of male dominated Enlightenment cognition. It was the means by which international trade routes were established that facilitated the movement of people throughout the world like never before. Thus, globalization symbolizes political economy embedded in centuries of cognition and action (motivated cognition) grounded in exploitation, class struggle and capital accumulation (Woods, 2000). The UNICOR of today is the result of intense and ongoing globalization, and its customer-directed discourse speaks the language fluently. Elite partners use altruistic framing techniques to justify their utilization of convicted felons in carceral traffic schemes. This aspect requires confrontation, critical explication and revelation to reveal the ideologies that energize the frames, which this dissertation seeks to accomplish. The carceral centered State-business relationship spans modern western history, and cognitively speaking, the current configuration necessarily bears a *family resemblance* (Rosch and Mervis, 1975, p. 576) to

the business of Black chattel slavery.¹²² Out of (quasi) Abolition, the Convict Leasing System emerged with a vengeance, maintaining cognitive continuity with its carceral predecessor using the same actors within a partially transformed political scene. The cognitive mapping of the Black Carceral Frame on micro and macro levels remained fairly intact after emancipation, and it took years for sufficient sociopolitical resistance to manifest the necessary motivation to finally stop that form of public-private partnership, the one most closely resembling the original chattel slavery frame.

The next carceral transformation began with the cognitively acceptable institutionalization of prison industries. The incorporation of Federal Prison Industries in 1934 energized the carceral traffic field. It appealed to cultural sensibilities; and because of market logistics intersecting with the consequences of mass incarceration schemes, carceral incorporation allowed for the logical expansion of prison industries – both in the actual physical need for more institutions, and also for the needs of capitalism to grow new markets. It also allowed for the eventual centralization of prison industries, and expanded the federal government’s jurisdiction over states’ prison systems, which had, for the history of the nation, been a state matter (hence the long reign of *U.S. slavery 2.0* known as the Convict Lease System, or CLS). Roosevelt’s Executive Order, “Creating a Body Corporate to Be Known as Federal Prison Industries, Inc.” (11 December 1934), explicitly declares his authority to incorporate prison industries, and in article three writes: “The said corporation shall have power to determine

122 Rosch and Mervis (1975) use the term “family resemblance” to define a general principle for prototypes that are “applicable to categories regardless of whether or not they have features common to members of the category or formal criteria for category membership” (p. 576). The superordinate category “prison”, I argue, bears a family resemblance to the superordinate category “slave plantation” when accounting for the categorical memberships inherent in each. Categories like “prison factory” and “community corrections” would likely yield similar categorical and minimally distant traits – and all of which would derive maximal distance from opposite categories associated, say, with institutions representing freedom (college, liberal government, and world government organizations, like the United Nations).

in what manner and to what extent industrial operations shall be carried on in the several penal and correctional institutions of the United States...” This was accomplished within a year (5 October 1935) by the creation of the “Prison Industries Reorganization Administration” (PIRA), under the auspices of the National Recovery Administration (N.R.A.), and thereby expanded federal jurisdiction over the states’ industries to organize prison industries across the nation and put an end to old systems of convict lease, which was seen as a threat to free enterprise, free labor, and diminished the sociopolitical and economic value of “prison industries.”

5.3.1 **Final Thoughts on Public-Private Partnerships**

In conclusion, elite discourse from penal archives reveal the long running, historic and trifurcated themes that underlie and energize state authorized, carceral trafficking: masculine domination, exploitation of human labor for profit, and the commodification of human *bodies* for wealth accumulation. In the 18th century, for example, the slave trade was called the market for human flesh. State approved, human trafficking of African slaves was big business with big profits. The federal government turned a blind eye to state approved, private use of slaves – even going so far as offering several compromises that benefitted slaveholders, for example constitutionalizing enumeration of propertied Black bodies for taxes and representation in Congress, and two unpopular Fugitive Slave Laws. This market was the prototype of the public-private partnership in the U.S. today.

Finally, while there had always been some level of social resistance to the slave trade, convict lease and prison labor (carceral trafficking) on moral and religious grounds, most efforts at curtailing the institutions have lacked significant sociopolitical energy and legal authority to affect significant change. By and large, there has been no end of social support for carceral traffic schemes from citizens, governments, and commercial interests worldwide. Indeed, the market for

slaves and prisoners has been robust in the Americas, and are deeply embedded in the culture, the Constitution and the group mind.

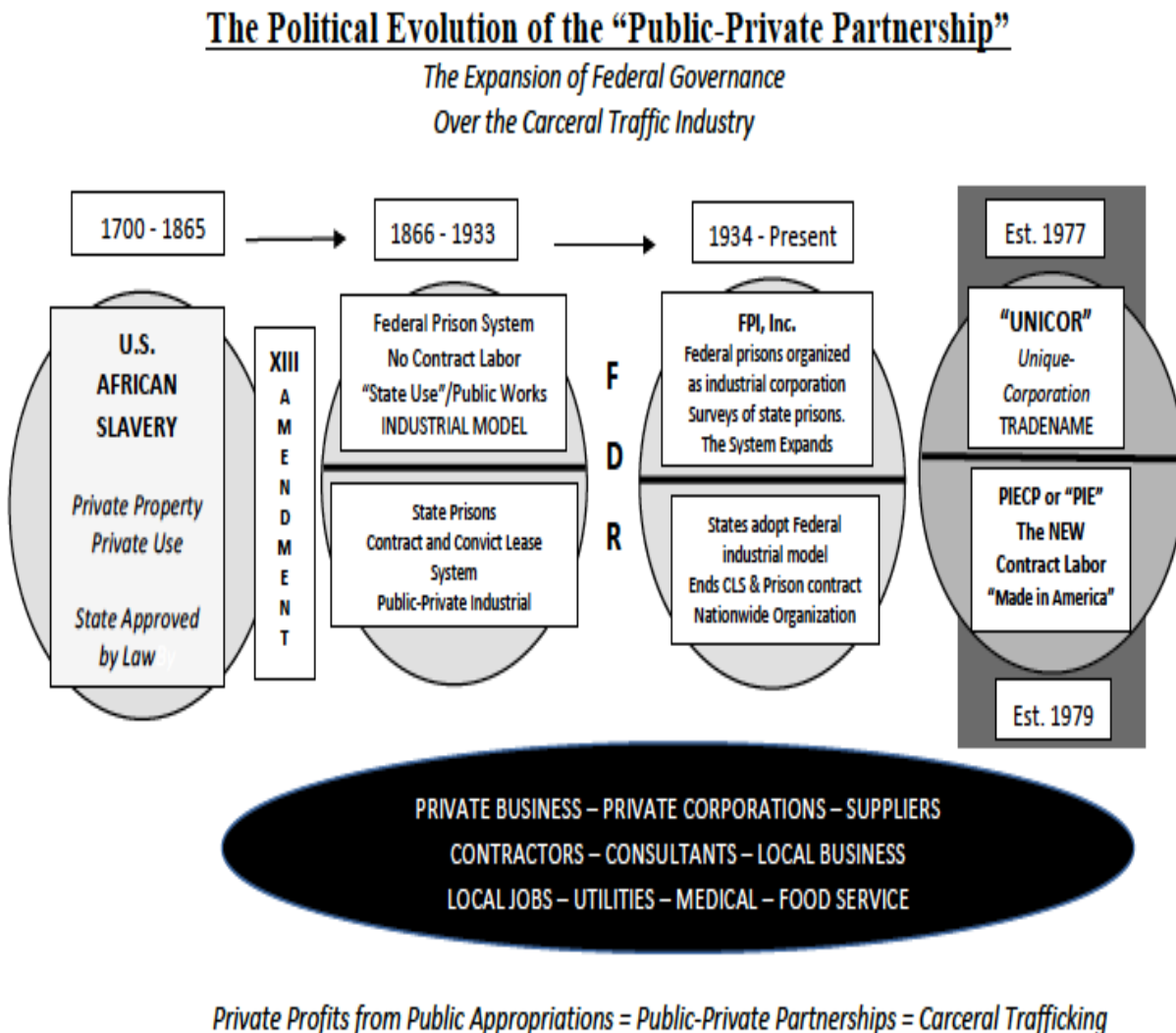


Figure 8. The Political Evolution of the “Public-Private Partnership.”

5.4 **Work Works: Invoking an Elite Ideology of Work**

“We must make them unhappy but must do it in a more kindly spirit.” – Sanford Bates¹²³

The meaning of prisoner work is divorced from the language of post-industrialization; but there is no post-industrialization in a prison factory, where the historical meaning of prison labor remains fixed in social cognition in terms of punishment and exploitation on one side and the ideology of rehabilitation-through-work on the other. The power of “work” is alienated from social inequality in the real world. Braithwaite (1980) suggests the State may be invested in *helping* prisoners “believe that legitimate work can be more rewarding than illegitimate work” (p. 185). Even inside prison factories (old and new), carceral workers have more economic freedoms than other prisoners, including opportunities to save money and meet financial obligations.¹²⁴

5.4.1 **Work Ethic Ideology**

When approaching economic discipline and work, or the “work ethic,” classic theories of sociologists Max Weber and Émile Durkheim can be useful for identifying work ideologies. The “moral virtues of hard work and diligence” espoused by the Protestant work ethic via Weber (1958) are embedded social narratives seemingly alive and well in the sociopolitical and cultural fabric of the US to such a degree that it has long been an embodied cultural norm and a standard from which most people judge and are judged by others.¹²⁵ The State has historically taken an active role in programming the carceral laborer (like most citizens, in general) to understand the

123 Sanford Bates (1932), p. 568. Sanford Bates was the first Superintendent of Prisons for the Federal Bureau of Prisons (appointed by Hoover in 1929), and worked there until 1937. He was a key figure in the FDR administration, and indubitably a chief architect of modern prison industries.

124 See UNICOR trade brochure, “The straight facts. Washington: UNICOR.GOV.

125 See in general Max Weber (1958). *The Protestant Work Ethic*. New York: Charles Scribner’s Sons.

importance of embodied work and economic discipline as a means for realizing personal success and “freedom” (Hawesworth, 2016, p. 93). To a measurable degree, at least for the duration of a prison sentence, laboring in prison would be the carceral worker’s ‘calling’ (to keep the narrative in terms of the Protestant work ethic), and the State (and the commonwealth) are invested in the carceral work force embodying this ideal.

In Durkheimian terms, the work ethic can be described as a moral discipline. Durkheim (Lukes 1973) suggested that morality is “a system of rules of action that predetermine conduct” (p. 112), and “which serve to shape our behavior” (p. 112). Discipline, argued Durkheim, performed “an important function in forming character and personality in general [since] the most essential element of character is the disposition to self-mastery, that capacity of restraint or, as they say, inhibition, which allows us to contain our passions, desires, habits, and subject them to law” (p. 113). Due to globalized forces, economic discipline and the internalization of a work ethic are contingent on participating in some form of compensated labor in a neoliberal market society. The economic discipline of carcerality in general, and carceral labor specifically, correspond well with many of Durkheim’s theories, which have long been used in criminological and sociological studies of deviance and the division of labor.

There is an underlying premise in historical and modern federal prison discourses that prisoners lack an internalized work ethic, and that it can be coerced *voluntarily* (or otherwise, depending on the ideology) through participation in a carceral environment. From a speech given by Judge Joseph Ulman (PIRA Chairman) to the American Prison Association in Atlanta (28 Oct 1935):

Advocates of the older, harsh, and repressive treatment of prisoners demand that men sentenced to a term of years ‘at hard labor’ ought to be compelled to work in prison. They condemn prison officials who permit prisoner to twiddle their thumbs while the state pays for their board and lodging. On the other hand, those

who look on imprisonment as part of a rounded plan to reduce crime are equally insistent that prisoners should work, because these critics recognize that *the inculcation of habits of industry* is the most effective way in which prisons rehabilitate prisoners. [Emphasis mine indicating an alternate to the term “work ethic”.]

How this works in real-world terms is not completely understood when there are inconsistencies between State departmental rhetoric. According to Grint (1998), “the state often appears to have a definitive answer to the conundrum of meaning: the population is divided between those who are *economically active* and those who are *economically inactive*. But the definition of activity here relates very closely to the formality of employment: if people are paying tax and insurance, etc., they are working; if they do not they are not working” (p. 9)¹²⁶ FPI, Inc.’s carceral ‘employees’ do not pay taxes on their incomes, so could be construed by the State as not legitimately “working,” which corresponds with court decision on the matter; however, the State in its carceral-traffic-persona frames the carceral laborer in “worker” terminology and advertises their work (and work ethic) to private corporations using professional brochures full of smiling and industrious prisoner workers.¹²⁷

Internalizing the American *work ethic* (which is the sum of work and economic discipline) is likely no easy accomplishment for prisoners. The gauntlet through which one must pass to attain economic independence is particularly onerous for prisoners post-incarceration - and whether or not UNICOR actually prepares or insulates the person(s), who have paid their

126 Note: Grint’s sociology of work does not mention prisoners or prisoner labor - and slavery is allowed a mere two paragraphs nestled under the subtitle “Work and power.” Sociology of work most often defines work in economic terms of “paid employment,” thus legitimating the carceral laborers in UNICOR as “workers” who deserve a rightful place in sociology of work literature, which are not simply relegated to the footnotes or reference pages (or not even mentioned at all).

127 In the *UNICOR Bringing Jobs Home, Investing in America* brochure it states: “UNICOR is a program that truly “works” in every sense of the word, and provides the added benefit of changing lives.” See the brochure here: https://www.unicor.gov/publications/corporate/CATC6300_C.pdf

“debt” to society via incarceration, from the harsh realities of the working class world that exists for people living in the margins is unlikely, given the reported rates of recidivism - even for former UNICOR workers.¹²⁸ Impinging upon a long-term, positive relationship with work in a free market society could spring from the indubitable exploitative nature of prisoner labor. The incentive to conform to acceptable economic activities outside prison walls may be reinforced inside the prison factory by recognizing the legitimacy of prisoner labor and its economic contribution - and compensating it competitively with mainstream American workers - *not* underdeveloped countries that allow their citizens to be exploited for labor. The archival discourse produced during the early 20th century shows a greater acceptance of ex-felons as free workers than is currently recognized in the 21st century, where a felon label can stigmatize a person for life, and impede her or his ability to find meaningful work with adequate compensation to ensure independence.

5.4.2 **Learning to Work**

The following discourse came from a file folder at the FDR Presidential Library, titled “Federal Prison Industries, Inc.” The words: “Rosenman Papers” handwritten on the front of the file.¹²⁹ Inside was a collection of elite discourse, starting with a “History and outline of Its Policies and Activities Since Incorporation” (1936). On page 3, is a (elite) quote uttered by FDR in 1934, during signing of the bill establishing FPI, Inc.:

I am glad to approve this bill because it represents a distinct advance in the progress of prison industry. Without any important competition with private

128 According to UNICOR promotional materials, “24% of former offenders [are] less likely to recidivate as a result of participating in UNICOR/vocational training programs (vs. counterparts without such experience). This figure does not set a high bar for success Another, more realistic, way of looking at UNICOR’s success is 76% of ex-UNICOR workers are likely to recidivate.

129 Apparently, the archivists at the FDR Library moved this file from the Samuel Rosenman papers, which is another collection for view at the FDR Library, and filed it under “prison industries.” Rosenman coined the term “New Deal” and was also a speechwriter for FDR.

industry or labor, the Government can provide increasingly useful work for those who need to learn how to work, and to learn that work in itself is honorable and is a practical substitute for criminal methods of earning one's livelihood.

According to FDR's statement:

1. The Government can provide work
2. For those who never 'learned' how to work
3. Those types of men can 'learn' that work 'in and of itself' is honorable
4. Work is a 'practical substitute' for illegal 'methods' of wealth attainment

The first question that comes to mind after reading about the progressive nature of prison industry is *why does the government wait to provide (free) training and work opportunities until after crime becomes a choice or a necessity?* If the goal is to have less crime for safer communities and work is the antidote then the government needs to appropriate funding to provide education, training, work, basic housing, clothes, and food beforehand. It remains unclear from a social cognition standpoint how the group mind can accept paying for (poor and minority) people to "learn" how to labor by giving them jobs in prison, and see it as a positive and beneficial use of taxpayer monies - but only in a carceral frame, under the auspices of rehabilitation, and as long as the work does not compete with "free" (i.e. legitimate) labor.

Another observation comes from examining the third premise above. Here, Roosevelt frames *work* as a Kantian categorical imperative. He avers that work is an end-in-itself as opposed to a means to an end. It could be argued that paid labor can be both; and, for those who live at the margins of society, the quality and types of work available are often – and only – a means to a monetary end. It takes a trick of thought to frame most (actual) labor in more rosy terms. In prison, it is often assumed the prisoner lacks appropriate work ethic, which can allegedly be learned through the coercive act of becoming a carceral employee of the State. Is it that different than the coercive nature of capitalism itself? For the carceral labor force, the exploitation may be doubly coercive given the un-free character of the prison scene where there

is little distance between the factory and “home.” Of course, the privileged elite fails to understand the true meaning of “work” because they have likely never performed it the ways in which is expected from the laboring class.

On page 198, Figure 9 (*Pre-incarceration Employment, Atlanta Penitentiary, 1936*), enumerates the types of jobs previously held by inmates in the Atlanta prison prior to incarceration. These figures came from data acquired by the PIRA (Prison Industries Reorganization Administration), which was formed by FDR in 1935. The committee surveyed all U.S. state prisons (that allowed the federal government access) and created a report for each one and included recommendations for improvements. Each of the reports was titled: *The Prison Labor Problem in [State Name]*, but not all the reports contained the same information; for example, not every report had work information prior to incarceration. Thus, the Atlanta discourse is important because the numbers indicate that less than half the prisoners were “unskilled” at the time of imprisonment. Many were skilled, with less than 1% classified as “professional.” This data, at least in the case of the Atlanta state prison in the mid-1930s, belies the government’s ideological myth that “criminals” have never learned to work.

Bringing that line of questioning into the current era is necessary because UNICOR *still* operates under the same, outmoded rationale and ideology of work from the Great Depression, *and* the social problem of providing education and work opportunities in segregated communities prior to incarceration has been relentless since post-Emancipation – due in no small part to embedded racist practices like social segregation and alienation. These types of discrepancies are highlighted in a timely report by Looney and Turner (2018) from the Brookings Institution: *Work and opportunity before and after incarceration*, which examined IRS tax filing data of 2.9 million prisoners from 1999 to 2014. In addition, researchers were able to identify childhood

neighborhoods, parental income, and marital status of 497,000 prisoners born between 1980 and 1986. The researchers' stated motivation was to "understand and improve tax policies aimed at re-integrating ex-prisoners"; however, the results of their analysis indicated the need for "policy interventions focused on improving the lives of poor children and less-skilled adults" (p. 1) prior to criminal activity. Looney and Turner's findings suggest that ex-prisoner employment problems likely do not arise from imprisonment, but are more likely a socially compounded condition that has followed them their entire life and are "related to family resources, local environment, and ... race" (p. 2). This report found that 56% of incarcerated adults had no *reported* earnings two years prior to incarceration (which does not mean they earned zero income), conversely 43% did; however, the mean earnings were less than \$15,000 annually overall, including those whose filing status includes the presence of children. This report also includes tables for neighborhoods with highest and lowest rates of incarceration by zip codes, incarceration rates, race, child poverty rate, single parent percentages, male unemployment rate, and college education (see Appendix B, p. 300).

These results show stark differences between these groups on all measures – and throw a harsh light on U. S. social priorities, which could conceivably have a positive affect on America's "crime" problem by instituting work opportunities *outside* and before prison. The results of the Brookings study illustrate how using an ideology of work that intersects with actualized carceral events - which have historically and overwhelmingly "happened to" the poor and people of color, who have less access to viable education and work opportunities *in their neighborhoods* - is non sequitur. UNICOR's rhetoric, and FDR's elite utterance from page 182, is invalid insomuch as the discourse conflates *criminality* with a *chosen* "lack" – lack of education, lack of work experience, and a lack of an internalized work ethic. Throughout FPI's

lineage the elite ideological trope predicated on “lack” has been repeated and reproduced to the point of reification, but its institutional etiology can only be true in a disembodied carceral realm that operates independently of, and disassociated with, real-life social problems that disproportionally affect nonwhites and low-income earners.

5.4.3 **Work Semantics**

In the 1930s, Congressional elite contested work in relation to convict labor and struggled to find balance between the labor needs of the nationwide penal contraption they were building and the lack of labor opportunities (for men) in “free” society during the Depression.

Representative Cooper of Ohio was a stalwart protector of free labor. In 1929, he had co-authored a bill (Hawes-Cooper Act) that put the brakes on the interstate trade of prison-made goods, thus limiting the growth of prison industries (in the states) for awhile, but also instituting carceral consequences like the dreaded and oft-cited scourge of “idleness”; nonetheless, in 1934, the Congressional Record¹³⁰ shows Cooper at it again, and this time he is going after manufacturing technology in federal prisons.¹³¹ Cooper proposed an amendment to the 1930 Prison Industries Working Capital Fund Act that was “An act to provide for the diversification of employment of Federal prisoners for their training and schooling in trades and occupations, *and for other purposes* [Emphasis mine; this broad and arbitrary clause often accompanies federal acts associated with prison industries, including the purpose for incorporating].¹³² Cooper introduced his amendment and he wanted added to the end of the prison industry capital fund bill the following, which read: “*Provided*, That no part of this appropriation shall be used for the

130 See 78 Cong. Rec., Volume 78, Part 2 (January 23, 1934 to February 9, 1934), pp. 1127-2294.

131 Technology was a coded variable in this study (Mean .30), and was topic of contestation and achievement depending on the economic climate.

132 U.S.C., sup. VI, title 18, secs. 744d, 744e, 744f.

procurement and/or installation in any Federal correctional or penal institution of machinery for the manufacture of metal furniture and/or metal office equipment” [emphasis his]. Cooper’s amendment idea instigated the debate of the day, wherein he argued in favor of prisoner work, but with a hint of cynicism: “however, the installation of high-powered machinery in our Federal penal institutions will not solve the work problem for inmates.” Cooper was attempting a conciliatory tone, yet averred:

“...But you say the prisoners have got to work. Certainly they should. I want them to work: but today, when we have millions and millions of law-abiding American citizens walking the streets of the country looking for a job, when we are paying over a billion dollars out of the Federal Treasury to help them support their families, this is not time to give prisoners a preference; and if I have to take my choice between giving a prisoner a job or giving it to a law-abiding American citizen back home who has to support a family, I am going to be on the side of the law-abiding American citizen” (p. 1875).

Cooper’s rhetoric drives home the “law-abiding citizen” trope that reinforces *us versus them* dichotomy and stigmatizes all prisoners equally. Other masculine phraseology signals heteronormativity and the “traditional” family hierarchy, and also disregards the probability that prisoners have families too. Cooper continued his argument against installing laborsaving technology in prison:

“Today, we find millions of American citizens unemployed, and this is no time for our Government to establish industries in our prisons, operated by prison labor, which will result in increasing the unemployment situation in our country ... and will injure the industries and take business away from private capital and free labor” (p. 1875).¹³³

133 Cooper’s argument against modernizing prison manufacturing technology can be analyzed through the lens of Enlightenment thinker, Jeremy Bentham and his “Less Eligibility” argument, which is related to Poor Laws, work, and institutionalization. According to utilitarian thinkers, it was necessary to “restore the principle of *work*” in the poor and indigent, but to do so without making institutionalization more attractive than life as an independent worker outside the confines of a prison, or in Bentham’s time, the *workhouse*. (See in general Fraser. D. (1984). *The evolution of the British welfare state: A history of social policy since the industrial revolution*. London: MacMillan Press, p. 46.)

It is important to note that despite Cooper's efforts at the time, the manufacture of metal office equipment became a hallmark of prison industries that continues today. Still, at the time of these sometimes-contentious congressional debates, prison industries were expanding and presumably diversifying their offerings to spread the burden of competition among a variety of industries. Thus, federal prison products, like the shoe and cotton/textile industries for instance, were also in the crosshairs of some House members – but these were not the only issues at hand that day.

Concomitantly, there was an elite firestorm underlying the entire operation stemming from negative attitudes of some House members directed toward Sanford Bates, the influential Director of Prisons (writer, politician and criminologist), who Mr. Oliver of Alabama did not want “to confer any arbitrary authority” (p. 1877) by allowing him to dictate prison policy that would substitute congressional authority using “a prison industrial board” (p. 1877) – unless they, themselves, authorized the board. Mr. Shannon of Missouri had this to say about Sanford Bates in 1934:

[...] you know Sanford Bates; he is a penologist gone awry. His whole thought is to inlarge [sic] the business activities of the institutions under his direction, and to make a good financial showing. We had him before our committee investigating Government competition with private enterprise. He cares not how many in the ranks of outside labor he puts out of employment in order that his machinery may be used in the guise of providing so-call “employment” for those within his institutions.

Mr. Francis J. O'Donnell, representing the Joseph M. Herman Shoe Co., of Boston, came before our committee. He is a fine man, fighting for labor and private industry. He challenged Mr. Bates, saying: *Mr. Bates, you have put into your institutions ever labor-saving device that can be procured. If you are in good faith and you want work for your inmates, why do you not take the machines out and let them work by hand? Why do you consistently put these new machines in your institutions? You are crushing labor and industry every time you do so.* Then Mr. O'Donnell submitted figures to show that some 75 percent of the shoemaking done in the penitentiary at Leavenworth is done by machinery ... Mr. Bates does not care any more for the furniture industry than he did for the railroads when the last administration was trying to serve the railroads and, unbeknown to anybody, he established a competing system of bus transportation.

The busses ran clear across the country transporting prisoners from Atlanta, Ga., to Leavenworth, Kans.; from Chillicothe, Ohio to Luray, Va., and other points. When I asked Mr. Bates about this, and asked him where he got his authority to go into the transportation business, he said: "Congress gave me the authority." If you do not restrict him now, you will live to see the day when he will say, "Congress gave me the power to go into the furniture business" (p. 1877).

These debates were occurring at an intense socioeconomic time in U.S. history when unemployment in 1934 was ~ 25% and GDP growth was 10.8% - up from -1.2% only a year prior.¹³⁴ Simultaneously, prisons were bulging at the seams, many of which holding double the amount of prisoners than were intended. Some politicians (Rich from Pennsylvania, for example) argued that "prisoners should be set merely to moving bricks from one side of a space to another," while others like Tarver of Georgia or Connery of Massachusetts were in favor of paying prisoners "the same wages that you pay free labor on the outside, and let the money go to the families of the prisoners..." (p. 1881). Another Representative, Mr. Cochran of Missouri said,

"If I had my way, I would open a lot of schools in the prisons and educate the prisoners while they are there; keep their minds busy; get some of these professors you hear so much about and put them to work teaching the prisoners ... [p]utting the prisoners in school for 5 to 6 hours a day would not be competing with any industry" (p. 1882).

Finally, Mr. Brown of Kentucky, offered his unique, idealistic and positive perspective about work and leisure for everyone in society:

I would rather devote my 5 minutes to a discussion of what I think should be our attitude on prison labor. It is my contention that there is enough work to be done to let every man inside the prison walls do some constructive work, not pile bricks here and pick them up and put them over here but make a contribution to society that is on the outside. What if they do make plenty of shoes? We have millions of families in this country without any shoes to wear. What if they do make some duck down at Atlanta? We have millions of families in this country without anything to wear. What if they do make some metal chairs here? We have some people in this country without any money to buy metal chairs. Why not let them produce something constructive and then put it in a place that will make life easier? I cannot follow the reasoning of the gentle man from Missouri that you

¹³⁴ See Linda Levine (2009). The labor market during the Great Depression and the current recession. CRS Report for Congress.

should take an ax and smash machinery so that we could have an opportunity to work. If you get to the point in this country where you push an electric button and everything is done, would it not be all right? Can we not learn to enjoy life free from drudgery? Would you have a man shine up the lamp chimneys in order to have something to do and destroy the electric light? Destroying machinery so that there will be more work to do has been argued all through the ages. It has been argued that if you create machinery, you will do away with work. Well, I do not care if we reach the point of perfection in this country where we do away with all work. I think the purpose of life is enjoyment of the fruits of labor and not labor itself.”

These contestable themes within the field of carceral traffic led to incremental, but significant transformations to the business of carceral traffic, eventually culminating in the creation of the Prison Industry Enhancement Act in 1979¹³⁵, and eventually the PIECP (Prison Industry Enhancement Certification Program) in 2006.¹³⁶ The diversity of opinions offered by these elite men in 1934 is indicative of this type of elite discourse.

Historically, prison (carceral) administration is a contested and masculine space. The field maintains a series of chronic impediments: competition with free labor; overcrowding and idleness, with a series of solutions for these goal-driven problems that originate and are executed within the socially imbalanced confines of androcentricity. This is never more apparent than reading historical, penal discourse – and a person must remain keen to even notice it - “it” being so utterly normal and banal that the burden of male domination goes easily unnoticed and undetected, despite being the most salient feature. The contested space of Congress offers insight for the researcher to better understand the power of some ideas over others, mitigated by idealism and human compassion. Men like Mr. Cochran and Mr. Brown (representing Missouri and Kentucky, respectively) instigate a mild form of resistance against the more punitive

¹³⁵ See 18 U.S.C. 1861(c).

¹³⁶ See H.R. 2965: Federal Prison Industries Competition In Contracting Act of 2006.

attitudes of others, but which still makes space for cognitive continuity in the realm of carceral trafficking.

5.4.4 **Work and Institutional Identities**

It is the mission of Federal Prison Industries, Inc. (FPI) to employ and provide job skills training to the greatest practicable number of inmates confined within the Federal Bureau of Prisons; contribute to the safety and security of our Nation's federal correctional facilities by keeping inmates constructively occupied; produce market-priced quality goods and services; operate in a self-sustaining manner; and minimize FPI's impact on private business and labor.

- UNICOR Mission Statement

The term “institutional identity” has dual meanings. It frequently refers to the way an institution makes sense of itself. It also describes the power institutions have to create and sustain identities for its subjects. An example of the former is the *mission statement*. It provides a framework from which to view the ‘personality’ of the institutional entity and gives insight to the internalized and projected self of the organization. According to Angora and Marra (2011), “this dual focus [of internal and external identities] on both the inside and outside makes companies and their communications paradoxical creatures: on one hand, they seek to make an impact on the communities where they do business, but on the other hand, they are highly introspective and concerned about their identity” (p. 106). Koller (2011) suggests, “The mission statement, thus encapsulates both the beginning of collective identity formation in the form of an ideal employee identity as well as its end point in the form of a corporate identity. Structure and agency here meet in the ‘construction of identity in interaction’, here between producers and recipients of the mission statement, reproduces and is shaped by structures with regulatory power upon identity’, that is the organisation” (p. 105). Essentially, institutions are structures of embedded power relations, and reflect “existing macro-social forces” of society” (Benwell and Stokoe (2006, p. 87).

Regulating employee identity through institutional discourse is a powerful ability, and another meaning of *institutional identity*. Extending the power to regulate identity to prison laborers via State intention and political rhetoric, shows both the power and the limitations of power to influence and shape individual and collective identities. The “prisoner” identity is reinforced in the UNICOR mission statement and in the day-to-day lives of prison laborers. It is clear *how* UNICOR “sees” itself in its discourse. Its tri-purpose is clearly stated with emphasis put on using work to maintain “safety and security” in the carceral setting while participating and competing in a market economy. To do so, many inmates will need (re)skilled to perform the jobs required of them. There is no place in this statement that alludes to UNICOR’s purpose to train inmates for future jobs in industries outside of prison. In fact, it absolves itself of this responsibility, perhaps bowing to the fact that recidivism - even for UNICOR workers - is statistically likely. Regarding institutional mission statements, Rohan and Zanna (2001) explain how actors put the organization’s “core values” on display, yet

[i]t is unclear whether these “mission statements” reflect ideal social value systems, are ideological ‘rules’ for behavior, or are a form of propaganda designed to change people’s social value systems...these core values may be viewed as *mini-ideologies* (p. 473) [authors’ emphasis].

Analyzing UNICOR discourse is key to understanding the way this institution frames itself and its rationale for existence - and it is also fundamental for making meaning from the outcomes of State intentions for creating a prison labor market. UNICOR documents are an exercise in State reflexivity, which also communicates the institutionalized identity of its property, i.e. a (white) State-owned, (mostly nonwhite) labor force of (smiling and industrious) sociopolitical ne’er-do-wells. These types of discourse analyses are fundamental for developing a carceral traffic ideology. The State projects its power and intention through its prison industry

discourse, giving investigators subliminal insight into the Enlightened “mind” of the State and, thus, reveals the motivations of the State to utilize-cum-market prison labor.¹³⁷

Psychologically, work can satisfy certain social needs of individuals, in large part because the disruption of family life that emerged from industrialization and led to the formation of new social relationships that emerge between people who spend large amounts of time and space together (Casey, 1995).¹³⁸ The workplace now serves as a primary space of socialization, although perhaps inadvertent and “incidental to the main purpose of the organization” (Gecas, 2004, p. 187). This would be no less true in the *prison* factory; in fact, it could be amplified given workers labor *and* live in the same confines. Institutional identity plays an important and foundational role in the prison setting that begins with State classifications and categorizations. Institutions have the power to exploit identities by constructing and regulating differences (think ‘gender’, ‘sex’ and ‘race’). In fact, these delineations are internalized by groups, which identify with categories assigned to them, thus normalizing and accepting institutional subjectivity (Benwell and Stokoe, 2006, p. 29). State constructs that categorize lawbreakers as “felons” and ex-felons are durable identifiers. These particular identifiers are symbolic of State power and subjectivity that Benwell and Stokoe assert “impose order and stability upon the indeterminate play of signifiers in the discursive field ... [and is] tied intimately to political questions of identity” (p. 29). How can an ex-prisoner distance herself from carceral-derivative distinctions, when the power of institutional identity is branded both internally and externally on the carceral subject for the duration of their life? Can employment in UNICOR truly undo the collateral damage done by State inscription? Government statistics suggest otherwise.

137 It is important to note the UNICOR mission statement does not include “future” words or phrases pertaining to public safety and reentry. Markets and profits are key concepts in the UNICOR mission.

138 Casey provides a fantastic outlay of information on this process.

TABLE 3.—GEORGIA FELONY PRISONERS: BY OCCUPATION CLAIMED 1/

OCCUPATION CLAIMED	NUMBER	PERCENT
TOTAL	4,653	100.0
AGRICULTURAL GROUP:		
FARMERS	542	
LABORERS	720	
TOTAL AGRICULTURAL	1,262	27.2
CLERICAL GROUP:		
ACCOUNTANTS AND BOOKKEEPERS	12	
CLERKS	9	
INSURANCE AGENTS	1	
SALESMEN	27	
TOTAL CLERICAL	49	1.0
PROFESSIONAL PERSONS:		
ATHLETE TRAINERS	1	
NURSES	1	
PREACHERS	13	
SCHOOL TEACHERS	19	
STAGE MANAGERS	1	
TOTAL PROFESSIONAL	25	0.7
PROPRIETORS, MANAGERS, OFFICIALS, ETC.:		
MERCHANTS	5	
TOTAL PROPRIETORS, MANAGERS, ETC.	5	0.1
SKILLED WORKERS:		
AUTO MECHANICS	54	
BLACKSMITHS	24	
BRICK MASONS	11	
CABINET MAKERS	36	
CARPENTERS	40	
ELECTRICIANS	18	
ENGINEERS	4	
FIREMEN	18	
JEWELERS	1	
MACHINISTS AND MECHANICS	57	
MOULDERS	7	
PAINTERS	41	
PLASTERERS	13	
PLUMBERS	8	
POLICEMEN	2	
PRINTERS	5	
SHOEMAKERS	13	
TAILORS	9	
TOTAL SKILLED WORKERS	361	7.8
SEMI-SKILLED WORKERS IN MANUFACTURING AND MECHANICAL INDUSTRIES:		
BAKERS	9	
MILL OPERATIVES	71	
TOTAL SEMI-SKILLED WORKERS IN MANUFACTURING AND MECHANICAL INDUSTRIES	80	1.7
SEMI-SKILLED WORKERS IN NON-MANUFACTURING AND NON-MECHANICAL INDUSTRIES:		
BARBERS	16	
BRAKEMEN	6	
BUTCHERS	7	
COOKS	134	
DISTILLERS	13	
HOUSEKEEPERS	26	
ICEMAKERS	4	
MOTOR VEHICLE DRIVERS	104	
PRESSING-CLUB OPERATORS	21	
SOLDIERS	5	
STEVEDORS	5	
TOTAL SEMI-SKILLED WORKERS IN NON-MANUFACTURING AND NON-MECHANICAL INDUSTRIES	343	7.4
UNSKILLED WORKERS (SERVANTS):		
BELLBOYS	54	
DELIVERY BOYS	126	
PORTERS	38	
WAITERS	32	
TOTAL UNSKILLED WORKERS (SERVANTS)	250	5.4
UNSKILLED WORKERS (LABORERS):		
PUBLIC WORKS LABORERS	713	
RAILROAD HANDS	19	
OTHER	1,461	
TOTAL UNSKILLED WORKERS (LABORERS)	2,193	47.1
VAGRANTS	75	1.6

1. AS OF DECEMBER 31, 1936.

Figure 9. Pre-incarceration Employment, Atlanta Penitentiary, 1936.

5.4.5 Final Thoughts on Prisoner Work

Kant's categorical imperative is apparently a one-sided affair in the political realm of carceral traffic. The formalized incorporation of FPI, Inc. in 1934 matched the needs of corporate expansion with the needs of prison expansion. Incorporation was an attempt to legitimize the "work" performed by prisoners in the carceral setting; however, the stigma of *being* a criminal or felon is almost unshakeable because of politics and tough-on-crime rhetoric. The elite State's reticence to adequately address social inequality to radically improve education and work opportunities prior to incarceration (actually giving *all* people choices), which the government and world-at-large *knows*, and study after study has indubitably shown, will positively affect peoples' lives across the spectrums of race, class and gender – exposes the ideologically based and embedded intentions to perpetuate status quo hierarchies of power.

Congressional elite continue the process of mala prohibita lawmaking, the criminal justice system continues to administer politician's legal edicts, and a certain class and race of segregated individuals - deprived of equal education and employment choices must innovate ways to live in a world dominated by capitalistic norms and values – whose coping behaviors are criminalized, who are then arrested and blamed for their own inequality. It is a rather dastardly, macro to micro level, cycle of abuse.

It is true that some individuals are given work opportunities in prison, opportunities that were never an option in their neighborhoods and won't exist when they leave prison. So, there is a fundamental U.S. social problem when the only "employment opportunities" for many people exist in prison. This map likely signals malignant and corrupted ideologies like racism, elitism, carceral practices, and commodification-of-everything inherited from the earliest days of America. These carceral ideologies must be recognized, *abandoned*, and re-intentionalized to

stop the endless carceral traffic loop that benefits the business and political classes over the poor and people of color, many of whom are trapped and framed in the group mind as a means to a monetary end and not valued as an end in themselves.

Finally, it seems the problem of “prison industry” is a teleological one. The expansion of prison industry continues to serve a sociopolitical function. The *cause* of prison industry, the reason(s) it exists, cannot be blamed on criminal acts conflated with the absence of knowing how to “work.” For this to hold true there must necessarily be real education and labor opportunities *first*, which unemployed people choose to ignore. This simply is not the case. Prison industry’s own discourse reveals its origins as an effect of deeply held ideological concerns of the ruling class that, since this country’s inception, have been generated by a *fear of idleness* - elite idleness excluded.

5.5 **Hidden Forces of Power: Hierarchies and Masculine Domination**

In the United States, innumerable historiographical accounts leave zero doubt that western and elite white males were (and continue to be) the masterminds behind processes of domination in public, private and economic spheres. From the inception of Europe's global conquest in the 16th and 17th centuries, motivations of wealth accumulation and extirpation of resources – practices that led to power and corruption - prevailed. Yet, “men” are rarely, explicitly named as perpetrators of social injustices; instead, men are camouflaged in the word *people* or hidden within the names of organizations, which subsequently neglects the actualized real world structures of male power. The political discourse read for this dissertation is true to this form; unremarkably, women authored exactly zero of the congressional and prison-industry discourses found in the archives.

White males, as a social group, maintain dominance using the organizational power of discourse and male dominated ideologies like law and politics, for example, which “exercises a form of power or domination over other groups ... with an ideology that ... specifically function[s] as a means to legitimate or conceal such power” (van Dijk, 2008, p. 140). In other words, men have historically maintained the production and content of discourse. The concealment of male power in government bureaucracies and hierarchies, which are sustained by legal rational authority, are instrumental for the reproduction of carceral practices that include carceral trafficking – and which possess the power to adjust the carceral frame to comport with current societal social cognition.

Realizing positive consequences from the United State's “white man” problem requires theoretical tools that are capable of moving beyond what may be experienced in the materialized outcomes of law and the courts. Embracing an understanding of the cognitive

underpinnings that create and energize the power of white male supremacy and the organizations and institutions it/they create may be key to its defeat. Blaug (2007) contends:

[H]ierarchy is a social structure that ‘fits’ the structure of individual cognition in such a way as to assist the capture of meaning by the interests of power. This has important implications for deliberative democrats, and for how a more participatory democracy might ‘self-organize’. Only when the cognitive costs of hierarchy are visible can the institutionalized asymmetries of power that surround us be properly interrogated, minimized and managed (p. 3).

There are sophisticated cognitive mechanisms at work that explain the intractability of white supremacy and race production. For example, *cognitive economy* (Rosch, 1978, p. 3) made it possible for Africans, and then later, Black Americans, to be categorized in carceral and criminalized terms, which became naturalized in the minds of both the white polity and Africans alike.¹³⁹

Despite substantial changes in law, and what appear to be evolutions of social consciousness and improved race relations, racism persists and appears to be growing in new and dangerous dimensions. For Blaug (2010), the “asymmetrical power of organisational hierarchy” (p. 17) is often corrupted and contributes psychologically to the way the elite males have historically dehumanized and stereotyped those of lesser social status, and transmitted personal cognitions through institutional or organizational power, which is then transmitted and disseminated into the (subordinated) social arena through discourse with the power to impose mental representations in the group mind that reinforce the top-down institutions of power. Blaug sees this as cognitive substitution, which appears to be another source of cognitive energy that reinforces the prevailing positivism enmeshed in U.S. penal

¹³⁹ Rosch is a social cognition pioneer, who changed the way cognition is understood, and indicated that cognitive economy (mental shortcuts that maximize thinking) and the way the perceived world is structured, impacts the way categories are cognitively abstracted. This process is context sensitive and influenced by culture.

politics (see Blaug's visual explanation in Figure 10 below).

Still, hierarchy is not just a social construct, Blaug (2007) purports - hierarchy is a male construct - and this is important when discussing power. Hierarchies of race, class, and gender in the Enlightenment-derived-U.S. were fundamental for building and legitimating the low rung, carceral "reality" of today. Additionally, these sociopolitical, race- and class-based, hierarchical relationships are the result of corrupt intentions and which exist in a sub-perceptible realm, naturalized by time. In his online digest, Blaug (2010) writes:

Corruption by power is a distortion of perception that operates beneath awareness. This is the case for both leaders and subordinates. Corrupted perception is a dangerous side effect of hierarchy, and also serves to maintain it, often well beyond its sell-by date (p. 5).

Thus, concludes Blaug, "corruption of power might itself be an epistemological matter ... and ... what amounts to a disorder of knowing" (p. 48). Hierarchies of race, class and gender are part and parcel of the universalized project of masculinities.

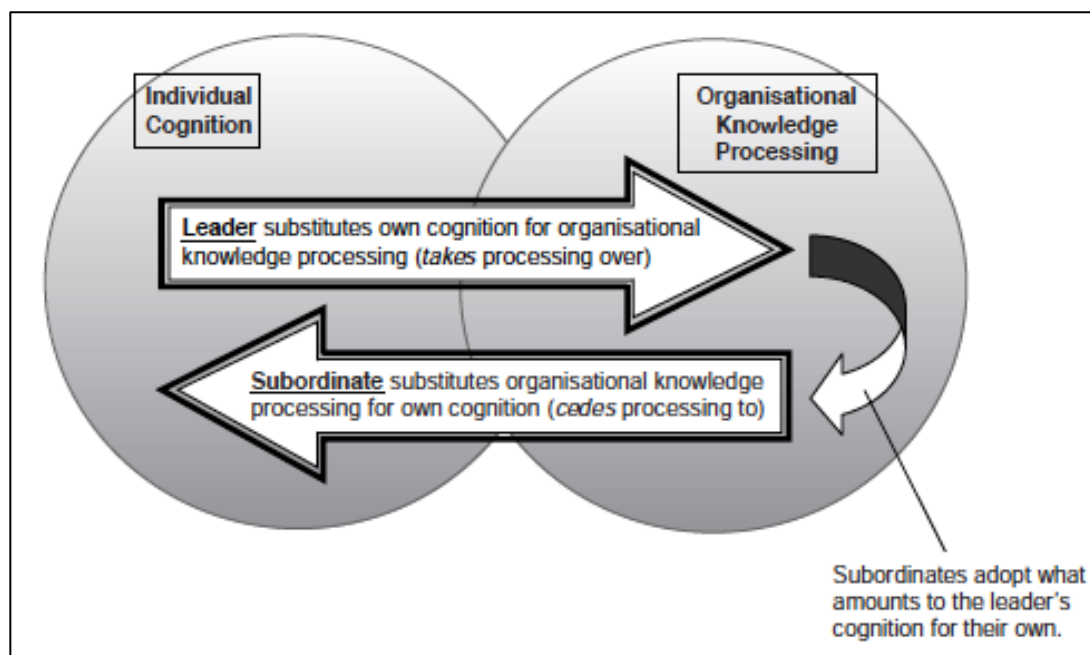


Figure 10. Corruption as a Circle of Substitutions, Blaug (2010, p. 102).

5.5.1 Applying Bourdieu's "Masculine Domination" to Cognition and UNICOR

The current, manifested world of carceral practices and carceral trafficking is the result of centuries of male dominated social cognitions, paradigmatic schemas, and symbolic interactions. I do not include archival discourse to complement the male/masculine domination theme because the entire lot of discourse and each of the spaces that held the discourse were products of male domination and masculinities. There was no escaping it; so including snippets of archived discourse to illustrate "male domination" would be redundant, unnecessary – and impossible. Impossible, for the simple reason that the male driven apparatus is unconscious and unconcerned about its own domination, and I read no discourse that acknowledged its maleness – it simply is "that." So, for the theme of male domination, the enlightened male perspective of Pierre Bourdieu (2001) is offered as an aid for explicating this dominant and salient theme.

White European males, via *masculine domination*, envisioned (cognitive process) and implemented (action process) chattel slavery to realize economic gain. African slavery practices were a product of male thinking, or rather *mal*-thinking. Carceral practices *had to be developed* to force other males to capitulate and submit to enslavement and its abuses. Chattel slavery in the US was emblematic of western male domination. The criminal justice system that developed along parallel lines with carceral control of Blacks is another reified institution of masculine domination. Bourdieu sees a real need to put the brakes on masculine domination and its power to write and rewrite the world *in his image*.

The *mind space* is the primary entry point for planting seeds (ideas) of acquiescence and acceptance by the dominator *into* the dominated (Marx and Engels, 1915, p. 64).¹⁴⁰ The dominated *embodies* domination, and will continue to do so until some point in time the

140 Marx and Engels refer to ruling class and ruling class ideas. Men and masculinities dominate the ruling class, and in the *German Ideology* (2004), the authors were keen to include a short, but necessary, admission of the power of men to conceive and produce nearly *everything* (p. 47)

dominated (may) consciously awaken to the ersatz reality that surrounds her or him and begins the conscious process of resistance (Bourdieu, 2001). Thus, masculine domination begins internally through cognition and is reinforced externally through social constructs, symbolic and actual, which in the context of this dissertation arise from lawmaking, law enforcement and prison administration. Bourdieu explains the involuntary process that accepts male domination as normal and not necessarily constructed:

So the only way to understand this particular form of domination is to move beyond the forced choice between constraint (by forces) and consent (to reasons), between mechanical coercion and voluntary, free, deliberate, even calculated submission. The effect of symbolic domination (whether ethnic, gender, cultural or linguistic, etc.) is exerted not in the pure logic of knowing consciousnesses but through the schemes of perception, appreciation and action that are constitutive of habitus and which, below the level of the decisions of consciousness and the controls of the will, set up a cognitive relationship that is profoundly obscure to itself” (p. 37).

To ensure social and cultural acceptance of male dominated social structures means that social architects must plant cognitive seeds that correspond with a culturally accepted, visually concretized and active worldview. Cognitive seeds are ideas, which start the conceptual framing process of a person (slave/criminal/Black), an event (enslavement, incarceration, subjugation) or an object (plantation/prison industries). A reified reality reinforces and reproduces 1) the desired frame, 2) mental pictures/thought forms/schemas, and 3) an actualized sociopolitical, nationwide carceral apparatus like prison industries and UNICOR. Imbued in this type of reproduction is the influence of politics and power.

The underlying historical motivations of socioeconomic constructs like chattel slavery or mass incarceration, for instance, can be buried for centuries and conceal the mental and historical continuity between colonial and contemporary minds that now possess *an unconscious motivation* to confine Blacks for whatever purpose. This can be described as “stabilizing factors in memory” (Assmann, 1999, p. 249). According to Jürgen Straub (2005), “historical

constructions, including images of the past, belong to the present and to the present practice which they serve” (p. 52). Noting the *stability* of social memory to obtain, then, the categorization of Blacks as slaves first as a mental construct (an idea) and then moving into being the enslavement of Africans for slavery (action). Also, or next, this schema was reinforced (symbolically and actually) in the group minds being dominated, necessarily including slaves as well as other individual dwellers existing in the social architecture, but who are not enslaved or do not possess the social tools or status to dominate others.

In colonial America, the white male elite worldview dominated and constructed the social and cultural reality of American-style slavery and Black confinement today. White, European males were the motivated (elite) actors who possessed the economic capital to contract with slave ship captains to bring slaves to the Americas for forced labor– and who possessed the social and political capital to normalize and institutionalize Black chattel slavery. Confining, and otherwise socially controlling Blacks, particularly Black males, has served the dual purpose of producing forced labor for profit and mitigating *fear of Black reprisal*. Profit and fear both motivated and energized, the confinement frame of Black slaves. It is at the first, carceral stage of African slavery that law was introduced and worked on symbolic and actual levels to build and maintain legitimacy of white male domination and Black inferiority, which included the need for carceral practices. As previously mentioned, I believe *fear*, not profit, is the primary motivation for constructing the *confinement* frame of Blacks. Fear of Black insurrection still exists in white cognitions; for example, Cox and Jones (2015) conducted a survey for the Public Religion Research Institute that examined American attitudes toward government protests. Results showed that 67% of U.S. whites polled agreed that protests against the government are positive for society; however, the percentage dropped to 48% when Blacks led the protests.

Contemporary mentalities maintain continuity with the original Black slave frame in the form of mental schemas that *confine* Blacks, and operate unconsciously through age-old cognitive mechanisms formed in the colonial minds of enlightenment males. The legitimacy of law still maintains the frame and animates carceral schemas, which normalize a prototype of Black confinement. Blacks were initially categorized as slaves, as dangerous, as objects to be feared. Slaves (like women) were reduced to the “status of objects ... [and] ... *symbolic instruments* of male politics” (Bourdieu, 2001, p. 43). American slaves were categorized as property and objects of value – but only in the inanimate sense. As an out-group, Blacks were not valued as human beings. If the slave resisted the slave frame (a legitimate and reasonable act), Black slaves were triply categorized as *criminals* and *dangerous*, and subject to both State and extra-state punishments. Thus, criminal categorization was reinforced post-‘emancipation’, by social architects who continued to be motivated by fear and profit to confine Blacks.

Today, the criminal framing of Blacks persists; however, there are cracks in the schemas. The frame is not holding and white supremacy is being called into question. Male domination still hides in the background of cognition, but whiteness and the power of racism is front and center due to the power of visual attunement. “Seeing” overt white racism, particularly in the criminal justice system, challenges the cognitively embedded, enlightenment framing of Blacks. The white State has lost status and legitimacy in the face of overt racism exercised by its male agents, which represents a major cognitive shift, made possible in large part by an evolving emotionality of the social network that appears to be galvanizing to form an anti-racist solidarity that overtly challenges white male authority and masculine domination. Today, “white man” once again exists as a category; however, it has re-entered the public dialogue in a negative

frame. “He” is losing the camouflage of “people,” and losing the power to frame the topic of race and mass incarceration unilaterally and with the power he invested in himself.

Bourdieu (2001) socializes the reproduction of social and symbolic capital into *action*. This is an important delineation in his theory of masculine domination. He disagrees with the abstract notion (he calls an ‘illusion’, p. 44) that symbolic capital is an externalized “force” operating independently of action. Rather, Bourdieu views symbolic capital solely as an active process produced through “active – men – and passive – women” (p. 44). I agree to a point, but must acknowledge the force of cognition. While there is agreement that a certain amount of mental labor is involved in constructing, defining, disseminating and reproducing categories – there *is* a large element of perpetual motion involved that operates outside the purview of human thought, action and interaction. Once naturalized and embedded in the unconscious, the way a category works in the mind as a thought, expressed in words (written and oral language) and inscribed in action may be less an *act of labor* and more a *force of nature*. Euro/Anglo, or “white” male domination is currently so embedded and dehistoricized in the group unconscious to appear naturalized that it may be a self-replicating, perpetual motion *machine* (not to be confused with Lakoff’s (1980) folk model of the brain being a “thought-processing machine,” p. 6). This naturalization process – having the social power and symbolic capital to define and categorize everyone and everything *and* have it accepted as ‘gospel’ truth - is a subversive form of masculine violence. In the blog, *Le Monde Diplomatique*, Bourdieu (1998) writes,

“I have always seen male domination, and the ways in which it is imposed and suffered...[as an effect of what I would call symbolic violence, a violence that is hardly noticed, almost invisible for the victims on whom it is perpetrated; a violence which is exercised principally via the purely symbolic channels of communication and knowledge or, to be accurate, mis-knowledge) of recognition and, in the final analysis, of feelings” (p. 1).

Symbolic violence and symbolic capital (re)produces *energetic social paradigms* that move from abstracted thought to social reification. Thought is a force independent of physical action.

Thought is *mental force*; and, according to Lakoff (2008), thoughts that lead to action are mostly unconscious (p. 43). This, combined with externalized power (symbolic and social), has erected a globalized grid of masculine domination.

The implanted thought acts as a catalyst for reification, and when unconsciously motivated becomes second *nature* and poses as something-that-always-was. Bourdieu (2001) writes, “It [the force/power of male-dominated social construction] is to a large extent the automatic, agentless effect of a physical and social order entirely organized in accordance with the androcentric principle (which explains the extreme strength of its hold)” (p. 24). In that vein, then, imagine the symbolic power behind the symbols of male domination inscribed – not only on the body, according to Bourdieu, but also in architecture and the *erection* of buildings that symbolize and project so much *maleness* and institutionalized masculine domination into the environment: capitol buildings, slave ships, constructs of commerce (plantations, prison industries, and factories). Women, the poor, and people of color were excluded from exercising agency within the confines of these (and other) socially constructed vessels. Even architecture *does male domination* by temporally representing the reified cognitions of male thought and action. The objects of creative domination become ‘living’, eternalized symbols of domination, and are often named after men too. The *active* labor that produces these vessels is fetishized and gives way to the symbolic and energetic parlance of masculine domination. This power is not illusory, but representative of the power of cognition to construct reality in a myriad of forms. The business, which occurs inside sociopolitical vessels, has been dominated by western males, and thereby forcefully inscribing the naturalness of male domination. It is simultaneously active

and illusory, and dominates all social spheres, including the government's archives and its entire collection of prison industry discourse.

In terms of race construction and intersections of racial and gender hierarchies, the possession of power to categorize, classify and define, produces and reproduces intentions of the primary, say *instigator(s)*. There is a mental architectural unity involved in dominating the social world that originates in mental constructs. The current negative, socio-racialized outcomes are the product of the cognitive seeds planted by 18th century agents of masculine domination. The disparate social end results were created by the systemic inculcation of socio-politically (self) empowered European males. Symbolic (male) capital, like honour, status, hierarchical social and familial position, are deliberate constructs predicated, in large part, by economic motive.

Bourdieu's *masculine domination* is written mostly to address the manmade division between male and female toward maintaining male domination. His notions of political mobilization (p. viii) as a form of resistance are interesting; however the main problem stems from his attachment to legal remedies for political reforms. The "law" waivers in its attachment to the truth – and laws will not change the *heart* of US society – or its mal-cognitions and mal-framed racist and misogynist paradigms. The law in the United States is contentious and impermanent, thus leading to intractability and social inequality. Because of the influence of centuries-old corrupted cognition, the U.S. remains mired in deliberately constructed confines of white male supremacy and domination, which in large part is a purely mental, or cognitive, affair. There is no *real* logic to white male domination. The perpetuating power of white male domination – and its ability to name, dictate and determine has historically been unlimited purely by self-referential power. The "law" only has the 'teeth'

elite men in power allow it. Controlling the power to define and categorize life is not consistently visible to the naked eye. This unbalanced process of cognitive architecture has been practiced so long, it has become completely naturalized and essentially invisible. Masculine domination is, as Bourdieu (1998) puts it, “So rooted in our collective unconscious that we no longer even see it” (p. 1).

The imbalance and disparate socio-legal, racialized outcomes, however, showcases the truth of U.S. society’s *framers*, and illustrates the motivation for maintaining status quo social arrangements, or the 3 ‘Ps’: property, profit and power. As an effect of power, mental constructs force the dominated to embody the dominators’ cognitive schemas and perpetuate them as a normative (and unconsciously submissive) act of compliance with legitimized symbols of passive domination, i.e. ‘class’, status, or whiteness (Bourdieu, 2001); therefore, *relationality* (p. 22) in the context of masculine domination and racialized carceral practices focuses on the cognitive processes involved in practices of domination – including relational matters – is significant when studying the principles of, and connection between, categories, categorizers, and the categorized in relation to the contemporary outcome of 18th century Black slavery and the white males who visualized it.

The techniques used for biological categorizations that define(d) and legislate(d) bodies are technically congruent with racial-biological categories of white and Black. Bourdieu (2001) writes, “The particular strength of the masculine *sociodicy* comes from the fact that it combines and condenses two operations: *it legitimates a relationship of domination by embedding it in a biological nature that is itself a naturalized social construction*” (p. 23, Bourdieu’s emphasis). The *differentiated definition* of ‘class’ and ‘human being’ based on the arbitrary notion of *skin color* persists today in the solid formation of racial categories: “Black” as differentiated from

“white”. Furthermore, Black has been conflated with “slave” in the group mind, which was easily transmuted into Black conflated with “criminal,” and legitimated by the process of *mala prohibita* law making. The principles of law imbue categories with legitimacy and durability, thus galvanizing the mental construct. The principles of differentiated definitions of race are predicated on the power to subsume Life into an artificial (manmade) construct, which is then naturalized into being seen as scientific, thus legitimized as a ‘fact’.

5.5.2 Final Thoughts on Male Domination: Enlightenment and the Rights of (White) Men Versus the Rights of Everyone Else

The 18th century’s declarations of men’s natural rights constituted the epitome of white masculine domination as a political process. Unfortunately, the “rights of men” are contingent on abrogating the rights of differential others, including women, people of color, the poor and children. This form of domination has historically been unlimited, and extended to most (if not every) institutions in western society: familial, industrial, commercial, governmental, social, political, economic, religious, and scientific.

Locating the roots of modern masculine domination is not difficult, as it was perpetrated in full view and steeped in essentialized cultural normativity and custom, which is part of the obscured power of domination. There is nothing *natural* about male domination. According to many political theorists, it is simply brute strength that constitutes male domination; however, over time, physical power translated to epistemological power over the world and all it contains. In this way, subordinating others is socially constructed and hierarchical in nature. Some men have power; certain men possess more power than other men; and most men, in general, have historically maintained more power than women – simply because of gender constructs. It took concerted and long-term efforts to dissolve the socio-political presence of women – a condition

that persists well into the current modernity. Men “created” woman for *his* needs; and he did not need her involvement in the social construction of society, including law and carceral practices.

The first Enlightenment males who declared enumerated natural rights were politically powerful and revolutionary men of the thirteen original colonies. The Declaration of Independence was motivated by the political and economic desire to divorce the American colonies from England, and the American Revolution, then, was the platform from which to sever political bonds with England, while announcing a *common sense* appeal for the major natural rights of man, namely Life, Liberty and the pursuit of Happiness.¹⁴¹ These ideals were added to John Locke’s notions about inalienable rights of “the people” that included *Health* and *Property*, and eventually all (with the exception of Health) were codified into U.S. law via the 14th Amendment.¹⁴² The 15th Amendment showcased the power males have to legally disenfranchise women. When the 14th and 15th Amendments collectively extended the right to life, liberty, property and voting to “All persons naturalized or born in the United States...” the legal language is clear that these rights were being extended to *all men*, including newly emancipated Black male slaves and *not* women as a class.¹⁴³ There was concern in the male dominated Congress that this amendment might extend contractual and voting rights to women.

141 See for example: Gilmour, P. (Ed.). (1990) *Philosophers of the Enlightenment*. Totowa: Barnes & Noble Books, p. 74; “Common Sense and Enlightenment: The Philosophy of Thomas Reid.” The Common Sense school suggested that *common sense* “insists both that perceptions are the acts of a mind that perceives, and that normally they have an object which exists independently of the mind” (p. 82). Also, Kant could not reconcile “the magic wand of common sense” with the reason; See Kant (1912). *Prolegomena to any Future Metaphysics*. Chicago: The Open Court Publishing Company.

142 Locke, J. (1689, 2003). *The two treatises of government*. (Laslett, P., Ed.) New York: Cambridge University Press.

143 See: Petition of E. Cady Stanton, Susan B. Anthony, Lucy Stone and Antoinette Brown Blackwell, and Others Asking for an Amendment of the Constitution that Shall Prohibit the Several States from Disfranchising Any of Their Citizens on the Ground of Sex, 1813. The National Archives Catalog, No. 306684.

Denying women the same natural and substantive rights was purposeful and deliberate. The first two sentences of the Declaration are of utmost importance when analyzing issues of male domination:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, liberty and the pursuit of Happiness. – That to secure these rights, Governments are instituted among Men, deriving their just power from the consent of the governed, - That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute a new Government.

Here, the male signers of the Declaration are the “We,” and each were well connected men of the Enlightenment, whose power extended into the public, reflecting the political and economic concerns of the time, i.e. *male* equality and freedom. There were no women signers because women were not “allowed” equality and freedom by male-defined customs or laws – neither could they hold political power. Women lived in a separate, mostly powerless sphere. These boldly declared words that confer rights of “men” were well understood to mean men only. Anglo-European cultural norms included the subordination of women, which is observed in female-authored discourse of the time. Thus, the political foundations of the west provide the bedrock from which centuries of male domination (and male dominated social cognition) were conceptualized, erected, instituted, and practiced.

To 18th century writers like Mary Wollstonecraft, denying rights to citizens based on gender, race or class diverged from the progress of liberty promised by the Enlightenment and republicanism, and she makes her position clear in her discourses – the first of which *A Vindication of the Rights of Men* (1790), being a pointed letter to Edmund Burke. Burke’s, *Reflections on the Revolution in France* (1790) was a polemical argument condemning the French Revolution and the concept of natural rights *as they were declared*, while extolling the

virtues of custom, monarchical government, aristocracy and property rights, which were ideological and constitutive of men's rights. This is the cognitive bedrock from which western male domination gets its strength and longevity.

Over 75 years *after* Wollstonecraft theorized and argued against male domination, John Stuart Mill published a socially significant piece, *The Subjection of Women* (1869) that illustrated the embedded naturalization of male domination. In this book, Mill argues for the liberation of women from the socially and *male* defined yoke of sexual oppression and subordination. Like Wollstonecraft, Mill was troubled by the internalization of male values by women, based solely on custom and by what he called, the *law of force*; wherein, men originally justified their superior position on Earth because of physical strength. Women's value has been historically determined by men, and subsequently codified into law (p. 9). He was convinced the marriage contract solidified women's position as a man's slave (p. 29), a position not dissimilar to Wollstonecraft's argument.

I end these "final thoughts" with a quote from Mary Wollstonecraft (1793) aimed at Rousseau regarding the ideological roots of male tyranny in masculine domination:

Men, in general, seem to employ their reason to justify prejudices, which they have imbibed, they cannot trace how, rather than to root them out. The mind must be strong that resolutely forms its own principles; for a kind of intellectual cowardice prevails which makes many men shrink from the task...(p. 20).

Wollstonecraft understood the rhetoric of (white) men's rights, and saw the intentions and the corrupt underbelly of male control, corruption and power in the systems of social stratification they had constructed, which uplifted elite white men and oppressed...almost everyone else.

5.6 Underground Racism

In the archival carceral discourse read for this study, the political elite ceased overtly discussing race when debating the issue of carceral labor. Instead, code words signaled race in the terms “free labor,” “convict lease,” “convict labor,” or “contract labor.” Race was revealed, however, in visual representations and in official classification documents – which is a quality that connects the present UNICOR marketing materials with the movies and photographs produced by the government in earlier periods of carceral trafficking. This is important because prison labor marketing materials are industry and actor specific; therefore, that type of visual discourse is not readily available to the public at large and becomes proprietary information used by political elite actors for business purposes. Again, Oliga’s (1996) concept of systematic concealment is at play with the discursive disappearance of race in elite discourse. Ideology, and this case, the ideology of race, is “necessarily trapped” (p. 98) in the concealment process. Also, Oliga summarizes two important features of ideology. He contends, 1) “ideology conceals social contradictions,” and 2) “The concealment is not accidental ... but systematically related to some set of social, psychological and cognitive interests of the dominant class” (p. 98).

Minimizing the importance of race in the criminalization, decision-making process was necessary to “reform” the look of carceral practices – which were still aimed at Blacks, of course, but which attempted to lose the outward appearance of African slavery. The “new racism,” van Dijk (1993) argues began after World War II. Postcolonialism took root around the globe. Overt and explicitly racist discourse in the U.S. was out-of-touch with social progress taking place in other parts of the world. Civil rights concerns rose to the forefront in white minds, and “blunt racism and other forms of ethnic or racial oppression became suspect” (p. 164). Simultaneously, minorities were empowered to resist deeply entrenched race and class

ideologies, and ideologies that influenced social order epistemology were questioned and opposed, but lacked the force of cognitive history to affect permanent social change. This notion comports with archival documents read for this project that indicated an obvious shift in the outward, discursive appearance of racism during Congressional debates and in other elite discourse during the time periods being studied. In the carceral traffic field, race became a ground level form of penal classification, which was replete in administrative texts. Overt racism in this field was detectable in administrative enumerative disparities and shifted from verbal discourse to the invisibilized reality of incarceration – a field off limits to society at large.

The stark changes between racialized, elite discourse of the late 1860s and the 1940s represents a sociocognitive adaptation within the criminalization apparatus that continually struggled with the consequences and aftermath of human slavery (using a diminished cognitive toolkit and a lack of imagination), which at this very moment is still a system of unfinished business. Human attempts to permanently subvert U.S.-style racism have repeatedly failed, and generation after generation of Americans have called the exception clause of Thirteenth Amendment and the subsequent use of forced carceral labor into question; however, lawmakers have yet to address the loophole written into the Thirteenth Amendment, and it seems unlikely to occur in the foreseeable future.

Racism is discursive and it is structural. It is a function of the political, and moreover it is a function of political economy that will necessitate several more lifetimes for an effective counterframing of Blacks to develop, which can usurp the ideological reign of white (male) supremacy and domination. For the first several hundred years of carceral trafficking, a laser focus was on Africans and African Americans (and the Irish, which is discussed later). This prolonged period of racialization continued unabated for centuries. The unremitting use of

racialized thoughts, words and actions (motivated social cognition) created structural and systemic racism; and the racist attitudes of millions morphed *in concreto* to manifest consecutive eras of targeting Blacks. Research suggests that not only are slavery and mass incarceration “genealogically linked” (Wacquant, 2002, p. 1), but they are the *same thing*. Chattel slavery *was* mass incarceration. The plantation *was* a prison and millions of slaves were incarcerated within them. Ghettos *are* social prisons. All of the “stages” of Black carcerality are cognitively mapped social realities administered by some form of white male institutions of authority. Wacquant (2002) called the creation of a racial caste via slavery an



Figure 11. UNICOR marketing discourse with photo of disembodied (minority) prisoner hands using the language of neoliberalism. The racism of mass incarceration is readily available in the visual representations of the government’s carceral marketing discourse.

“unforeseen by-product” (p. 45), but because of historiographic research, I completely disagree. First, “doing slavery” *is creating a slave caste*, and second – and contrary to popular, contemporary belief – the sociopolitical usage of the terms “black and white” are not recent additions to the

English lexicon, but were often used, beginning in the early 1700s.¹⁴⁴

Apparently, race is irreducible in the group mind of whites. Thomas Jefferson, one of

¹⁴⁴ Much of my research in this area has been derived from reading archived newspapers held in various databases. In one study, I examined newspapers from 1700 – 1720 to understand how the media framed Blacks and slaves at the time. The use of colors to describe race were ubiquitous – and that ubiquity continued through Victorian congressional and elite discourse to the present day.

the most powerful, influential and respected Enlightenment (white) males, who ever existed in the United States, made it clear that Blacks would not be easily – if ever – assimilated into American culture. He claimed the mere color of their skin made it impossible. This combined with lack of intelligence and white prejudice, Jefferson (1876) declared, would make the assimilation of Blacks into American culture unlikely (p.148). In the following lengthy narrative pertaining to ‘Laws’ (and an Act to emancipate future slaves in Virginia), Jefferson expressed cynicism when he wrote about (“deep-rooted”) social cognition and white supremacy, of which I present a mere snippet below. Note the imbrication of race, effects of domination, pseudo-science, and the dominant gaze of an elite white male; and consider the cognitive power of these representations reproduced over the next two hundred years in all types of written and visual discourse, instituted in the laws, policies, and carceral traditions of the U.S., and therefore impinging on collective, moral consciousness. Jefferson writes:

Why not retain and incorporate the blacks into the State? ... Deep-rooted prejudices entertained by the whites; ten thousand recollections by the blacks of the injuries they have sustained; new provocations; the real distinctions which Nature has made; and many other circumstances, will divide us into parties, and produce convulsions, which will probably never end but in the extermination of the one or the other race. To these objections, which are political, may be added others, which are physical and moral. The first difference which strikes us is that of color. Whether the black of the negro resides in the reticular membrane between the skin and scarf skin, or in the scarf skin itself; whether it proceeds from the color of the blood, the color of the bile, or from that of some others secretion, the difference is fixed in Nature, and is as real as if its seat and cause were better known to us. And is this difference of no importance? Is it not the foundation of a greater or less share of beauty in the two races? Are not the fine mixtures of red and white, the expressions of every passion by greater or less suffusions of color in the one, preferable to that eternal monotony which reigns in the countenances, that immovable veil of black which covers all the emotions of the other race? Add to these flowing hair, a more elegant symmetry of form, their own judgment in favor of the whites, declared by their preference of them, as uniformly as is the preference of the Oranootans for the black women over those of his own species. The circumstance of superior beauty is though worthy attention in the propagation of our horses, dogs, and other domestic animals; why not in that of man? ... (p. 149).

Jefferson wrote with the authority of an educated man who ‘knows’ what he is talking about, and who possessed the social and political capital to influence the minds of others into the Common Era. These racialized cognitions were normalized, powerful, and easily transmitted intergenerationally. He, and other males of the Enlightenment, gave definition and license to other males (then and now) to maintain the cognitive and actualized carceral framing of Blacks.

The intransigent symbols of race embedded in carceral practices are naturalized social cognitions in the group-think of social institutions too, which have successfully framed and erected hierarchical configurations of white male power for generations. Because of the unconscious structuration of whiteness, and the efforts of elites to invisibilize racism into faux, social ‘colorblindness,’ dismantling racialized hierarchies is going to require a new cognitive-ideological strategy, an energized revolution of ideas, to overcome the burden of Enlightenment thinking about race, male domination and Law (See in general: Neville, Gallardo and Sue, 2016). As 2018 can attest – racism and sexism are not dead. The fight for gender, race and class supremacy *is now*.

5.7 **Congress, (Mala Prohibita) Legislation and Commerce**

To regulate Commerce with foreign nations, and among the several States, and with Indian Tribes; To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof. - Article 1, Section 8 of the U.S. Constitution

These two, broad powers of Congress to regulate commerce and ‘make all laws’ are asserted through statutory jurisprudence with state and federal organizations of law and order. U.S. Law combined with Commerce to reproduce a culturally acceptable and cognitively resonant (if not utterly invisible), multi-billion-dollar profit machine, which operates using carceralized bodies for labor and other purposes – a practice contingent on the use of institutionalized mass incarceration. The exercise of these powers also recurs as themes throughout carceral traffic discourses.

Legalized modes of mass incarceration have always been instituted by Congressional power to make laws that have, historically, prohibited and criminalized a wide array of arbitrary human acts, including drinking alcohol, offensive speech, and being unemployed or homeless to name a few. There would be no UNICOR without the advice and consent of Congress and the coercive power of the State. UNICOR, for all intents and purposes, *is* a concrete symbol of state politics, commerce, law and state power – all of which conflate to legitimize practices of mass incarceration for profit. UNICOR is a federal institution, a federal corporation, and a co-creation of both executive and legislative branches of government. Several powers are conferred by the State to the corporation, FPI, Inc., which is governed by a body of five directors appointed “at the pleasure of the President.” Property, ownership and control are the most prevalent powers given to UNICOR, which obviously extends in four significant ways: first and foremost to

prisoners (their bodies); and to a lesser, but still significant extent, to their labor, the value of their labor, and the production of their labor.

The current mass incarceration was created through arbitrary, but deliberate, *mala prohibita* lawmaking, which implicated drug use as a federal crime. The consequences of deeming drugs “public enemy number one”¹⁴⁵ drove up imprisonment rates in the federal system between 1980 and 2013 by 790%.¹⁴⁶ The “War on Drugs” has been, by far, the most punitive and effective means of mass incarceration ever practiced in the United States, but it was not the first, and likely will not be the last. The racial implications of the drug war are common knowledge now; and Congress had previously introduced far-reaching penalties for drug use that continue long after prison sentences are served, which include denying ex-drug offenders access to food stamps, public housing, student loans and, in many jurisdictions, the civic right to vote in elections – sometimes permanently abrogating one of the primary, most sacred values of democratic citizenry.¹⁴⁷ The current presidential administration’s first Attorney General (Jeff Sessions) immediately began efforts to repeal laws enacted by the Obama administration, which had loosened penalties for drug laws and heralded the end of the war on drugs. In addition, the Federal government had phased out contracts with private prisons for Federal prisoners. One of Session’s first calls to action was re-declaring drugs a scourge on society (on par, in his view,

145 President Nixon declared the war on drugs on 17 July 1971. He called drug abuse “public enemy number one.” See *Public Papers of the Presidents of the United States: Richard M. Nixon*, 1972.

146 The Federal Bureau of Prisons (FPI) indicates that in 1980 there were 24,640 prisoners. This number rose to 214,149 by 2014. As of October 2015, 93,262 prisoners, or 48.3% are serving time for drug offenses, which is by far the “crime” that has led to the burgeoning prison populations.

147 The Sentencing Project estimates almost six million Americans are prohibited from voting because of felony convictions. Because of racial disparities, about 1 in 13 Blacks are currently unable to vote. Only two states: Maine and Vermont allow prisoners to vote. Thirty-five states prohibit parolees from voting and 31 of those states deny probationers voting rights too.

with “illegal” immigration), outlining a controversial plan to reinstate the death penalty in “appropriate cases” for both violent and non-violent drug cases, and reestablishing the public-private partnership with private corporations.¹⁴⁸

Felon and ex-felon disenfranchisement is a collateral consequence of mala prohibita lawmaking, and a colossal, sociopolitical issue that has recently come to the fore again. Unfortunately, the federal government has left this social problem to the states to decide whether people who have broken the law can ever again exercise their right to vote. In the Uggen, Larson, and Shannon (2016) Sentencing Project report, authors unpack the implications of six million people being denied the franchise in 2016, and which thus makes felons the most grossly underrepresented segment of the population. There is, of course, a racial dimension to these numbers: Black disenfranchisement is 7.4 times higher than non-Blacks (p. 3). According to the authors, 27% of disenfranchised people in the U.S. live in Florida, and one out of thirteen Blacks of voting age are unable to vote.¹⁴⁹ In the two years since Uggen, et al (2016) published the previously cited article, voters in Florida recently agreed to restore voting rights to most of the state’s 1.5-million ex-felon population.¹⁵⁰ The positive results of this ballot initiative has the potential to significantly alter the political landscape given that group represents about ten percent of Florida’s adult population. The practice of substantively disenfranchising “criminals” is a long-held political practice in the U.S that began in earnest after the Civil War by abrogating

148 In the March 21, 2018 memo Sessions wrote: “Drug traffickers, transnational criminal organizations, and violent street gangs all contribute substantially to this scourge. To combat this deadly epidemic, federal prosecutors must consider every lawful tool at their disposal...this should also include the pursuit of capital punishment in appropriate cases.”

149 The authors’ report other findings. For example, “...1.17 million people were disenfranchised in 1976, 3.34 million in 1996, and 5.85 million in 2010,” p. 3.

150 NPR (Nov. 7, 2018) reports those convicted of murder and felony sexual assault will still be barred from voting. <https://www.npr.org/2018/11/07/665031366/over-a-million-florida-ex-felons-win-right-to-vote-with-amendment-4>

voting rights of newly emancipated slaves, many of whom (especially Black males) quickly “became” criminals due entirely to the legislative antics of white male lawmakers.

But there is more to this problem when viewed through the magnifying lens of convict leasing and convict labor, the cognitive descendants of westernized, Enlightenment chattel slavery. Historically, the State has had a vested interest in securing “free” labor for its own use and for use by private business. The State has utilized Law as a means to legitimize the arrest and punishment of “offenders,” regardless of the law’s frivolity. Beginning shortly after emancipation, ex-slaves were food for the commercial gristmill. The South, addicted as it was to slave labor, introduced a variety of mala prohibita “laws” designed to roundup and incarcerate Blacks for legalized “hard” labor using the “predictable conduct” of impoverished ex-slaves to enact criminal statutes - thus ensuring Black bodies for labor. Stealing animals for food (“Pig Laws”), vagrancy (inability to find paid labor), and “Black Codes” were used as a means to provide “convict” labor to business owners who leased prison labor from the State.¹⁵¹

In April 1933, Walter Wilson, a civil rights activist and writer, who worked extensively with the American Civil Liberties Union (ACLU) wrote a critical piece for Harper’s Monthly Magazine, titled, Chain Gangs and Profit. In this historically illuminating examination, Wilson’s words resonate, and highlight ethical issues that still surround prison for profit today. For example, Wilson enumerates the minor offenses to which the nearly all Black “convict slaves” were subjected to hard labor for punishment: swearing before a female, public profanity, riding a freight train, playing cards on Sunday, disturbing public worship, dice shooting, shooting across

¹⁵¹ There are many excellent sources that recount the nasty business of convict leasing. Alex Lichtenstein (1996), *Twice the work of free labor: The political economy of convict labor in the new south*. Lichtenstein reports, “by 1888, 60% of the prisoners in Georgia’s convict camps were there for property offenses” p. 71; In *Black southerners and the law, 1965-1900*, edited by Donald G. Nieman, is a treasure trove of case law and Southern prison practice, including convict leasing.

A typical offender entering federal prison has an 8th grade education, will serve an approximate ten-year sentence for a drug-related offense, and has never held a steady job.

Those who volunteer to work in UNICOR learn and practice the most valuable skill of all: How to work. Low self-esteem is replaced with confidence, which inspires inmates to succeed after years of struggle.

“I’ve never had a job for more than three months in my life, and here I am working for UNICOR since 2004!”

Inmate K. Smith, FCI Elkhart, OH

“Receiving pay stubs helps me realize that this is a real job. I have put an imprint on the world today that is not a crime.”

Inmate N. Petway, FCI Cumberland, MD

Figure 12. UNICOR excerpt describing the average male prisoner, plus prisoners’ testimonials.

a public highway, labor organizing, letting an employer’s mule bite a neighbor’s corn, and many others – for which, tells Wilson, “the tortures of the third degree are frequently utilized in getting “confessions” in these crimes, (p. 542). Certainly, these types of “crimes” are now considered rather archaic and downright veiled attempts to procure convict labor and socially control Blacks given the sociopolitical climate that existed in the South post-Abolition. Yet, statutory laws like those have been effective – even if short lived; and they continue to serve a constant, sociopolitical function to disenfranchise, segregate, and penalize Blacks and poor whites.

The more current and longer running drug war fits in this column of “predictable conduct” lawmaking and provides a reliable conduit for the inculcation of laborers and colored bodies for UNICOR, private prison corporations, and corporations in general. Add to this the sociopolitical issue of criminalizing immigration (*crimmigration*) and

undocumented workers - including children and their families - and an even more complex and conflicted picture emerges. The political justifications for imprisoning thousands of “illegal” workers (and their children) from the southern borderlands collide with the reality that many of them are still working – but instead of working in the U.S. mainstream, many are now working (or not) inside the “factories with fences.”

The socioeconomic costs of incarcerating people for basic immigration ‘crimes’ comes at a high price tag for “law abiding” American taxpayers, who pay exponentially more of the money they earn (Federal FY 2017 figures report the cost of incarcerating a single individual in its prisons at \$36,299.25 annually) providing shelter, food, clothing and medical care with the added burden of (unwittingly) participating in the degradation of human rights and democratic morals and values. Burnett (2017) reported that ICE (Immigration Customs Enforcement) and U.S. Marshals Service paid the GEO group (the largest private prison in the U.S.) \$32 million annually to care for only 1,000 detainees – and that overall, ICE is spending “more than \$2 billion a year on immigrant detention through its use of private jails.”¹⁵²

5.8 **Expanding State Powers By Design**

Nietzsche (1897) located the beginnings of State power in acts of repeated, tyrannical violence perpetrated by what he termed a “master race ... organised for war and possessing the power of organization” (p. 86). Besides power, this *governmental organism* (Nietzsche, p. 110) also lacked a conscience, which allows the State freedom to power over others in harmful and self-legitimizing ways (p. 109). Schmitt (1932, 2007), locates state power in “the political status of an organized people in an enclosed territorial unit [... and] it may be left open what the state is in its essence – a machine or an organism, a person or an institution, a society or a community, an enterprise or a beehive, or perhaps even a basic procedural order” (p. 19). Schmitt’s diffuse definition provides a useful consideration for understanding the social connectivity of elite actors, who join together to realize desired outcomes for engaging with and managing the social (and carceral) through the political. Whether those outcomes are expanded opportunities for

¹⁵² See John Burnett (2017), Morning Edition, National Public Radio (NPR): <https://www.npr.org/2017/11/21/565318778/big-money-as-private-immigrant-jails-boom>

profits, social control schemes, power – or all three combined, the spatial location of the State, its *geography*, is an increasingly important theoretical concern (Neocleous, 2003).¹⁵³ In the case of State organized carceral traffic, the prison factory is State territory imbricated with capitalistic design.

It is not surprising that a study of politically elite males and carceral practices like this one, “The State” would be the highest scoring variable in the data set ($M=.90$). It was present in the Abolition and prison industry discourse almost 100% of the time. It was also the primary ‘actor’ working through the discourse – which makes perfect sense, since the history of carceral traffic and prison industry is a history of the carceral State, business elites, and the expansion of power. The need for expansion resonates in the data and was a chronic consequence of lawmaking and mass incarceration, but also represents a means to exert symbolic power and social control. Historically, so called “crime waves” have resulted from the institution of laws targeting predictable behavior as a means to an end. Criminalizing predictable behaviors that involve human coping mechanisms (drinking alcohol, for example), or criminalizing unemployment by instituting vagrancy or homeless laws, is an abuse of State power driven, in large part, by pre-existing carceral cognitions held in place through institutional traditions and administrative rules.

The need to build more prisons has been a common refrain for the past century in the U.S.; and when combined with the logic of corporate expansion instituted in the 1930s, the resultant periods of mass incarceration were both deliberate and inevitable. The inner logic of capitalism led to incremental increases in the number of prison industry institutions – from the

¹⁵³ Neocleous explores ideas about the state: what it is; what it is not; how it functions. Neocleous argues that the state is sustained through images that impinge upon the individual in a transformative process that legitimizes domination through the concept of the enemy. He also explores fascism as ideology provoked by modern industrial capitalism.

original three, geographically based facilities to the current number of eighty-three Federal prison factories, which UNICOR reports, includes “seven technically advanced contact [call] centers with over 1,700 experienced inmate agents and support staff.”¹⁵⁴

According to a rather striking testimonial in the brochure, by a “CEO of a lead-generation company,” a captive workforce has a unique advantage over free labor for his business:

Absenteeism is the bane of the contact center world. UNICOR has effectively eliminated this issue from the equation. The agent pool is more mature, better educated, and harder working than what one would find in the U.S. domestic market (p. 2).

UNICOR’s “onshore services at offshore rates” is made possible by the mass imprisonment of nonviolent offenders. The Federal corporation is imbued with State power to manage a body of ‘employees’ for private businesses using the coercive power of the State to effectuate desired, economic outcomes.



Figure 13. UNICOR Marketing Brochure: The Best Kept Secret in Contact Centers.

¹⁵⁴ “The Best Kept Secret in Contact Centers: The Secret is Out! Choose UNICOR” brochure is a rather extraordinary example of State produced discourse. In addition, from the looks (via pictures) of the brochure, the “contact” centers employ women almost exclusively. *See*: <https://www.unicor.gov/publications/services/CATMS361.pdf>

The salient and essentialized nature of the criminal justice system, assessed from a social control *qua* commercial perspective, raises important, ethical questions about the real, but hidden, role of the “system,” and how the output of the system may create more sociopolitical harm than good. Prisons are reified carceral politics with long roots into the past (Gottschalk, 2006).¹⁵⁵ They represent a sub-territorial, sub-social geography – a carceral substation managed by the State. The criminal justice system encapsulates State power (with the omnipresent potential of instituting violence), and allocates legitimized power and the *right to use violence* (as Weber suggests) to State actors (*and* private prison corporations by proxy) in a number of ways related to corporeal, psychogenic, emotional, and social harm. Carceral practices subject the individual to many forms of legalized State violence, at each stage predisposing the individual (and their families) to increased risk of trauma and mortality, and often in ways incommensurate with the committed infraction. It is this ‘right to violence’ that implicates the political elite and political elite State actors in a possible conspiracy to institute social harm that may be deemed criminogenic and declared illegal by future generations.

5.8.1 **UNICOR and the State Power Thematic**

Consider the complex structures of political power engaged in the operation of a State-run, commercialized *business* like UNICOR that sells carceral labor and carceral commodities for profit. Keep in mind; UNICOR operates eighty-three so-called *factories with fences*, distributed throughout the United States with several states like Florida, California, Texas and Pennsylvania having four or more in each state. The modern prison is a concentrated space of State control with power over the social, political and corporeal. Each prison represents the

¹⁵⁵ See Marie Gottschalk (2006). *The prison and the gallows: The politics of mass incarceration in America*. Gottschalk explores the history of mass incarceration and the carceral state in the U.S. to explain current incarceration rates.

concretized outcome of a long line of State procedures and administrative efforts, containing divergent intentions of individual State actors. From lawmaking, policing and patrol, prosecution, and to a lesser extent, courts and sentencing (due to Congressional efforts to revoke judicial discretion through mandatory sentencing laws in criminal courts), each organization operates within its own decentralized territory, with its own culture, and with its own procedures of legitimized State power – all of which must imbricate with Constitutional laws that represents sole, centralized authority. For example, one of the stated goal of using prisons as a sanction is to “correct” criminal behavior by instilling a normalized ‘work ethic’ to reduce recidivism; however, it is a well known fact that being imprisoned in the U.S. often *increases* recidivism rates and makes meaningful employment difficult to attain, thus begging the question *why is there mass incarceration if it does not achieve stated goals?*¹⁵⁶

Prisons are often implicated as centers that encroach on prisoner constitutional and human rights. Thus, each stage in the criminal justice process is specifically a political process that puts tension on the relationship between the State, the citizen and human rights that is also *managed* by the State and State actors. The process of criminal justice originates with a powerful group of individuals, comprised mostly (as it has for over two hundred year) of white, propertied males, known collectively as *Congress*. It is these groups of political actors who hold the statutory power for lawmaking, and who also yield that power for the benefit of commercial interests - sometimes at the expense of personal liberty. Politics, politicians and *mala prohibita* lawmaking manipulate the social at both state and federal levels and must be brought into criminal justice epistemology and *made* part of the system of which they are sole creators. I argue the criminal justice system simply serves the rational function as the administrative arm of

¹⁵⁶ See in general: Pew Charitable Trusts, *Time Served: The High Cost, Low Return of Longer Prison Terms*, June 2012, p. 13

politicians and other elite actors by combining powers of law, law enforcement and commerce to maintain class and racial divisions. Prisons and mass incarceration have long served the dual interests of State and commercial actors. The correlative effects resulting from expanding mass incarceration and incarceration is a rich source of revenue for vested interests.

5.8.2 **Marx: On the State and Corporate Elite**

No sociologist spoke more unreservedly about the State and American politicians than Karl Marx (Tucker, 1978), and his words are as relevant today as when they were first written. In its ideal form, the State performs an intermediary role that protects the general interests of individuals within a society; however, this ideal is difficult to maintain because of men's class struggles. Thus, those men whose class "dominates all others" form the State (p. 160). Marx wrote specifically about the State from the political standpoint of the U.S. From his perspective, the State, in this country, exists for the sake of protecting private property and the owners of private property, which "has penetrated into the consciousness of the normal man" (p. 187).¹⁵⁷ He continues, "...the State is the form in which the individuals of a ruling class assert their common interests...[and] the illusion that law is based on the will, and indeed on the will divorced from its real basis – on *free* will ... [and] justice is in its turn reduced to the actual laws" (p. 187).

Concerns of oligarchic control resonate in 2018. Corporate interests have worked their way into each and every aspect of the State, and have managed to seize control and inject neoliberal and far right views into even the highest courts in the land. Marx is correct that, in general, American consciousness accepts "law" as pure, unaffected by political and

¹⁵⁷ Here, Marx is referring to the American dream ideology, which from my point-of-view, is an Enlightenment male concoction. It is an exclusive dream, envisioned by men, to contain male property, including the woman, who was confined to the home and confined behind a white fence. None of the symbols of the American Dream ideology should be taken for granted. That the dream was internalized by those subjected to it speaks volumes about the power of this ideological and commercialized trope.

commercialized interests. While there are plenty of social critics who see behind the (thin) veil of political rhetoric, those eyes, ears and voices hold little sway over a bulk of Americans today; wherein, more than half the U.S. citizens polled have little faith in national government (citizens have more faith in local government) and the Supreme Court, and even less faith in politicians, i.e. *lawmakers*, an inordinate number of people polled (24%) have a “great deal” of faith in the president; 50% have a “fair amount” of faith in the judiciary, and 36% have a “fair amount” (opposed to 4% who have a ‘great deal’ of faith) in the legislative branch.¹⁵⁸ The concept of “justice,” as Marx points out, means nothing more than *law*, thus a higher meaning of justice (e.g. ‘fairness’) may have been lost.

Finally, Marx recognized the power of politicians in America, who within one hundred years of U. S. constitutionality had already “in pursuance of their own special interests, transformed themselves from the servants of society into the masters of society.” Marx continues:

Nowhere do “politicians” form a more separate and powerful section of the nation than precisely in North America. There, each of the two major parties which alternately succeed each other in power is itself in turn controlled by people who make a business of politics, who speculate on seats in the legislative assemblies of the Union as well as of the separate states, or who make a living by carrying on agitation for their party and on its victory are rewarded with positions. It is well known how the Americans have been trying for thirty years to shake off this yoke, which has become intolerable, and how in spite of it all they continue to sink ever deeper in this swamp of corruption. It is precisely in America that we see best how there takes place this process of the *state power* making itself independent in relation to society, whose mere instrument it was originally intended to be ... we find here two great gangs of political speculators, who alternately take possession of the state power and exploit it by the most corrupt means and for the most corrupt ends – and the nation is powerless against these two great cartels of politicians, who are ostensibly its servants, but in reality dominate and plunder it (p. 627).

158 See GALLUP.com, “Trust in Government” poll from 12 September 2018. Only 24% of adults polled have a “great deal” of faith in the Executive branch (37% have ‘none at all’) compared with 18% for the Judicial and 4% for the Legislative branches.

It is the State's "master" role that enables state and federal politicians to use lawmaking, including appropriations of tax monies, to positively affect profits for *particular* constituents and political and pecuniary gain for themselves, both of which pose serious threats to democratic ideals and social progress.

Issues of "pork-barrel" politics quietly combine with issues of social control (think private prisons) to forge tight bonds between private corporations and government authority. Included in this scenario is UNICOR, which has incentive and interest in maintaining high incarceration rates to provide labor for its prison industry as well as provide jobs for depressed communities – the hugest driver of carceral traffic today. Crime, then, comes with a socio-political premium: employment opportunities. Such "public-private partnerships" are hailed as a win-win for taxpayers, but which walk a thin line as far as ethics and perceptible economic gains are concerned. Legitimized state-commercial collusion that hinges on lawmaking and law breaking to realize profits *and* give the appearance of social control (although over half of the prisoners held in UNICOR prisons are nonviolent drug offenders) raises more questions than answers. It is at this sociopolitical location that UNICOR is organized to manage the labor of prisoners held in mass incarceration.

5.8.3 **Mill's *Power Elite* and Expanding Carceral Markets**

Expanding and incorporating Federal Prison Industries (FPI) in 1934 resolved at least two major, imbricated issues caused by politically elite males' continual use of law to institute mass incarceration: overcrowding and the need to control potential idleness – both constant themes in the data. Without addressing problems of politics and congressional lawmaking, or seeking social reforms that do not rely on mass imprisonment as a remedy - the only logical, sociopolitical, and *marketable* outcome was an ideological one: to expand the U.S. carceral (traffic) systems.

Instituting the “inner logic” of capitalism through the instrument of incorporation was an ideological decision that guaranteed another level of expansion for prison industries, one governed by “broad system ideologies, such as ... liberalism [and] labor markets” (van Dijk, 2002, p. 24); and incorporation also fit the mental model of the Depression era, thus legitimating “prison industries” as a viable business, or corporation, that could provide valuable training and work experience for prisoners. The repressive force of the State created the conditions for systemic mass incarceration(s) then adopted a repressive albeit familiar economic solution (the only system recognized as legitimate) to (somehow) solve its first problem.

About two decades after the incorporation of Federal Prison Industries, sociologist, C. W. Mills (1956) wrote extensively about the New Deal and, specifically, elite men’s relationships.¹⁵⁹ Mills’ classic, *The Power Elite*, is useful for sociological and criminological analyses of the carceral-corporate (public-private) expansion (of prisons and power) during the pivotal 1930s when the political elite was expanding Federal power over the states and reorganizing the nation’s carceral traffic apparatuses into an enlarged institutional, administrative and centralized unit (e.g. the Prison Industries Reorganization Administration, or PIRA). Mills noted that because of the centralization of power across the domains of economy, politics, and the military, “the consequences of its activities become greater, and its traffic with the others increases” (p. 7). This description coincides with the effects of incorporating the Federal Prison Industries, wherein, carceral labor intersecting with the military has been a significant feature, and is unpacked in the following section.

Unsurprisingly, Mills omitted the expansion of State power over both Federal and state prison industries during FDR’s twelve-year presidency. The absence of a direct analysis by Mills

¹⁵⁹ Mills used the word “men” 668 times, “women” only 51. This is a sociological work that targets elite men and their relationships with other elite males and describes how they influence, dominate and control U.S. society using politics, economy and the military.

of FPI, Inc. is not surprising, mostly, because throughout U.S. history, the carceral world has flown largely beneath the cognitive radar of the public; operations within the penal field continue to exist in a realm far removed from the day-to-day routines of most Americans; plus, the State deliberately (and successfully) obscures the nature of the penal field in an effort to control optics - despite the prevalent role it plays in American life. Remarkably, even the New Deal installation at the FDR Presidential Museum in Hyde Park, New York *completely omits* Roosevelt's historically significant prison reforms, thus erasing the reconstructive role that Federal prisoners played during the Great Depression and World War II. On the other hand, there was (as has been shown) a great deal of congressional contestation about prison industries during the New Deal, primarily on the grounds of competition between prison and free labor. Still, the general observations Mills made about the relationships forged between elite actors in government and business, and the newly dependent "independent middle class" and the "machinery of the state" (p. 260) during the 1930s, are relevant and readily applicable to sociopolitical events occurring simultaneously during carceral affairs of the time, including the growth of U.S. military power.

The archival research for this dissertation revealed FDR's penchant for committee making and the use of so-called 'experts,' (an 'actor' variable in the data set/ $M = .25$), illuminating another aspect of elite male relationships, and also another avenue for (re)constructing the public-private partnership model. While some of the appointments Roosevelt made were unpaid (see Figure 29, p. 301), other committee or board positions were generously compensated. For example, in a piece of elite discourse dated 12/31/1935, and personally signed by Roosevelt ("FDR") and addressed to (Judge) Joseph Ulman, Chairman of the newly formed Prison Industries Reorganization Administration, the President declares the following:

I hereby fix at \$7,500 each per annum, effective January first, 1936, the compensation of James P. Davis and Gustav Peck as members of the Prison

Industries Reorganization Board, appointed by me September twenty-eighth, 1935, by Executive Order no. 7202, and direct that such compensation be paid from allocations made to the Prison Industries Reorganization Administration from funds appropriated by the Emergency Relief Appropriation Act of 1935.

Adjusted for inflation, the \$7,500 annual salary translates to \$137,979.85 today, an excellent compensation for a part-time job anytime/anywhere – let alone during the Great Depression, when the average per capita weekly earnings in manufacturing was \$18.18 or \$945 a year.¹⁶⁰ Besides, many of the men appointed to these committees were already elite members of society (Gustav Peck was a physician, for instance) and unlikely experiencing the sort of dire straits the underclass were forced to endure.¹⁶¹ Mills was keen to locate and write about these administrative relationships, which made up “the political directorate” behind the New Deal (p. 225), and whose discourse was also part of this research. According to Mills, “Much of the New Deal expansion involved ‘new agencies which were staffed without competitive civil-service examinations ... many ... were patronage appointments, and most of them were New Deal enthusiasts,” (p. 237).¹⁶² Besides the question of compensation in the above example, the ‘official’ language and descriptions he uses amplifies the inherent powers of his elite status to institute and organize law for the benefit of whomever he chooses, which is indicative of a protected, “ideological domain,” which van Dijk (1998) defines as a site of “domination, struggle, conflict and interests” (p. 215). This is not exceptional for this president (FDR) per se,

160 National Bureau of Economic Research (1 May 1933), Bulletin 46, *Wages during the Depression*. See here: <https://www.nber.org/chapters/c2256.pdf>.

161 Note: Further archival research found discourse in the Congressional Record dated January 30, 1936, stating the Senate “passed over” the nominations of Peck and Davis for the PIRA board. Whether or not Congress finally approved their nominations is unclear in the discourse used for this dissertation; however, both men were already paid appointees serving in the NRA, National Recovery Administration.

162 Mills was quoting (and cited): Time, 20 July 1953, p. 14. Cf. also Burns, op. cit. p. 8; and 'On U.S. Jobholders,' The New York Times, 28 June 1953.

neither is it indicative of some form of unique, elite nefariousness. These types of observations are not to be construed as critical of the individual or his choices. Focusing on these types of relationships and discourses serves to bring awareness to the means (often controlled by interrelated, intertextual ideologies) by which politically elite males function and dominate U.S. society, particularly in the context of expanding prison industries.

Moving well beyond the prison industries of the New Deal, a newer *and even better deal* was developed (perhaps, even designed) for the political elite involved in the businesses girding carceral traffic. Roosevelt could never have imagined the trade shows and trade conventions built around prison industries today. The “trades” that profit from federal prisons and prison expansion represent the most lucrative aspect of carceral traffic in the current era. The expansion of corporate interests is tied to the expansion of federal prisons, which apparently have unfettered access to public tax monies, thus representing the logical outcome of a market economy combined with the corporatization of mass incarceration. Not only are many of the industries able to sidestep the free-versus-convict labor controversies that have historically plagued all forms of carceral trafficking; they are able to unremarkably access the tax troughs of everyday Americans and with relative anonymity.

5.8.4 **Expanding War Efforts: UNICOR, State Power and the Patriotism Motif**

The ‘patriotic’ method that UNICOR currently employs to market carceral traffic to private business was of interest when outlining questions for this dissertation. Besides FPI being an integral part of the federal government, it was initially unclear how patriotism fit in the carceral traffic ideological universe. Thanks to serendipity, the archives produced the answer, and provided a rather captivating look at the inside world of prisoner patriotism during WWII as well as the masculinities, male values, and male cultivated ideologies that gird its performance in

prison industries discourse. UNICOR's patriotism trope has expanded from an acute response to wartime need to a chronic capital requirement for attracting new markets using "repatriation" and "Made in America" tag lines. Either way, the ideology of patriotism continues to perform a sociopolitical, cognitive function in the discourses UNICOR and Federal Prison Industries makes and distributes.

The National Archives in Kansas City, Missouri holds most of the "prison industries" discourse created at Leavenworth during the earlier days of the Bureau of Prisons. Included in its holdings are several years of prisoner-authored newsletters published by the Department of Justice. Prisoners' discourse was not included in the statistical portion of the study; however, if elite discourses were present within the newsletter, it would have been coded and analyzed in the data. Still, the prisoner narratives are valuable for gaining a native, counter perspective to the materials generated by elite actors. The archived, "New Era" prison newsletter discourse is key for understanding how *patriotism* came to play an essential role in today's UNICOR, and offers a unique look at the inner workings of institutionalized masculinities (both government and prisoner) intersecting with war and imprisonment.

Leavenworth's male prisoners expressed sincere hopes for social acceptance and public redemption based on mutually shared patriotism and the efforts they made during the war that modeled work being performed by citizens outside prison walls, which included donating blood, buying war bonds, and participating in the manufacturing of military equipment and supplies. The discourse also shows how elite actors framed the "service" of prisoners, making it difficult to distinguish the boundaries of authenticity, rhetoric, ideologies, and indoctrination. Three things stand out in the (masculine dominated) New Era newsletters, the (male) 'feeling' of doing

patriotism and performing civic duty, and the frustration of being limited in these actions by the fate of incarceration.

Today, UNICOR discourses speak less about the ways prisoner labor directly contributes or contributed to government ‘war efforts,’ and more about the *corporation’s role* as a supplier of goods and services to the military, indicating a cultural shift in the patriotic meaning of war and the military, by framing patriotism in business terms. During the 1950s, the U.S. military was transformed into, what Eisenhower coined: *The Military Industrial Complex*, and to which Mills was also referring in *The Political Elite*. Mills sharply acknowledged the existence of “a political economy linked, in a thousand ways, with military institutions and decisions” (p. 8) – and one of those ways has been by utilizing the blood (literally) and sweat of carceral workers (see Figures 18 and 19, pgs. 245 and 246).¹⁶³

Urbina (2004) reports during World War II, “FPI produced more than \$75 million worth of everything from aircraft to dynamite cases, parachutes, cargo nets and tents...[and] the Atlanta federal penitentiary alone was producing eight to ten train carloads of war matériel per day” (p. 111). Moving forward to 1990-91, Urbina also catalogues many of the military *raisons d’être* manufactured by UNICOR during the Persian Gulf conflict and post-9-11, even producing the cable assemblies for Patriot missiles. UNICOR workers manufactured not only “\$30 million worth of wire assemblies that go into all types of land, sea, and airborne communication systems” (p. 112), but also currently provide the DOD “with thousands of dollars’ worth of services,” including “printing services, generating everything from letterhead and envelopes to

163 An interesting side note on blood donations and incarceration was found on the American Red Cross website where they have instituted the following stringent guidelines: “Persons who have been detained or incarcerated in a facility (juvenile detention, lockup, jail, or prison) for more than 72 hours (3 days) cannot donate blood for 12 months from the date of last occurrence. This includes work release programs and weekend incarceration. These persons are at higher risk for exposure to infectious diseases.” See here: <https://www.sharecare.com/health/blood-basics/can-i-donate-blood-if-i-have-been-incarcerated>

military maps, calendars, and training manuals” (p. 113). Roosevelt envisioned the “State-use” model of prison industries as a boon to both taxpayers and free labor, as prisoner workers are “doing the people’s work.” In this context, Mills (1956) forecast the relationship with DOD and UNICOR, observing when the “big three” institutions: political, economic and military are “enlarged and centralized, the consequences of its activities become greater, and its traffic with other increases” (p. 7). The acute power of war to elicit the type of social cohesion experienced during the 1940s has all but disappeared as the nation finds itself chronically involved in war, in no small part due to corporate power and its addiction to public funding via war appropriations. Even an a catastrophic, terrorist event like that which occurred on “9-11” had only an acute, patriotic effect on the polity; and the political elite had to work doubly hard in the domain of rhetoric to keep the polity on board with the “War on Terror,” (Blain, 2009, 2016).

Following is a sampling of nine pieces of patriotic discourse held at NARA in Kansas City. Taken together, these examples are indicative of how the ideology of patriotism was expressed by Leavenworth prisoners and elite actors during WWII, and illustrate how American society and its relationship to prisons and prisoners have changed over time. Instead of parsing out excerpts of discourse for analysis, I feel it is more useful (and interesting) to see and read the intertextual discourse as it was captured in the archives as a way to maintain the integrity of the voices in historical context. In my opinion, personally viewing the evidence of prisoner patriotism and pride *au naturel* is powerful, evocative, and invites the reader to (re)consider previously held ideas about the power of ideology, patriotism, and performance.



Figure 14. The New Era, 1944. Thirtieth Anniversary Cover: “Buy Yours Now” (War Bonds)

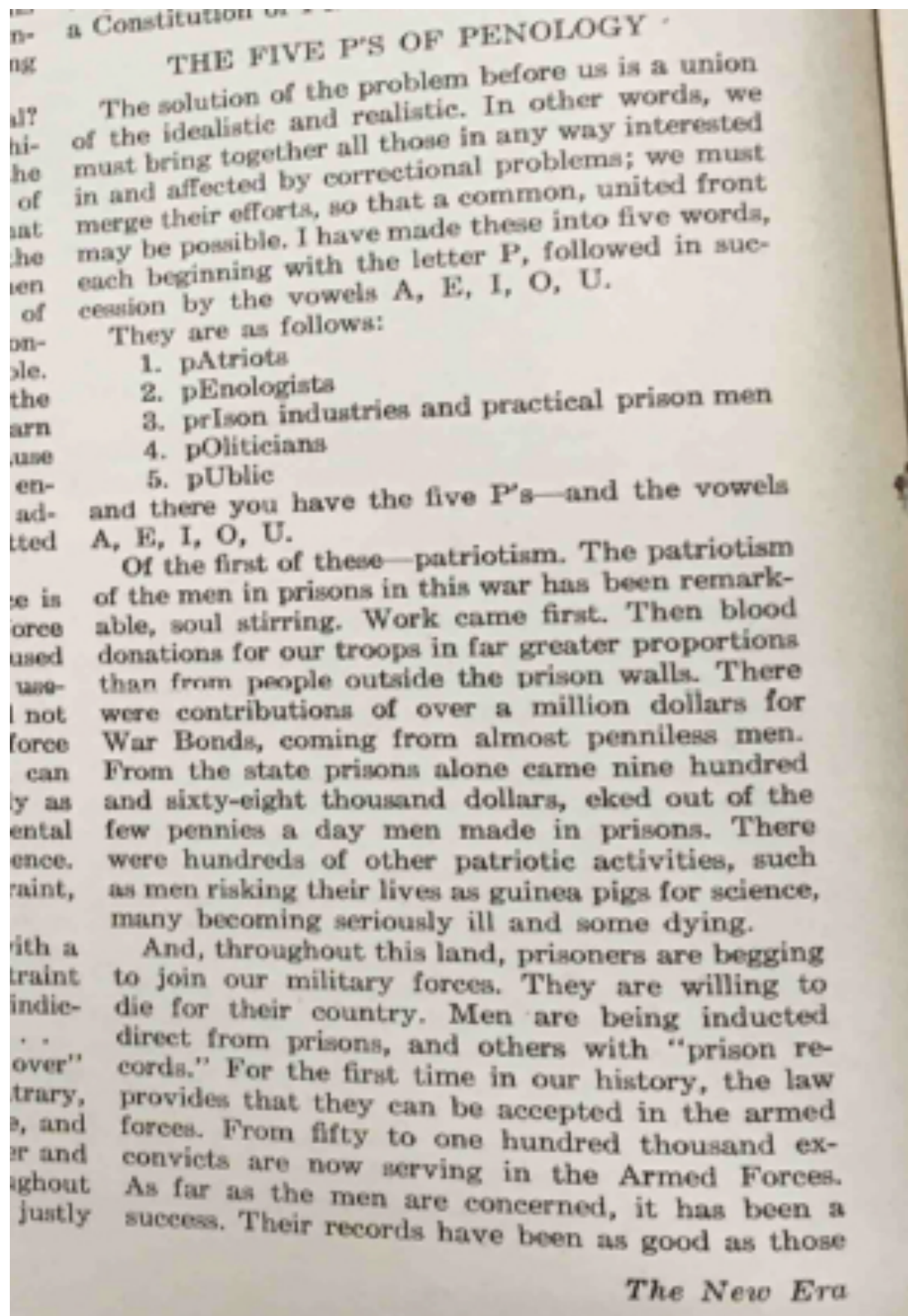


Figure 15. The New Era, 1941. *The five p's of penology.*

was five years ago, or fifty years ago. It will not be tomorrow what it is today or what it was yesterday.

But, whatever shape it takes, the real fundamentals will always remain. We aren't going back to medieval days. Neither are we backtracking to the horse and buggy, the hand-plow, or the cave. Nor shall we surrender to bondage though many may die to preserve the freedom our forefathers willed us. Now is the time to strengthen this democracy by utilizing every individual in preparedness. As a nation we must focus our attention on the future. Democracy is on trial. Shall it endure? It will if we work together, everyone of us. We all have a part to play, let's play it like Americans.

Contrary to popular belief, the Army and Navy are not the first line of defense for America. The first line is the men and women behind them—the men who are producing arms, clothes, shoes, transportation, and food that are so necessary to a fighting unit. They are the ones that can scare the dictators into submission by supplying such quantities of defense material that attack would be ruinous.

We have, even in our secluded terrain, a part to play in this great defense drama. But to do our part well, we too must arm ourselves with mental equipment for a broader understanding of our duty.

We must arm ourselves with the knowledge of the danger of world enslavement—knowledge of the danger of the perverted ideas of domineering sadists who have laid to waste most of Europe.

We must arm ourselves with cooperation; cooperation with our fellow workers, our foremen, and our government during this emergency. Remember too, cooperation is not a one-man job—it takes all of us to attain the desired results. But it must begin with the individual.

We must arm ourselves with thought—we must think before we act—we must not be led into false and dangerous channels by the rabble cries of demagogues and agitators. The enemy boasts of his propaganda. We must be alert to all this; weigh every idea presented in the scale of balanced judgment—always with eternal inquisitiveness—"What is the source? Who will be benefited?"

And, lastly, we need the arms of purpose—purpose to do the job at hand to the best of our ability. We must strive with all our strength to accelerate our efforts in anticipation of the day when world-wide chaos is over and the two deadly emotional germs—fear and hatred—are wiped out.

For, who knows, with the return of normalcy in the new world's order to come, there will be peace and equal justice, work and a chance to live as men for all—no matter what our class, or race, may be. It is our chance to show we are just ordinary patriotic Americans, willing to assume as much responsibility as our free bretheren. Who knows but when the roaring loom of time has finished the progressive pattern on which it is now at work, society will segregate that mental thug—ignorance—and view with balanced perspective the possible reclamation of the wrong-doer.

Figure 16. The New Era (1941). Excerpt on prisoner patriotism, imprisonment and American duty.

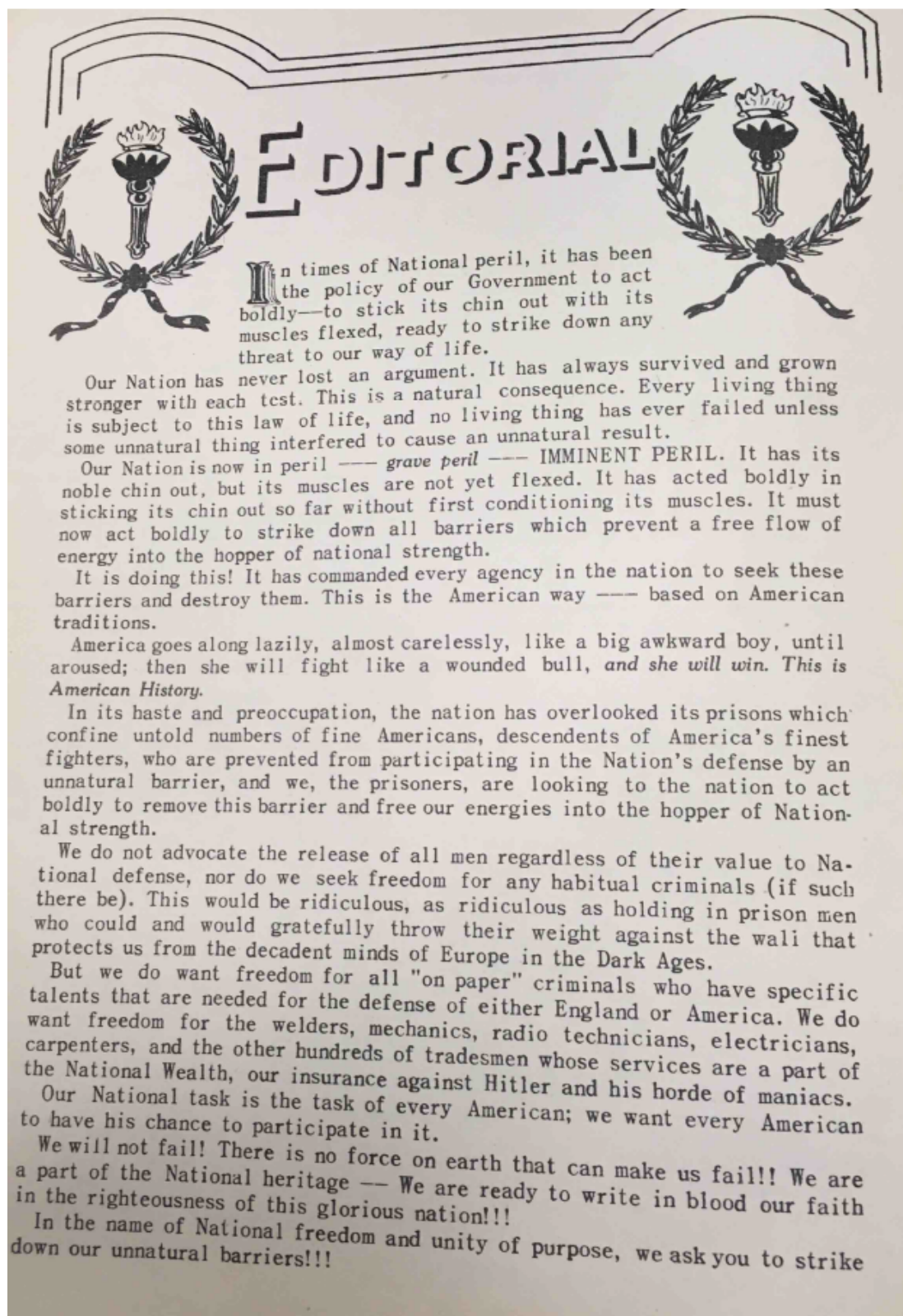
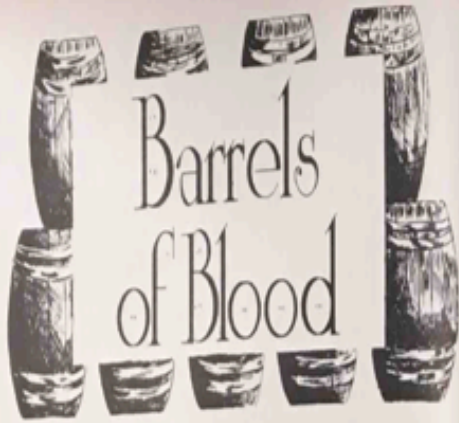


Figure 17. The New Era, 1944, Editorial, "In times of National peril..." Prisoners seek release to fight in the war.



Patriotic and Zealous Spirit of Inmates at Federal Penitentiary Results in 3,658 Pints of Blood

AN AMERICAN soldier falls on the field of battle, struck down by an enemy bullet. This is happening today wherever war is raging. In other wars his chances for surviving were pretty slim, but today the odds are greatly in favor of survival and complete recovery.

Blood plasma is the magic ingredient that is performing miracles for the wounded—whether on the battlefields of France or in some Jap-infested island of the Pacific. A newspaper recently headlined an article with "Plasma Saves The Day." It's doing much more than that—it's saving countless thousands of American boys who otherwise might not have a chance to remain in this world.

3,000,000 Pints 1944 Goal

Plasma is the result of blood contributions from people on the home front. The miraculous performances of plasma are being recorded so many times every day that many are apt to take the miracle for granted and forget what makes it possible.

At the top of the list of its many important duties the Red Cross organization is working frantically to comply with the request of the Surgeon General of the Army and Navy; to collect a total of more than 5,000,000 pints of

blood for processing into plasma during 1944.

4th Time at Federal Prison

Today there are approximately 70 Red Cross mobile units, operating from 35 Red Cross blood donor centers, engaged in the life-saving business of collecting blood for processing into plasma to supply the demands of the Army and Navy, whose call is for more and more plasma.

One of these mobile units has completed another call—the fourth—at the Federal prison. This area is serviced by the Kansas City chapter of the Red Cross blood donor center. The unit is staffed by volunteer members of that chapter and one doctor, his assistant, and six nurses. The work was carried on for five days on this trip to the institution.

The designated days were arranged in advance and bulletins were posted and announcements made over the institution's radio system calling for volunteers. As they have done on the three previous occasions, the inmates responded in great numbers eager to contribute to the cause, anxious to do whatever they could to help save the lives of American boys in the armed forces, some of whom might be their own. It was easy for an outsider to grasp the patriotic spirit with which these men were imbued.

An Orderly Routine

In a manner that obviously is characteristic of this institution in all its functions under the direction of Warden W. A. Harter, the task proceeded in orderly and systematic routine.

All volunteers were registered well in advance of the arrival of the mobile unit and a preliminary physical fitness checkup was done. Those accept-

volunteer members of the Leavenworth Red Cross chapter, took over the blood pressure, temperature and hemoglobin tests. There were six of these nurse's aides and one was Mrs. C. E. Morris to whom the Leavenworth chapter points with pride as having completed 1,000 hours of voluntary service with the Red Cross.

These tests proving satisfactory, the volun-



Blood Pressure and Hemoglobin Tests

able were given instructions on what day and time to appear at the hospital thus allowing for the proper number being on hand at all times and avoiding congestion.

Completes 1,000 Hours of Service

The first stop was at desks in the corridor behind which members of the Kansas City chapter questioned volunteers for more physical fitness information. From there, nurses aides,

teers were taken into the donor ward housing 12 cots where doctors, doctors' assistants and nurses, with the assistance of inmates, performed the final operation in drawing the blood to be processed into precious, life-saving plasma.

12 Local Women Help

From the donor ward each volunteer was escorted into the canteen where six Gray Ladies, also volunteer members of the Leavenworth Red

Figure 18: The New Era 91944): Barrels of Blood: Example 1/2. Patriotic and Zealous Spirit of Inmates.



Bleeding for Freedom's Cause

Cross chapter, who with the nurse's aides completed a total of 12 local women helping in the work, served coffee and cakes to the blood donors and kept a watchful eye to make sure that each was in good shape on leaving the canteen. Before leaving the hospital each donor was presented a certificate verifying the blood donation and a bronze button indicating first or second time, a silver button for the third and fourth time.

This trip of the Red Cross mobile unit yielded 677 pints of blood making a total of 3,658 pints donated by inmates on the four visits.

"Here, indeed, is a record for which any group may be proud and it is exemplified by one of the inmates who, when asked how many times he had offered his blood, replied, 'This is the third time.' The reply came forth without any attempt to gain glory—only a slight expression of pride settled in his countenance and that seemed to be typical of all the donors," commented one of the Gray Ladies.

Leavenworth Times

July 26, 1944

* * * * *

Many a United States man and woman who had promised blood to the Red Cross had welshed on the promise. Blood centers had cancellations running as high as 50 per cent.

Last week many of the 35 city centers were running far behind weekly quotas: Washington had 2 of its slowest days since blood collecting began; Atlanta reported 9 different reasons why donors failed to show up. Sample:

"I'll tell you frankly, two members of my family made donations and they had a little black mark on their arms for a week afterward."

—Time

Figure 19: The New Era: Barrels of Blood (cont'd): Example 2/2. "Bleeding for Freedom's Cause."

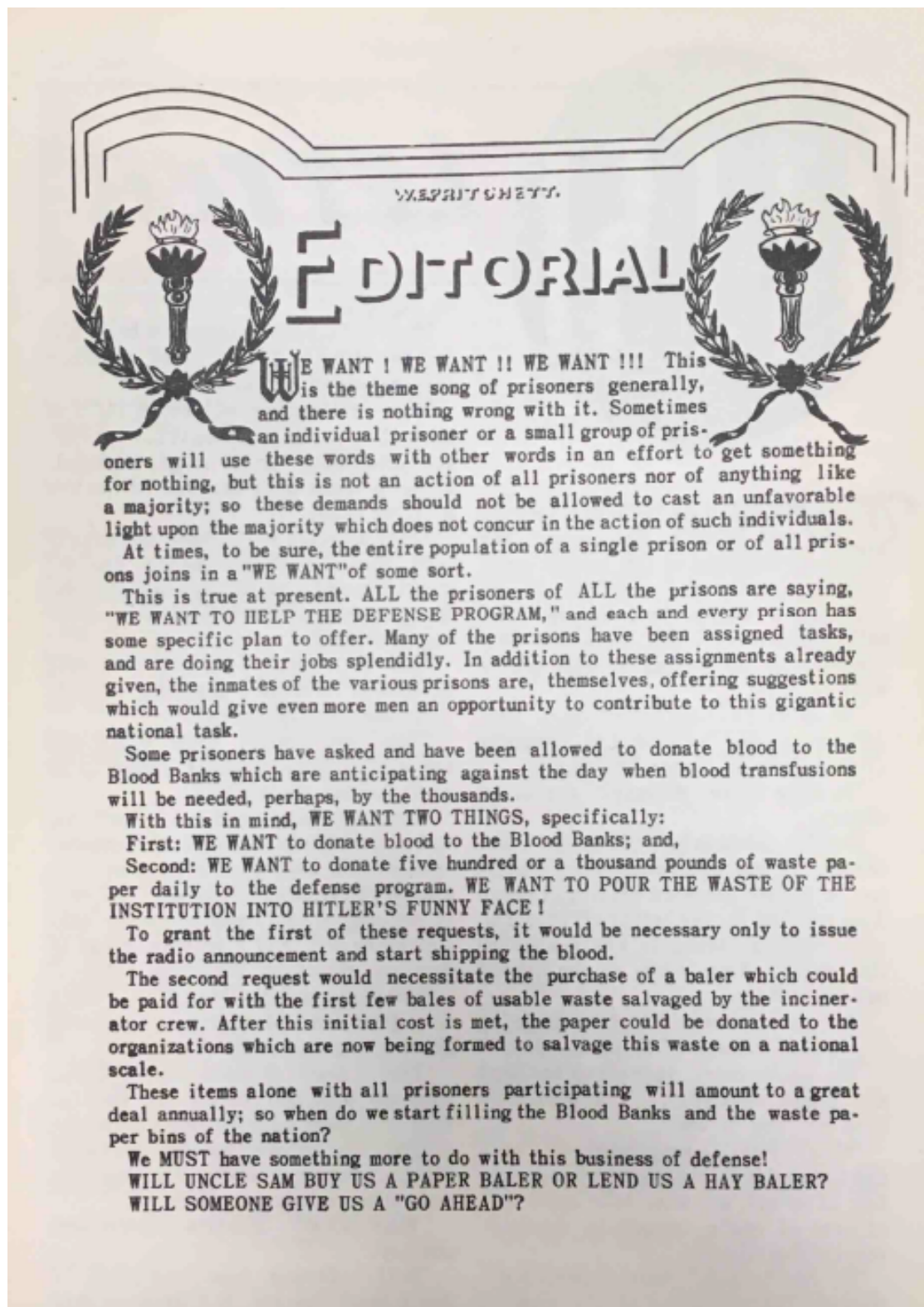


Figure 20. The New Era, 1944. Editorial: We want! We want! We want!

SMALLER WAR PLANTS CORPORATION

WASHINGTON, D. C.

May 23, 1945



Mr. Buell B. Cramer, Supervisor
Educational Department
U. S. Penitentiary
Leavenworth, Kansas

Dear Mr. Cramer:

The Spring Issue of "The New Era" has just reached me. It is an excellent job throughout. The magazine is attractively gotten up and the articles are exceptionally well written.

My work with state prisons while Director of the Government Division of the War Production Board left me with a feeling of tremendous admiration for the contributions which have been made by inmates during time of war. Let us hope that these contributions will not be forgotten when the war is over. In some way the general public must be made to understand that the contributions made by the inmates during time of war were, after all, nothing unusual. Men within prisons are patriotic Americans just as all others are. The point is that, during time of war, they were given an opportunity in many cases for the first time to participate in a really worthwhile undertaking.

From this beginning let us hope that a continuing program of constructive, decent, self-respecting work will be laid out for inmates. Unless that is done there is no opportunity for rehabilitation. At the same time, there are many reforms which are needed in a parole system as well as the system of sentencing men judged guilty of violations of the law.

Again let me congratulate all those who had any part in the preparation of the magazine.

With very best wishes, I am

Sincerely yours,

Maury Maverick
Chairman and General Manager

Figure 21. Elite corporate discourse (1945). The writer hopes for public understanding about prisoner work and their contributions "during time of war."



Figure 22. The New Era Newsletter Cover (September 1941). Prisoners commemorate Labor Day during World War II.

2884

November 15, 1943.

STATEMENT BY THE PRESIDENT

The enthusiasm of both prison authorities and the prisoners in taking part in wartime activity has been most gratifying. The Federal Prison System had already worked out an admirable industrial program before we entered the war. I am glad to learn that the Government Division of the War Production Board has been able to help the State Prisons in progressive development in prison industries. This improvement of prison production and morale in wartime is an achievement of great immediate moment. But prison reform is a problem which will have equal importance in planning for peace time activities. The curbing of delinquency is one of our great public issues, and our post-war programs must reckon with it. The wartime gains in this respect must be consolidated and perpetuated.

x10-

x4735

x459

x4351

An improved system of prison industry and agriculture is vital to any program not only of reformation of prisoners, but of crime repression. In any plan for more efficient and productive prison industry in peace time, it is also essential that our free enterprise be protected and that Labor shall be adequately guaranteed against threat of unfair competition by prison industry. I am sure, however, that this can be accomplished without in any way denying prisoners their just and fair right to work, to be healthy and to be rehabilitated for law-abiding existence upon their release.

x227

x11792

x407

x11777

Figure 23. Elite discourse (1943). Statement by the President about prisoner wartime “activity”.

It appears from the discourse there was no need to inculcate prisoners' performances of patriotic acts during this timeframe. Their contributions to the "war efforts" appear voluntary (although what other choices they may have had is unclear) and matched the social effervescence and social solidarity that marked the 1940s. The war also generated a great deal of positive, prisoner-government reciprocity and esteem that were expressed in Leavenworth's prisoners' newsletters and State actors' discourse. The war-labor discourse showed a Federal government that truly "valued" prisoner contribution during wartime. It also shows the power of the Federal government to utilize all possible resources and motivate cross-class organic solidarity. Wartime *temporarily* dissolved entrenched social norms, including race, class and gender hierarchies, and forced male-dominated institutions to *allow* women, minorities and prisoners (the structural underclass) to participate more fully in political life without prejudice.

Carceral traffic continues to play an enormous role in military affairs. The relationship between FPI, Inc. and the Department of Defense (DOD) – and the military, in general - was galvanized during World War II, and has functioned to reinforce the "patriotic" framing of FPI and UNICOR for nearly a century (see Figure 24, p. 253 for a modern example of patriotic DOD/UNICOR marketing discourse). The relationship between the military and FPI has been a significant feature in U.S. history, and patriotism has played an interesting role in the performance of masculinities both inside and outside prison walls. Performing patriotism during World War II had a motivating effect on prisoners, which instigated a peculiar form of camaraderie between prison administrators, political elite and the prisoner class.

Contemporary UNICOR discourse has coopted the patriotism of past prisoners, and in doing so fetishized the production of prisoner labor and minimized the active, citizen-role

prisoners have played in military performance. For example, the latest UNICOR (2014)

brochure *80 Years of New Beginnings*, self-extols its military role, speaking in institutional terms:

1942 – The eve of World War II, FPI was considered a national asset, producing more than 70 categories of products at 25 factories, including bomb fins and casings, TNT cases, parachutes, cargo nets and other defense-related items. Working double and triple shifts during the 1940s, 95 percent of FPI’s output was sold to the military.


1945 – The War ended and millions of dollars in defense contracts were canceled. FPI sales of more than over \$17.5 million plummeted to less than 10.7 million. To offset these losses, FPI developed new training programs in radio communications, air condition and refrigeration.

1950 – With the onset of the Korean War came renewed military business.

1980s – Surges in the Bureau’s inmate population pressed UNICOR to increase the number of inmates in its programs...UNICOR excelled as a reliable, quality supplier to the Federal Government and received accolades for its superb support in providing troops needed items during Operations Desert Shield and Desert Storm.

It is not unusual for UNICOR corporate discourse to identify itself as the producer of manufactured goods. Twenty-first century discourse does contain photographs of inmates working (sometimes only their hands are depicted) as well as the requisite smiling faces and positive testimonials of UNICOR prison workers; however, the absence of written State discourse that frames prisoners as legitimate, contributory workers - or truly as “Americans” - is in stark contrast to 1940s discourses showcased in the previous pages.

American solidarity and culture has changed significantly since the 1940s, and so has the Federal prison system. The use of prison labor to aid the military, however, has remained a mainstay in prison industries; although, it seems the love for the “fatherland” (who patriotic men call “she/her”) has become as disembodied in UNICOR discourse as the fetishized prison laborer it ‘employs’.




ACQUISITION & TECHNOLOGY

THE WILL TO CHANGE


FEDERAL PRISON INDUSTRIES

Proudly Serving the Warfighter



75 Years of Mission-Driven Support

Since World War II, the Department of Defense (DoD) has procured goods and services from Federal Prison Industries (FPI), also known as UNICOR, to support the Armed Forces and defense mission readiness. A component of the Federal Bureau of Prisons, UNICOR is a wholly-government-owned and fiscally self-sustaining corporation established in 1934 by Executive Order 6917. It provides federal inmates with practical job experience in order to increase their prospects of becoming well-adjusted citizens when released from prison.



We're life changing.

Facts and Figures

- ★ UNICOR produces goods and services in over 80 federal supply classes at 109 U.S. factories
- ★ Business sectors serviced by UNICOR: clothing and textiles, electronics, fleet solutions, industrial products, office furniture, recycling and services
- ★ Exceeded the U.S. Small Business Administration's goal by almost 300% in FY2008, almost 62% of UNICOR purchases came from small and disadvantaged businesses
- ★ In FY2008, UNICOR had \$854.3 million in net sales and \$3.1 million in net income and 77% of utilized revenue was for product purchases from private sector vendors
- ★ In FY2008, 17% of the eligible inmate population (21,836) worked for FPI
UNICOR has recycled 185 million pounds of electronic equipment and implements a successful reuse and recycling program

The DoD Connection with UNICOR

- ★ "Go To War" products range from body armor and army combat uniforms to advanced combat helmets and EMP-shielded cables
- ★ Fleet Solutions include retrofitted and re-manufactured HMMWVs, five-ton trucks, semi-tractor rigs, and other heavy vehicles
- ★ In 2005 UNICOR received DLA's "Supporting the Warfighter" Award
- ★ Federal Acquisition Regulation Subpart 8.6 and Defense Federal Acquisition Regulation Supplement 208.6 prescribe the applicable procurement policies and procedures
- ★ UNICOR factories producing for the DoD are ISO 9001:2000-certified
- ★ UNICOR subcontracts with defense prime contractors and partners with AbilityOne nonprofit agencies for cutting of military apparel fabrics
- ★ UNICOR participates in the Operation Warfighter Program offering internship opportunities to wounded warriors recovering at Walter Reed Medical Center
- ★ A DoD senior leader is a member of the FPI Board of Directors

Key Web Sites

DPAP Federal Prison Industries Section:
http://www.acq.osd.mil/dpap/cpic/cp/specific_policy_areas.html#federal_prison

UNICOR Homepage:
<http://www.unicor.gov>

If you would like to provide comments or suggestions, or if you would like more information:
Acquisition & Technology • <http://www.acq.osd.mil/at> • 703-571-9020




Figure 24. UNICOR's Contemporary Patriotic Marketing Discourse (2009): "Proudly Serving the Warfighter," (National Archives Digital Collection).

5.9 Free Labor, Free Markets and Unfree Labor: A Sociological Analysis

Congressional contestations about slavery or prison industries often center(ed) on the proverbial *us versus them* theme, i.e. free laborer versus slave/prison laborer (which has also signaled race and class). Carceral traffic is a definitive part of a labor market that works within free markets; however, the current market for carceral workers (prisoners not chattel slaves), and the goods and services they produce, have been deemed *non-economic*, simply because of the penal nature and location of the labor and the laborer (Zatz, 2008). Meanwhile, the State frames its carceral traffic business, FPI, Inc. and UNICOR, in free market terms and advertises its services to free market corporations.

There is a disconnect in the goals and meanings of government actors, their policies and their discourses that seek to frame prisoners and their labor in ways dependent on what benefits who and under what circumstances, and is independent of reality – where UNICOR workplaces are regulated by OSHA, where UNICOR prison ‘employees’ earn vacation and sick time, and where prisoner earnings are used to increase profits of private companies servicing Federal prisons (medical copays, commissary, telephone companies, etc.) and to pay for restitution or child support, for example. The framing of carceral subjects is reminiscent of the three-fifths clause in the Constitution wherein an elite compromise was made for counting the hybrid, property-human slave objects for taxation and congressional representation. As far as UNICOR is concerned ‘its’ prisoner population obtain a similar hybridity as the prisoner is reduced to bed counts and numbers, and the output of their labor is declared (by law) both free and unfree/legitimate and illegitimate/real and unreal.

The current carceral traffic iteration actually confounds free labor versus prison labor contestations by reframing prisoners as objects of trade rather than subjects of labor, and making

deals with private corporations under the covers of public policy, labor law, and in corporate boardrooms. As previously discussed, UNICOR marketing discourse *literally* calls one aspect of one of its ‘trades’: “The Best Kept Secret In Contact Centers...” The secret being the deal made by Congress to allow corporations that have outsourced manufacturing or services (like call centers) to foreign laborers to “repatriate” jobs and use (exploit) carceral workers instead. There is a real market demand for carceral workers, and the State is the proverbial “middle man” who supplies it, often creating undue (and unknown) competition with free market labor. Genevieve LeBaron (2008) writes,

The resurgence of prison work programmes during neoliberalism has thus been one government strategy to cut the cost of incarceration by making prisoners pay for themselves - first, by appropriating their labor power; and then, once the contradiction of competing with private capital becomes clear, by making prisoners’ labor power available to capital as well (p. 60).

In this scenario, sometimes low-skilled, free workers are still displaced by prisoner workers whose labor can be bought from the government for pennies on the dollar; however, free labor and citizens may never be aware this is happening.

Mass incarceration(s) is one technique the government uses for dealing with “surplus” populations of people, who have fewer work opportunities in the free world, due to the elimination of manufacturing jobs - combined with cuts to the social safety net that invariably leads to a host of accompanying social problems, including increases in poverty that disproportionately impact nonwhites (LeBaron, p. 60). For some people, the promise of work and an income (however paltry) in UNICOR is more likely than obtaining work in the free market (Wacquant, 2002b). Again, from LeBaron (2008):

The disintegration of welfare services and the strategy of poverty-regulation through mass incarceration that characterised neoliberalism were accomplished, in part, through the ideological resurgence of the liberal doctrine of freedom, which asserts that in capitalism, poverty and unemployment are voluntary (p. 67).

Carceral traffic viewed from a sociological perspective hinges on the social (as opposed to individual) aspects of work and its centralized role it plays in society - including the foundational, socioeconomic reality of capitalism and the need for capital resources attained through employment to survive in the market economy. Free market rhetoric has been used for a few hundred years to “justify decisions under conditions of uncertainty” (Aune, 2001, p. 4), and UNICOR’s powerful ability to legitimately combine free market rhetoric with an actual, functioning (and oft utilized) prison labor market is an excellent example of “political language” (Pocock, 1989, p. 21), which James Aune signals as “Karl Marx’s greatest contribution to the human sciences, namely, his unmasking of the strategies used by apologists for capitalism to obscure alternative ways of seeing both the nature of work and the possibilities of justice (p. 4).”

That carceral labor and the output of its labor are embedded in the fabric of US economy is an indisputable, historical fact. It is also an aspect that is sufficiently segregated from social life by design and intention. The State created and sustains the carceral labor market, but denies it the status of “labor” because, according to Zatz (2008), the courts of law have reasoned that inmates do not “own” their labor (the State does), therefore, “inmates have nothing to exchange” (p. 890). Constant government interventions (like the aforementioned prison labor laws) are key for understanding the meaning of free markets and labor markets - and for understanding the relationship of prisons and carceral labor to the free market and labor markets throughout U.S. history. Issues of labor (in)equality have long plagued all types of workers in western societies, and functions to varying degrees for the maintenance of race and class hierarchies, although these distinctions are often invisibilized. Western society portrays “agency” and “choice” as fundamental characteristics of freedom; however, when it comes to carceral work, there are

embedded, constitutionalized constraints and limitations thrust on individuals, which obviously restricts their choices for work.

According to some sociologists, the labor market is a bifurcated space with differential tiers of labor activity within each section. For example, Grint (1998) explains the “ideal types” of the *dual labor market*, which divides primary and secondary sectors of society (p. 234). The primary labor market can be described as large industries and corporations, most familiar to people in western cultures. These companies are extremely profitable, sometimes unionized, pay higher wages and offer advancement opportunities. While there are lower tiers in the primary labor market, these jobs offer rewards and incentives unrealized by the secondary labor market, which is largely populated by (so called) “low skilled” groups who sometimes operate outside the purview of formally conceptualized organizations of labor (p. 234). Women, nonwhite minority groups, temporary, even undocumented workers make up the secondary labor market (p. 234). Race, class and gender intersect, creating hurdles and disadvantages in the acquisition for work on many groups of people (p. 226) - not the least of these being ex-prisoners, who are often excluded from “free” labor markets upon release due to a criminal background. Ironically, prisoner laborers are coerced into participating in free market capitalism when placed in certain prison factories to work as part of their punishment.

Free market ideology framed free labor in terms of freedom to sell one’s labor in a market of those who buy labor; however, Furåker (2005) sees a “coercive mechanism” underlying this unequal relationship of power: *economic necessity* (p.



Figure 25. UNICOR “American Made” motif.

23).¹⁶⁴ People who can't find buyers for their labor ("the unemployed") are left out of the mainstream, vilified, and sometimes stigmatized for the plight of their unemployment - even with finite job opportunities. According to Zatz (2008), there are over one million carceral workers "going to work" full time in U.S. prisons and jails today. It seems negligent for the sociology of work to skim over, or completely eliminate, the power of the State and the role of mass incarceration and imprisonment in regulating free market and labor market relationships given the historical embeddedness of carceral labor and mass incarceration.

In Taylor's (2004) perspective, the "public-private dualism that underlies conceptualizations of work within sociology" offers an incomplete assessment of the complexities of work and work relations in the west (p. 45). Utilizing Glucksmann's (1995) conceptual framework called a *total social organization of labor* (TOSL), Taylor reconceptualizes "work" and redefines its meaning - moving from a purely economic space of the visible labor market and locating it in the lived experiences of real people who serve others and whose work does not fit within the limited concepts of public or private and/or paid and unpaid. Taylor explains,

Within the labour market for particular functions, it is not only paid employment for which there is supply and demand and systems of exchange... within a market forms of work are interconnected and where cultural shifts or policy initiatives lead to changes in the availability of one form of labor it affects the market for another (p. 44).

The lived experiences of prisoner laborers - inside and outside the confines of UNICOR - will likely be shaped by the social realities of the free market and labor markets under the rules of

164 While this book explores labor markets from a sociological standpoint, there is no real mention of carceral labor and the embedded role it continues to play in western societies. In fact, the author merely *suggests* that slavery was "a kind of market for labor power"! African slavery was a major market for labor that spanned the globe for centuries and served as a foundation for the current socioeconomic structure of US society today - including the creation and institutionalization of UNICOR and other formalized constructs that use and sell carceral labor.

neoliberalism. Prisoners' work experience, gleaned by laboring for the State as carceral subjects, is unnecessarily disconnected from the free labor market; and their contribution to the free market goes unrecognized by State actors who deny their work as bona fide employment - thereby, rejecting their pleas for equal protection under labor laws (Zatz, 2008).

There is a "point of confluence" (Wacquant, 2015, p. 254) in which the ex-prisoner/prisoner laborer is ejected upon release. Wacquant suggests, "the nexus of workfare, prison fare and social insecurity, in turn, reveals that the study of incarceration is not a technical section in the criminological catalogue but a key chapter in the sociology of the state and social inequality in the bloom of neoliberalism" (p. 255). While this observation is cleverly applicable to the topic of neoliberalism in general, it also applies specifically to issues associated with prison laborers and the carceral labor apparatus known as UNICOR. Certain aspects of prisoner work overlap with ideologies of the State, and cannot be so easily extrapolated from the tentacle-reach of the State and what Bourdieu (1998) describes as the "bureaucratic field" - a sociopolitical "universe" constructed of interests and values, benefitting the State and state actors (p. 35).

Unfree workers are part of a super-marginalized population used in the free market to increase profits for private businesses under the social control umbrella. This is not new; however, there must come a time when free market rhetoric gives way to sociological realities. How long can an advanced, civilized society bear the burden of deliberately choreographed social problems that arise from the greed of capital accumulation combined with the power to create, sustain and benefit from Laws that are designed to confine nonviolent citizens for 1) the output of their work, and/or 2) as a numeric placeholder to justify prison expansion and the institutionalization of the public-private partnership? Not only do prisons and prison factories

“employ” prison labor, they also employ free labor - thus the growth of the prison industrial complex includes all sectors of society and becomes central for purposes of work, compensation, and, ultimately, social control. Carceral labor techniques of the State elide with commercial interests to structure the prisoner labor market in ways that encourage and ensure its growth.

6. THE FORMALIZED CARCERAL TRAFFIC IDEOLOGY

6.1 Visualizing and Internalizing the Formalized Carceral Traffic Ideology

The formalized carceral traffic ideology emerged from analyzing hundreds of pieces data (archival discourse) produced by elite males during and around three main periods of carceral, legislative history (Abolition, incorporation of Federal Prison Industries, and the development of the Prison Industry Enhancement and Certification Program). It represents an epistemological effort to enhance human understanding about the role of ideologies in the creation and maintenance of the ever-expanding carceral traffic universe. The constituent elements and primary themes were derived using a mixed method approach to the data.

The visual representation of the carceral traffic ideology (Figure 26, p. 262) begins on a backdrop of masculine cognition. The grid represents the cognitive world of male thoughts, words, and the potential for action in the performance of signified male power. The invisibility of cognition belies its inherent power to reify concepts and institute masculine domination. It is unremarkable to assert that all material, manmade objects (or systems) are first generated by a thought, i.e. an idea (or ideology). The energetic field of cognition holds potential for all provenance. The manmade constructs of gender, race and class are omnipresent and influence all subsequent actions and reactions (Gilman, 1914). These ideological constructs were created to represent opposition to, and difference from, the prototypical, self-reverential, androcentric: elite, white male. This is noncontroversial, but must be acknowledged to avoid complacency that naturalizes and normifies these constructs' existences.

Overlaid on the cognitive field, and directly related to carceral traffic, are two interrelated features that elicit emotional and responsive actions by the elite group: fear and social control. Masculine fear is expressed using State power as a reaction to (rational or irrational) fear of

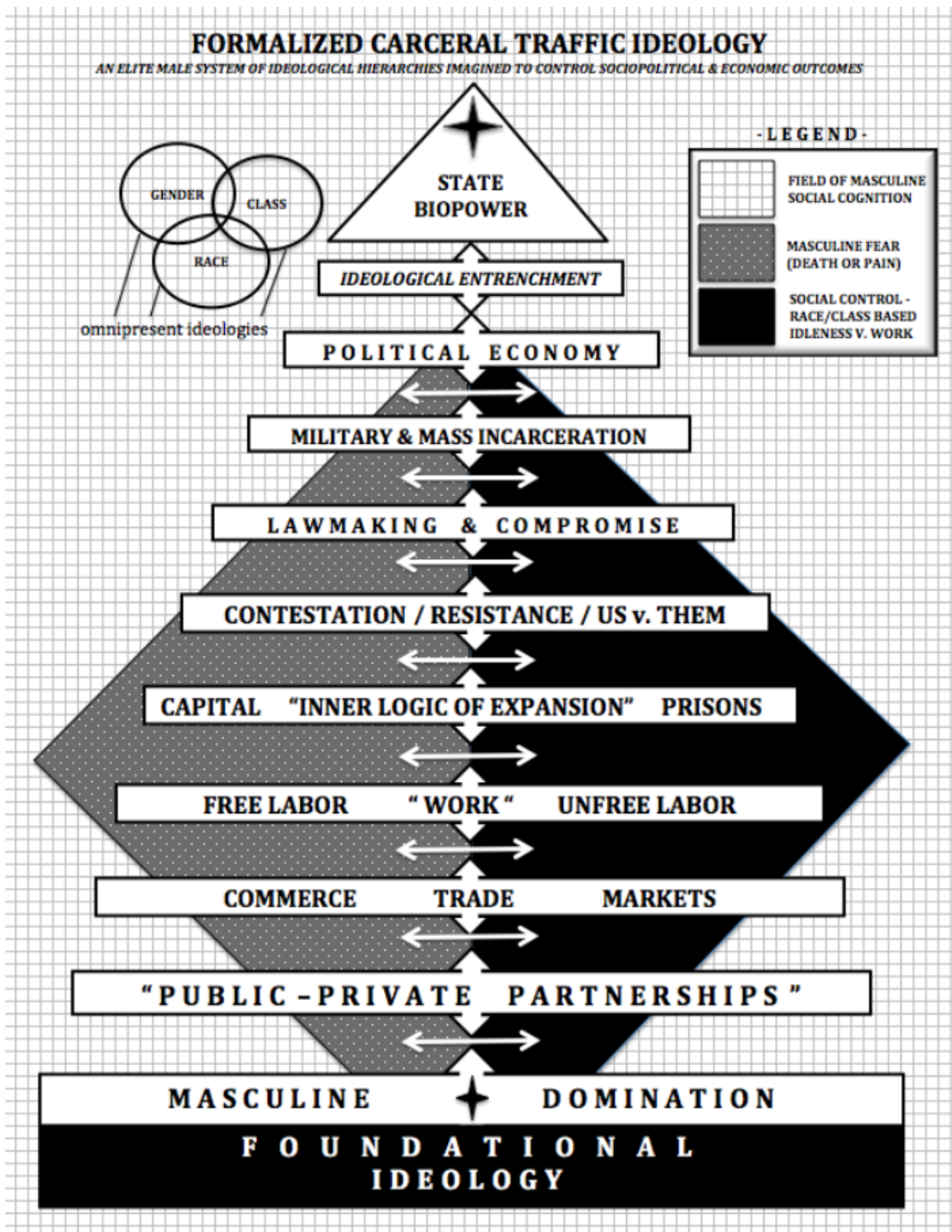


Figure 26. Formalized Carceral Traffic Ideology.

death or pain (e.g. physical, economic, or social status). State actors, or private, designated actors, are imbued with the power to institute differential levels of violence for controlling the social field. There is an ongoing correspondence between these two features that animate carceral practices and institute ideologies (e.g. “work” and plans to subvert/control “idleness”). Because of the subliminal nature of fear, the resultant social control norms appear justifiable, completely common sense, and natural.

Masculine domination is a foundational, ideological performance underlying human trafficking of any kind. It is also an ideology that is organized and maintained by men to exert power and control over society, and “represents the cognitive core of identity of [the] group and its [male] members, that is, the social self-schema of [the] group” (van Dijk, 2002, p. 2). This definition, then, applies to all male members of society, but women are also subject to the internalization of male meanings and masculine domination too (Bourdieu, 2001). The cognitive process for organizing group identities, and subjecting them to meaning, exists on each level of the carceral traffic ideology – all of which are governed by the male dominated power of the State. There is no separation between where one State ideology begins and another one end. There is an inner logic governing the complex of ideologies that generates, sustains, and replicates the carceral traffic ideology.

Also, masculine domination is key for understanding all sociopolitical systems represented in Figure 26 above, as well as understanding how and why a continuum of carceral systems was established in the United States. As previously discussed, scientific research indicates that males think in hierarchical terms; therefore, this carceral traffic system is a complex of several hierarchies, which are (using the diagram for reference): the cause of other hierarchies, interwoven with hierarchies preceding or following it, and/or the effect of one or

more hierarchies. In general, hierarchies are predicated on binaries, including the “us v. them” ideology, which are sometimes common sense features. For instance, it is rational to contain violent members of society for public safety; however, using lawmaking powers to criminalize arbitrary, nonviolent human behaviors that target particular (non-elite) groups of citizens is unethical and harmful to society. The negative outcomes of these legalized scenarios illustrates the (il)legitimacy of using these tactics. Domination is necessarily harmful, and strategically sacrificing non-elite others is part of the elite’s ritualistic performance (Bourdieu, 2001). The absence of harm, in my opinion, is the only acceptable condition that can sufficiently validate the social worth of a political strategy or social policy.

The top level of the hierarchical, ideological configuration of carceral trafficking is State biopower. Power over all aspects of life (human or otherwise) is the capstone signifying State power. It governs, informs, and embodies each of the hierarchical institutions beneath it. Thus, the State generates contestation and resistance by its very nature, which informs the system of lawmaking and compromise; and compromise being, almost entirely, a compromise of human values framed as a moral imperative - no matter how arbitrary or short lived. Political discourse and rhetoric can mesmerize the polity into believing something favorable or necessary is happening, when in fact some form of human rights abuse has occurred, or is occurring. The State symbolizes the best and the worst of male dominated society; and is a system of entrenched ideologies – positive and negative, whose group members – at all levels, public and private – shares the same (ideological and common sense) knowledge and beliefs, or what van Dijk (2002) calls “social representations” (p. 2). In addition, the State exists for the goals and successes of capital accumulation, which is achieved through the ongoing relationship between commercial interests and government actors (using public monies), i.e. the proverbial “public-private

partnership.” This is the chosen euphemism used by the State to signify the bond – and flow of resources – between representative government and representatives of the free market.

The carceral traffic ideology is also governed by the inner logic of expansion, which is an essential energetic of both capitalism and prison (industry). Binary oppositions between free and unfree labor are endemic to issues surrounding carceral traffic in every era, and part of the contestation and resistance to the practice. Expansion also relates to the growth of the military and mass incarceration, and each occupies a similar field in the ideological realm of male domination and carceral traffic. Both institutions are governed by political economy, and the inner logic of expansion energizes the market economy to feed at the public troughs of both institutions. These two, enormous institutions coined by others as the *prison industrial* and *military industrial complexes* are genealogically related, sociopolitical phenomena that conform to the dictates of male domination and capitalism. The ground-level members of each complex represent differential forms of carceral-like and military-like configurations and-or deployments: one voluntary (military), the other largely involuntary (prisoners). Both groups are subject to military or quasi-military organization, regulations and norms. Prisoners and soldiers alike are conscripted to perform roles in political economy that trigger countless public-private partnerships, and which have become so embedded in the economic fabric of the U.S. that many jurisdictions are dependent on high levels of incarceration and military recruitment for the support of local economies. Both industries employ lobbyists and special interest groups which are incentivized to maintain 1) actual, military wars (e.g. Vietnam or Desert Storm), and 2) euphemistic wars (e.g. “war on drugs” or “war on crime”), thus corrupting the social field with unnecessary violence to maintain private profits – and status quo power arrangements. Soldiers and prisoners can be victims of these types of corrupted wars. The members of both groups are

also bound together in terms of socioeconomic status. Lutz (2008) found “as family income increases, the likelihood of [military] service decreases” (p. 179). It is widely recognized there is a relationship between poverty and incarceration (Western, 2006; Wacquant, 2009), (and income and victimization)¹⁶⁵ in the U.S. Besides being a significant ingredient in the performance of masculinities, each of these institutions is also drenched in patriotism ideology. Additionally, as this dissertation illustrates, prisoners’ labor has long been employed to manufacture items for the military, and the temporal relationship of FPI and DOD has already been established. However, what this dissertation has failed to reveal up to this point is the role soldiers have played in populating Federal prisons. In fact several pieces of discourse discuss, anecdotally or statistically, the carceral norm and presence of military ‘veterans’ in prison facilities.¹⁶⁶ Additionally, military veterans sometimes choose careers in correctional facilities, and are given employment preference as well.¹⁶⁷ Finally, Leavenworth was first designated as a military prison before it became a civilian Federal prison, and even today some military facilities are being adapted to use as detention facilities for undocumented immigrants, including ‘unaccompanied minors’ (Shear, Cooper, and Benner 2018). So, mass imprisonment and mass deployment are interwoven and governed by similar and overlapping ideologies, logics, and cultural norms.

The *Formalized Carceral Traffic* diagram (Figure 26, p. 262) provides a visual

165 Kearney, Harris, Jácome, and Parker (2014). Ten economic facts about crime and incarceration in the United States. *The Hamilton Project*. Policy Memo. https://www.brookings.edu/wp-content/uploads/2016/06/v8_THP_10CrimeFacts.pdf

166 The most current BJS report on incarcerated military veterans was published in Dec. 2015, based on figures from 2011-12. At that time, 8% of all inmates in state and federal facilities were veterans (approximately 200,000). These figures do not include those members held in military prisons. NPR reports (07 Dec 2015) that in 1978, 24% of prisoners were veterans – the authors note a correlation between the armed services being voluntary versus the draft and the decrease in veterans being incarcerated, based on the availability of services for returning military members.

167 The Bureau of Prisons (2017) reports more than 35% of BOP workforce members have served in the military. This report is framed in the patriotism trope too, *see*: https://www.bop.gov/resources/news/20170630_bop_supports_military.jsp.

interpretation of the entrenched, ideological, U.S. carceral traffic apparatus. It is representative of the archival data discovered and used for analysis; however, it fails to convey the historical, embedded violence necessary to reify and institute each level of these male-oriented social cognitions. It is not an exaggeration to assert that millions of men, women and children have been harmed and/or died since the inception of carceral trafficking, which began on this landmass in coordination with Britain during the age of Enlightenment. The advent and globalization of the slave trade used kidnapped (sometimes indentured) Irish and Africans to satisfy the labor “needs” of the elite. Subsequently, it is important to understand for the subject of slavery and carceral traffic in the U.S. that the first modern slave trade actually originated in Europe, prior to Cromwell’s regicide of Charles I, and continued long afterward. For the greater part of the 1600s, over 300,000 Irish were sold into slavery. Ireland was the first reliable source of “human livestock” (Tatah, 2018, p. 89) for merchants and settlers in the so-called ‘New World.’ By the late 17th century, planters began “breeding” female Irish slaves (including girls as young as 12) with male African slaves to produce mulatto slaves, who served the economic function to increase profitability for merchants and plantation owners alike. Mulatto slaves fetched more on the market than Irish slaves, and breeding slaves was a way of 1) initially mitigating purchasing costs, and 2) after the law that prohibited the importation of slaves into the U.S. was made effective in 1808, it was also a way to increase premiums. After the Irish Rebellion in 1798, thousands more Irish families were sold into slavery and trafficked to the U.S. and Australia. It wasn’t until 1839 that Britain permanently stopped transporting Irish slaves around the world (Jordan & Walsh, 2008; Sublette & Sublette, 2016). Additionally, according to Jernegan (1913), twenty thousand convicts were transported to the American colonies before Independence. In 1670, Virginia banned the importation of felons; however, in 1718 England

repealed their agreement with the colonies and began shipping “felons” again, many of whom were simply poor people, including children, who were tricked onto ships for purposes of carceral profit.

Furthermore, English settlers were also keen to immigrate to Australia in search of new opportunities. After American independence in 1776, England began trafficking its prisoners to Australia as a means of social control, colonization and to assist settlers with public works. Attempts to phase out, and ultimately abolish, the transportation of convicts in the spring of 1837 was due to public expense and public scrutiny in Britain. The governor of New South Wales, Sir Richard Bourke, met this decree with some resistance. He suggested “phasing out” the convict transportation process over a period of ten years, mostly to appease his subjects (p. 261). Not only was the English government benefitting from instituting carceral labor in Australia, but also private settlers were using convicted criminals for “cultivation of their lands, and for other purposes” (Great Britain House of Commons Parliamentary Papers, 1838, p. 314). Thousands of convicted English and Irish were sent to Australia to build roads, bridges, and dams – and to also work for private individuals. Governor Bourke noted, with great concern, the lack of military and police presence necessary to patrol, discipline, manage and guard the convict labor. These primary source documents provide first-hand accounts of State actors, who were building a nation on the backs of convict labor. These parliamentary papers showcase the central concerns of costs and management associated with mass incarceration in a way not dissimilar to the archival documents held in the U.S. National Archives in relation to American prison industries. The benefits of using carceral labor seem to come with great social and economic costs to the commonwealth. It is likely, based on the past, that millions more people in the modern era will

be harmed (psychologically, physically, emotionally, economically, and politically) as long as mass incarceration schemes are habitually instituted by the western male-dominated State.

The carceral traffic ideology is a complex and provocative consideration; and, one which requires a historically driven approach to understand the social cognition underlying the present controversies surrounding the use of what is commonly called “prison labor,” but which, in reality, is so much more than merely working while incarcerated. UNICOR is framed in globalized terms to a global audience, and prison labor and public-private partnerships are currently marketed and trafficked by the State to outside, commercial agents that actively participate in global markets and capitalism. Punishment-through-incarceration means something different when a profit motive, including active and direct marketing, is introduced to the penal field – and minimizes the cognitive distance (and family resemblance) between the Convict Lease System of the 19th and 20th centuries and the modern, 21st century incarnation of “prison industries” alive today.

Social cognition, including framing, girds this study of western carceral norms and traditions; and the energetics of thought are timeless and seamlessly passed from age to epoch. The cognitive seeds of chattel slavery grown from the nation’s Enlightenment past are still infecting human-thinking processes, including the (re) production of public policies and politics (lawmaking, commerce and rhetoric), and seem to include an obdurate, racialized, gendered and class-oriented U.S. culture of punishment that is resistant to change. The relationship between commerce and imprisonment is a cultural, political and economic mainstay, but more epistemologically important for purposes of systematic change, the U.S. carceral tradition must be understood as a deeply embedded, ideological phenomenon of *carceral traffic*.

7. CONCLUDING REMARKS: RESEARCH IMPLICATIONS & SUGGESTIONS

History confirms the status Anglo-elite males possess to constitutionalize the power of commerce with the power to legislate that has led to several elite systems of mass incarceration spanning the past four hundred years. These globalized systems of human trafficking have been fairly fluid and dynamic, which make them capable of transforming certain aspects of the carceral trade due to public scrutiny, and at times briefly give way to what the courts of the world might consider *evolving standards of decency*. So, while it is true that convict labor began full bore in the South, and most private prisons and UNICOR factories are still located there - cultural normativity ensures the federal government and northern states are still actively complicit in perpetuating carceral traffic (Baptist, 2014).¹⁶⁸ Organizational and institutional improvements have been made over time, yet a corrupted profit motive remains staunchly in place and has proliferated since the incorporation of prison industries in the early 1930s.

The ideological supremacy of commerce in a market economy, combined with the economic rationalizations used for trafficking human beings en masse for purposes of labor and profit, made human chattel of the Triangular Trade the first systematic, globalized and modern mass-incarceration-for-profit scheme-cum-ideology perpetrated against Blacks. Social and political resistance to the practices of domination and carceral power is also a democratic mainstay and holds a firm place in the historical mind of American (and western) social cognition; however, the stabilizing power of social resistance is negligible compared to the sheer weight and volume of Enlightenment domination and its marginalizing effects on certain groups of people. Public outcries, and positive ideologies regarding the moral failing of the human rights

¹⁶⁸ This book thoroughly examines the profit motive of Black chattel slavery through the lens of time and shows the durability of carceral practices that do double duty to control social spaces and create profits for purposes of capital accumulation and political power. Baptist interrogates the politics and profitability of slavery - following its effects in the US well into the twentieth century.

abuses embedded in carceral geographies targeting Blacks and others have historically lacked institutive power and have rarely resulted in permanent social change. Instead, history has witnessed an on-going effort to maintain a cognitively familiar arrangement of power and labor relationships (embedded ideologies) using differential forms of carcerality as the means for *doing* social control.

Commercial interests collude with state actors to reconfigure the institution of human traffic into short-term, culturally and cognitively acceptable, legalized and profitable forms. Apparently, time has only strengthened and multiplied the public-private partnerships of the carceral world. These elite unions possess and utilize political will and political power to *transform without changing* carceral traditions along the American penological continuum. Without a significant reframing of U.S. society's carceralized social cognition - with the cognitive power to interrupt embedded ideologies - it is likely that congressional actors will continue to work with private partners to instigate a (predictable) series of political events: 1) extending the use of law to criminalize more types of human behaviors,¹⁶⁹ which 2) institute periods of expanding mass incarceration, 3) necessitating the construction of more correctional institutions for 4) the management of prisoner idleness. This is how the modern configuration of what I call carceral traffic was born.¹⁷⁰

169 The Heritage Foundation reports the increase of criminal offenses in the U.S. Code: 1980s/3,000; 2000/4,000, and by 2008 there were more than 4,450 (with "countless more criminal laws and regulations at the state and local levels"). See here: <https://www.heritage.org/crime-and-justice/heritage-explains/overcriminalization>.

170 Historiographers and social scientists have long connected the imbricated growth, genealogical and racialized connections between African chattel slavery, the Convict Lease System, and the current mass incarceration. See Alex Lichtenstein (1996) in *Twice the work of free labor: The political economy of convict labor in the new south*. London: Verso; Amy Dru Stanley (1998) in *From bondage to contract*. Cambridge: Cambridge University Press; Edmund S. Morgan (1975) in *American slavery, American freedom*. New York: W.W. Norton & Co.; Loïc Wacquant (2002) in *From slavery to mass incarceration*, *New Left Review*, 13 (Jan Feb); Loïc Wacquant (2001) in *Deadly symbiosis: When ghetto and prison meet and mesh*. *Punishment & Society*, 3(1), 95-134.

The American carceral tradition begins with bequeathing lawmaking power to cognitively similar sociopolitical actors (elite white males) for centuries, who are incentivized to maintain the carceral frame inherited from Enlightenment. The mere presence of the U.S. carceral continuum – one that observably compounds, expands, and harms - is an announcement of an immense structural, cognitive and morally failing ideology. The sociopolitical and economic outcomes of this long running carceral frame saga illustrate 1) its ability to generate wealth for private individuals, 2) the social and economic costs to the public, and 3) human rights violations; however, this is an issue that can be solved by a cognitive realignment that breaks the cognitive connections with social control goals based on gender, race and class dominance. The American tradition of mass human incarceration and enslavement impedes social progress, and commemorating the carceral tradition of the past (like UNICOR does) is regressive, outmoded, and perpetuates social, economic and moral deterioration. It also maintains status quo power hierarchies.

The results of this social cognitive research suggests UNICOR is reification of the “text and talk” of the Thirteenth Amendment. The original intention of this law is clearly stated in the text, which also contains the legalized mechanism available for instituting quasi-abolition in the U.S. since 1865. The exception clause is a political and cognitive sleight of hand, which merely abandoned a previous tradition of legalized, private, Black chattel enslavement and instituted another as a political-economic compromise. The fact the Thirteenth Amendment is still heralded as the Abolition Amendment, while the exception clause remains universally unknown to most citizens, illustrates the fetishized nature of carceral traffic coupled with the power of elite ideologies and discourse to veil a loophole in the law that allows for the constitutional, State administered, (re)enslavement of “duly convicted” prisoners. The Thirteenth Amendment is an

artifact of oppositional ideologies, and another congressional compromise between “classes struggling for change in the relations of production” (Lange, 1963, p. 324).¹⁷¹ The combined power of State and commercial ideologies to effectively and continually frame a carceral reality for the public, which transformed slaves into prisoners and prisoners into slaves using hallowed instruments of law and justice - a reality that does not elicit much sociopolitical or cognitive concern - shows the effectiveness of State discourse and political rhetoric to obscure social memory and fetishize the enormous business of carceral traffic.

Of course, carceral traffic in the 21st century differs in key, technological and cultural ways from pre-Civil War chattel slavery and post-Civil War convict leasing. For example, prison institutions have more citizen and agency oversight and regulation. Prisoners are savvier about their Constitutional rights, thus more politically active; and, for the most part, citizens would not tolerate the “looks” and sociocultural realities of the original “chattel” slavery. In addition, social media has brought increased social awareness and scrutiny to the business of carceral traffic. Nonetheless, the public’s State-induced ‘fear of crime’ is still responsible for durable and punitive attitudes directed toward felons – regardless of their crimes, and many Americans are still prone to unconsciously homogenizing “criminals” into one cognitively familiar category that resonates as the *criminalblackman* (Unnever and Gabbidon, 2011, p. 191) - a cognitive frame maintained in the media and politics alike. Additionally, these same punitive attitudes are easy to manipulate for neoliberal reasons that frame a certain class of prisoners (think ‘illegals’) as

171 Lange writes: “When the contradictions between the development of productive forces and the relations of production and between the need to change the relations of production and superstructure of a social formation come to a head, the opposition of class interests turns into a class struggle ... which are in fact ideologies expressing the position of the struggling social classes. The classes struggling for a change in the relations of production and those strata and groups supporting them oppose this ideology with a new ideology from which they derive justification of their aims” p. 324. Thus, the 13th Amendment’s ‘loophole’ could more accurately be described as a compromise between oppositional, binary ideologies of North-South/Republican-Democrat/Liberal-Conservative. It shows the power of legal rational authority to frame and neutralize an issue, making it palatable to society-at-large.

existential threats and “blamed within political discourses for a range of macro-social problems, such as unemployment, wage and property losses, and straining public resources” (Kang, 2009, p. 161) – all of which remain recurrent, ideological themes in the U.S.

Much of the elite produced, prison industries discourse located in the archives and on the UNICOR website indicates the existence of a timeworn, moral imperative to provide prisoners with industrial opportunities for 1) the sake of prisoners’ sanity, 2) their financial well-being, and 3) for public and institutional safety – yet, it must also be acknowledged that these institutional ideologies are competing with the realities (and questionable ethics) of political economy at the expense of human freedom. Prisoners want to work, likely for most of the reasons given by the State; they do not, however, want to be victimized and exploited in carceral traffic schemes, i.e. arrested for arbitrarily construed “crimes” then used as cheap labor for private profit. Neither do they want to be a numeric placeholder, or a “bed count,” used for a political-economic exchange system that is incentivized to control and maintain high levels of mass incarceration to increase profitability for private industries.

This contestation, combined with the realities of limits in states’ budgets, has created a moral conundrum in modern society regarding the overuse of mass incarceration. At this moment in sociopolitical history, there is bipartisan support for repairing a significant piece of legislative damage, one that contributed to the current, lengthy era of mass incarceration. It has been acknowledged by the governing elite that (congressionally created) mandatory minimum sentencing laws are partially to blame for the explosion of prison growth, and the media has recently showcased the injustice and collateral damage these laws have caused for families of the accused. In addition, there is a growing dissatisfaction in public discourse with the optics and ethical feel of prisoners’ labor being used for private gain. Recently, a national spotlight was

focused on prisoners who launched a nationwide strike (hunger and work) to protest a number of penal related issues, including inadequacies around food, living conditions, low pay, and “ending racially biased sentencing and parole decisions, and increasing access to rehabilitation” (Pauly, 2018).¹⁷² A 2018 press release announcing the “National Prisoners Strike” (which lasted from August 21-September 9, 2018) was issued on Twitter from *Jailhouse Lawyers Speak* demanding:

an immediate end to prison slavery. All persons imprisoned in any place of detention under United States jurisdiction must be paid the prevailing wage in their state or territory for their labor.¹⁷³

Apparently, prisoners do not disagree with the notion of “working, they are merely asking for basic human rights; and they, like free workers, simply want fair compensation for their labor. It appears the cognitive veil obscuring the Thirteenth Amendment’s exception clause that allows for carceral slavery may be lifting at the edges.

¹⁷² Mother Jones is on the front line reporting on a full range of prison issues. See Pauly’s (Aug 2018) article here: <https://www.motherjones.com/crime-justice/2018/08/prison-strike-conditions-organizers/>. The comment section for this article offers an interesting (and depressing) look at penal ideologies held by the public-at-large, ranging from punitive to compassionate and everything in between.

¹⁷³ See the press release here: <https://twitter.com/JailLawSpeak/status/988771668670799872>

7.1 **Practical Implications for Using Sociocognitive Theories in Research and Reform**

Teun van Dijk's theory of ideology has shown utility for explaining how the U.S. carceral tradition was realized and maintained through its ideological-laden discourse and action. It provides plausible explanations for understanding how UNICOR is an ideological institution refied by centuries of carceral ideas and practices inherited from Enlightenment actors. The implications of the findings, which emerged from this complex, sociocognitive research, suggests an urgent need for undermining the sociocognitive, discursive mechanisms at play in the social and political fields that sustain repeated epochs of mass incarcerations and the social problems created by them. The carceral continuum continues to flourish despite what *appear to be* significant cultural changes, desires, and intentions to reform the criminal justice system; and theories of social cognition may hold the key for rethinking and reinstituting systemic sociopolitical social and political changes in the field of criminal justice.

The results of this research suggest the power to extricate “prison industries” from its subconscious, cognitive connection to African slavery and Black-carcerality-for-profit, lay in the sociopolitical ability to convert the cognitive energetics of ancienne ideologies (racialized and masculinized social cognitions, generated and reproduced exponentially over centuries) into a new and unshackled social model that 1) addresses “industrial” needs (education, training and work) before a “crime” is committed and incarceration is imposed, and 2) includes input and solutions derived from a diversity of standpoints that includes on-the-ground social actors, advocates, and prisoners. The implications of these findings suggest an urgency to embrace the science of social cognition to reintentionalize the total social facts of law, order, punishment, and political economy; therein, changing how the group mind “thinks” about marginalized groups in society, i.e. the poor, people of colour, prisoners, and ex-felons is in order. For example, on a

practical level, the State must be willing to ‘flip the (ideological) script’ and appropriate monies for new social policies within social geographies and communities where viable education, work, and job skills do not exist - *before* humans are forced to innovate for survival in a capitalistic culture. For lasting social change, the sociocognitive mechanisms that compose each level of the carceral traffic ideology should be systematically rooted out, transmuted into positive, non-harmful ideologies, and reintroduced to the public and group mind.

Of course, on the surface, these are not completely new ideas for social improvement; however, as this research indicates, the role that social cognition and ideologies play in the construction and maintenance of the criminal justice apparatus is not often (if ever) a consideration. The energetic and creative power of thoughts and thinking are undervalued and underestimated in much of western society, particularly in the search for new solutions to old and obdurate penological problems. If education and gainful employment are as vital to success in, and safety for, the world outside of prison - *yet* the government continues to segregate societies based on race and class, and impose upon the public inordinate social and economic costs for maintaining the criminal justice system (often for private gain), it likely signals an embedded malcognition is afoot that must be ethicized, cognitively reframed and reinstituted. Thus, to effectuate meaningful prison reform requires a “rethinking” of the ideologically based “political economy of incarceration.” This topic must be unveiled from secrecy by the government in the purview of public hearings and public discourse to uncouple the ineffectual and often harmful ideologies presented in this dissertation that interface with the prison industries apparatus.

The practical implications of this (and other) sociocognitive research present a powerful tool to government actors and their allies for extricating the criminal justice system from its so-called “swinging pendulum” reform ideology. The first step out of the confines of malignant,

carceralized social cognitions might simply be a “reframing” of the criminal justice system with the structural acknowledgement that state and Federal legislators (“lawmakers”) are integral actors *within* the system, who are responsible for instituting and maintaining the American carceral tradition. Laws that ‘create’ prisoners by targeting predictable human behaviors are experimental, arbitrary, and lead to a great deal of social harm (Simon, 2007). There will be no structural change to the carceral traffic apparatus until the repetitious use of predictable behavior lawmaking leading to a series of predictable negative consequences (for example mass incarceration, overcrowding, idleness, and broken families) is abandoned. The initial, deliberative act of lawmaking is almost completely overlooked for the role it plays in the criminal justice system; in fact, Congress – as the lawmaking body – has been invisibilized as the institutional force behind mass incarceration. The term “criminal justice” is still defined by a list of every government agency and department *except* the legislative branch. The Bureau of Justice Statistics (1996) has delineated “Crime” as the beginning “sequence of events” in the criminal justice system (see Figure 33, p. 308). While not surprising on its face (from a cynical perspective), the omission is disturbing from a critical and epistemological standpoint.

The second step legislators could take in the direction of lasting penal reform (no one else can do this) would be to actually abolish slavery in the United States by removing the exception clause from the Thirteenth Amendment. This simple, congressional act would begin the cognitive process of instituting a progressive ideology that remaps and reimagines the “criminal justice” landscape with the power to arrest and negate subsequent systems of mass incarceration gestating in the ideological, or the *thought-to-action-to reification*, pipeline. Compounding the mal-intent of the carceral traffic system is the institutional robbery that transfers enormous wealth from public coffers (tax monies) and personal bank accounts of prisoners’ and their

families to private individuals (corporations, businesses and stockholders) for billions of dollars of wealth accumulation. Only a complex of entrenched ideologies could successfully obscure this sociopolitical reality from the public and convince them that spending vast amounts of public wealth on incarceration *is better for the public good* than spending it on education, job creation, job training, and healthcare. Most taxpayers remain unaware of this wealth transfer, and fail to understand how tax monies work, how they are appropriated through legislation, and fail to realize that a growing criminal justice system requires a diminishment of other social goods – the main victim being education and public schools.¹⁷⁴

Third, legislators could de-weaponize and surrender the omnipresent “tough on crime” and “crime wave” ideologies, which have been a rhetorical success inasmuch as a broad swath of the public has internalized them as truth without realizing that crime rates are at an all time low, and that punitive crime laws often target nonviolent offenders, imposing significant damage on families and communities. This rhetoric also stigmatizes ex-felons and makes finding work after incarceration nearly impossible, thus working at cross purposes with the State’s so called “rehabilitation” and job skills/training mission. It is irrational to expect meaningful change from a system that remains static and dependent on the same type of motivated institutional actors operating in the same penological systems (they created), using the same ineffective tools from

174 The U.S. Dept. of Education (July 7, 2016) reported that spending on prisons and jails has increased at three times the rate of funding for public education. John B. King Jr. (Secretary of Education at the time) said, “Budgets reflect our values, and the trends revealed in this analysis are a reflection of our nation’s priorities that should be revisited...we need to invest more in prevention than in punishment, to invest more in schools, not prisons,” from Prison Legal News (Dec, 2017), p. 45.

an ideological “tool kit” (Swidler, 1986, p. 273).¹⁷⁵ Unsurprisingly, when “evidence-based practices” (a criminal justice system mantra) produce status quo results, a worn out, intention-laden ideology is likely standing in the way of social progress.

Finally, the implications for meaningfully acknowledging sociocognitive structures in critical race and critical criminology research is necessary for more clearly defining, describing, and finding solutions for the negative effects of white collar crime and status quo penal practices. For example, topics of research within the Critical Race Theory and critical criminological fields could be reanalyzed by re-thinking the social problems of racism, mass incarceration and carceral trafficking from a social cognitive-social harm perspective. Racism and domination are clear indicators of society’s moral failings, and the science of social cognition holds the key for reframing harmful social constructs like mass incarceration, race, gender and class. It may be useful for critical researchers to view the white male superstructure of U.S. society through the cognitive lens of *moral disengagement* (Bandura, 2016) to explain the way structural racism, for example, is expressed in the criminal justice system, beginning in the political realm of questionable *mala prohibita* lawmaking. Politicians in their elite, lawmaker roles have historically scapegoated Blacks (both implicitly and explicitly) at the

175 According to Swidler (1986), “culture influences action not by providing the ultimate values toward which action is oriented,” it is “[shaped by] a repertoire or tool kit of habits, skills, and styles from which people construct strategies of action” (p. 273). This provides a useful explanation for FDR’s industrial orientation toward prison reform. The Great Depression was a good time politically and culturally to expand federal power to address social problems – many of which were caused by the greedy underbelly of industrialization and exploitation. Ironically, it was the combined industrialization and institutionalization of prison work during the Depression that reorganized and “reformed” prison labor into the monolith it is today. What is prison industry if not, simply put, a carceral habit?

altar of white supremacy in a process Blain (2009) calls “victimage ritual.”¹⁷⁶ The social cognitive theory of moral disengagement has utility for understanding how politicians and the people they serve are able to sustain social practices that harm differential groups of people, and how such harm can be practiced culturally and reproduced for centuries. Bandura (2016) writes:

Construing injurious behavior as serving worthy purposes, disowning responsibility from harmful effects by fixing the blame on others, and devaluing those who are maltreated are the most widely used modes of self-exoneration (p. 34).¹⁷⁷

The theory of moral disengagement gives insight into the ways politicians, police, judges and society at large justify and reconcile the historical maltreatment of Blacks, and how the power elite have successfully framed the dialogue to vilify Blacks (and other people of colour) as an out-group, instead of displaying contrition, admitting mistakes and deconstructing racist dialogue through purposeful action and conciliatory discourse.

Bandura’s work in this area of social cognition has implications for providing a plausible understanding of how individuals and institutions can ‘turn off’ morals and harm others. It may be effective, then, for critical race and critical criminological researchers to frame white supremacy and structural racism as a cognitive, moral failing of exclusive white male leadership, perhaps framing the events of slavery and frivolous acts of mass incarceration as criminal, using criminological theories of social control, routine activities theory, and

176 Blain’s sociological analysis is directed at the motivations and actions of liberal democratic empire building against ‘terrorism.’ His theoretical framework is useful for understanding techniques used by the State and other elite members of society to mark (and scapegoat) an entire group of nonwhite people using discourse for the purpose of distracting the polity from its own harmful actions.

177 Bandura is an acclaimed behavioral scientist and creator of Social Learning Theory (1977), and Social Cognitive Theory (1977). In 2002, Bandura was deemed one of the most important psychologists in history (see S. J. Hagbloom in *The 100 most eminent psychologists of the 20th century*, *Review of General Psychology*, 6 (2). 139– 152.)

international human rights laws against the very system that devised, exploits and sustains extreme, structural and unjustifiable racism (Rothe & Friedrichs, 2015). Calculating the real social and economic costs of the federal carceral system – and assigning blame to, and exacting accountability from, the (elite) “trusted criminals” (Friedrichs, 2009) who perpetrate invisibilized crimes against society, is an excellent way to disrupt elite hierarchies and their ideologies, and reframe the purpose of the criminal justice system.

In conclusion, this archival research illustrates how the American carceral tradition remains entrenched in the business of prison expansion and how it has grown into a political, economic, and ideological behemoth girded by, and interfacing with, nearly every sector of modern American society. Carceral traffic has been assimilated by private industry to such a degree that its relationship to the State is invisibilized and more lucrative than at any time in American history. Today, given the essentialized and globalized nature of commerce, profits, and “criminal justice,” the State’s participation in manufacturing, expanding, and sustaining carceral traffic can be viewed as more obscene, more covert, and more salient than ever before.

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Appendix A: Miscellaneous Elite Discourse from the Archives

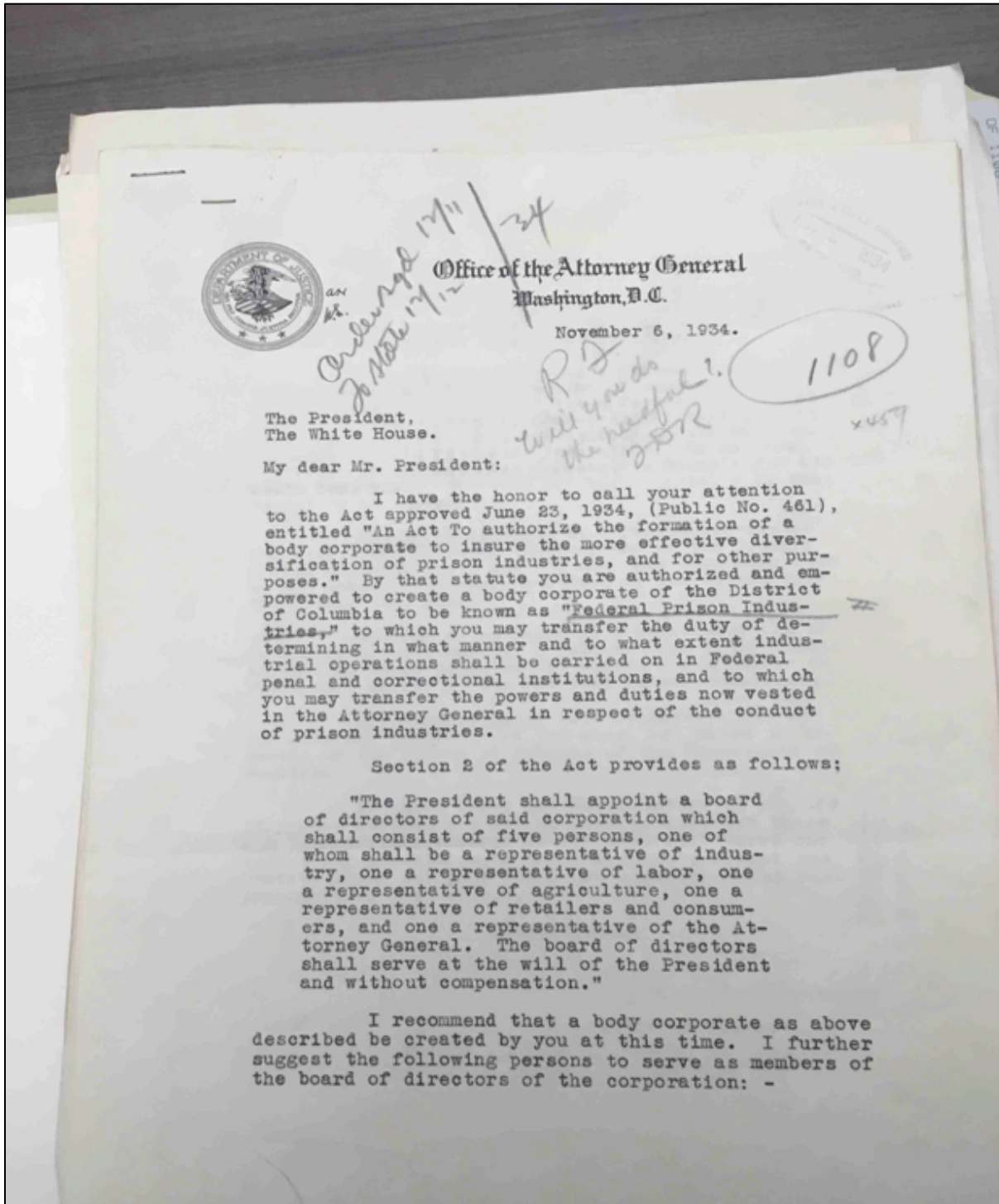


Figure 27: Original elite discourse from FDR's personal files (1934). The pending birth of Federal Prison Industries, Inc.

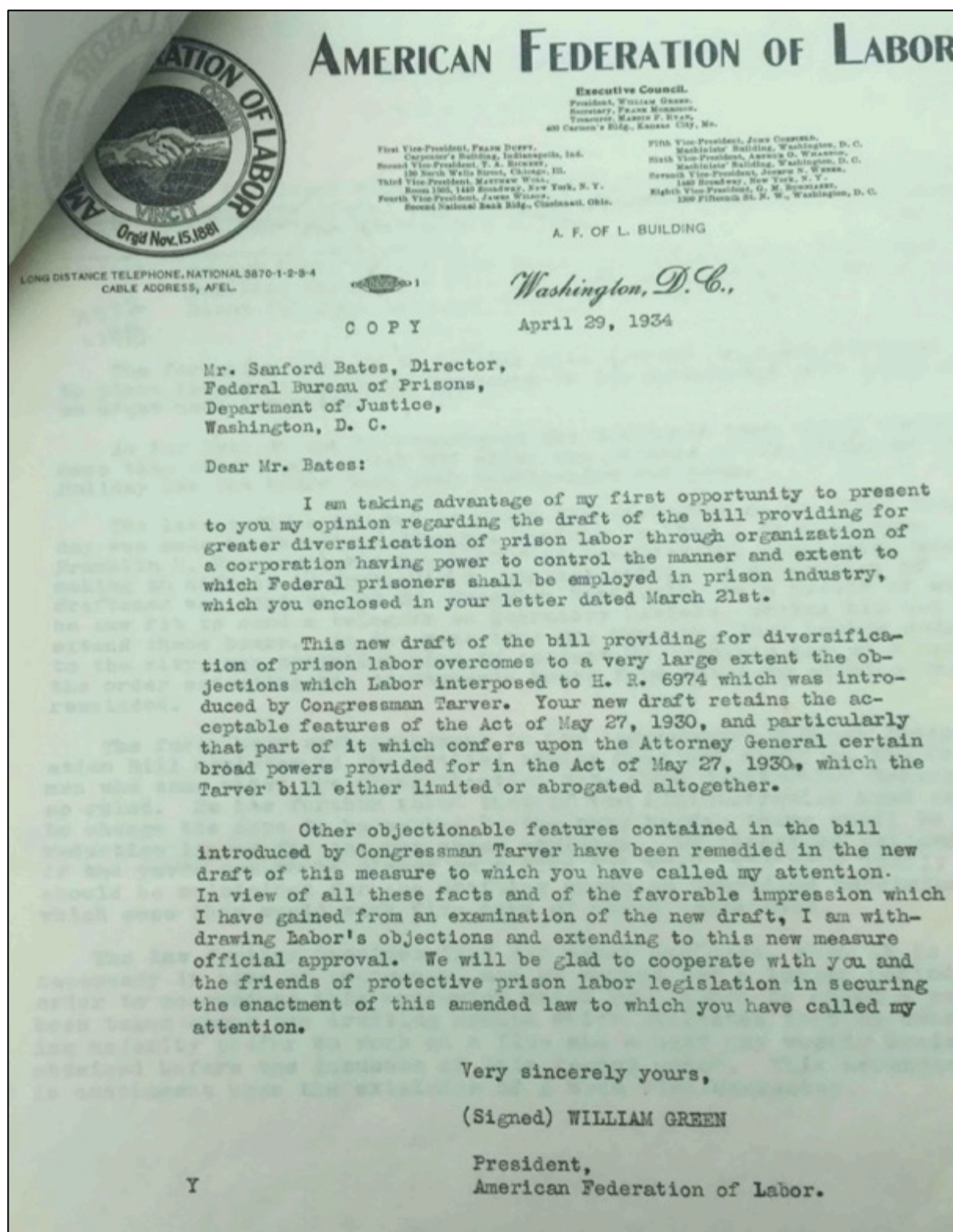


Figure 28. Elite discourse (1934). Labor elite gives prison industries the green light.

October 27, 1934.

Memorandum for Mr. Farley:

Will you please check names immediately, as the Chief wants to get these appointments made.

Since there is no compensation it doesn't mean much politically, but you might have some one in mind you would like to "honor" with such an appointment.

Our product is largely cotton and a very high percentage of this product is now made by prison labor and a much higher percentage than was ever anticipated.

M. H. McIntyre,
Assistant Secretary
to the President.

Honorable James A. Farley,
Postmaster General,
Washington, D. C.

Memo to Atty. Gen. from Sanford Bates giving
suggested list of Prison Industries Board Directors

Figure 29. Elite discourse regarding creation of a Board to oversee prison industries. There is no pay involved, just the "honor" of receiving a presidential appointment.

McKELVEY, Hon. Gordon
Secretary-Counsel, Southern Garment Manufacturers Association, Inc.,
Nashville, Tennessee,
June 21, 1935.

Wires President that convention of manufacturers of cotton garments goes on record as desirous of continuing original cotton garment codes provisions, with elimination of child labor, but feels it impossible unless the President takes action to prevent convict labor competing in open market with them. Reminds the President that the original cause of sweatshop labor was entrance of prison labor in open market. Condemns procedure of Prison Labor Authority in perpetuating vicious State Prison production system. Urges President to see that recommendations of Ulman Committee are carried out at once in hope of saving Southern Garment Manufacturers.--This telegram was referred, by memo. of June 21, by Col. Howe to the Attorney General for preparation of reply.--Proposed reply was prepared at the suggestion of Mr. Sanford Bates.--On July 5, Mr. McKelvey was advised by Mr. McIntyre that the recommendations of the Committee appointed by the National Industrial Recovery Board to investigate the prison labor problem were now being studied sympathetically, and if it should be decided that Federal funds were available for the purpose, the Federal Government would do all possible to cooperate with the states in bringing about an equitable solution of the matter. Stated the manner in which the prisoners should be employed seemed to the President to be primarily a question for the states to decide and he (President) could merely make available to them, so far as existing law permits, the facilities of the Federal Departments to help them solve the problem. Mr. McIntyre said if, however, there was any Federal law bearing on the matter which was not being enforced it was suggested that any specific violations be called to the attention of the proper authorities.

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Figure 30. Elite discourse. Eliminating child labor is contingent on preventing competition with convict labor. Pins the "original cause of sweatshop labor" on the "entrance of prison labor in open market."

Executive Order

CREATING A BODY CORPORATE TO BE KNOWN AS FEDERAL PRISON INDUSTRIES, INC.

By virtue of the authority vested in me by the Act of June 23, 1934, (Public No. 461, 73rd Congress), it is hereby ordered that a corporation of the District of Columbia be and is hereby created, said corporation to be named as

FEDERAL PRISON INDUSTRIES, INC.

1. The governing body of said corporation shall consist of a board of five directors to hold office at the pleasure of the President. The following persons shall constitute the first Board of Directors:

Mr. Sanford Bates
Mr. Thomas A. Rickert
Hon. John B. Miller
Dr. M. L. Brittain
Mr. Sam A. Lewisohn

2. The principal office of said corporation shall be in the City of Washington, District of Columbia, but the corporation shall have power and authority to establish such other offices or agencies as it may deem necessary or appropriate.

3. The said corporation shall have power to determine in what manner and to what extent industrial operations shall be carried on in the several penal and correctional institutions of the United States and shall, so far as practicable, so diversify prison industrial operations that no single private industry shall be forced to bear an undue burden of competition with the products of the prison workshops. It shall also have power to do all things it is authorized to do by the said Act of June 23, 1934, and all things incident to or necessary or proper in the exercise of its functions.

4. Pursuant to the provisions of Section 4 of the said Act, the Secretary of the Treasury is directed to transfer to a fund to be known as "the Prison Industries Fund" all balances standing to the credit of the Prison Industries Working Capital Fund on the books of the Treasury and the corporation is authorized to employ the aforesaid fund, and any earnings that may hereafter accrue to the corporation, as operating capital.

Figure 31. Creating a body corporate. Roosevelt's personal file. FDR Presidential Library, Hyde Park, New York

Appendix B

City	Zip	Incarceration Rate	% Black	% Asian	% Other Race	Child Poverty Rate	% Single Parents	Male Unemp. Rate	College Attendance
Nashville, Tennessee	37208	14%	93%	0%	2%	42%	11%	11%	30%
Portsmouth, Virginia	23704	11%	77%	0%	2%	37%	13%	13%	32%
Waco, Texas	76707	11%	34%	0%	22%	35%	12%	12%	24%
Cincinnati, Ohio	45214	11%	65%	1%	3%	46%	12%	12%	22%
Fort Myers, Florida	33916	11%	60%	1%	11%	37%	8%	8%	24%
Jacksonville, Florida	32206	11%	82%	0%	2%	46%	9%	9%	20%
Orlando, Florida	32805	10%	79%	0%	6%	42%	10%	10%	24%
Norfolk, Virginia	23504	10%	93%	0%	2%	52%	21%	21%	26%
Richmond, Virginia	23222	10%	90%	0%	2%	27%	10%	10%	29%
Tulsa, Oklahoma	74106	10%	80%	0%	9%	41%	10%	10%	29%
Tampa, Florida	33605	10%	62%	0%	10%	40%	14%	14%	18%
Tulsa, Oklahoma	74126	10%	74%	0%	8%	35%	11%	11%	25%
Dallas, Texas	75215	10%	85%	0%	8%	47%	27%	27%	19%
Savannah, Georgia	31401	10%	66%	1%	2%	49%	15%	15%	40%
Rochester, New York	14608	10%	66%	2%	10%	48%	15%	15%	28%
Syracuse, New York	13205	10%	50%	2%	6%	32%	12%	12%	32%
Jacksonville, Florida	32209	10%	98%	0%	1%	35%	14%	14%	26%
Peoria, Illinois	61605	10%	58%	0%	5%	50%	20%	20%	19%
Newport News, Virginia	23607	10%	87%	0%	3%	47%	15%	15%	27%
Camden, New Jersey	8104	10%	65%	1%	18%	39%	16%	16%	18%
Ocala, Florida	34475	10%	53%	0%	4%	31%	10%	10%	22%
Louisville, Kentucky	40203	9%	62%	0%	3%	56%	18%	18%	24%
Fort Worth, Texas	76104	9%	57%	2%	16%	38%	11%	11%	20%
Oklahoma City, Oklahoma	73111	9%	89%	0%	4%	39%	15%	15%	31%
San Antonio, Texas	78202	9%	43%	0%	24%	55%	13%	13%	18%
Richmond, Virginia	23224	9%	75%	1%	6%	31%	9%	9%	28%
Richmond, Virginia	23223	9%	85%	0%	2%	29%	8%	8%	29%
Newark, New Jersey	7108	9%	92%	0%	6%	42%	25%	25%	22%
Fort Worth, Texas	76105	9%	50%	1%	23%	37%	12%	12%	13%
Fort Pierce, Florida	34950	9%	56%	0%	11%	40%	11%	11%	20%
Lubbock, Texas	79403	9%	37%	0%	26%	28%	11%	11%	21%
Richmond, Virginia	23220	9%	45%	3%	3%	32%	12%	12%	56%
Savannah, Georgia	31404	9%	66%	2%	2%	26%	11%	11%	32%
Harrisburg, Pennsylvania	17103	9%	60%	1%	8%	22%	11%	11%	29%
Albany, New York	12206	9%	48%	3%	7%	38%	10%	10%	36%
Kansas City, Missouri	64130	9%	94%	0%	2%	29%	14%	14%	24%
Harrisburg, Pennsylvania	17104	9%	48%	5%	15%	37%	10%	10%	26%
Nashville, Tennessee	37207	9%	70%	1%	3%	29%	7%	7%	32%
Atlantic City, New Jersey	8401	9%	44%	10%	19%	26%	15%	15%	26%
Trenton, New Jersey	8609	9%	57%	1%	19%	21%	15%	15%	21%
Average		10%	67%	1%	8%	38%	13%	13%	26%

Table IV. Prison Demographics in major cities by zip code, incarceration rate, race, child poverty rate, percent single parent, male unemployment rate and college attendance. (Looney and Turner, 2018, Brookings Institute Report). (1 of 2 pages.)

Appendix B (Continued)

City	Zip	Incarceration Rate	% Black	% Asian	% Other Race	Child Poverty Rate	% Single Parents	Male Unemp. Rate	College Attendance
La Jolla, California	92037	0.0%	1%	11%	5%	8.6%	20%	5%	85%
Wyckoff, New Jersey	7481	0.0%	0%	4%	1%	1.2%	8%	2%	71%
Moraga, California	94556	0.0%	1%	13%	5%	3.5%	13%	6%	86%
Medfield, Massachusetts	2052	0.0%	1%	2%	1%	1.3%	10%	3%	78%
Grosse Ile, Michigan	48138	0.0%	0%	3%	2%	2.2%	11%	2%	70%
Alamo, California	94507	0.0%	0%	6%	3%	4.1%	9%	1%	85%
Winfield, Illinois	60190	0.0%	3%	3%	3%	0.5%	10%	2%	65%
Rye, New York	10580	0.0%	1%	6%	2%	2.2%	10%	2%	82%
Princeton Junction, New Jersey	8550	0.0%	3%	24%	2%	2.6%	7%	3%	86%
Short Hills, New Jersey	7078	0.0%	1%	8%	1%	2.3%	7%	2%	89%
Jericho, New York	11753	0.0%	1%	10%	1%	4.8%	6%	2%	78%
Mill Valley, California	94941	0.0%	1%	5%	4%	4.1%	20%	2%	89%
Portland, Oregon	97221	0.0%	1%	3%	5%	1.9%	16%	3%	81%
Summit, New Jersey	7901	0.0%	4%	5%	3%	3.9%	12%	2%	75%
Longmeadow, Massachusetts	1106	0.0%	1%	3%	1%	0.3%	11%	3%	78%
Northborough, Massachusetts	1532	0.0%	1%	5%	1%	2.2%	16%	2%	69%
Winnetka, Illinois	60093	0.0%	0%	3%	2%	1.8%	10%	1%	88%
Englewood, Colorado	80111	0.0%	2%	5%	3%	2.3%	16%	2%	87%
Birmingham, Michigan	48009	0.0%	1%	2%	1%	2.7%	18%	2%	85%
Minneapolis, Minnesota	55442	0.0%	2%	4%	2%	1.3%	13%	2%	77%
Sharon, Massachusetts	2067	0.0%	3%	5%	2%	2.6%	10%	2%	80%
Pearl River, New York	10965	0.0%	0%	3%	1%	3.3%	12%	3%	60%
Shrewsbury, Massachusetts	1545	0.0%	1%	8%	2%	4.5%	17%	3%	66%
Columbus, Ohio	43220	0.0%	2%	7%	2%	3.8%	18%	2%	79%
Larchmont, New York	10538	0.0%	2%	3%	3%	2.7%	11%	3%	83%
Medway, Massachusetts	2053	0.0%	1%	1%	1%	1.5%	11%	1%	64%
Pittsburgh, Pennsylvania	15238	0.0%	1%	5%	1%	7.5%	12%	3%	70%
Saratoga, California	95070	0.1%	0%	29%	3%	2.5%	7%	2%	86%
Caldwell, New Jersey	7006	0.1%	5%	4%	2%	2.1%	14%	2%	65%
Newton Center, Massachusetts	2159	0.1%	2%	8%	2%	2.9%	11%	3%	85%
Bloomfield Hills, Michigan	48301	0.1%	2%	4%	1%	1.7%	6%	4%	86%
Wexford, Pennsylvania	15090	0.1%	1%	3%	1%	3.8%	9%	2%	73%
Garden City, New York	11530	0.1%	1%	3%	1%	2.1%	10%	4%	75%
Needham, Massachusetts	2192	0.1%	1%	3%	1%	1.8%	6%	3%	83%
Lyndhurst, New Jersey	7071	0.1%	1%	5%	4%	4.0%	20%	4%	37%
Great Neck, New York	11021	0.1%	6%	6%	4%	4.8%	16%	3%	71%
New Rochelle, New York	10804	0.1%	8%	3%	3%	2.2%	9%	3%	82%
Ringwood, New Jersey	7456	0.1%	2%	1%	3%	3.4%	13%	4%	58%
Alpine, Utah	84004	0.1%	0%	0%	2%	3.1%	7%	3%	76%
Minneapolis, Minnesota	55446	0.1%	2%	5%	2%	0.0%	13%	2%	82%
Average		0.0%	2%	6%	2%	2.8%	12%	3%	77%

Table V, Prison Demographics in major cities by zip code, incarceration rate, race, child poverty rate, percent single parent, male unemployment rate and college attendance. (Looney and Turner, 2018, Brookings Institute Report). (2 of 2 pages).

Appendix C

Contract Manufacturing Opportunities

Are you searching for a practical solution to start up, grow or expand your business? Let us help you decide how UNICOR can enhance your success...and your bottom line.

We offer:

- An infrastructure responsive to innovation and change
- Strategically located facilities ([/BusinessOpportunities.aspx#FactoryMap](#)) for warehousing, distribution, and manufacturing
- A flexible, experienced workforce responsive to marketplace upswings and downturns
- Minimized overhead costs to help drive bottom-line improvements
- Partial to full service business models to best meet your requirements
- Proven expertise in a wide range of manufacturing and services ([/shopping/ViewCat_m.asp?idCategory=1717](#)) sectors
- A Made in USA marketing advantage... and much more!



We'll assist you each and every step of the way from concept through project completion.

UNICOR's PIECP program provides a readily available workforce in low cost manufacturing facilities to more competitively produce your products or provide your services.

Inmates gain marketable job skills in a realistic work setting which improve their successful transition back to society as contributing, tax-paying citizens, and the prospects to secure sustainable employment.

Getting Started... The Requirements

- Inmates will be paid prevailing wages (subject to allowable deductions) for similar work performed in the locality, and comparable benefits (overtime, worker's compensation, etc.).
- Your company must provide written certification that the work performed will not (1) displace employed private sector workers; (2) will not be used in skills/trades where a surplus of available labor is available in the locality; (3) will not significantly impair existing contracts.
- UNICOR must notify organized labor and local private industry prior to start-up, comply with NEPA requirements, and obtain written assurances from inmates that their participation is voluntary.

The Federal Bureau of Justice of Assistance will review all documentation and other requirements before granting approval for your project.

Choose from three Work Management Business Structures

- **Manpower Model:** You would pay a pre-negotiated fee to cover labor, overhead and profit to UNICOR and typically oversee your operations. Inmate pay and benefits would be paid by UNICOR.
- **Customer Model:** You would assume no major role in the operations and would be engaged only to the extent of purchasing all of the end product.
- **Employer Model:** You would own and operate the project which includes hiring/firing, training, supervision and payment of wages to the inmate workforce. UNICOR would assume no major role and would exercise limited oversight over inmate labor performance.

LET's TALK!

Contact John Kardos, Program Manager

UNICOR Business Development
(202) 305-3785
John.Kardos@usdoj.gov
([/ContactForm.aspx?ContentID=223](#))

UNICOR is a federal government program that truly "works" in every sense of the word, while providing the added benefit of changing lives.

Figure 32. UNICOR Marketing: Contract Manufacturing Opportunities.

Appendix D

Frame Element	Variables	Description
Problem Definition	Topic: Public-Private Partnership	UNICOR-Private contracts, state prison-private contracts, PIECP, contractors, State/slave industry, suppliers
	Topic: Prison Industries	Federal Prison Industries, FPI, prison factories, UNICOR, factory logistics
	Topic: Safety	Public, prison, staff, social control
	Topic: Rationalization	Skills acquisition, work ethic, idleness, rehab, repatriation, restitution, law-abiding
	Topic: Contestation	Resistance, abolition, anti-, boycotts, blame, public outcry, neg press
	Topic: Competition	Diversification, impacts on free business / free labor
	Topic: The Political Elite	Corporations, CEO, politicians, officials, stockholders, slave/property owner, company heads, directors
	Topic: Carceral Logistics	Compensation, benefits, rewards, labor issues, contracts, rules, regulations
	Topic: Prisoners	Grievances, recognition, notoriety, impact, as subject, victims, crimes, activities
	Topic: Commodities	Goods, services, office furniture, brooms, shoes, duck, call centers, textiles, slaves, labor
	Topic: Fiscal Matters	Ledgers, budgets, appropriations, costs
	Topic: FDR	Created FPI, biographical, as subject, topic
	Topic: Legislation	Laws, acts, statutes, congressional debates/speeches, amendments, rules,
	Topic: Law & Order	Crime, justice, fear of crime, courts, criminal justice, police, criminal justice system
	Topic: Technology	Improvements, advances, necessity, types of technology, innovation
	Topic: Administration	Agencies, committees, boards, directors, wardens, implementation, strategies
	Topic: Carceral Consequences	Overcrowding, mass incarceration, prison expansion, recidivism, escapes, riot, segregation, probation/parole
	Topic: Prison Matters	Prison news, prison information, need for, individual prisons, staffing issues, etc.
	Topic: Research	Statistics, human research, prison research
	Topic: White Supremacy	KKK, explicit/implicit bias, segregation, dehumanization, lynching, slavery
	Topic: Labor Users	Government agencies (i.e. military, USPS, prisons), private customers
	Topic: Medical/Psych	Disease, mental health, disability, hospital personnel, need for attention
	Topic: Political Economy	Surplus value, value added, politics, privatization, marketing, adverts, labor savings
	Topic: Religion	Church, religion, faith, spirituality
	Topic: Black Lives Matter	Abolition, Freedman's Bureau, people who resist, striking inmates
	Actor: Prisoner/Slave	Convict, criminal, lawbreaker, slave, prisoner, carceral laborer
	Actor: Free Labor	Working class, free worker, civilian employee
	Actor: Citizens	Polity, voters, constituents, "law abiding", landowners, public, society
	Actor: Congress	House, Senate, politicians, lawmakers
	Actor: Warden	Prison warden, deputy warden
	Actor: The State	Federal, state, local governmental authorities, social controllers, law & justice
	Actor: Medical/Psych	Doctors, hospitals, mental health professionals, nurses
	Actor: Prison Staff/Personnel	Officers, guards, chaplains, supervisors, correctional employees
	Actor: US President	US President
	Actor: Experts	Academics, consultants, boards
	Actor: Industry	Prison industries, private industries, factories, businesses, mining, road builders, railroads, slavery
	Actor: Religious	Priest, minister, pastor, church, volunteers
	Actor: Courts	Judge, prosecutor, Supreme Court, local courts
	Actor: Media	Newspaper, film, TV, news
	Actor: Racists	KKK, white supremacists, sympathizers, politicians, government actors
	Actor: Institutions	Prisons, governments, education, family, financial, churches, social
	Actor: The Political Elite	Corporations, CEO, politicians, officials, stockholders, property/slave owners, military
	Actor: Advocate	Abolitionist, anti-slavery actor, support groups
Causal Attribution	Attribution: Systemic Attribution: Prisoner/Slave	Government, public, markets, society, political economy Prisoner, slave, convict, lawbreaker, increased crime, crime, law breaking
Moral Evaluation	Moral Immoral Neutral	Necessity, justifiable, moral Inhumane, unchristian, unethical, wrong, No moral tone, positivistic, informational
Treatment	Judgment: Promote Judgment: Repudiate	Accepts, condones, positive, compromise Disavows, argues against, condemns
Additional Variables of Interest Related to Topic and included in the framing analysis:		
"Rehabilitation"	Biopower	
"Patriotism"	Gender	
Race	Positivism	
Metaphor	Patriarchy	
Expansion	"Idleness"	
Critical	Skill Acquisition	
Positivism	Compromise	
Contestation	Rhetoric	
Bureaucracy	"Profit/Loss"	

Table VI. Frame Elements: Topics, Actors, Causal Attributions, Moral Evaluation, and Treatment

Appendix E

What is the sequence of events in the criminal justice system?

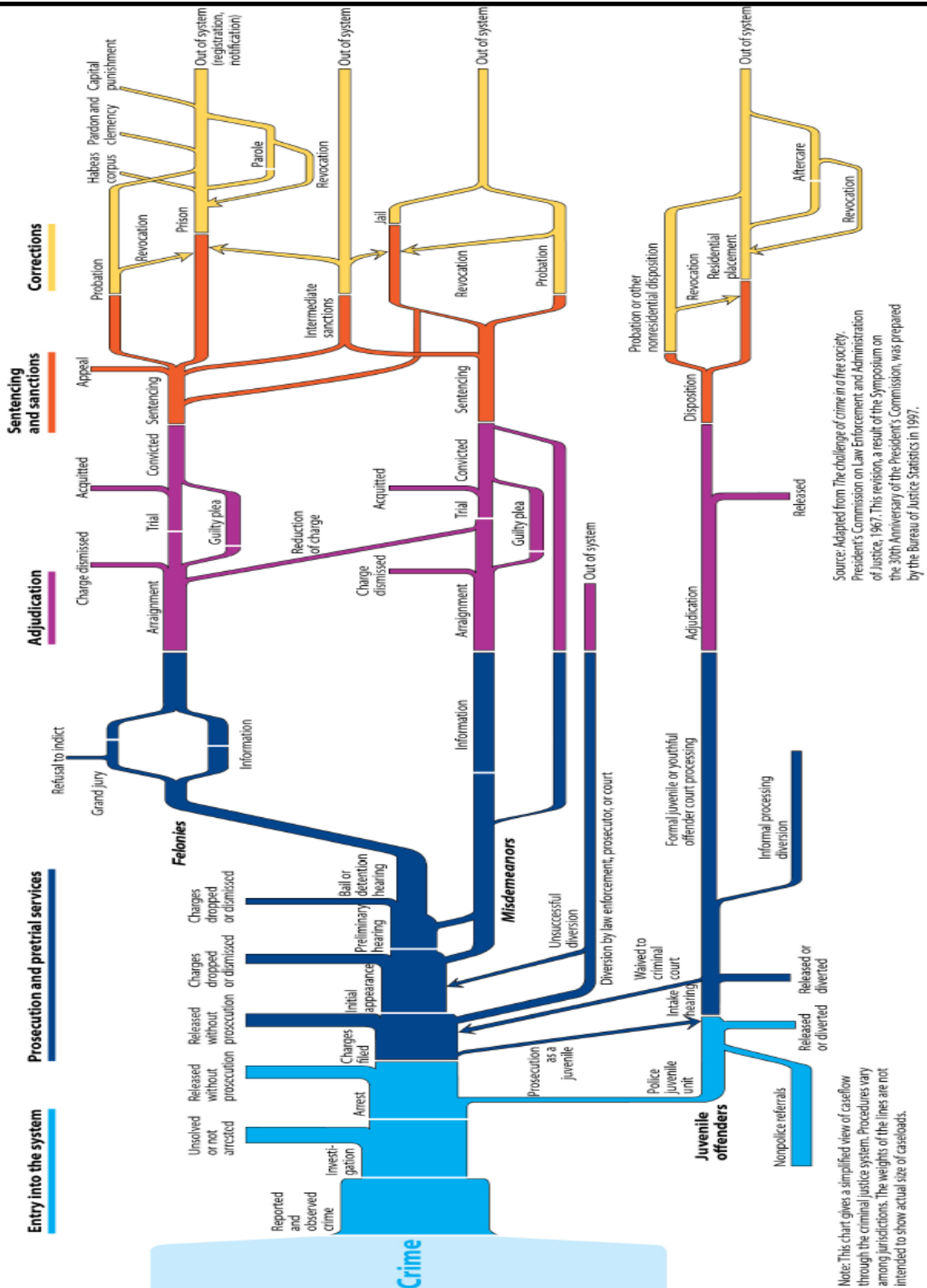


Figure 33. Bureau of Justice: Criminal Justice System Flow Chart. “Crime” institutes the system.

VITA

N. A. Weihe

EDUCATION

Ph.D., February 15, 2019. Criminology, Law and Justice, University of Illinois at Chicago, Chicago, Illinois.

Dissertation: “Carceral trafficking”: Social cognition, ideology and discourse of an American carceral tradition.

Committee: Edna Erez (Chair), Matthew Lippman, Andrew Rojecki, Michael Blain, Jessica Bird.

M.A., 2015. Criminology, Law and Justice, University of Illinois, Chicago, Illinois.

B.A., 2013, *summa cum laude*. Sociology, Boise State University, Boise, Idaho.

B.S., 2013, *summa cum laude*. Criminal Justice, Boise State University, Boise, Idaho.

Awards: Abraham Lincoln Fellowship, 2013-2017

Top Ten Scholar, 2013

McNair Scholar, 2011-2013

RESEARCH INTERESTS

Critical criminology; Male domination and the state; White supremacy; Mass incarceration, Slavery, and Human trafficking; Political theory; Framing analysis; Discourse analysis; Ideology and social cognition, and Archival theory.

RESEARCH EXPERIENCE

Dissertation Research, 2018

Conducted primary source textual and film research about prison industries in the National Archives located in College Park, Maryland, Kansas City, Missouri, and FDR Presidential Library, Hyde Park, New York. Compiled, coded and analyzed data from early 20th century federal prison operations as well as Abolition discourse from the late 1860s to formalize a carceral traffic ideology.

Social Research, 2014

Conducted a short-term qualitative, ethnographic study of two fire departments in the Chicago, Illinois and Charlotte, North Carolina areas. Research included participant observation and semi-structured interviews. Presented results to city manager and fire chief.

McNair Scholars Summer Research Fellowship, 2012-2013

Conceptualized, proposed and executed prison research approved by the State of Idaho Department of Correction and full board IRB. Prison research examined inmate attitudes toward sex offenders. Research included survey data received from over three hundred, in person male and female state prisoners and quantifies prisoner attitudes.

Research Assistant, 2011-2012

Performed in depth, semiotic research for Dr. Michael Blain, sociology professor and author. Designed, compiled, and studied sample frames. Produced explanatory data sets about terrorism, 1950 to the present, using database and presidential discourse for book publication.

TEACHING ASSISTANTSHIPS

Teaching Assistant, Law & Society 2014, 2015, 2016

Teaching Assistant, Introduction to Criminal Law 2015

Teaching Assistant, Writing in the Discipline 2014

Teaching Assistant, Criminological Theory 2013, 2014

Teaching Assistant and Essay Reader, Sociology of Drugs 2013

Teaching Assistant, Sociological Research Methods 2012, 2013

Teaching Assistant, Sociological Theory II 2012

Teaching Assistant, Criminal Justice 101 2011, 2012

PROFESSIONAL EXPERIENCE

Legal Intake Intern, ACLU of Idaho, 2011-2012

Conceptualized a program called: *The ACLU of Idaho Prisoner Outreach Program* for the education of state and county inmates concerning the Bill of Rights, civil rights, the types of cases represented by the ACLU, and to reduce legal intake and frivolous lawsuits.

ESL tutor for refugees, immigrants and GRE students, 2011-2013. *The Learning Lab*, Garden City and Boise, Idaho. Responsible for implementing and facilitating a new conversational component to teaching adult ELL students called "Culture Club," which included weekly cultural field trips to nearby museums, art museums, university tours, and nature walks.

Tutor for BSU students in the Student Success Program. Courses tutored: Math 130; Psychology 101; History 120; Philosophy 101, Eastern Civilization, Criminal Justice 101. 2011-2013.

Tutor for BSU CAMP students (first-generation, children of migrant workers). Courses tutored: Criminal Justice 101. 2012

CONFERENCE PRESENTATIONS

Weihe, N.A. 2015. *Doing heroism: The stress-filled (and thriving) art of fire and rescue*. American Sociological Association. Roundtable presider for *Work & Well-being*.

Weihe, N.A. 2015. *Prisoner attitudes toward sex offenders: Stereotypical or reasonable?* Academy of Criminal Justice Sciences Conference, Orlando Florida.

Weihe, N.A. 2013. *Female attitudes toward sex offenders*. The 27th Annual Ronald E. McNair Commemorative Research Conference. North Carolina A & T State, Greensboro, North Carolina.

Weihe, N.A. 2012. *More than a statistic: Reconciling the zero tolerance goals of the Prison Rape Elimination Act and staff on inmate sexual misconduct*. Alpha Phi Sigma/Academy of Criminal Justice Science Conference, New York City, New York.

Weihe, N.A. 2012. *Voices from the 'Inside': Prisoner attitudes toward sex offenders*, Research Symposium Poster Presentation, University of Washington, Seattle Washington; University of California, Berkeley.

Weihe, N.A. 2011. *The drug war: A postcolonial public policy*, Alpha Phi Sigma/Academy of Criminal Justice Science Conference, Toronto, Canada.

PROFESSIONAL MEMBERSHIPS

National Correctional Industries Association
American Correctional Association
Academy of Criminal Justice Sciences
American Sociological Association
American Society for Eighteenth-Century Studies

CIVIC SERVICE

2002 – 2013. Volunteer: Designed, implemented and maintained an almost eleven year volunteer program at a state women's correction facility, teaching yoga sadhana each week to female prisoners. Required security clearance.

2009 – 2013. Raised several thousand dollars in charitable contributions for Court Appointed Special Advocates (CASA) through membership in Alpha Phi Sigma (National Criminal Justice Honor Society) and the annual fund drive buying holiday gifts for abused and neglected children involved in the Ada County court system.