

# **Mapping Carceral Capitalism in America**

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Contemporary Capitalism

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May 22, 2023

## Introduction

Mark Fischer (2014) mused that it is easier to imagine the end of the world than it is to imagine the end of capitalism (2), to which Jackie Wang (2019) added that the same could be said about prisons (297). I contend that this largely holds true for policing, two-party politics, border patrol and detention, and the mythologies of state-sanctioned “peacekeeping” and “crime-fighting.” Since colonial America, the state has carefully curated a mythos of law and order to bolster public support for a monopolistic and violent carceral state. Columbus used weapons to subjugate, slaughter, and displace Indigenous Americans in the so-called new world, but his organization and use of language “legitimized” the colonists’ use of force (Patel and Moore 2017, 181). The modern state employs the three supposedly separate but equal branches of government as organizational tools to shift the borders of criminality, empower and protect a monstrous and increasingly militarized police force, and oversee the arrest and detention of millions of people in an archipelago of prisons, jails, and immigrant detention centers. Language is used to stoke public fears and build widespread support for the brutal machinations of carceral capitalism. Racist, sexist, and xenophobic political rhetoric fortifies erroneous associations of police with justice and incarceration with rehabilitation and public safety. Police have never been required to prevent or fight crime, and have, in fact, historically been employed to instigate crime to strengthen capitalist social relations and suppress anti-capitalist and labor organizing. Carceral capitalism both extracts Capital and expels people from communities across the US landscape, leaving widespread economic ruin and social death in its wake – the ideal conditions for parasitic governance and predatory lending.

## The Many-Headed Hydra of State Power

In the US, the separation of powers doctrine supposes three separate but equal branches of government: the legislative, which writes and ratifies the law; the executive, which enforces the law; and the judicial, which interprets the law. This doctrine encourages us to look upward, seeing only the branches as they appear against the sky as “separate but equal.” But when we adjust our gaze downward to include the whole tree, we discover a common trunk where all three branches meet, with evidence of deep roots beneath. In truth, the principles of separate but equal appear – far from absolute – as a mere “conceptual distinction between what are really empirically overlapping phenomena.” This phenomenon is perhaps most explicitly evident in the executive branch, which “is the center of government policy, but also the purveyor of state power” (Parenti 2007, 195). As former president Donald Trump repeatedly demonstrated, US presidents can ascend to a dictatorial height, where they sit as political kingmakers for their respective party, bestowing or withholding favor and endorsement necessary for candidates at all levels of government to secure victory from a polarized populous of voters.

The US Supreme Court, from its inception, has taken as its *modus operandi* deference to and empowerment of the monopolistic authority of the state in furtherance of slavery, segregation, racial profiling, and excessive use of force. As the Court of last resort, the opinions handed down establish a judicial precedent for all lower courts.<sup>1</sup> As is true of all three branches of government, many iterations of the Court have been deeply racist, sexist, and xenophobic. The penned opinions have bolstered state systems of oppression and assaultive governance and supported the economic interests of the White capitalist elite. Some more infamous historical

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<sup>1</sup> Stare Decisis, translated from Latin means “to stand by things decided,” and is the legal doctrine that established the power of judicial precedent in the US.

examples include the 1856 case of *Dred Scott v. Sanford*,<sup>2</sup> in which the Court held that the US Constitution did not confer citizenship to Black people, upholding the tenets of White supremacy and slavery by recasting Black people as property and not citizens under the law, thus locating them outside the Constitutional protections afforded to White citizens. The Court's opinion in the 1896 case of *Plessy v. Ferguson*<sup>3</sup> included an erroneous interpretation of the 14<sup>th</sup> Amendment known as the "separate but equal clause," holding that racial segregation in public places did not violate the US Constitution where *separate* facilities provided for each race were *equal* in quality. *Lum v. Rice*,<sup>4</sup> decided in 1927, upheld the racist Congressional Oriental Exclusion Act, holding that the 14<sup>th</sup> Amendment did not preclude a public district from classifying a child of Chinese ancestry as "colored," thus barring admission to an all-White school. More contemporary and lesser-known rulings protected the state from liability for police misconduct, including the 1983 case of the *City of Los Angeles v. Lyons*,<sup>5</sup> in which the Court established that a victim of violent police misconduct (in Lyons' case, a grave injury caused by a choke hold) must demonstrate that they will again be a target of future police misconduct to gain standing (a nearly impossible burden of proof); and the 1996 case of *Whren v. United States*,<sup>6</sup> in which the Court expanded police power to stop anyone for any reason with impunity (Chemerinsky 2021, 4-10, 43, 151, 220), affirming the Constitutionality of racist, state-sanctioned stop-and-frisk policing tactics. Despite sustained adamance to the contrary, the US Supreme Court and lower federal courts are far from neutral and recognized by many, including the two political parties in power, as a de facto limb sprouting from the legislative branch.

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<sup>2</sup> *Dred Scott v. Sandford*, 60 U.S. 393 (1856).

<sup>3</sup> *Plessy v. Ferguson*, 163 U.S. 537 (1896).

<sup>4</sup> *Gong Lum v. Rice*, 275 U.S. 78 (1927).

<sup>5</sup> *City of Los Angeles v. Lyons*, 461 U.S. 95 (1983).

<sup>6</sup> *Whren v. United States*, 517 U.S. 806 (1996).

Representatives and senators of all political leanings in Congress have effectively created a “shadow parliamentary government” by claiming “quasi-executive and quasi-judicial” investigative powers, including carceral power over contemptuous witnesses. Congress’ self-proclaimed right to arrest and detain any contemptuous witness without the prosecutorial procedures of the executive branch or adjudication of the judicial branch (Calabresi, Berghausen, and Albertson 2012, 537) flies in the face of the separation of powers doctrine. Lawmakers frequently make use of the state as an instrument for the suppression of anticapitalism under the guise of protecting the public from domestic terrorism. Corruption runs rampant in the halls of Congress, where representatives and senators make unethical financial gains from the passage of legislation. Where scandals break, it is not uncommon to glimpse the elusive fourth head of the hydra.

### **The Fourth Head of the Hydra: Capital**

Capital is “the economic engine” that drives the social formation of capitalism (Harvey 2014, 43), and to remain profitable, Capital must be continually reproduced with ever greater profit margins to satiate the leisure class (Harvey 2014, 172). Processes of exchange and circulation are necessary elements in the transformation of money into Capital, and it is through a combination of “labor power, machines, and raw material” that capitalists facilitate the production of commodities with minimal investment to be sold for maximal profits or surplus. This surplus, representative of monetary gains “over that which the [laborer] needed to survive at a given standard of living” (Harvey 2014, 63), is again transformed into Capital through reinvestment into greater levels of production, generating ever greater accumulation of Capital.

Thus, Capital is born in “the live transformation of money into commodities, and back again” (Patel and Moore 2017, 26-27).

While the Keynesian phase of capitalism was far from ideal, it represented a prefiguration of an egalitarian and economically inclusive world in which the poor and marginalized would be elevated into the political and economic mainstream (Sassen 2014, 212). The dispossessed working class was included as the laborers and consumers necessary cogs in the gears of primitive accumulation. The working class benefited from job stability and livable wages in exchange for selling their collective labor power. Newer, post-Keynesian forms of primitive accumulation can be better understood as processes of “expulsion” or “a switch from dynamics that brought people in, to dynamics that push people out” (Sassen 2014, 211). Capitalist expulsion leaves devastating socioeconomic consequences of widespread disenfranchisement of workers in the wake of higher profit margins and lower wages. Here, the contradiction between the realization of Capital on the market and the production of commodities necessitates an “industrial reserve army” of surplus workers comprised of the unemployed, foreign workforces who have yet to enter the waged economy, and migrant laborers (Harvey 2014, 174). Capital sets wages low, and a typical employee working in the private sector labors an average of two hours for themselves and six hours for the boss, creating the profit which Marx called “surplus value,” (Parenti 2007, 230-231) maintaining capitalist class relations.

Surplus value that depends on a surplus of workers is aided by a “scarcity diversion,” or a manufactured sense of scarcity that fortifies racism and classism while making capitalism and accumulation by dispossession appear as inevitable (Desmond 2022, 174). Capital benefits from high levels of unemployment, creating and recreating the requisite conditions for the Darwinian

sink-or-swim market economy and the illusory American dream. Desmond described the playbook of scarcity diversion in five steps.

First, allow elites to hoard a resource like money or land. Second, pretend that arrangement is natural, unavoidable – or better yet, ignore it altogether. Third, attempt to address social problems caused by resource hoarding only with the scarce resources left over. So instead of making the rich pay all their taxes, for instance, design a welfare state around the paltry budget you are left with when they don't. Fourth, fail. Fail to drive down the poverty rate. Fail to build more affordable housing. Fifth, claim this is the best we can do. Preface your comments by saying, "In a world of scarce resources..." Blame government programs. Blame capitalism. Blame the other political party. Blame immigrants. Blame anyone you can except those who most deserve it. "Gaslighting" is not too strong a phrase to describe such pretense (Desmond 2022, 174-175).

The social relations that organize contemporary life in the US are thus capitalist relations. Corporations use state services that cannot be developed privately, including but not limited to police and military power, eminent domain, public funds for private profit, and limitless credit (Parenti 2007, 215) for private, economic gain. Global capitalists move with prodigious access to lawmakers, commanding a grand presence in the halls of Congress. Capital benefits from influence on economic matters of taxation and key pieces of legislation, using the state to maintain capitalist class control and extract profits through the "accumulation by dispossession" (Harvey 2003, 151-152) of the poor and working class. The state's appetite is satiated by its share of the surplus that is created.

In both rural and urban spaces, communities have been decimated by capitalist greed. State and capital collusion in processes of extraction and expulsion have caused an estimated 7.1

million US households to experience a “severe housing cost burden” in 2021, a 25% increase from 2007 rates. In the same year, an estimated 3.7 million people in the US were “doubling up,” meaning they were sharing housing with others for solely economic reasons – understood to be a strong indicator of financial hardship and a high risk of becoming unhoused. Data from the US Census collected in 2022 found more than half a million people living on US streets and in US shelters. Unsurprisingly, there is a stark contrast between unhoused Whites (11 of every 10,000) and Native Hawaiian or Other Pacific Islanders (121.2 of every 10,000), Blacks or African Americans (48.2 of every 10,000), Native Americans (44.9 of every 10,000), Multi-Racial (36.1 of every 10,000), and Hispanics or Latinos (22.4 of every 10,000) (National Alliance to End Homelessness 2022). In David Harvey’s words, “Capital is committed as much to the production of unemployment as it is to job creation. Providing tax incentives to Capital to reinvest can just as easily lead to the elimination of jobs as to their creation” (Harvey 2014,173-174).

In cities like Detroit, poor and working-class communities have been hit hardest by the collapse of a once robust manufacturing industry. Un- or under-employed workers are left particularly vulnerable to predatory lending. These practices in the US take the form of “rent-to-own scams, payday loans, commercial bail bonds, and other practices” which prevent the accumulation of wealth in predominantly Black communities (Wang 2019, 70-71) through the extractive process of indebtedness. The multibillionaire CEO Dan Gilbert, and the online mortgage conglomerate Quicken Loans that he leads have profited obscenely from an economy in shambles, caused in part by a dramatic depopulation and a near-total collapse of the city’s tax base (Wang 2018, 112). For Gilbert, who oversaw the underwriting of millions of subprime mortgages leading to mass foreclosures and evictions and the housing crisis of 2008, such economic devastation presents an advantageous opportunity available only to those in the upper

echelon of wealth, state influence, and favor – a “savage sorting of winners and losers” (Sassen 2014, 139).

Quicken Loans purchased twenty-nine skyscrapers in downtown Detroit at basement bargain prices and enjoying many lucrative tax incentives to do so. The company established a working partnership with the publicly funded police force to protect their investment and provide unprecedented access to city surveillance feeds. A privately paid militia of off duty officers patrol Quicken Loans’ massive footprint in squad cars and on bikes, dressed in full uniform (Story 2016, at 24:25) with the sole purpose of protecting private property by manufacturing social order with brutality and control. By converting many of the bargain-bought skyscrapers into luxury apartment buildings, the company created housing not for those most in need, but for a colonial workforce of over 10,000, moved downtown from the Detroit suburbs. Within three and a half years, apartment prices more than doubled (Story 2016, at 25:20), displacing many poor and working-class families while generating a massive surplus for Quicken Loans, its uber-rich CEO Dan Gilbert, in a gentrified urban oasis for a colonial workforce.

### **Policing: State-Sanctioned Terror from Colonial America to the Contemporary US**

As Max Weber described, the essential trait and the vilest attribute of the state is its monopoly over legitimate uses of force. Legitimate here means sanctioned by the rules and standards established by those in positions of great legal authority within modern polity (Weber 1946, as cited in Parenti 2007, 194) and not suggestive of any moral validity or justice. In the US, the state employs this monopolistic authority as a weapon of mass destruction in a complex and varied domestic war of law and order to assert and maintain social control and domination

and to quickly disperse all resistance and opposition to the established capitalist social order. State-sanctioned police violence is increasingly visible in the digital age; macabre images and video feeds taken from police body cameras and bystander cell phones circulate in cyberspace, telling the enduring story of racist policing in America.

The earliest origins of policing in the US are intertwined with the “three social arrangements of inequality in the eighteenth century: slavery, colonialism, and the control of a new industrial working class” (Vitale 2018, 34). So too, in eighteenth-century Britain, police served no crime-fighting function and would instead be directed to instigate crime among the working-class poor to “create and then to sustain the [existing] class relations in the production of private property” (Linebaugh 2006, 434-435). Located at the intersection of coercive state power and the citizenry, early police forces protected and expanded the economic interests of wealthy, White, property-holding men by providing “the muscle for colonial land grabs, breaking workers’ strikes, ensuring the availability of the poor, people of color, and migrants as a disciplined and compliant workforce, and locking up...all those whose labor is no longer useful” (Maher 2022, 65). These state-sanctioned private police forces fabricated social order by “managing the behaviors of poor and non-White people: those on the losing end of economic and political arrangements” (Vitale 2018, 34-35). Theirs was a dualistic function of capitalist social control and protection of property.

Policing in colonial America began as a series of informal, privately funded, and volunteer-based night watches starting in Boston (1636), New York (1658), and Philadelphia (1700), respectively. Early colonist-militias were primarily concerned with exposing prostitution and gambling rings and secondarily employed to protect the property of White male shipping merchants from the “rabble” or “dangerous classes” (Friedman 1993, 68-71). As early as 1704,

private policing in the southern states took the form of slave patrols, primarily tasked with ensuring the preservation of the chattel slavery economy (Waxman 2017). They did this by restricting the movement of enslaved Africans on plantations and those who, in places like Charleston, South Carolina, were leased out to work in warehouses following industrialization (Vitale 2018, 46), brutally hunting, beating, and killing those who attempted to escape or who stepped out of line. Although technically a private police force, these patrols were sanctioned by and under the control of the state (Chemerinsky 2021, 41-44) and had the authority to ride onto private property to carry out such state-sanctioned capitalist prerogatives as ensuring no weapons or fugitives were harbored, no meetings held, and no Black people were learning to read or write (Vitale 2018, 45-46), activities that threatened the accumulation of surplus for the southern economy. The common thread that runs through early (and contemporary) policing is a particular form of social control over the poor, non-White classes. This control is in service of racial and class inequality, preserving systems of primitive accumulation, and later accumulation by dispossession, bolstering the position of the White male, propertied classes at the top of the food chain – be they slaveholders on southern plantations, shipping merchants on the Boston harbor, or predatory mortgages lenders and real estate developers in Detroit.

The first publicly funded police force appeared in the US in 1838, in Boston, where a high volume of immigration and rapid development of industrialization had created “socially and politically chaotic conditions” (Vitale 2018, 36-37). The merchant class, as an underhanded money-saving tactic, advocated for a full-time, publicly funded police force, claiming it necessary to the preservation of the “collective good.” In truth, these shipping merchants were employing nightwatchmen at their own expense, and their newfound interest in public safety was likely little more than a ruse to save money (Waxman 2017) by extracting ever-larger profits by

lowering costs. Public police forces rapidly gained in popularity in US cities, despite widespread corruption, and soon became a common fixture in the social fabric of American life.

The function of the police has, in fact, never been to fight crime, and rarely, if ever, do patrol officers stop the commission of felony crime in progress (nor are they legally required to try). As veteran police scholar David Bayley summarized,

The police do not prevent crime. This is one of the best kept secrets of modern life.

Experts know it, the police know it, but the public does not know it. Yet the police pretend that they are society's best defense against crime, and continually argue that if they are given more resources, especially personnel, they will be able to protect communities against crime. This is a myth (Bayley 1996 as cited in Vitale 2018, 32).

Beginning in 1968 with the successful “law and order” presidential campaign of Richard Nixon, the American public has been enraptured by a frenzied “pulsing moral panic” (Gilmore 2022, 116) over the twin specters of violent crime and illegal drug use. The function of the police was never to keep the peace *or* to fight crime, but once US voters became infected with the Nixonian fever of law-and-order politics, including the infamous war on drugs (a part of the largely successful and racist “southern strategy” designed to bring racist Democrats into the Republican fold) a shift in public support for increasingly harsh laws has led to the continued degradation of the constitutional rights of those targeted for drug law enforcement. John Ehrlichman, then Assistant to the President for Domestic Affairs under Nixon, was caught on a hot mic making the now infamous “drug war confessional,”

You want to know what this [war on drugs] was really all about? The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black

people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did (LoBianco 2016).

Nixon declared war, and Reagan funded it with unprecedented allocations of taxpayer dollars. The 1986 Anti-Drug Abuse Act had created a 100:1 disparity in sentencing, punishing crack cocaine, predominantly found in poor, Black communities, 100 times more harshly than powder cocaine, the drug of choice in affluent and influential White communities. The 1988 Street Terrorism Enforcement and Prevention (together with the 1994 Proposition 184) established the "three-strikes" law, and by 1989, the wars on violent crime and drugs under the administration of former president George H.W. Bush was raging. The Violent Crime Control and Law Enforcement Act of 1994, enjoying support from a fearful population, a delegation of Black mayors, and even the predominantly White Feminist movement,<sup>7</sup> was passed by Congress and signed into law by former President Bill Clinton, further widening disparities in sentencing for predominantly Black defendants. The bill gave Democrats the opportunity to capitalize on widespread public fears of violent crime. Then Senator Joe Biden proclaimed victory, reveling in the fact that "the liberal wing of the Democratic Party" was now for "60 new death penalties," "70 enhanced penalties," "100,000 cops," and "125,000 new state prison cells" (Lopez 2019).

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<sup>7</sup> Support from the predominantly White Feminist movement was won by the inclusion of the Violence Against Women Act (VAWA), which, for many, made the highly problematic Violent Crime Control and Law Enforcement Act easier to swallow. In practice, VAWA was unlikely to have had a big impact on female safety, as its answer to interpersonal violence was exclusively institutional violence.

Such tough-on-crime grandiloquence detracted public attention from the severe social crisis of untreated drug addiction and toward an ever-heavier reliance on carceral responses that expelled social problems (and people) from the public view rather than addressing them.

Black men were the primary targets of drug enforcement, but Black women became the target of welfare enforcement, branded as “welfare queens.” An Arizona sheriff minced no words declaring, “Drugs, food stamps and guns are synonymous...if you find one, you’ll find the others.” Former Supreme Court Justice Anthony M. Kennedy, joined in an opinion by Justices Sandra Day O’Connor and David H. Souter,<sup>8</sup> asserted, “Studies...demonstrate a direct nexus between illegal drugs and crimes of violence” (Miller 1996, 28) two equally vile, racist, false, and misleading claims. The sensationalized image of the juvenile “superpredator” constructed by Princeton Academic John Dilulio in collusion with period criminologists rounded out the stigmatization of poor and Black communities, presenting them as breeding grounds for “tens of thousands of severely morally impoverished juvenile superpredators” (Wang 2018, 195). Law and order politicians on both sides of the aisle seized hold of these new tropes, exploiting public fear and outrage to fill their reelection coffers while expelling a new generation of Black bodies from their communities through increased criminalization, policing, and incarceration.

The widespread militarization of US police departments also began quietly under former President Bush and continues today. The Department of Defense’s 1033 Program authorized the transfer of millions of dollars’ worth of heavy-duty, military-grade surplus hardware (Rojas 2023) from the military-industrial complex into the hands of police, equipping them with weaponry and ideology of war. Far from making the public safer, the militarization of the police

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<sup>8</sup> *Harmelin v. Michigan*, 111 S.Ct. 2680 (1991) at 2705.

has increased violent responses to public protests, often resulting in civilian death. Police, many of them veterans of foreign wars, increasingly viewed themselves not as public servants but soldiers in a domestic war.

In 2022, police killed three people per day, roughly one hundred people per month, and approximately 1,176 people over the course of the year, making it the deadliest year of state-sanctioned police violence in the modern record<sup>9</sup> (Levin, 2023). Despite making up just 13% of the population, Black people died in 26% of police killings, and 2 of 3 deaths resulted from traffic stops, mental health checks, disturbances, non-violent offenses, and interactions where no crime was alleged. From 2013 to 2022, 98.1% of police who killed did so with impunity – no charges were filed. As of May of 2023, only nine days have passed without a police killing, and the body count is 363 people year-to-date (Sinyangwe, 2023). These statistics should cause universal public outrage, but they don't. While the American public would never stand for a roving, murderous gang killing over 1,000 people per year, the mythology of policing in America is so strong that a “pulsing moral panic over crime” (Gilmore 2022, 116) has led many to comprehend such institutional violence as police killings as the unfortunate but necessary collateral in the domestic war on violent crime. Black people killed by police are treated as innocent victims of institutional violence only once they can posthumously pass judgement in the media and the public eye. Any social branding is used to vilify them and justify their killing.

The general public sentiment is evident in a survey by the Pew Charitable Trusts that sought to gauge public confidence in the police the year after the state-sanctioned public murder of George Floyd by Minneapolis police. 48% of respondents maintained “a fair amount” of

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<sup>9</sup> Experts only began collecting data related to police killings in 2013.

confidence in the police to act in the public's best interest, while 26% reported "a great deal" of confidence. Unsurprisingly, divergences appear when analyzing the survey respondents by race. White respondents expressed confidence in police more than three times more often than Black respondents and twice as often as Asian and Hispanic respondents. (Pew 2022).

No history of policing in America is complete without mention of state-sanctioned White vigilantism. US history is rife with state-sanctioned White vigilante terror inflicted on Indigenous and Mexican peoples, Black people, and in the violent dispersal of late 19<sup>th</sup> and 20<sup>th</sup> century demonstrating workers. There is, however, no need to look backward in US history. In 2020, following the public murder of George Floyd by Derek Chauvin and other Minneapolis police officers, another police body camera recording was released of yet another White police officer shooting yet another Black man, this time Jacob Blake, struck by seven bullets in the back, leaving him paralyzed from the waist down. Protesters, turning their rage and sorrow on the city of Kenosha, Wisconsin where Blake had been shot. The protests attracted the attention of a White vigilante mob that descended upon the city, among them seventeen-year-old Kyle Rittenhouse, who traveled across state lines armed with a military-style AR-15 rifle, self-deputized to defend Kenosha businesses from social unrest. Rittenhouse and other White vigilantes were greeted with open arms by a militarized police force who offered them water and thanked them for their presence. Rittenhouse shot three and murdered two people that night, and his attempted surrender to police was flatly ignored (Maher 2021, 20-21). Acting as a proxy of monopolistic state aggression, Rittenhouse was not perceived as a threat by the police or as a criminal by the nearly all-White jury that acquitted him of all charges. The three people shot, including two murdered, were treated as expendable casualties in a domestic war of violent crime. The police (and the jury) did not view Rittenhouse's actions as criminal, understanding

the White vigilante militia to be aligned in their objectives with the state – to protect capitalist property and restore social order at all costs.

The terrible specter of police (and police proxy) violence and murder is just one manifestation of state-sanctioned terror. A less transparent tactic occurs in what Jackie Wang refers to as “parasitic governance,” or the excessive and extractive use of fines and fees known as “fine farming” to generate revenue for local municipalities (Wang 2019, 191). In Ferguson, Missouri, “a carceral municipality [has resulted in] an average of three arrest warrants per household,” leading to near-universal “indebtedness” and “fugitivity” among residents. Such capital extraction has transformed the predominantly Black poor and working-class community there into a carceral space in which the specter of parasitic governance restricts residents’ freedom of movement. Debts incurred from criminal courts carry interest and late fees, which compound the financial burdens that lay heaviest on the shoulders of those least able to pay. Anyone required but unable to pay the costs associated with probation and parole supervision risks public housing foreclosure, loss of welfare assistance, and diminished employment opportunities (Wang 2018, 191). Those who cannot pay fees associated with traffic violations further risk suspension of their driving privileges, loss of employment, and other major life disruptions. For Samantha Jenkins, a 50-year-old Black woman from Missouri, the petty theft of two steaks from a local grocery store while unhoused and hungry resulted in nineteen separate arrests and terms of incarceration over fifteen years. Jenkins, like so many others, incurred court fees which, left unpaid, led to the issuance of an arrest warrant, more court costs, and an insidious cycle of indebtedness that only ended when Jenkins, as lead plaintiff in a class action suit successfully sued the city and won. Her share of the landmark 4.7-million-dollar settlement,

recompense for fifteen years of victimization by a parasitic city government, was less than 2,500 dollars (Story 2019, 1).

In Ascension Parish, a Louisiana Municipal Court, a single Judge presides over every misdemeanor and traffic violation moving across the docket. Defendants there must pay a \$15 conviction fee when a case results in a conviction. Notably, a not-guilty verdict or dismissal results in no fee. Collected fees funnel into a “judicial expense fund,” from which a \$35,684 portion of the Judge’s salary is paid. An additional \$9,670 boosts the Judge’s retirement fund, \$6,000 pays for the lease of his car, and \$5,894 covers his travel and conference expenses. The sole presiding Justice in Ascension Parish Municipal Court collects over \$57,000 annually in \$15 increments by handing down roughly 3,800 convictions (Natapoff 2018, 116).

These two stories serve as demonstrative evidence of the myriad ways in which the carceral state utilizes the police and the courts to extract Capital from poor, predominantly Black communities to cover its municipal costs, including salary and personal expenses of employees through parasitic governance.

### **Expulsion, Dispossession, and Social Death: Incarceration**

Hannah Arendt once pondered, *who is afforded “the right to have rights?”* Arendt asked this question after losing her rights and struggling to secure asylum as a stateless refugee fleeing the Gestapo during WWII. The right to have rights, she concluded, was not a universal human right – merely being human was not enough. To be afforded human rights, one must belong to a political community and be recognized as a citizen of the state. Only then can one expect “legally protected rights to education, to work, to vote, to healthcare, [and] to culture”

(DeGooyer et al. 2019, 2). The conditions for those affected by the carceral system in the US are not dissimilar, where “social branding” (Davis 2005, 12) creates a form of social death. Formerly incarcerated people lose their legal rights and freedoms as voters, workers, and social welfare recipients, leaving them a diminished second class of citizens. In this way, the state, through the machinations of its carceral systems, extracts wealth from poor, predominantly Black communities through the “brutal expulsion of surplus labor populations” (Sassen 2014, 63) understood as those living in, or returning to communities already lacking in legitimate work opportunities. Formerly incarcerated and incarcerated people represent America’s poor and working-class (Gilmore 2023, 117) communities, and are seen and treated as expendable, existing on “the systemic edge” where conditions become extreme because of the processes of expulsion (Sassen 2014, 211).

In Marin County, California, many of the homes that remain after devastating wildfires tore through the heavily wooded area in 2020 were saved by volunteer wildfire-fighting crews of incarcerated women. After undergoing extensive and grueling training, these brave volunteers hike an average of 2 to 3 hours directly into the path of the fire zone (Story 2016, at 28:27). After fighting and successfully extinguishing a fire encroaching on a residential area, residents will often try to engage these women in conversation, if only to thank them for their service. However, the incarcerated female crew members are forbidden from responding or engaging with residents, and those who do face disciplinary action (Story 2016, at 31:05). It could be argued that this and initiatives like it, providing training and work experience for incarcerated people, are of great socioeconomic value. Long lapses in work experience are, after all, significant barriers to employment upon release. The sad truth for these incarcerated volunteer crew members is that their eligibility to fight wildfires ends upon their release from prison. Due

to their social branding, formerly incarcerated people are automatically ineligible to seek employment with the same wildfire fighting crew upon release. A great value is extracted from these brave and unfortunate women who receive no compensation for their service.

As of 2023, fifty years have passed since the unprecedented meteoric rise of incarceration rates in the US began. Over those fifty years, the prison population has grown by 600% (Sassen 2014, 64), and the US currently holds more people in cages than any other country in the world. Roughly two million people are incarcerated in an archipelago of prisons, jails, and immigrant detention centers across the US. Two-thirds of the people imprisoned are Black and Latino, and eighty percent were at least once represented by state-appointed public defenders (Gilmore 2023, 117). When those on parole or probation are added to the calculation, the number tops seven million, or 1 in 31. Adding those who carry the social branding of an arrest or conviction on their record, the number skyrockets to 65 million people, or 1 in 4 (Sassen 2017, 64-65).

The carceral state creates surpluses of labor through the social branding of those it touches, but it is also involved in remediating the crisis of surplus land (Gilmore 2007, 54-86). Abandoned extractive industrial sites like coal mines, desolate agricultural spaces where monocropping and a changing climate have left the soil depleted, and economically devastated cities and towns in both rural and urban areas are all sites of extraction where the capitalist crisis of surplus land makes prison construction appear as a solution.

Rural eastern Kentucky is a site of systematic economic deinstitutionalization and extraction. All that remains of a once thriving coal economy are towering effigies of a once lucrative industry – abandoned coal mines and lasting environmental devastation caused by mining activity. Mountain Top Removal, or RTM, is the process of blowing the tops off mountains with explosives to more easily extract the coal within, a process that destroyed the soil

quality and poisoned the surrounding waterways (Story 2019, 80-81). These man-made flat mountain tops have become the targets of federal prison construction. As in many rural places in the US, prison construction was pitched in eastern Kentucky as the solution to many intersecting crises. This impoverished community was asked to embrace the carceral state as “a kind of Keynesian development tool,” providing construction jobs, expanding access to water and gas lines, and other infrastructure lacking in such impoverished, rural areas (Story 2019, 86). What local un- and under-employed job seekers would realize, however, is just how difficult the promised federal prison jobs would be to secure. As a seminar held at a local high school explained,

All applicants would be drug tested and put through an extensive background check that would go back seven years or to their 16<sup>th</sup> birthday. All new hires would need a clean credit history and no criminal record. All new hires would have to be younger than 38 years of age. There would be a rigorous physical exam and interview process. County residents would be given no preference in the hiring process, and a four-year degree and previous institutional experience were “highly recommended” (Story 2019, 91).

Most local prospects were disqualified before applying, and those eligible to apply did so at a significant disadvantage. When construction concluded and hires made, about 60% of new jobs went to federal prison employees transferring in from other prisons (Story 2019, 91).

### **Shifting Borders of Carcerality**

The broad reach of the carceral state is the result of the continuously “mov[ing]...line of what counts as criminal to encompass and engulf more and more people into the territory of

prison eligibility” (Loyd et al., 2012, 43), and the very walls of the carceral state are also in motion, making it more difficult to distinguish the inside from the outside of the prison (Wang 2018, 39-40). Parasitic municipalities are expanding the borders of criminality by over-criminalizing and over-policing human behavior across the US, and predatory lenders feed on the desperation and suffering left behind. On this systemic edge, the distinction between the inside and outside of prisons is becoming increasingly blurred by the swelling use of community supervision. Appearing to many as humane alternatives to incarceration in America’s dangerous, overcrowded jails and prisons, community supervision (predominantly probation and parole) is little more than a new vein for parasitic governance to tap into and extract wealth from the dispossessed. People under community supervision are set up to fail, hindered not only by social branding as “felon” and “convict,” but by vague and varied rules and regulations, monthly fees, and victim restitution costs. In 2021, less than half (44%) of those exiting probation or parole did so after completing their term of community supervision. The majority had their probation or parole revoked for failure to comply with the rules, failure to pay the fees, or missed check-ins with their probation or parole officer. Of the 230,000 people who transitioned from community supervision to prison in 2021, 127,882 were rearrested and re-incarcerated for the same crime and sentence they had been released into community supervision for (Prison Policy Initiative 2023). For the poor, the cost of community supervision is too great to pay, the rules and regulations too vague and convoluted to follow, and the prison walls constantly encroach upon their freedom.

## References

- Calabresi, Steven, Berghausen, Mark; and Albertson, Skyler. 2012. *The Rise and Fall of the Separation of Powers*.  
<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1115&context=nulr>
- Chemerinsky, Erwin. 2021. *Presumed Guilty: How the Supreme Court Empowered the Police and Subverted Civil Rights*. New York, NY: W.W. Norton and Company, Inc.
- Davis, Angela. 2005. *Abolition Democracy: Beyond Empire, Prisons, and Torture*. New York, NY: Seven Stories Press.
- DeGooyer, Stephanie; Hunt, Alastair; Maxwell, Lida; and Moyn Samuel. 2019. *The Right to Have Rights*. London, UK: Verso.
- Desmond, Matthew. 2023. *Poverty, by America*. New York, NY: Penguin Random House LLC.
- Fisher, Mark. 2014. *Capital Realism: Is There No Alternative?* Hampshire, UK: Zero Books.
- Friedman, Lawrence M. 1993. *Crime and Punishment in American History*. New York, NY: Harper Collins, Inc.
- Gilmore, Ruth Wilson. 2007. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkley and Los Angeles, CA: University of California Press.
- Gilmore, Ruth Wilson. 2023. *Abolition Geography: Essays Towards Liberation*. London, UK: Verso.
- Harvey, David. 2003. *The New Imperialism*. New York, NY: Oxford University Press.
- Harvey, David. 2014. *Seventeen Contradictions and the End of Capitalism*. New York, NY: Oxford University Press.
- Levin, Sam. 2023. 'It Never Stops': Killings by US Police Reach Record High in 2022. The Guardian. January 6, 2023. <https://www.theguardian.com/us-news/2023/jan/06/us-police->

killings-record-number-2022.

Linebaugh, Peter. 2006. *The London Hanged: Crime and Civil Society in the Eighteenth Century*. London, UK: Verso.

LoBianco, T. 2016. *Report: Nixon's war on drugs targeted black people*. CNN. March 24, 2016. <https://www.cnn.com/2016/03/23/politics/john-ehrllichman-richard-nixon-drug-war-blacks-hippie/index.html>

Lopez, German. 2019. *The Controversial 1994 Crime Law That Joe Biden Helped Write, Explained*. Vox. June 20, 2019. <https://www.vox.com/policy-and-politics/2019/6/20/18677998/joe-biden-1994-crime-bill-law-mass-incarceration>.

Loyd, Jenna M, Andrew Burridge, and Matt Mitchelson. 2012. *Beyond Walls and Cages: Prisons, Borders, and Global Crisis*. Athens, GA: The University of Georgia Press.

Maher, Geo. 2021. *A World Without Police: How Strong Communities Make Cops Obsolete*. London, UK: Verso.

Miller, Richard Lawrence. 1996. *Drug Warriors & Their Prey: From Police Power to Police State*. Westport, CT: Praeger Publishers.

Natapuff, Alexandra. 2018. *Punishment Without Crime: How Our Massive Misdemeanor System Traps the Innocent and Makes America More Unequal*. New York, NY: Basic Books.

National Alliance to End Homelessness. 2022. *State of Homelessness: 2022 Edition*. National Alliance to End Homelessness. 2022. <https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness/>.

Parenti, Michael. 2007. *Contrary Notions: The Michael Parenti Reader*. San Francisco, CA: City Lights Books.

Patel, Raj and Moore, Jason W. 2017. *A History of the World in Seven Cheap Things: A Guide to Capitalism, Nature, and the Future of the Planet*. Oakland, CA: University of California Press.

Prison Policy Initiative. 2023. *Punishment beyond Prisons: Incarceration and Supervision by State*. [https://www.prisonpolicy.org/reports/correctionalcontrol2023.html?mc\\_cid=09c936ff83&mc\\_eid=234b67666e](https://www.prisonpolicy.org/reports/correctionalcontrol2023.html?mc_cid=09c936ff83&mc_eid=234b67666e).

- Rojas, Nikki. 2023. *Expert Looks at How and Why Police Resist Reforms to Militarization*. Harvard Gazette. March 3, 2023. <https://news.harvard.edu/gazette/story/2023/03/expert-looks-at-how-and-why-police-resist-reforms-to-militarization/>.
- Sassen, Saskia. 2014. *Expulsions: Brutality and Complexity in the Global Economy*. Cambridge, MA: The Belknap Press of Harvard University Press.
- Sinyangwe, Samuel. 2023. *Mapping Police Violence*. <https://mappingpoliceviolence.us/>.
- Story, Brett, dir. 2016. *The Prison in Twelve Landscapes*. Grasshopper Film.
- Story, Brett. 2019. *Prison Story: Mapping Carceral Power Across Neoliberal America*. Minneapolis, MN: University of Minnesota Press.
- Vitale, Alex S. 2018. *The End of Policing*. London, UK: Verso.
- Wang, Jackie. 2018. *Carceral Capitalism*. South Pasadena, CA: Semiotext(e).
- Waxman, Olivia B. 2017. *How the US Got Its Police Force*. Time. May 18, 2017. <https://time.com/4779112/police-history-origins/>.