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Punishment and Inequality in America

CHAPTER 3

The Politics and Economics of Punitive Criminal Justice

The American penal system is now the largest in the world. For young black men in inner cities, government presents itself mostly as the policeman, the prison guard, or the parole officer. By the end of the 1990s, criminal justice authorities had become a constant presence in poor urban neighborhoods. As recently as the late 1970s, however, the penal population was only one-quarter as large and young male ghetto residents did not routinely go to prison. Growth in the prison population was not directly related to a rise in crime. National crime trends did not track prison population growth. At the individual level, imprisonment became common for less-skilled blacks, but these men were less involved in crime in 2000 than in 1980. If the young men who fill the nation's prisons and jails aren't committing more crime than they used to, why are they setting records for incarceration?

Going beyond crime to explain the prison boom requires a theory of punishment, one that tells us why some acts are criminalized and carry the penalty of incarceration. Such a theory should help explain why the risks of imprisonment increased for those who were arrested, why time served in prison increased, and why the prosecution of drug crimes escalated so sharply. As we just saw, it was these developments in criminal processing,

rather than trends in crime, that account for the rise in imprisonment rates in the 1980s and 1990s.

This chapter traces increasing imprisonment to economic and political causes. Economic theories of punishment relate the scale of imprisonment to the standing of the underprivileged. From this viewpoint, rising economic inequality in America and the failure of urban labor markets to provide good jobs for young unskilled men in the 1970s and 1980s precipitated mass imprisonment in the 1990s. For political theories of punishment, the scale of imprisonment is shaped by conflicts over the definition and status of society's outsiders. In the 1960s and 1970s conservative politicians, mostly in the Republican Party, honed a law-and-order message that dramatized the problem of street crime and broadly hinted at black criminality. More suited to retribution than rehabilitation, criminals were targeted by tough new penalties for drug crimes, violence, and recidivism.

Underlying these political and economic explanations of mass imprisonment is a broader account of political reaction to the upheaval in American race relations through the 1960s and the collapse in urban labor markets for less-skilled men. The social turbulence of the 1960s—a volatile mixture of rising crime, social protest, and the erosion of white privilege—sharpened the punitive sentiments of white voters. The economic demoralization of less-skilled urban blacks in the 1970s presented a vulnerable target for the punitive turn in criminal justice. These were the basic preconditions for mass imprisonment.

These ideas about the sources of mass imprisonment are not new, but they have not been rigorously tested. Several studies have related differences in state imprisonment rates to differences in state politics, but this research has typically compared just a few points in time. Here I present a statistical analysis of state imprisonment with data on forty-eight states in every year from 1980 to 2000. These detailed data allow a stronger test of political effects, the effects of the Republican Party and criminal sentencing law. State-level studies do a good job of describing political differences, but a poor job of describing race and class inequalities in incarceration. I thus go on to examine inequality in prison admission rates for black and white men at different ages and levels of education. This analysis offers a strong test of the hypothesis that growth in the level of imprisonment is a by-product of increasing race and class inequality in imprisonment.

THE ECONOMIC ORIGINS OF THE PRISON BOOM

The pioneering research of Frankfurt School sociologist Georg Rusche viewed crime as a product of economic necessity, deterred only when the severity of punishment exceeded the ravages of poverty. Quoting George Bernard Shaw, Rusche observed that “if the prison does not underbid the slum in human misery, the slum will empty and the prison will fill.”¹ Historic forms of punishment—fines, torture, imprisonment—were shaped by historic variation in the economic situation of the dispossessed. The unemployed, representing the most wretched and crime-prone workers, occupied a special place in the theory. Lawmakers and judges were more lenient when labor was scarce and workers were fully employed. Punishment intensified and became more wasteful of labor when the economy slowed and workers were idle. Rusche’s innovation was to show that property owners and state officials responded, not to the criminality of individual offenders, but to the threat posed by the entire propertyless class. In this sense, the criminal justice system embodied a social conflict that pitted the forces of property against the lower classes.

The modern descendants of Rusche broadened his idea by arguing that the idle poor are not just a criminal threat: they also challenge the social order in a more basic way.² They may refuse to work, reject the dominant values of hard work and achievement, and advocate revolutionary change. Steven Spitzer described young crime-prone men at the bottom of the social ladder as “social dynamite,” evoking volatility more than chronic disadvantage.³ Perceiving this broader threat, authorities use crime control as part of a larger project to enforce conformity and maintain order among socially marginal groups that have come to include minority youth as well as the poor and unemployed.⁴

In the abstract, this description of punishment as a social conflict sounds conspiratorial. Would public officials really direct the state’s legitimate violence against those who are powerless? Research on criminal punishment suggests that this happens in three ways. First, legislators perceiving poor and marginal populations as dangerous or threatening may write criminal law to contain the threat. Laws against vagrancy offer a clear historical example of the criminalization of poverty. Markus Dubber argues that criminal possession has replaced vagrancy as the main statutory control on the poor. Like

vagrancy, possession offenses—which cover not just drugs, but drug paraphernalia, weapons, stolen property, and a host of other items—require no criminal intent. Possession punishes only the threat, rather than actual victimization. The abstract notion of regulating social threat is thus concretely expressed in the law of criminal possession.⁵

Second, police may scrutinize and arrest the poor more frequently than the affluent. They concentrate on poor urban communities in part because more daily life, and illegal activity, transpires in public space. Ethnographers suggest that the purchase and consumption of drugs, drunkenness, and domestic disturbances are more likely to take place in public in urban areas, but in private homes in the suburbs. Consequently, poor urban residents are more exposed to police scrutiny and risk arrest more than their suburban counterparts.⁶ The great social distance between the police and poor urban minorities also contributes to distrust on both sides. Police tend to view disadvantaged blacks and Hispanics and the communities in which they live as unsafe.⁷ The poor are treated with more suspicion as a result.

Third, judges may treat poor defendants harshly once in court. Tough sentences for the disadvantaged needn't imply that judges are acting out of animus. Such defendants may be considered with less empathy, and as being more blameworthy. Judges may also see poor defendants as having fewer prospects and social supports, thus as having less potential for rehabilitation.⁸ Studies of criminal sentencing that control for legally relevant factors like the seriousness of the crime and the defendant's criminal history have found the highest chances of incarceration among socially disadvantaged—either minorities or those living in high unemployment areas.⁹

Skeptics will say that the poor are arrested and incarcerated more than the rich because they commit more crime. But this misses the argument in two ways. First, if only the poor committed crime, we would still need to explain why they are punished more harshly at some times than others. Second, inequalities in punishment are not fully explained by inequalities in crime. In some cases, the law is enforced more aggressively against the disadvantaged. As we saw earlier, blacks and whites use drugs at similar levels, but the police have arrested proportionately more blacks than whites.¹⁰ In other cases, the marginal are clearly more involved in crime than the mainstream. The high rate of homicide and the high rate of incarceration for homicide among young African American men is probably the most important example. Real differences in criminality between blacks and whites influence authorities'

perceptions of the threat blacks may pose. But authorities' perception of blacks as threatening is sharpened by the low social and economic status of the black community. Like any organized social activity—run according to rules and routines—law enforcement and punishment are blunt instruments; they fail in the impossible task of meting out justice in a highly individualized way. Perceptions of black criminality—partly based on fact, partly colored by social disadvantage—are woven into the rules and routines of the police and the courts. In this way, law enforcement and court officials magnify inequalities in crime into larger disparities in punishment.

If the scale of punishment is produced by social conflict rooted in economic disadvantage, the growth in U.S. income inequality in the decades after 1970 was a potent force for prison expansion. The great economic losers of the new inequality were men with only a high school education. Without a college degree, these less-skilled men missed out on the technical and white-collar jobs that retained their value through the 1970s and 1980s. Young black men in urban areas were hit the hardest. As urban labor markets buckled under the loss of industrial jobs, minority neighborhoods in the Northeast and the Midwest descended into poverty and chronic joblessness. These trends suggest that income inequality, the unemployment rate, and perhaps black unemployment rates specifically are all associated with higher levels of imprisonment.

The economic decline of the ghetto, well under way by the mid-1970s, coincided with the take-off of the prison boom. Loïc Wacquant provides a historical and institutional analysis that views mass imprisonment as the latest of an evolving variety of social institutions confining and dominating African Americans.¹¹ In his analysis, slavery and Jim Crow in the South were succeeded by the northern ghetto. Through the first seven decades of twentieth century, the ghetto—the black city within the white—maintained racial separation, preventing blacks from fully participating in white society. The economic collapse of the ghetto and retrenchment of the welfare state ushered in a new institutional form of racial domination—the “prison hyperghetto.” For Wacquant, the prison in the era of the jobless ghetto functions to warehouse a population made superfluous by urban deindustrialization, but radicalized by the social movements of the 1960s.¹² Young black men drift back and forth between the prison and the ghetto, putting the stamp of custodial supervision on street life, and drawing the life of the street into the

institution. In this setting, the prison is “race-making”—an institution that contributes to a distinctively stigmatized collective experience among poor African Americans.¹³

There are flaws in this story, to be sure. White supremacy is more an assumption of the analysis than a contingent historical achievement of the agents of racial conservatism. We see little sign, then, of the concrete political forces driving institutional change. Still, the historical perspective is valuable and, even better, suggests a hypothesis. If mass imprisonment is a stage in the institutional evolution of American racial domination, the prison boom will likely have fallen most heavily on the most economically disadvantaged blacks. Not only would imprisonment have increased, but race and class inequality in imprisonment would have deepened. This is the sense in which mass imprisonment is race-making, attaching the marker of moral failure to the collective experience of an entire social group.

THE POLITICS OF THE PRISON BOOM

The economic account that couples labor market trends to prison growth is provocative but incomplete. The jobless ghetto supplied a pool of potential inmates, but policy makers had also to decide that crime, and street crime in particular, deserved imprisonment. In the early 1970s this decision was by no means obvious. Indeed, criminal justice experts had begun to doubt the utility of imprisonment. Advocates for prisoners’ rights protested the inhumanity of incarceration and the abuses of a justice system marked by large racial disparities.¹⁴

For most of the twentieth century, the main official objective of criminal justice was correction.¹⁵ Correction was served by tailoring sentences to individual cases. This system of indeterminate sentencing began with legislatures who gave judges wide latitude in determining whether an offender should go to prison. Conviction would not often result in incarceration. Instead, criminal offenders were assigned to community supervision under the charge of a probation officer. If sentenced to prison, the offender’s release was typically decided by a parole board that would consider the circumstances of an individual’s crime, criminal history, and measure the potential for rehabilitation. Parole supervision itself was intended to reintegrate criminal offenders into society.¹⁶ Traditionally, parole officers functioned partly as social workers, connecting their parolees to social services and job opportunities. David

Garland described this combination of indeterminate sentencing, corrections, and community supervision as “penal welfarism.”¹⁷ For the vast majority of convicted offenders, the criminal justice system was an extension of the welfare state—a government-sponsored effort to provide opportunity and lift society’s failures back into the mainstream.

In practice, judges and prison wardens adapted the ideals of penal welfarism to the administrative realities of criminal processing, and the goal of rehabilitation was regularly compromised.¹⁸ American prisons could be disorderly, understaffed, and poorly managed.¹⁹ In the South, the rehabilitative project was never fully accepted and prisons often remained instruments of racial domination and forced labor. Southern chain gangs that built the roads and prison farms that cultivated cotton demonstrated little of the rehabilitative philosophy officially adopted elsewhere in the country.²⁰ Still, the principles of individualized treatment and rehabilitation were engraved in the formal institutions of indeterminate sentencing and parole. Prison was not yet the default punishment for convicted felons, and penal confinement was reserved for the most dangerous and incorrigible.

The 1970s was a transitional decade in the history of American criminal justice. The official philosophy of rehabilitation was replaced by a punitive approach. Two political projects—the war on crime and the war on drugs—conceived of a new role for prisons, and a new array of offenses and procedures for criminal processing. In a time of rising crime and academic skepticism about rehabilitative programs, prisons were enlisted for a more modest purpose. They would incapacitate criminals who would otherwise be on the streets and deter those who might be tempted to offend. Drug users and the drug trade were seen as major sources of violent crime.²¹ If drug treatment could not prevent addiction, government must focus on reducing the drug supply by cracking down on drug trafficking. Although drug use was not increasing, the rate of drug arrests increased by about 250 percent from 1980 to 1996, driven by a sharp increase in arrests among minorities.²² By the end of the 1990s, nearly 60 percent of all federal prisoners were drug offenders, and the share of drug offenders in state prison had more than doubled.²³ No longer an extension of the welfare state, the new penal system of the 1990s fortified society against incursions by the criminal class.

The transformation of American criminal justice, through the wars on crime and drugs, needed an agent of change and a method for implementing the new punitive philosophy. The main agent was the Republican Party. The

key method for expanding the scale of imprisonment was a new regime of criminal sentencing that repudiated the philosophy of rehabilitation and its accompanying methods for individualized sentencing.

The Politics of Law and Order

Although the prison boom moved into high gear in the 1980s, its political origins are often traced to Barry Goldwater's presidential run in 1964.²⁴ Goldwater, in accepting the Republican nomination, warned of the "the growing menace in our country. . . to personal safety, to life, to limb, and property." Crime and disorder, he observed, were threats to human freedom and freedom must be "balanced so that liberty lacking order will not become the license of the mob and of the jungle." At the time, Goldwater's appeal had little basis in crime trends or public opinion. The murder rate in 1964 was no higher than five years earlier and fewer than 4 percent of Americans counted crime among the country's most important problems, compared to large majorities concerned with foreign affairs and civil rights.²⁵ Still, the Republican campaign of 1964 had linked the problem of street crime to civil rights protest and the growing unease among whites about racial violence. Although Goldwater was roundly defeated by Lyndon Johnson, conservatives within the Republican Party had taken a significant step to introducing a new kind of politics. Historically, responsibilities for crime control were divided mostly between state and local agencies. The Republicans had placed the issue of crime squarely on the national agenda. What's more, by treating civil rights protest as a strain of social disorder, veiled connections were drawn between the crime problem on the one hand, and black social protest on the other.

Despite Goldwater's defeat, the law and order message later resonated, particularly among southern whites and northern working-class voters of Irish, Italian, and German descent who turned away from the Democratic Party in the 1970s.²⁶ The social problem of crime became a reality as rates of murder and other violence escalated in the decade following the 1964 election. Through the 1960s, urban riots in Los Angeles, New York, Newark, Detroit, and dozens of other cities provided a socially ambiguous mixture of disorder and politics. Progressives saw in the riots disappointed aspirations for racial equality. Conservatives, however, decried the agitation of black militants intent on inciting violence.²⁷ Urban violence through the 1960s fanned the racial fears of whites, already discomfited by desegregation, black voting rights, and other civil rights victories.

Elevated crime rates and the realigned race relations of the post-civil rights period provided a receptive context for the law-and-order themes of the national Republican Party. The message was refined and sharpened by Republican presidential candidates in each electoral season over the next twenty years. In his 1970 State of the Union address, Richard Nixon declared war on “the criminal elements which increasingly threaten our cities, our homes, and our lives.” In 1982, Ronald Reagan extended the campaign against crime to a war on drugs that would introduce mandatory federal prison sentences for drug offenders.²⁸ In the 1988 contest, Republican candidate George Bush declared his strong support for the death penalty and charged his opponent Michael Dukakis with placating dangerous criminals. Bush’s Willie Horton campaign commercial signaled the dangers of black criminality and Democratic complicity in the threat. The penal welfare orthodoxy, and the Democrats, came under fire for offering more sympathy to criminals than crime victims: “There are some. . . who have wandered off the clear-cut path of commonsense and have become lost in the thickets of liberal sociology. . . when it comes to crime and criminals they always seem to ‘Blame Society First’. . . [Criminal justice under Dukakis is] a ‘Twilight Zone’ world where prisoners’ ‘right to privacy’ has more weight than a citizen’s right to safety.”²⁹ Rooted in reaction to civil rights social protest, and fueled by rising violent crime rates, the presidential politics of law and order had largely rejected the possibility, and perhaps even the desirability, of rehabilitation.

National politics illustrate the hardening of Republican crime policy, but governors and state legislators led the effort to rebuild the penal system. The law-and-order politics of the state Republican parties can be seen in Joseph Davey’s comparison of imprisonment trends in adjacent states in the 1980s and early 1990s. Five out of six states with the highest rates of imprisonment growth were governed by Republicans when state prison populations were growing most rapidly. Republican governors presided in fewer than half of the comparison states where incarceration rates changed little.³⁰ The clearest examples of aggressive law-and-order politics were provided by Governors John Ashcroft of Missouri and Carroll Campbell of South Carolina. From 1985 to 1993, when Ashcroft was governor, the Missouri imprisonment rate increased by 80 percent. During his two terms, Ashcroft cut state services by over \$1 billion, but spent \$115 million on new prisons and increased the annual correctional budget from \$87 million to \$208 million. The Missouri

legislature passed a range of severe penalties and Ashcroft pursued steep sentence enhancements for drug offenders.³¹ In South Carolina, Governor Campbell oversaw a 39-percent increase in imprisonment from 1986 to 1990. Like Ashcroft, Campbell supported harsh sentences for drug offenders. No-parole and mandatory minimum prison sentences for drug crimes were also adopted during Campbell's tenure.

Although Republican politicians promoted prison expansion and tough new criminal sentences, Democrats also supported an increasingly punitive criminal justice policy. Liberals had opposed the death penalty since its resumption in 1976, but by the early 1990s congressional Democrats were introducing bills carrying dozens of capital offenses. In 1991, Democratic Senator Joe Biden would boast: "The Biden crime bill before us calls for the death penalty for 51 offenses. . . . The President's bill calls for the death penalty on 46 offenses." Biden also voiced his support for the death penalty "without the racial justice provision in it," referring to a proposal to prevent capital punishment where there is statistical evidence of racial disparity.³² President Clinton's 1994 Violent Crime Control and Law Enforcement Act authorized funding for local police and imposed a ban on assault weapons—popular measures among big-city mayors—but also earmarked \$9.9 billion for prison construction and added life terms for third-time federal felons.³³ At the state level, Mario Cuomo, the liberal Democratic governor from New York conducted a massive increase in prison capacity. In Texas, incarceration rates grew more quickly under Democratic Governor Ann Richards than under her Republican successor, George W. Bush.³⁴ In short, Democrats also joined in the rejection of the penal welfarism, although they may have come later and with less enthusiasm to punitive criminal justice policy.

Anecdotes linking parties to crime policy can be marshaled on both sides. More systematic evidence is needed to weigh the influence of Republicans and Democrats on the prison boom. David Jacobs and Ronald Helms analyzed national time series and found that imprisonment rates grew quickly under Republican presidents, but slowly under Democrats.³⁵ National data are suggestive, but a stronger test studies the large political and penal differences between states. Jacobs and Jason Carmichael estimated the effects of Republican electoral strength on state incarceration rates.³⁶ They found that incarceration rates were higher in states with Republican legislatures and governors, more so in the 1990s than the 1980s. The issue remains unsettled, however. David Greenberg and Valerie West using similar data from the

1970, 1980, and 1990 censuses were unable to find any significant effects of Republican governors on state incarceration rates.³⁷

Criminal Sentencing

The legal framework for criminal processing—the system of sentencing and parole release—was a visible and vulnerable target for the new law-and-order politics. Before the mid-1970s, indeterminate sentencing let judges decide whether an offender would be sent to prison and the maximum time they might serve. The length of time actually served was not generally set at the trial but was instead determined in prison by a hearing of the parole board. In principle, the wide discretion of judges and parole boards enabled correctional treatment that could be tailored to individual cases. Although this permitted the indefinite incapacitation of prisoners viewed as dangerous or incorrigible, it also allowed the early release of those identified as having great potential for rehabilitation.

By the end of the 1960s, the discretion of judges and parole boards was assailed from the left and the right. Left-wing critics charged that police and judicial discretion enabled racial and class bias.³⁸ The American Friends Service Committee argued in their report *The Struggle for Justice* that “many distortions and corruptions of justice—such as the discriminatory use of penal sanctions . . . depend on the existence of wide margins of discretionary power.”³⁹ To remedy the abuse of discretion, they recommended short fixed sentences, the abolition of parole, and unsupervised street release.

Although activists on the left were concerned that judicial discretion led to excessive incarceration, conservatives feared that incarceration was not used often enough. In his book *Thinking About Crime*, policy analyst James Q. Wilson argued that criminals were not made in the poor and broken homes that dotted traditional criminology; they were born into the world wicked and covetous. Rehabilitation was a sentimental delusion for this tough-minded analysis. Incarceration could reduce crime only by locking away the hard cases and by deterring the opportunists.⁴⁰ To deter, punishment had to be certain and not left to the vagaries of the sentencing judge and the parole hearing.

Opposition to indeterminate sentences set in motion a wave of legislative activity that limited judicial discretion in criminal punishment.⁴¹ In 1978, in an effort to reduce race and gender disparities, lawmakers in Minnesota and Pennsylvania established the first sentencing commissions that developed

guidelines for judges. Twenty more states adopted sentencing guidelines over the next fifteen years. Arbitrary punishment was to be minimized by a grid that determined an offender's sentence by considering only the crime and the offender's criminal history. In at least nine states, guidelines were intended to help control prison growth, and imprisonment did grow more slowly through the late 1980s in these cases.⁴² Guidelines, however, may also have had the opposite effect of increasing the severity of punishment. The "psychology of the two-dimensional grid" leads to a more punishing approach to sentencing because the defendant's social context is eliminated from consideration.⁴³ The zeal for uniform treatment prevents judges from considering mitigating factors such as employment, education, and family situation—factors that would reduce sentences under an indeterminate scheme. Criminal history is also weighed relatively heavily, so repeat offenders may serve more time.⁴⁴

Sentencing guidelines were sometimes introduced as one piece of a two-part reform that also abolished early release through parole. The hearing that monitored an offender's conduct and rehabilitative potential was conceived as part of the correctional model of individualized treatment. Parole abolitionists were sometimes motivated to reduce discretion to prevent unfair treatment particularly for minority defendants. Often, however, parole was abolished as part of a tough-on-crime project that rejected rehabilitation and individualized treatment.⁴⁵ Maine disbanded its parole board first, in 1976 and fifteen states followed over the next twenty years. Another five states eliminated parole release just for violent or personal crimes.⁴⁶ Where parole was abolished, prisoners could earn early release by accumulating time off for good conduct. Like sentencing guidelines, parole abolition may increase prison populations. By applying broader standards for release than good conduct, parole release might reduce prison growth. Parole boards might also operate as a safety valve, adjusting release decisions to conditions of prison crowding.⁴⁷ The evidence for these effects is mixed, however. Thomas Marvel and Carlisle Moody found higher imprisonment rates in only one of the ten states they studied with mandatory release.⁴⁸ Violent offenders also spend more time in prison in states with discretionary parole release.⁴⁹

New mandatory minimum sentences also affected prison release. Mandatory minimums require offenders to serve a fixed period before the possibility of early release. Although mandatory minimum sentences were on the books in many states before 1970, they were disliked by judges and few ap-

peared to comply with the mandate.⁵⁰ From the 1970s, mandatory sentencing became popular among lawmakers eager to show their tough-on-crime credentials. The new generation of mandatory minimums was first adopted by New York Governor Nelson Rockefeller. A moderate Republican, Rockefeller had supported some of the country's leading drug treatment programs in the 1960s. By the early 1970s, he had become disillusioned by the failure of New York's drug treatment programs to stem the flow of new drug addicts. In 1973, he proposed mandatory life prison sentences for anyone selling or conspiring to sell heroin, amphetamines, LSD, or other hard drugs. Life sentences were not confined to drug dealers. Possession of more than an ounce of heroin or cocaine could also earn life in prison.⁵¹ The Rockefeller drug laws passed the state legislature in May 1973. High level drug dealers have served long prison sentences under the laws, but their broad scope has also swept up many small-time dealers. Jennifer Gonnerman tells the story of Elaine Bartlett, a twenty-six-year-old hairdresser and mother of four, who was offered \$2,500 to take four ounces of cocaine from New York City for sale in upstate Albany. A novice drug mule, Bartlett was caught in a sting operation and sentenced in 1984 to twenty years to life. She was released after sixteen years on a grant of clemency.⁵² Although the New York laws remained among the nation's harshest, by the mid-1990s, thirty-five other states had adopted mandatory minimums for drug possession or trafficking.⁵³

Mandatory minimum sentences were also widely adopted for repeat offenders. California's three-strikes law, passed in 1994, is the best-known example. Three-strikes, however, is a misnomer. The Californian law doubles sentences for serious second-time felony offenders. The third strike carries life in prison. The clearest case for disproportionate punishment arises for third-strike nonviolent felons. Sasha Abramsky's *Hard Time Blues* describes the third strike for Billy Ochoa, a lifelong heroin addict who supported his habit mostly by burglary and welfare fraud. After thirty-one arrests and six burglary convictions, Ochoa was on parole at age fifty-three and caught supplying false identities for food stamps and emergency shelter vouchers. The welfare fraud, valued at \$2,100, earned a sentence of 326 years at the New Folsom supermax prison.⁵⁴ The third-time enhancements, like Ochoa's, were the most severe, but the main burden of the Californian law falls on second-time offenders. A year after three-strikes was passed, 65 percent of those eligible—about ten thousand Californian prisoners—were estimated to be sentenced under the second-strike provision.⁵⁵ By adding time to the sentences

Table 3.1 Limited Judicial Discretion in Criminal Sentencing

States that Have:	1980	1990	2000
Sentencing guidelines ^a	2	10	17
Abolished or limited parole ^b	17	21	33
Three-strikes laws	0	0	24
Truth-in-sentencing laws ^c	3	7	40

Source: Author's compilations.

^aIncludes states with voluntary and presumptive guidelines.

^bIncludes states that limit parole release only for violent offenders.

^cIncludes states that mandate at least 50 percent of sentences be served for some offenses.

of large numbers of defendants with a single felony conviction, the California three-strikes law is probably the most severe in the country. Many other states also adopted some version of these provisions and by the mid-1990s, forty states had passed mandatory sentences for repeat offenders.

Mandatory minimums reduced an ostensibly dishonest feature of indeterminate sentencing: potentially severe sentences were allowed by law but seldom imposed by judges. So-called truth-in-sentencing measures sought greater transparency through greater severity, requiring offenders to serve a majority of their prison sentence. Truth-in-sentencing was applied mostly to violent crimes, although in Florida, Mississippi, and Ohio it applied to all prisoners.⁵⁶ The earliest truth-in-sentencing scheme was introduced in Washington state in 1984. The measures proliferated after federal law in 1994 authorized funding for additional prisons and jails for states mandating 85 percent of time served for serious violent crimes. By 1998, twenty-five states had adopted the 85-percent standard. Another seven require that at least half the sentence be served.⁵⁷

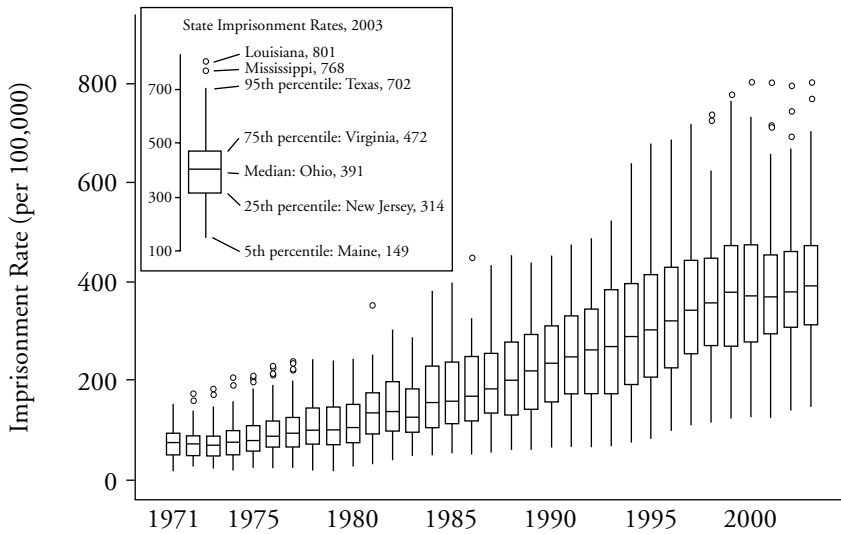
To gauge trends in criminal sentencing, I measured the presence of sentencing guidelines, parole release, three-strikes laws, and truth-in-sentencing laws in every state between 1980 and 2000. By these measures, the sentencing and release of offenders changed fundamentally through the two decades of the prison boom (table 3.1). Parole was widely abolished at an early stage, in seventeen states by 1980. Innovations like three-strikes and truth-in-sentencing were widely adopted only in the 1990s. State legislatures, by mandating minimum prison sentences and limiting the role of judges and parole boards, increasingly asserted control over the punishment of criminals. In

the courtroom, much of the power to incarcerate moved from judges to prosecutors. By choosing which charges to bring, prosecutors largely controlled a defendant's chances of going to jail.

I have so far described two main explanations for the growth in imprisonment in the thirty years after 1970. An economic explanation points to the steady rise in American economic inequality and high unemployment among poor urban blacks. A political explanation points to the influence of the law-and-order politics of the Republican party and the adoption of a tough new system of determinate sentencing. Researchers have studied these explanations empirically by examining times series of national incarceration rates and variation across states and over time. The state-level research capitalizes on large differences in penal systems across jurisdictions. The data sets of earlier research, however, were often sparse, examining only decennial census years and providing only coarse measures of changes in criminal sentencing. These limitations of data and measurement produced little agreement among the statistical studies. Some found strong evidence of the effects of economic inequality and political forces. Others did not.⁵⁸ I next provide a more comprehensive empirical test that examines incarceration in the states using annual data from 1980 to 2000. The analysis also introduces a detailed measure of changes in criminal sentencing.

INCARCERATION IN FIFTY STATES

There is more variation in imprisonment across the fifty states than between the United States and Europe. Figure 3.1 shows the distribution of state imprisonment rates each year from 1970 to 2003. Each box shows the incarceration rates spanning the middle twenty-five states (the 25th to the 75th percentiles). The median incarceration rate is marked by the line in the middle of each box. The whiskers extending from the box roughly span the first and last percentiles, with outliers marked beyond the whiskers. State imprisonment rates become more dispersed over time. State prison populations increased everywhere, but in some states more quickly than others. Louisiana, Mississippi, and Texas stand out for their extraordinary growth. Imprisonment rates in these three states increased by more than five hundred per hundred thousand from 1980 to 2003. By 2003, Louisiana's incarceration rate of 801 per hundred thousand was nearly two-thirds higher than the national average. Texas accounted for 7.5 percent of the U.S. population, but housed 13.1 percent of its state prisoners.

Figure 3.1 Annual Rates of State Imprisonment

Source: Author's compilations.

Note: Data are for all fifty states.

Inset: Boxplot for state imprisonment rates, fifty states in 2003.

Variation in imprisonment across the states between 1980 and 2000 helps us understand the effects of changing political and economic conditions. If mass imprisonment grew out of a bad labor market for black men, incarceration rates would likely have increased most in states with the largest increases in unemployment and income inequality. If law-and-order politics and tough-on-crime sentencing swelled prison populations we would expect to see incarceration rates rise in states that elected Republican lawmakers and installed determinate sentencing.

Table 3.2 lists socioeconomic conditions and political and legal factors that might affect a state's imprisonment rate. Many different labor market conditions may affect imprisonment, but researchers have focused on unemployment and income inequality.⁵⁹ Income inequality—measured by the Gini index of individual incomes—increased through the 1990s and may reflect the economic status of disadvantaged men better than unemployment. If the prison boom stems from joblessness, black men's unemployment rates

Table 3.2 Means of Imprisonment Rates and Predictors, Fifty States

	1980	1990	2000
State-level incarceration			
Imprisonment per 100,000	120.1	241.6	388.2
Socioeconomic predictors			
Unemployment rate (percentage)	6.8	5.4	3.8
Unemployment rate, black men (percentage)	12.4	11.0	7.0
Young jobless noncollege men ^a (percentage)	1.2	1.6	1.5
Gini index of incomes	45.2	44.6	46.2
Percentage black in state population	9.4	10.1	10.9
Legal and political predictors			
Determinate sentencing index (0 to 4 points)	.3	.6	2.0
Percentage Republican governors	37.5	43.8	66.7

Source: See Appendix.

^aNoncollege men age nineteen to forty-five not in labor force as percentage of noninstitutional men age nineteen to forty-five.

may also be a better predictor of incarceration than the overall unemployment rate. Unemployment rates go up and down with the business cycle and do not capture the chronic joblessness associated with ghetto poverty. To tap this more enduring unemployment, I also measured the proportion of men under forty-five in the population who have only a high school education and who have dropped out of the labor force.

Viewing punishment as a social conflict led a number of researchers to study not only the economic status of outsiders but also their race. States with large black populations have been found to have high rates of imprisonment.⁶⁰ The proportion of African Americans varies more across states than over time. Still, recent changes in the geographic distribution of the black population reflect an important trend. Declining employment in the manufacturing centers of the Midwest and Northeast in the 1960s and 1970s reversed a northern migration that dated from the early decades of the twentieth century. Blacks returned to the South in the two decades after 1980, increasing their populations in states such as Georgia, North Carolina, and Florida.⁶¹

Two kinds of measures tap the changing political context of criminal processing. First, the Republican realignment is indicated by changes in the number of Republican governors. More than half of all governors were Democrats in 1980, but this number had fallen to a third by 2000 (table 3.2).⁶² Determinate sentencing proliferated as Republicans gained power. A four-point scale combining information on sentencing guidelines, parole abolition, truth-in-sentencing laws, and three-strikes laws, increases from a mean of .3 to 2.0 between 1980 and 2000. Whereas determinate sentencing measures were uncommon in 1980, most states had adopted at least two kinds of limits on judicial discretion by 2000.⁶³

The economic and political sources of incarceration may be confounded with the effects of crime, urbanization, the growth in spending on police. I therefore control for all these factors in the data analysis. I also take account of citizens' political liberalism, which may lead states to implement more lenient criminal justice policy and elect Democratic governors and legislators.

Panel data like these, which vary across time and space, allow a strong empirical test of causal claims. In addition to the predictors that may influence imprisonment, the analysis can adjust for enduring, but unobserved, traits of states that do not vary over time. These state effects account for all factors that do not change over time but have been left out of the study and may be related to the predictors. For example, incarceration rates may have been historically high in some southern states like Georgia and Mississippi because of a southern culture of violence that urges retribution against law-breakers.⁶⁴ The culture of violence is a relatively fixed characteristic of southern states and its influence is absorbed by the state effects. We can take the analysis a step further by adjusting for factors that vary over time but not across states. These year effects can adjust, for example, for the nationwide trend to rising incarceration. The state and the year effects together provide a stringent empirical test of the effects of the political, legal, and socioeconomic sources of state imprisonment.

Table 3.3 reports the regression results. The data analysis provides uneven evidence for the effects of the labor market on the scale of imprisonment. When state effects are accounted for, the negative effects of the unemployment rate and black men's unemployment rate indicate that rising joblessness is associated with a falling incarceration rate (table 3.3, column 1). The negative effects of unemployment are due to the tight labor market at the end of 1990s: imprisonment rates increased while joblessness was falling.

Table 3.3 Regression Analysis of Imprisonment Rates, 1980 to 2000

	Effect on State Imprisonment (Percentage)	
	(1)	(2)
Socioeconomic effects		
1 point rise in unemployment rate	-4.1*	1.1*
1 point rise in black men's unemployment rate	-1.0*	.2
1 per 1,000 rise in share of young jobless noncollege men	2.3*	4.6
1 unit rise in Gini index of incomes	-1.4*	-.7
1 point rise in black population share	1.6*	-.3
Legal and political effects		
Change from Democratic to Republican governor	13.8*	5.7*
1 point rise in 4-point determinate sentencing scale	12.8*	-4.8*
Including state effects?	Yes	Yes
Including year effects?	No	Yes

Source: Author's compilations.

Note: Estimates are for forty-eight states, from a regression of log state imprisonment rates on murder, nonlethal violent crime, property crime, noncollege joblessness, percentage black, percentage urban, determinate sentencing scale, Republican governor, state spending on police, and citizen's liberal ideology ($N = 1008$, $R^2 = .86$ with state effects, $R^2 = .96$ with state and year effects). Other estimates are obtained by replacing noncollege joblessness with unemployment, black men's unemployment, or the Gini index. All predictors except the sentencing index are lagged one year.

* $p < .01$

Adding year effects removes from the analysis these nationwide trends in unemployment and incarceration (table 3.3, column 2). Because states with high unemployment rates have high incarceration rates, adjusting for year effects brings the expected result: slack labor market conditions are associated with increased criminal punishment. The more fine-grained measure of joblessness among young noncollege men yields stronger evidence for the link between unemployment and incarceration. If the fraction of jobless, less-skilled young men in the population increases by a tenth of a percentage point, the imprisonment rate is estimated to rise by between about 2 and 4 percent. In Texas, for example, this population increased by half a percentage point between 1980 and 2000, producing an estimated rise in state impris-

onment between 10 and 20 percent. Because the Texas imprisonment rate increased by more than 200 percent in the two decades from 1980, the effect of the less-skilled jobless population is in fact quite small.

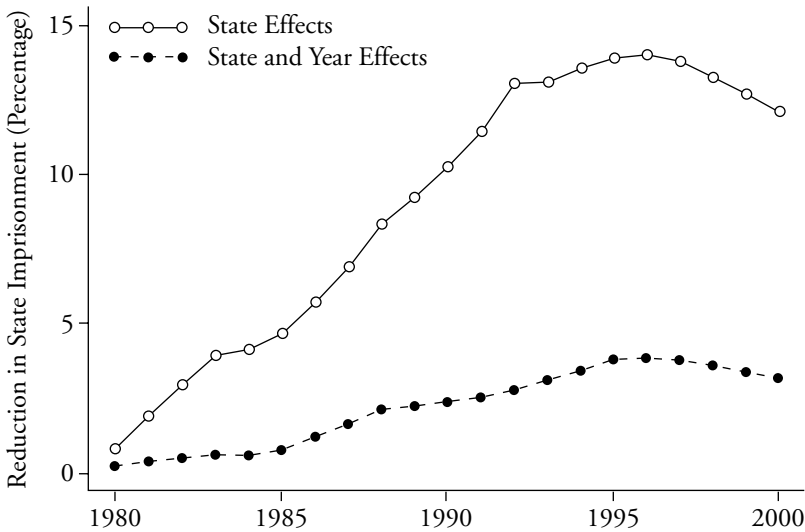
The remaining socioeconomic effects—the Gini index of income inequality, and the size of a state's black population—are not strongly supported by the data analysis. The estimated effect of income inequality on incarceration is very close to zero. The state effects model indicates that, where the black population grew, incarceration rates tended to rise. This suggests that the return of blacks from the rustbelt cities of the Northeast and the Midwest to states such as Georgia, Louisiana, Maryland, and Mississippi contributed to growth in those prison populations. When year effects are added, however, the effect is estimated to be negative rather than positive and is not statistically significant.

The socioeconomic effects are only modestly supported by the statistics, but evidence is stronger for the effects of political parties. There is strong evidence that imprisonment rates have grown faster under Republican governors. Accounting for state effects shows that imprisonment rates are about 14 percent higher under Republicans than under Democrats. The estimated effect is only a third as large when year effects are added, but the results remain statistically significant.

In the state effects model, the twenty-year reduction in judicial discretion in sentencing and release is closely associated with prison growth (table 3.3, column 1). Low-incarceration states like Maine and Minnesota led in adopting determinate sentencing, but those that followed this path experienced the largest increases in imprisonment. For example, a state that abolishes its parole board (a 1-point increase in the sentencing scale) undergoes an estimated 13-percent rise in its imprisonment rate. Because indeterminate sentencing was adopted early by states with low-incarceration rates, adding year effects yields a negative relationship between indeterminate sentencing and the imprisonment rate (table 3.3, column 2). The quantitative data thus fails to provide a clear signal that determinate sentencing raised the state imprisonment rate.

The data on state imprisonment strongly indicates the effects of Republican lawmakers and joblessness among less-skilled men. If the share of non-college young men without jobs and the number of Democratic governors had remained at 1980 levels, would the incarceration rate have been much lower through the 1980s and 1990s? We can predict the trend in carcera-

Figure 3.2 Reduction in Imprisonment if Partisanship and Percentages Are Unchanged



Source: Author's compilations.

tion, assuming that 1980 political and labor market conditions endured over the following twenty years. Figure 3.2 shows the percentage reduction in the state imprisonment rate attributable to the political and labor market conditions for the state effect and state-year effect models. The statistical analysis indicates that by 2000 the imprisonment rate would be between 4 and 12 percent lower had the Democrats maintained their electoral advantage and the share of less-skilled jobless men in the population remained at its low 1980 level. These effects are quite modest and suggest that much of the rise in imprisonment would have occurred even without the growing dominance of the Republican party and the deteriorating labor market situation of less-skilled young men.

Many of the measures of labor market conditions failed to show a strong relationship to the scale of punishment. Various measures of unemployment and the Gini index of income inequality were not consistently related to state imprisonment rates. Other research has produced similarly weak results. Several recent papers have estimated the effects of unemployment rates, income

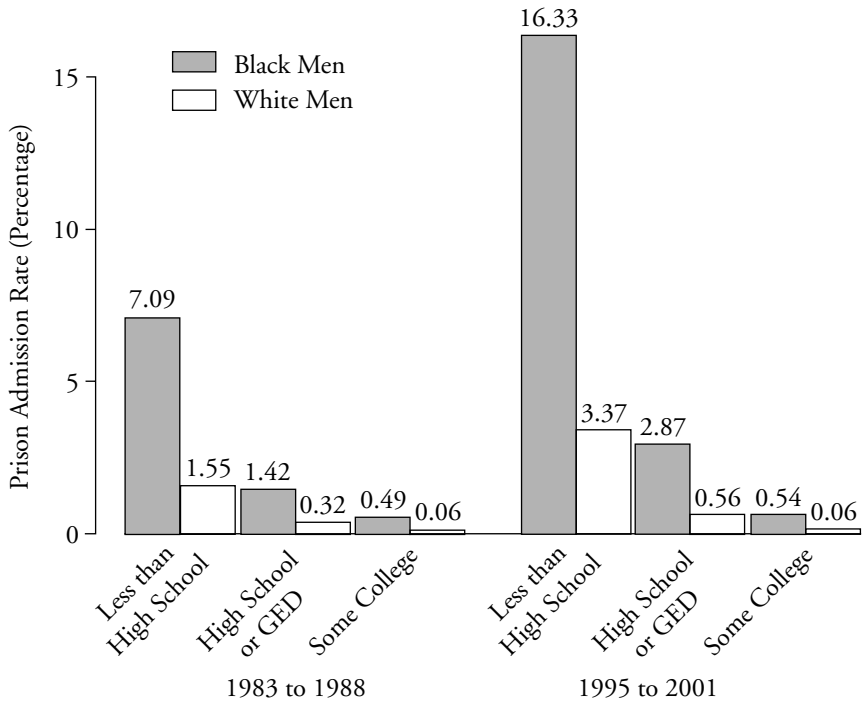
inequality, and poverty, but report weak evidence of the effects of these economic conditions on state imprisonment.⁶⁵ This is partly a problem of research design. The state-level analysis focuses on aggregate incarceration rates and labor market indicators, not on the incarceration and economic status of the most disadvantaged. The aggregated approach of the state analysis thus misses a central implication of labor market theories of incarceration: economic inequality expands criminal punishment among the disadvantaged by increasing inequality in incarceration.

DISAGGREGATING INCARCERATION RATES

To study whether economic inequality is related to the level of imprisonment through its effects on inequality in imprisonment, we need a different kind of research design. Instead of examining aggregate imprisonment rates, we calculate the risk of imprisonment for white and black men at different ages and levels of education. These disaggregated prison admission rates are related to disaggregated measures of wages and employment.

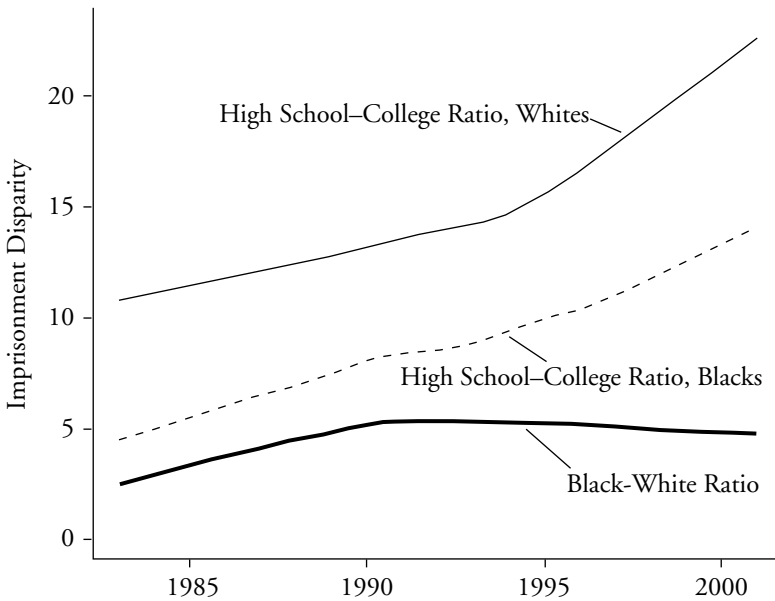
The aggregate statistics studied so far conceal large race and class disparities. To analyze race and class disparities in imprisonment, I constructed detailed figures using the annual census of prison admissions, the National Corrections Reporting Program (NCRP). The data, available from 1983 to 2001, record the age, education, and race of every prisoner released in thirty-eight states, covering 80 to 90 percent of the total prison population.⁶⁶ I estimated prison admission rates separately for black and white men at ages twenty to twenty-four, twenty-five to twenty-nine, thirty to thirty-four, and thirty-five to thirty-nine, for high school dropouts, high school graduates, and those with at least some college. The steep educational inequalities in prison admissions among young men are shown in figure 3.3. Regardless of race, high school dropouts are five times more likely to go to prison than high school graduates. Prison admission rates rose significantly for less-educated men from the early 1980s to the late 1990s but little among the college-educated. The combination of racial and educational inequality strikingly affects young black male dropouts. One in six black male dropouts per year went to prison in the late 1990s. The protective effects of college education are also clear; fewer than 1 percent of college-educated black men were admitted to prison in the late 1990s.

To isolate the effects of social control directed at the disadvantaged, analysis of these prison admission rates must also account for the effects of crime. I

Figure 3.3 Noninstitutional Men Annually Entering Prison

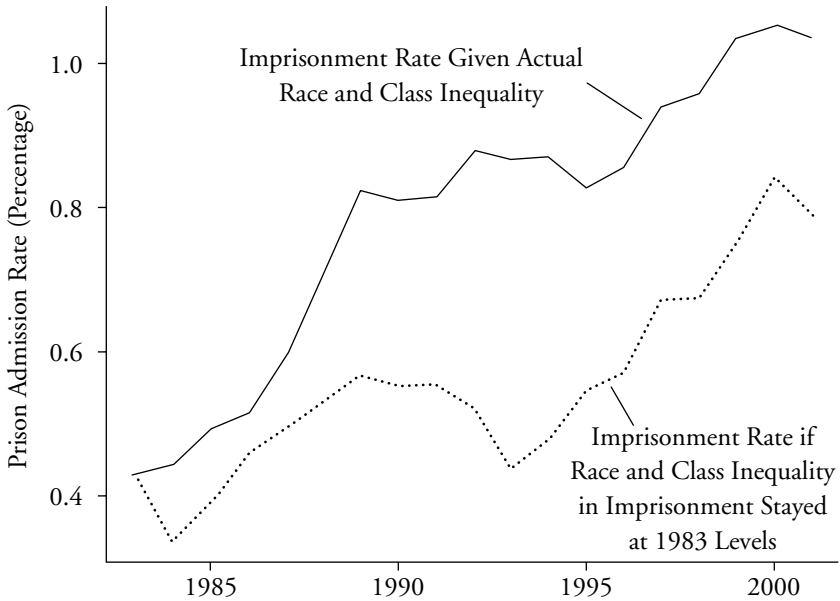
Source: Author's compilations.

measure crime with disaggregated data on victimization. Because violent crime usually involves victims and perpetrators with similar social status, crime among blacks and whites at different levels of education can be tapped with victimization data from the National Crime Victimization Survey (NCVS). The NCVS annually asks respondents about their exposure to violence over the past year. The data can be used to construct violent victimization rates—the number of victims of violence divided by the population—for different offenses and for different subgroups.⁶⁷ As in the state analysis, I also sometimes use fixed effects, in this case to capture the propensity to crime that varies by age, race, and education. Analyzing disaggregated admission rates and adjusting for fixed effects introduces far more detailed information about the risks of incarceration than in earlier research. If increased inequality influences imprisonment by raising incarceration most among the disadvantaged, this disaggregated analysis is more likely to detect the effect.

Figure 3.4 Inequality in Admission Rates

Source: Author's compilations.

To describe how inequality in imprisonment has changed over time, I begin by calculating for each year, the chances of imprisonment among blacks compared to whites, and among the high school educated (graduates and dropouts) compared to the college educated, controlling for age and violent crime. We can think of these ratios as measures of race and class inequality in imprisonment. Figure 3.4 plots the trends in race and class inequalities in U.S. state prison admission between 1983 and 2001 for men aged twenty to thirty-nine. Racial inequalities in prison admission increased a little in the 1980s, but for most of the period blacks were around five times more likely to go to prison than whites. Class inequality in imprisonment increased significantly. Whereas high school-educated blacks were five times more likely to go to prison in 1983, by 2001 the relative disparity in imprisonment had grown threefold. Although prison admission rates are five times lower for whites than blacks, class inequality in imprisonment is higher among whites. By 2001, whites with only a high school education were more than twenty

Figure 3.5 Prison Admission Rates

Source: Author's compilations.

times more likely than their college-educated counterparts to go to prison, controlling for age and educational differences in violent crime.

With rising levels of education, the high school educated may be less able, and more marginal, than in the past. Trends in educational inequality in imprisonment may just reflect increasing criminal propensity in a shrinking pool of low achievers. Shifts in carceral inequality are unlikely to be an artifact of rising education, however. Although the number of dropouts fell between 1983 and 2001, the share of graduates increased, meaning that the proportion of high school educated has not fallen much, certainly far too little to account for the large increases in educational inequality. College, too, has become less selective over time. We might therefore expect rising incarceration among men with higher education. All the increase in prison admission, however, is concentrated among noncollege men.

Part of the growth in prison admission rates is attributable to the large increase in class inequality indicated by the escalation of imprisonment among men with little schooling. What if prison admission among high school

graduates followed its actual path, roughly a twofold increase, but educational inequality in prison admission remained at its 1983 level. How much did the increase in inequality in imprisonment add to the overall growth of prison admission? Figure 3.5 answers this question by showing prison admissions, given observed trends in educational inequality, and assuming educational inequality in imprisonment was unchanged since 1983. By 2001, the prison admission rate for all men, aged twenty to thirty-nine, would be 20 percent lower if the relative risk of imprisonment had not increased so much among high school dropouts.

We can take the analysis a step further by relating inequality in imprisonment to trends in the labor market. The rise in the risk of imprisonment among less-educated men may be related to trends in their earnings and employment. I studied the link between men's labor market status and their risk of going to prison by calculating the median weekly earnings and employment rates of black and white men at different ages and levels of education.⁶⁸

Estimates of the effects of earnings and employment on prison admission are shown in table 3.4. When data for black and white men are analyzed together, a \$100 increase in weekly pay—roughly the earnings gap between

Table 3.4 Regression of Admission Rates, 1983 to 2001

	Effect on Prison Admission (Percentage)
All men	
\$100 increase in weekly pay	-31.6*
10 percentage point increase in employment	-10.4
White men	
\$100 increase in weekly pay	-41.1*
10 percentage point increase in employment	17.5
Black men	
\$100 increase in weekly pay	-25.9*
10 percentage point increase in employment	-15.6*

Source: Author's compilations.

Note: Regression for all men also includes controls for violent crime and race-age-education effects. Results for black and white men control for violent crime and age-education effects.

*Statistically significant at $p < .01$ level.

dropouts and high school graduates—is associated with a 32-percent decline in the chances of imprisonment. A 10-percent increase in employment rates—roughly equal to the dropout-graduate employment gap among whites—is associated with a 10-percent reduction in prison admissions, though this result is not statistically significant.

There are clear race differences in the effects of labor market status on incarceration. Among whites, the growing chances of going to prison are only significantly associated with wages, not employment. A \$100 increase in wages is estimated to lower the chances of imprisonment by about 40 percent. Among blacks, both wage and employment trends are significantly associated with incarceration. A \$100 increase in pay is estimated to reduce the chances of going to prison by about one-quarter. The \$30 drop in pay among black dropouts between the mid-1980s and the late 1990s is estimated to have raised prison admissions by about 8 percent. Employment trends were not significantly related to incarceration among whites, but among blacks, a 10-percentage-point increase in the employment rate is associated with a 15-percent increase in the chance of imprisonment. Between the mid-1980s and the late 1990s, employment rates for black dropouts fell 7 percentage points, increasing their chances of going to prison by 11 percent. The declining wage and employment rates of young less-skilled black men through the 1980s and 1990s is thus estimated to have increased their chances of imprisonment by about 20 percent. In sum, there is strong evidence that deteriorating labor market status is closely associated with increasing risks of imprisonment.

CONCLUSION

This chapter provides evidence that the prison boom is the product of fundamental economic and political changes in American society. Rapid growth in incarceration among young, black, noncollege men closely followed the collapse of urban labor markets and the creation of jobless ghettos in America's inner cities. The traditional research method, looking at differences in incarceration across states, offered little suggestion that the prison boom was fueled by the poor job prospects of less-skilled blacks. Shifting the focus to race and class inequality in imprisonment, however, showed that incarceration had increased most among those whose jobless rates were highest. Class inequality in imprisonment increased dramatically from 1983 to 2001, con-

tributing about 20 percent to the rise in risk of prison admission. By the early 2000s, the chances of imprisonment were more closely linked to race and school failure than at any other time in the previous twenty years.

The political context for the shifting demography of imprisonment is provided by a resurgent Republican party and a fundamental reform of criminal sentencing. Republicans' law-and-order politics grew out of reaction to the gains of the civil rights movement and anxieties about rising crime among white voters. Republican governors rejected rehabilitation, expanded prison capacity, and turned the penal system to the twin tasks of incapacitation and deterrence. Indeterminate sentences were discarded as legislators worked to limit the discretion of judges and parole boards. The quantitative evidence offered mixed evidence that determinate sentencing raised imprisonment rates. The effects of partisanship were less ambiguous: there is a strong quantitative indication that Republican governors promoted the growth of the penal system.

Of course, these political and economic accounts of the prison boom are closely connected. The political and economic causes of the prison boom are vitally implicated in the disappointed promise of the civil rights movement. The growth in violence among the ghetto poor through the 1960s and 1970s stoked fears of white voters and lurked in the rhetoric of law and order. Crime, however, did not drive the rise in imprisonment directly, but formed the background for a new style of politics and punishment. As joblessness and low wages became enduring features of the less-skilled inner-city economy, the effects of a punitive criminal justice system concentrated on the most disadvantaged.

APPENDIX: ANALYSIS OF STATE IMPRISONMENT

Variables used in the regression analysis of state imprisonment included:

PRISON ADMISSION RATES State prisoners per hundred thousand residents were assembled from BJS data on incarceration rates for prisoners under state jurisdiction.⁶⁹

MURDER, VIOLENT, AND PROPERTY CRIME RATES Offending rates are taken from the Uniform Crime Reports.

LABOR MARKET MEASURES Unemployment jobless rates and Gini indexes were estimated using the Outgoing Rotation Group Files of the Current Population Survey.⁷⁰

DETERMINATE SENTENCING INDEX Information on parole abolition, truth in sentencing, and sentencing guidelines was compiled from the Bureau of Justice Assistance, Paula Ditton and Doris Wilson, Michael Tonry, and Tamasak Wicharaya.⁷¹

REPUBLICAN GOVERNORS Data were collected from Carl Klarner⁷² and state sources.

With panel data and a large number of possible covariates, the number of plausible models is very large. The reported results were estimated with least squares. Smaller standard errors can be obtained by adjusting for heterogeneity in the error variances. Larger standard errors are obtained by adjusting for autocorrelation. Residual autocorrelation in the regressions average .63 across states. A first difference specification eliminates autocorrelation and yields significant, though smaller, effects for Republican governors and indeterminate sentencing.

APPENDIX: ANALYSIS OF THE DISAGGREGATED INCARCERATION RATES

PRISON ADMISSION RATES The prison admission rate is defined as the number of people annually entering the custody of state or federal prison as a percentage of the noninstitutional civilian and military population. Annual age-race-education cell proportions were calculated from the NCRP.⁷³ These cell proportions were then multiplied by aggregate counts of male admissions obtained from the National Prisoner Statistics Series (NPS-1) of the Bureau of Justice Statistics. The NCRP data yield similar age-race distributions to the *Survey of Inmates of State and Federal Correctional Facilities*. However, levels of schooling in the NCRP tended to be lower than in the inmate survey. The denominator of the admission rate—the population at risk of going to prison—was calculated from the Outgoing Rotation Groups files of the CPS, and counts of military personnel obtained from the Department of Defense.

EARNINGS Earnings are measured annually by the median weekly earnings of each age-race-education cell for all male workers, deflated by the CPI-U. Earnings are earnings-weighted figures from the Outgoing Rotation Group files of the CPS. Additional analysis examined earnings for full-time full-year workers, and measures of earnings relative to different percentiles of the earnings distribution, but these alternative specifications yield results identical to those reported in the paper.

EMPLOYMENT Employment is measured by the employment to population ratio of each age-race-education cell for the male noninstitutional and civilian and military population. Employment rates are calculated from survey-weighted data in the Outgoing Rotation Group files of the CPS and counts of military personnel from the Department of Defense.

VIOLENT CRIME Violent crime is measured by the total number of personal crimes suffered as a proportion of the civilian noninstitutional population. The number of criminal victimizations is given by the incident-based files of National Crime Victimization Survey.⁷⁴ Victimization rates are calculated separately for blacks and whites, aged twenty to fifty, at different levels of education. Denominators for the victimization rates were taken from the Outgoing Rotation Groups files of the CPS.

