

Misconceptions and Certainties Concerning the Impetus and Effects of the “Prison-Industrial
Complex”

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Examples of physically exploitative labor exist worldwide. More specifically, one “labor phenomenon” has been the subject of contemporary debate. That subject is often labeled the “Prison-Industrial Complex” (hereafter, “Complex” for short). This paper explores how observing the prisons and prison labor that constitute the Complex is not a flat-footed task, for there are both misconceptions and certainties. Regarding misconceptions, the Complex is not exclusively upheld by the privatization of prisons and profits that arise by that privatization. The arguments behind these misconceptions are developed in the first part of the paper. Regarding certainties, the Complex is more largely motivated by white supremacist “rehabilitative ideology” for drug offenses, and its continued existence fueled by the debate over what constitutes slave labor. The arguments behind these certainties are explored in the second part of the paper.

Part I

A popular misconception of the Complex, according to Julia Sudbury, is that it financially benefits, or profits, the public sector of the U.S., which is controlled by the federal government.¹ Sudbury replies to this misconception with an argument that the opposite is true.² She claims those who profit more are outside of the public sector due to the amount of money required to run prisons at the public level.³ Indeed, those who are profiting most from the Complex are those outside of government regulatory confines:

¹ Julia Sudbury, "A World without Prisons: Resisting Militarism, Globalized Punishment, and Empire." 12.

² Ibid.

³ Ibid.

Prisons not only *cost* money, but also *generate* large revenues for powerful corporate interests as well as local businesses and real estate owners in the towns where prisons are sited . . .⁴

Rather than the government, according to Sudbury, the Complex benefits mainly in the realm of the private sector, which is made up of private industries, organizations, and individuals free to exercise without blatant governmental affiliation: “The prison-industrial complex is a symbiotic and profitable relationship between politicians, corporations, the media, and state correctional institutions that generates the racialized use of incarceration as a response to social problems rooted in the globalization of capital.”⁵

Sudbury claims that these listed organizations profit by virtue of the inmates responsible for the construction and operation of such prisons: “Construction companies, architects, and the suppliers of high-tech surveillance equipment and other materials earn profits when a new prison is built to create beds for the perpetually swelling ranks of women, men, and children sentenced to time behind bars.”⁶ Though these jobs would remain present despite the existence of the Complex, Sudbury responds with the claim that it is the amplitude of prison construction that swells when the need for more prisons, additionally, swells, as observed in the 1990s, where a multi-billion dollar market resulted.⁷ That market resulted through, for example, companies such as the (now defunct) Lehman Brothers turning “prisons into a commodity on the stock market and investors into jailors.”⁸ As such, Sudbury posits that the formula is as follows: more labor in constructing prisons amounts to more prison systems, which, in turn, amounts to more labor for

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

prison inmates, resulting in more profits to those who control or provide coverage of the prison system.⁹ From Sudbury's perception, the relationship between profit and prisons is most pervasive in the private sector.¹⁰

What's more, Sudbury cites other somewhat atypical groups which likewise profit from the prison system—those which are media-related.¹¹ A multitude of films, documentaries, and television programs, all of which concern prisons, are produced each year and sold to media services, and the funds are afterward allocated back to the prisons.¹² She additionally claims impoverished towns have benefitted from prison labor through tax breaks, cheap land, and other incentives: "With the U.S. prison population increasing 295% in just under two decades, prisons became the primary growth industry in rural areas during the late 1980s and 1990s."¹³ Essentially, Sudbury claims the Complex additionally benefits certain cities as a result of surplus land and industrialized punishment, both of which are critical economic development strategies for those urban towns.¹⁴ Overall, Sudbury argues the Complex benefits numerous, particular groups of people rather than one generalized, abstract entity that constitutes the "government," and it is the privatization of the prison system that moreover lends itself to monetary gain.¹⁵

More on that front regarding privatization of prisons: recent statistics concerning the privatization of a percentage of the prison system may be found below:

In 2015, the most recent year for which data are available, about 126,000 prisoners were held in privately operated facilities under the jurisdiction of 29 states and the federal

⁹ Ibid, 13.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid..

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

Bureau of Prisons. That's an 83% increase since 1999, the first year with comparable data, according to the Bureau of Justice Statistics (BJS). By comparison, the total U.S. prison population increased 12% during that span.¹⁶

Mary K. Ryan conducts an in-depth look at the ramifications of this privatization in declaring an intersection between private business and prisons: "It reveals the friction between the need for profit versus crime control and the relationship between private profit and public cost."¹⁷ Ryan posits a radical transformation of the prison system which has resulted in its transportation to the private sector or stripping away from the public sector. In doing so, Ryan insists a monetary value has been imposed on the prison system, which is clear incentivization to keep increasing that value in an effort to maximize capital.¹⁸ In order to better understand the results of privatization and how that factors into her argument, one must understand the word itself.

The Economic Times describes privatization as "The transfer of ownership, property, or business from the government to the private sector is termed privatization. The government ceases to be the owner of the entity or business."¹⁹ In other words, the idea of privatization is that because private prisons are no longer subject to government authority, and by virtue, governmental regulations, they are less restricted.²⁰ The private sector is not as strictly parented by governmental authority as is the public sector.²¹ This disparity allows for more legal freedom on behalf of private prisons.²² According to Ryan, the lack of restrictions results in a need to hoard profits without the overlooking watch of the government, and that hoarding leads to an

¹⁶ Abigail Geiger, "U.S. Private prison population has declined in recent years."

¹⁷ Mary K. Ryan, "The Future of the Global Prison Industrial Complex." 1.

¹⁸ Ibid, 4.

¹⁹ "Definition of 'Privatization.'" *The Economic Times*.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

accumulation of more and more prisons to invoke labor on inmates, which in turn, translates to profits in the wallets of other industries:

More than 37 states in the United States have legalized the contracting of prison labor by private corporations that mount their operations inside state prisons. Contracting companies include: IBM, Boeing, Motorola, Microsoft, AT&T, Wireless, Texas Instrument, Dell, Compaq, Honeywell, Hewlett-Packard, Nortel, Lucent Technologies, 3Com, Intel, Northern Telecom, TWA, Nordstrom's, Revlon, Macy's Pierre Cardin, and Target Stores. Just between 1980 and 1994, profits [of these companies] went up from \$392 million to \$1.31 billion.²³

That mentioned labor, according to Ryan, is manual and unskilled.²⁴ Examples of these kinds of labors are provided by Cynthia Young, who says that prisoners make lingerie and sew jeans for clothing stores, shrink wrap products for Microsoft, and stock shelves for retail stores.²⁵ To Ryan, the bank accounts of these particular corporations have swelled due to the explosive amount of labor arising from privatization of some prisons, as seen from the nine hundred and eighteen million figures listed above.²⁶ That swelling is due to the fact that in some states private prisons are able to exploit prison laborers to work for much less money than do regular workers:

State penitentiary inmates usually receive minimum wage for their work, but Colorado has paid as little as \$2 per hour. In privately-run prisons, inmates receive as little as 17 cents per hour for a maximum of six hours a day, the equivalent of \$20 per month. The highest-paying private prison is CCA in Tennessee, where prisoners receive 50 cents per

²³ Mary K. Ryan, "The Future of the Global Prison Industrial Complex." 5.

²⁴ Ibid.

²⁵ Cynthia Young, "PUNISHING LABOR: Why Labor should Oppose the Prison Industrial Complex." 44-

²⁶ Mary K. Ryan, "The Future of the Global Prison Industrial Complex." 5.

hour if in a “highly skilled position.” In federal prisons, inmates can earn \$1.25 an hour and work eight hours a day, with occasional overtime.²⁷

In short, such companies can save money by paying their workers a smaller wage.²⁸ In effect, companies have more money because they are paying their workers less money, and in doing so, prison laborers are reduced to chattel.²⁹ Here, Ryan views how private corporations are on the side of advantage when concerning profits arising from private prisons.³⁰

Reminiscing on these arguments posed by proponents of the “privatization is the main impetus of the Complex,” it may be observed how these points conglomerate to characterize the process by which privatization of prisons leads to an increase of wealth through exploitative prison labor. Though perhaps the privatization of prisons drives the demand for more private labor to accumulate more profits, that argument does not entirely carry over to the facts regarding privatization.

Part II

Privatization has, in a way, fueled the Complex, but inmates from private prisons do not add up to a significant amount. Further, not all prisons are privatized; in fact, only a slim percentage of them are. According to Cynthia Young: “Private prisons—a sector that represents 5 percent of all U.S. prison beds, or approximately 100,000 inmates . . .”³¹ Moreover, according to Abigail Geiger: “Since 1999—the first year [Bureau of Justice Statistics] began collecting data on private prisons—inmates in privately run facilities have made up a small share of all U.S. prisoners. In 2015, just 8% of the nearly 1.53 million state and federal prisoners in the U.S. were

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Cynthia Young, "PUNISHING LABOR: Why Labor should Oppose the Prison Industrial Complex." 44-

in private facilities, up slightly from 5% in 1999.”³² When considering these small percentages, the notion behind amplification of private prison labor being the most substantial reason for why the magnitude of the Complex continues to expand is not sound. Though the percentage of privatization has increased in recent decades, judging from the figures listed, that still does not result in a substantial number. Ergo, the minimal amount of private prisons and private prison labor increases in the past decades are not compatible with the assertion that their escalation is the sole catalyst for the escalation of profits that arise by virtue. In effect, the vast extent of private labor amplification posited by Ryan and others is factually absent. So, although some private prisons do exist and do contribute, that does not mean those prisons are as ubiquitous as may be perceived or that profits mainly arise from those prisons. There is something else at play here: a stronger impetus aside from privatization that acts as fuel in benefitting the Complex.

Expelling the myth that the Complex is deeply tied to privatization does not mean to disregard the primary reason for why it has maintained throughout the ages. Indeed, that primary reason is in supposed racist “rehabilitation” and “correction” of minorities, which proves to be a much stronger impetus. An example of such rehabilitation is the “War on Drugs,” which pervaded the late 20th century. Cynthia Young addresses this increase when she quotes President Nixon defending the prison systems, as he proclaims the need to reestablish “law and order,” with regard to racial hierarchy, his claim of how drug users are a “serious national threat,” and the “whole problem is really the Blacks.”³³ These quotes by the executive branch provide ample evidence for the existence of deeply rooted racist ideologies in the U.S. government, especially when concerning those who abuse drugs.³⁴ Instead of viewing the Complex as the racially-

³² Abigail Geiger, “U.S. Private prison population has declined in recent years.”

³³ Cynthia Young, “PUNISHING LABOR: Why Labor should Oppose the Prison Industrial Complex.” 43.

³⁴ Ibid.

biased, injustice it truly is, a U.S. president has viewed it as due justice, as “appropriately punishing” those who have committed crimes.³⁵ In keeping with the racist dialogue of the Nixon administration, government spending on prison systems increased during this time: “The Law Enforcement Assistance Administration, a federal agency charged with assisting local law enforcement officials, saw its annual budget throughout the 1970s routinely exceed a billion dollars, most of which was spent on new military hardware, communications technology, and additional personnel.”³⁶ The increase in government spending is linked to the need to incarcerate more individuals, to “rehabilitate and correct them” through that imprisonment for the overall betterment of society.³⁷ This path from the exponential increase in concentrated governmental efforts on the prison systems that constitute the Complex (as seen through the Nixon administration) leads directly to the villain at the forefront of the motivation for its continued existence.

Indeed, other than economic incentive, the increase in prison labor is primarily governed by white supremacist ideology. According to Young: “Prison labor gives ‘tough on crime’ supporters bang for their ideological buck . . . Prison labor makes the prison industrial complex appear both socially useful—it disciplines inmates through the gospel of grueling work—and economically productive—it promises to shift the public cost of incarceration onto the inmates themselves.”³⁸ Young claims that imprisoning those who need “rehabilitation” benefit the government in the sense that the negative stigma associated with minorities who commit crimes act in their favor.³⁹ If a society which demonizes minorities does not already favor the races of

³⁵ Ibid.

³⁶ Ibid, 43

³⁷ Ibid.

³⁸ Ibid, 41.

³⁹ Ibid, 47.

the convicted, it is only easier for prisons to exploit them; society would not care because it considers the convicts' labor justified in the rehabilitative process.⁴⁰

Most important is the surface-level look of this prison rehabilitative process, which the government uses to its advantage: "Prison industries allow prisons to look efficient, moral, and useful."⁴¹ When inmates who were previously acting immorally by committing crimes against society transform and are now following orders in prison, the general public views that transformation to be the success of the correctional process.⁴² Thus, Young views the main driving point of the Complex as the government clinging onto white favoritism and empowerment through the oppression and "rehabilitation" of minorities.⁴³

Again, she acknowledges privatization may come into play, but it does not act alone.⁴⁴ In the 1970s, she notes, prison labor resurged as a way to discipline Blacks and Latinos (as seen with the Nixon example) when they increasingly constituted much of the labor workforce.⁴⁵ Using Blacks for prison labor allows for white morality to be considered the "correct" morality; it validates whiteness as a result of fewer whites imprisoned and condemns minority culture for not following suit in a civilized society.

And although she belies profits do not play as big a role as ideology, Young does acknowledge how the federal government has, at times, profited from the prison system, given that in 1999, UNICOR, "Federal Prison Industries," which is operated by the U.S. government, sold \$566.2 million worth of products, which substantially increased its profit from \$37.3 million

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid, 44-5.

⁴⁵ Ibid, 43.

in 1998 to \$61 million in 1999.⁴⁶ At most, the Complex doubles in its ideology and economy, but more so in its ideology due to the fact that such substantial profits are not all that common, according to Young.⁴⁷ Instead, the Complex profits most through its validation of white culture, accomplished through disciplining those who are seen as going against that culture and are undisciplined by society because of that unalignment. As seen through statistics, the majority of such people are African-American.

A Criminal Justice Fact Sheet, provided by the National Association for the Advancement of Colored People (NAACP), validates the racial discrepancies among those incarcerated:

In 2014, African Americans constituted 2.3 million, or 34%, of the total 6.8 million correctional population. African Americans are incarcerated at more than 5 times the rate of whites. The imprisonment rate for African American women is twice that of white women. Nationwide, African American children represent 32% of children who are arrested, 42% of children who are detained, and 52% of children whose cases are judicially waived to criminal court. Though African Americans and Hispanics make up approximately 32% of the US population, they comprised 56% of all incarcerated people in 2015 . . . In 2012 alone, the United States spent nearly \$81 billion on corrections.⁴⁸

These statistics are quite revealing, for they display the magnitude of the effects of the Complex on the black population specifically. Blacks have been the main perpetrators of crimes minimal in offense but enough to constitute felonies, and because felonies are more than sufficient to

⁴⁶ Ibid, 45

⁴⁷ Ibid.

⁴⁸ NAACP Criminal Justice Fact Sheet.

indict and imprison, they explain why blacks constitute the majority of imprisoned drug offenders.⁴⁹

Returning to the “War on Drugs” and pairing that phenomenon with the petty crimes for which blacks are arrested and prosecuted, Ronald Weathersby, writer for *The Tennessee Tribune*, discovers their racial relationship: “Blacks are prosecuted in federal courts more frequently than whites for crack cocaine offenses, and thus as a group have felt the effects of the longer sentences for crack versus powder cocaine mandated in federal law.”⁵⁰ Indeed, merely possessing crack cocaine is enough to warrant a misdemeanor in California while selling crack cocaine in California warrants a felony, as stated by Southern California Criminal Defense Attorney, Randy Collins.⁵¹ If more blacks are arrested for, prosecuted, and tried in a court of law for drug vending than whites, then according to prescribed state law concerning the imprisonment for doing so, the racial discrepancy, unfortunately, makes sense.

As stated, today’s most imprisoned minorities are so imprisoned for their possession, purchasing, and selling of a range of illegal substances.⁵² The movement that stems from the white desire to eradicate criminal activity and illegal substances, such as crack cocaine, has been often labeled “The War on Drugs,” as referenced by Young with the Nixon example.⁵³ The potency behind this war has increased manifold. In fact, the federal government as well as individual local and state governments have recently increased their spending to tackle those two goals, as validated by Ron Daniels, a writer for *The Philadelphia Tribune*, providing more recent statistics well beyond the Nixon administration:

⁴⁹ Ibid.

⁵⁰ Ronald Weathersby, "Black and Poor and Incarcerated."

⁵¹ Law Offices of Randy Collins, Southern California Criminal Offense. Possession of Crack Cocaine in California.

⁵² NAACP Criminal Justice Fact Sheet.

⁵³ Cynthia Young, "PUNISHING LABOR: Why Labor should Oppose the Prison Industrial Complex." 43.

The Prison Industrial Complex is being fed by the war on drugs, the war on crime and growing anxieties over personal security. In 1994 it is estimated that ‘federal state and local governments will spend more than \$30 billion on corrections . . . , up from \$4 billion in 1975.’ State government spending on prison construction has increased by ‘612 percent, adjusted for inflation, between 1979 and 1990.’⁵⁴

Not only has the Complex become a profit phenomenon, but it has additionally become a powerful, revolutionary movement in its financial backing against drug culture and substantial backing for corrections, at that. In effect, the government spends money to fund correctional facilities focused on the betterment of those imprisoned for illegal drugs: African Americans. Drug offenses act as the catalyst for this disciplinary cycle that ends with the enforcement of labor on incarcerated individuals.

The pervasiveness of the controversy surrounding the last part of this cycle—drug offenders being convicted and imprisoned, and then, lastly, forced to labor—is further validated in a landmark U.S. Supreme Court case, *Butler v. Perry*, which concerned the labor clause of the 13th Amendment.⁵⁵ The court questioned the validity of that clause to impose labor on individuals.⁵⁶ The court ruled that a state has the authority to enforce that every person in good health should perform labor near his/her location, and doing so without pay does not violate the Thirteenth nor Fourteenth Amendment.⁵⁷ In other words, the Court claims that the State has authority to impose labor on any non-disabled person without paying him or her anything so long as the labor is close to home.⁵⁸ Now, it does clarify that the labor cannot be to the extent of slave

⁵⁴ Ron Daniels, "Prison-Industrial Complex Threatens Blacks."

⁵⁵ *Butler v Perry*, 240 U.S. 328 (1916).

⁵⁶ *Ibid.*

⁵⁷ *Ibid*, 329-30.

⁵⁸ *Ibid.*

labor, as that is reserved for the convicted, and imposing slave labor on non-convicts would violate the Thirteenth Amendment.⁵⁹ However, the issue is this: the Court in this case has not explicitly drawn a line between slave labor and labor that is not akin to slavery. Notwithstanding the fact that the litigants are not slaves, this is still something that needs to be addressed. The Court says this particular case does not constitute slave labor but does not define what would then be considered slave labor. No precise numbers or particulars have been put forth that would function as the boundary between non-slave labor and slave labor. This vacancy of particularity may allow for the possibility of slave labor disguised as regular labor in the prison system.

Again, this circulates back to minorities. As attested by the Federal Bureau of Labor Statistics, there is a considerable racial disparity among Blacks, Latinos, and Asians: 33.9% of 18-19 year old Black males are unemployed when compared to the same age group of Latinos, who make up 16.5%, and Asians, who make up 6.1%.⁶⁰ Attesting this disparity, Marcus Mahmood cites how 2002 saw 3,437 black male prisoners per 100,000 black males compared to the 405 white male inmates per 100,000 white males.⁶¹ Because regular labor and slave labor have not been specifically demarcated, the government has remained well-equipped to impose labor under the pretense that is not considered slave labor, for an explicit definition of slave labor does not yet exist. As seen through the aforementioned statistics, most of such incarcerated persons are often minorities who make up a majority of the population of prison systems.⁶² This fact is a result of the court not making clear enough its definition of slave labor; if one does not know what constitutes slave labor, then that person is legally free to exercise his or her discretion in defining it.

⁵⁹ *U.S. Constitution*. Amend. XIII, Sec.1.

⁶⁰ Labor Force Statistics from the Current Population Survey.

⁶¹ Marcus Mahmood, "Collateral Consequences of the Prison-Industrial Complex." 32.

⁶² *Ibid*.

Simultaneously, that is not to say the various levels of courts themselves are not genuinely split as to what constitutes slave labor. Precisely, that is exactly it—the courts are split. *Butler v. Perry* marked a direct road to a more recent Second Circuit Case with a differing ruling and perceived ideology of slave labor: *McGarry v. Pallito*.⁶³ This case follows Finbar McGarry, a pretrial detainee not yet convicted, who was held in a correctional facility where he was threateningly ordered to perform laundry duties, as noted by the court:

“[McGarry] alleges that he had no choice because defendants told him that his refusal to work would result in his being placed in administrative segregation or ‘put in the hole,’ which, he alleges, involves lock-up for 23 hours a day and the use of shackles. McGarry further alleges that defendants told him that he would receive an Inmate Disciplinary Report (“DR”) if he refused to work, and even that minor DRs affect when sentenced inmates are eligible for release.”⁶⁴

McGarry essentially claimed his labor was, in fact, forced slave labor, which directly conflicts with the Thirteenth Amendment’s abolishing slavery.⁶⁵ When deciding its opinion, the court referenced a Supreme Court Case, *United States v. Kozminski*, which found that involuntary servitude is “a condition of servitude in which the victim is forced to work for the defendant by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process.”⁶⁶

⁶³ *McGarry v Pallito*, No.10-669 (2d Cir. 2012).

⁶⁴ *Ibid*, 3-4.

⁶⁵ *Ibid*, 3-5.

⁶⁶ *United States v. Kozminski*, 487 U.S. 931 (1988).

The court also referenced a Second Circuit Case, *United States v. Shackney*, which states that work that is manifested through legal or physical coercion is “akin and African slavery, although without some of the latter’s incidents.”⁶⁷ The court concluded its ruling in stating:

It is clearly established that requiring hard labor of pretrial detainees -- persons not “duly convicted” -- violates the Thirteenth Amendment. Reviewing the allegations of the complaint in the light most favorable to McGarry, we conclude that a pretrial detainee’s compelled work in a laundry for up to 14 hours a day for three days a week doing other inmates’ laundry cannot reasonably be construed as personally related housekeeping chores and that officers of reasonable competence could not disagree on these points . . .⁶⁸

This ruling draws a slightly more unambiguous conclusion as to what constitutes slave labor—the labor McGarry was forced to perform directly violates the 13th Amendment, for according to the court, it is akin to slave labor.⁶⁹ According to the Thirteenth Amendment, slavery is illegal in the U.S., excluding prison convicts.⁷⁰ In contrast to *Butler v Perry*, the court here places numerical values on that boundary that exists between regular labor and slave labor, which, when compared to *Butler v Perry*, were left abstract and up to interpretation.⁷¹

So, then, the Court pronounces the labor McGarry was performing was, indeed, slave labor. Whereas how *Butler v Perry* resulted implicitly in the creation of a “work or be worked” labor culture for every able-bodied man that does not amount to slave labor, *McGarry v Pallito* somewhat locates a boundary where, once exceeded, that labor is illegally equal to that of a slave. The court ruling in *McGarry v Pallito* acts in agreement with the argument found in the

⁶⁷ *United States v. Shackney*, 333 F. 2d 475, 486 (2d Cir. 1964).

⁶⁸ *McGarry v Pallito*, 12 (2d Cir. 2012).

⁶⁹ *Ibid.*

⁷⁰ *U.S. Constitution*. Amend. XIII, Sec.1.

⁷¹ *Butler v Perry*, 240 U.S. 329-30 (1916).

Netflix Documentary *13th*, where the filmmakers argue the labor clause of the Thirteenth Amendment gave birth to the Complex, and those involved in lawmaking today exploit the benefits of the labor clause.⁷² In this case, the judges of this case (who are involved in lawmaking), declare that because McGarry was not yet convicted, slave labor cannot be lawfully invoked on him.⁷³ By that logic, then, if he were a convict, slave labor could lawfully be invoked on him, and slave labor invoked on convicts is what fuels the Complex. And though the notion of slave labor has been slightly more specified in this case, it is still not enough. McGarry was not yet convicted, and the court has said the labor he performed was not akin to slave labor and placed numerical stipulations, but it has still not explicitly stated what the definition of slave labor is.

This disparity between the courts (Supreme Court and Second Circuit) in its speculation of what constitutes slave labor moreover fuels the existence of the complex through disagreement on what constitutes slave labor. If courts of law cannot validate the boundary between labor and slave labor, then people themselves will not be able to do so either. The same goes for prisons and prison officials. Simultaneously, if the court is ruling that slave labor cannot be invoked on non-convicts, then that logic deems slave labor can be appropriately induced so long as its subjects are convicts. As the debate concerning slave labor goes on, the Complex remains unhindered, and the white power that arises from the criminalization of minorities by an ideologically racist but “rehabilitative” culture continues to increase.

Nevertheless, is it the fault of the public for not recognizing the racism and stagnancy that lies beneath the surface? That is a difficult question to answer. But it does seem that what is at

⁷² Ava Duvernay, *13th*.

⁷³ *McGarry v Pallito*, 12 (2d Cir. 2012)

the forefront of hindering the progression and exploitation of the Complex is our failure to recognize that is not confined to one impetus, one incentive, one definition.

Indeed, as maintained by Ryan, the most significant issue that stems from the various perceptions of the Complex is the failure to view it from a multifaceted perspective.⁷⁴ Instead, the multitude of ways in which it manifests is side-swept. Society undermines its importance by placing one abstract definition or instance next to its name and believing that is all there is to it. The Complex is an abstract idea, granted, but as with all abstract ideas, no one definition or example adequately encapsulates. We must recognize the fluidity of its presence and accept that it cannot be reduced to one location or instance.

Concurrently, however, we cannot dispute its existence at the forefront. It is not exclusively fueled by one incentive, such as monetary profit, or one condition of operational freedom, such as privatization. It is additionally the muse for white supremacist ideology looking to criminalize Blacks—and minorities in general—through the War on Drugs' illegality of substances and substance abuse, both of which act as the momentum for their imprisonment. Simultaneously, its existence and amplification of power are permitted to continue due to the absence of a clear, dividing line between normal labor and slave labor.

In short, the Complex is motivated by a multitude of fuels, and though one of them might triumph in power over the others, that does not mean to disregard the others entirely. All of them matter equally, irrespective of power dynamic. Acknowledging these fuels is an excellent place to begin deciphering the myriad of layers that reside underneath, waiting to be surfaced.

⁷⁴ Mary K. Ryan, "The Future of the Global Prison Industrial Complex." 2.

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