

(Continued From Page 19)

It appears that zero tolerance is on its way to zero funding.

New York State was one of sixteen states to receive zero-tolerance funding in 2004 for its Department of Corrections. Its \$1 million federal grant was matched by another \$1 million from state and local sources. Some of this money was supposed to help pay for risk assessment, screening and separating vulnerable inmates from potential predators. But in the end, the vast majority of the \$2 million has been earmarked for surveillance cameras in the Albion Correctional Facility for Women, and in New York City Department of Corrections facilities.

PREA also authorized a small amount, \$5 million a year, to educate and train corrections officers across the country. By fiscal years 2005 and 2006, as the momentum for prison-rape reform continued to fizzle, the annual appropriation for training had dipped to just \$1 million each year—a true drop in the bucket.

In one state, at least, there are encouraging signs that reform is possible. Last September, after California legislators heard testimony from Parsell and others, the State Assembly passed a law requiring the Department of Corrections to provide inmates with handbooks on sexual assault; adopt practices that will separate vulnerable prisoners from sexual predators; collect accurate data and make it publicly available; and bring rape-crisis services into prisons. The legislation also created a state office to “ensure confidential reporting and impartial resolution of sexual abuse complaints.” Other states have begun to take steps, says Katherine Hall-Martinez, co-executive director of Stop Prison Rape, “but no state has been as quick and aggressive as California.” Still, even the California law doesn’t include penalties for prison administrators.

In 2002, twenty-four years after he was raped at Riverside, T.J. Parsell walked into a Midtown Manhattan video store and found the sales assistants laughing at an episode of the TV

series *Oz*, in which an inmate is raped. “The guys could have taken out a little knife and just poked me in the gut,” Parsell says. The experience led him to become an activist, and ultimately to write a book about his experiences. *Fish: A Memoir of a Boy in a Man’s Prison* is scheduled to be published this fall.

“Men are supposed to be resilient,” says Dr. Richard Gartner, former president of Male Survivor, an advocacy group for sexual-abuse survivors. When a man has been raped, Gartner says, “It doesn’t seem to matter how old he is, how strong he is; that’s still somewhere in the back of his mind—that he’s allowed this to happen, that he’s a sissy, that you’re feminized in some way or it means you’re gay.”

In short, society teaches men that they are not supposed to be victims, which makes it extraordinarily difficult for rape survivors to deal with what’s happened to them. For five years after his release from Riverside, Parsell was a case study, his life a downward spiral of booze, drugs and risky sex. It was only after he saw his brother nearly die from a heroin overdose, and he realized that he could be next, that he decided to get sober.

Ultimately, Parsell has fared better than most. Now 45, he did well in the dot-com boom, has a long-term partner and lives on a tree-lined street in the picturesque coastal town of Sag Harbor, New York. His study looks out over a pool that, when we spoke last fall, was sprinkled with golden leaves. Propped on the windowpane is a small, framed photograph of Parsell as a young boy with a cheeky grin.

“I’m very lucky to have transcended these experiences,” he says. “Each time I tell the story, the sting goes off it that much more. But sometimes my inner kid gets really scared, and I just look up and say, It’s OK, I’ve gotcha.” It’s a long way from the horrors of Riverside Correctional. But sometimes, Parsell says, he still wakes up at night in a cold sweat, crying. It feels like all the air has been sucked out of the room. ■

IN RECENT DECADES A NEW FORM OF LEGALIZED SKIN-COLOR SUBJUGATION HAS ARISEN.

Drug Busts = Jim Crow

IRA GLASSER

I was born in 1938, grew up on the working-class, immigrant streets of East Flatbush in Brooklyn during World War II, and came to political consciousness during the postwar years. As children, we were told that World War II was a war fought against racism, against the idea that a whole class of people could be separated, subjugated and even murdered because of their race or religion. But back home in the United States, racial separation and subjugation remained entrenched by law in the Deep



RYAN INZANA

South and by custom nearly everywhere else.

This moral contradiction between what America said it stood for and the way it was actually organized was largely unrecognized by the American public as World War II drew to a close. The first major postwar event that challenged this contradiction and made it unavoidable was the coming of Jackie Robinson to the Brooklyn Dodgers in 1947. It engaged people, including children, in a drama of racial integration, and it created what may have been the first racially integrated public accommodation—at Ebbets Field, where the Dodgers played. The following year President Harry Truman issued an executive order desegregating the armed forces. In 1950 *Brown v. Board of Education* was filed, signaling the start

Ira Glasser, the retired head of the American Civil Liberties Union, is president of the board of the Drug Policy Alliance. This article is adapted from a speech he gave to the Correctional Association of New York.

of the modern civil rights era. Four years later a surprisingly unanimous Supreme Court struck down legally enforced racial separation in public schools, and seventeen months after that, Rosa Parks refused to give her seat to a white man on a Montgomery, Alabama, bus. Nine years later, after countless protests, marches, sit-ins and freedom rides, as well as murders and beatings of civil rights workers, the Civil Rights Act of 1964 was passed, outlawing racial discrimination in public accommodations, employment and education. A year later the Voting Rights Act of 1965 outlawed racial discrimination in voting, and three years after that, the Fair Housing Act of 1968 outlawed racial discrimination in the purchase and rental of homes. By 1968 the legal infrastructure of Jim Crow subjugation had been destroyed and a new legal infrastructure of federal civil rights enforcement was erected in its place. America had, for the first time, abolished legalized racial discrimination and replaced it with a system of formal legal equality.

As it turned out, actual equality of opportunity did not follow automatically, easily or quickly from legal equality. But over the succeeding decades it has been assumed that at the very least, no legalized racial discrimination remains, and certainly no new forms of legalized skin-color subjugation have arisen. This is true, with one substantial exception: the system of drug prohibition and its enforcement, which is the major, and still insufficiently recognized, civil rights issue of our day.

In the late 1960s, at the peak of the civil rights movement, there were fewer than 200,000 people in state and federal prisons for all criminal offenses; by 2004 there were over 1.4 million. Another 700,000-plus in local jails brought the total to 2.2 million. This explosion of incarceration has been heavily due to nonviolent drug offenses—mostly possession and petty sales, not involving guns or violence—resulting from the exponential escalation of the “war on drugs,” beginning in 1968 and accelerating again after 1980.

Since 1980 drug arrests have tripled, to 1.6 million annually—nearly half for marijuana, 88 percent of those for possession, not sale or manufacture. Since 1980 the proportion of all state prisoners who are in for drug offenses increased from 6 percent to 21 percent. Since 1980 the proportion of all federal prisoners who are in for drug offenses increased from 25 percent to 57 percent.

At the same time, the racial disparity of arrests, convictions and imprisonment for these offenses has become pronounced. According to federal statistics gathered by the Sentencing Project, only 13 percent of monthly drug users of all illegal drugs—defined as those who use a drug at least once a month on a regular basis—are black, about their proportion of the population. But 37 percent of drug-offense arrests are black; 53 percent of convictions are black; and 67 percent of all people imprisoned for drug offenses are black. Adding in Latinos, about 22 percent of all monthly drug users are black or Latino, but 80 percent of people in prison for drug offenses are black or Latino. Even in presumptively liberal New York State, 92 percent of all inmates who are there for drug offenses are black or Latino.

Despite patterns of racial targeting, liberals have failed to see drug prohibition as a civil rights problem of racial discrimination.

The fact that so many people arrested, convicted and imprisoned for drug offenses are black or Latino is not because they are mostly the ones doing the crime; it is because they are mostly the ones being targeted. This is not a phenomenon of the Deep South. It is nationwide. And it is not accidental. As the racial profiling scandals a few years ago showed, blacks are disproportionately targeted while driving cars on the highway; for example, in a lawsuit challenging this practice, it was revealed that although only 17 percent of drivers on a stretch of I-95 in Maryland were black, 73 percent of all the cars stopped and searched for drugs were driven by blacks. Nor was this an isolated example. In Florida blacks were seventy-five times more likely than whites to be stopped and searched for drugs while driving. And it turned out that these racially targeted stops were the explicit result of a Drug Enforcement Administration program begun in 1986, called Operation Pipeline, that “trained” 27,000 state troopers in forty-eight states to spot cars that might contain drugs. Most of the cars spotted were driven by blacks. And this happened even though three-quarters of monthly drug users are white!

Similar statistics show that blacks and Latinos are also disproportionately stopped and frisked on the street and disproportionately singled out for body searches at customs points—two-thirds in both cases. The huge majority of these searches are fruitless. In New York City during the late 1990s, eight of nine recorded street frisks did not result in a conviction; in the customs searches, during the same period, 96 percent of the body searches turned up nothing. This shows two things: first, that there was no evidentiary basis for the stops and, second, that there is a comprehensive practice, if not policy, of selecting targets by skin color.

Despite these patterns of racial targeting, it has not been fashionable among liberals to see drug prohibition as a massive civil rights problem of racial discrimination. Perhaps it would be easier if we examined the way racially targeted drug-war incarceration has damaged the right to vote, a right quintessentially part of the rights we thought we had won in the 1960s with the demise of Jim Crow laws.

Until recently (there have been some changes in the past few years in some states), every state but two barred felons from voting—some permanently, some in a way that allowed, theoretically but often not as a practical matter, for the restoration of voting rights. Because of the explosion of incarceration driven by drug prohibition, more than 5 million people are now barred from voting. The United States is the only industrial democracy that does this. And the origin of most of these laws—no surprise—is the post-Reconstruction period after slavery was abolished. Felony disenfranchisement laws, like poll taxes and literacy tests, were historically part of the system that arose after slavery to bar blacks from exercising equal rights and, in particular, equal voting rights. Felony disenfranchisement laws were, to a large extent, part of a replacement system for subjugating blacks after slavery was abolished.

If you want to contemplate what this means, consider the state of Florida in the 2000 presidential election, where 200,000 black

Floridians were barred from voting because of prior felonies in an election in which the presidency was determined by 537 disputed votes. If even one-third of these people had actually voted—say, 70,000—and if they voted in the usual proportions that blacks vote for the Democratic candidate—say, 80 percent, probably a low estimate—those 70,000 voters would have produced a 42,000 net gain for Al Gore.

This is a dramatic example, but hardly unique. A 2002 study in the *American Sociological Review* concluded that John Tower would never have been elected to the US Senate from Texas in 1978 but for racially disproportionate felony disenfranchisement; that John Warner for the same reason wouldn't have been elected in 1978 from Virginia; and that despite the apparent rise in conservative Republican voting, the Senate would have remained under Democratic control every year between 1984 and 2003 if former felons had been allowed to vote. Indeed, if the same degree of racially disparate felony disenfranchisement that exists now had existed in 1960, Richard Nixon might well have defeated John F. Kennedy.

The kicker for all this is that all these black citizens who were disproportionately targeted for arrest and incarceration and then barred from voting are nonetheless counted as citizens for the purpose of determining how many Congressional

seats and how many electoral votes states have. During slavery, three-fifths of the number of slaves were similarly counted by the slave states, even though slaves were not in any way members of the civil polity. This is worse. In the states of the Deep South, 30 percent of all black men are barred from voting because of felony convictions, but all of them are counted to determine Congressional representation and Electoral College votes. If one wants to wonder why the South is so solidly white, Republican and arch-conservative, one need look no further.

The fact is, just as Jim Crow laws were a successor system to slavery, so drug prohibition has been a successor to Jim Crow laws in targeting blacks, removing them from civil society and then denying them the right to vote while using their bodies to enhance white political power. Drug prohibition is now the last significant instance of legalized racial discrimination in America.

That many liberals have been at best timid in opposing the drug war and at worst accomplices to its continued escalation is, in light of the racial politics of drug prohibition, a special outrage. It is also politically self-destructive, serving to keep in power white conservatives opposed to everything liberals stand for. Liberals especially, therefore, need to consider attacking the premises upon which this edifice of racial subjugation is based. If they do not, who will? ■

LETTERS

C O N T I N U E D

(Continued From Page 2)

purpose and that of the industry as a whole.

The International Peace Operations Association (IPOA), far from Scahill's negative characterization, was founded to make international peace and stability operations successful, and we believe strongly in a fair, ethical and open industry. All our member companies (which include logistics firms, medical companies, security outfits and aviation service providers) are required to adhere to a Code of Conduct that dictates ethical practices in every aspect of their operations, from hiring through to observance of human rights covenants. IPOA, along with its member companies, is currently in the process of solidifying an enforcement mechanism to address violations of its Code of Conduct. Furthermore, IPOA members have designed this process to involve multiple stakeholders, including humanitarian organizations and NGOs. The industry is unique in that it is consistently advocating for appropriate government oversight and working toward greater self-regulation.

The company singled out in the article has been a leading proponent of increased regulation, accountability and transparency, which undoubtedly is good for any industry. While we agree with Scahill's basic sentiments, his article's factual content, tone and slant demonstrate just how misinformed many industry critics are. We encourage Scahill to contact us prior to writing about IPOA in the future. IPOA is in the business of peace, because peace matters.

J. J. MESSNER

International Peace Operations Association

GREEN CITIES—WAY OVERDUE

San Francisco

■ Your May 29 editorial "For a Sane Energy Policy" demonstrates that along with most of the left, you don't get it any more than those in the center or on the right. The answer to oil addiction is not higher CAFE standards, so-called alternative fuels or hybrid cars. The answer is building cities that revolve around people walking, taking public transportation and bicycling. Yes, way down in the editorial you throw in "smart growth," but the emphasis is on maintaining auto-domination and making it supposedly work better.

First, alternative fuels will not solve the problem. Scientists at UC Berkeley have stated that it takes more energy to produce ethanol than is gotten from it. Palm plantations for bio-fuel are already replacing rainforests in Indonesia. Alternative fuels just create more environmental problems.

Second, society's reliance on the automobile creates a culture of death. More than 1 million people are killed each year in car accidents (and add millions more killed by smog created largely by cars). Then there is the death of our cities. A city was traditionally a place where people on foot could spontaneously encounter one another. The car culture has largely destroyed this. We need to return to cities oriented around people, not cars.

MITCHELL NEAR

Munich, Germany

■ Please don't forget that one of the Reagan Administration's highest priorities upon

taking office in 1981 was the repeal of the Alternative Energy Tax Credit (and in case anyone missed the point, he ordered the solar panels removed from the White House roof). Overnight, financing for alternative-energy research was drowned in the oil industry's bathtub. We could have been twenty-five years further down the road to a sane energy policy had those red-state heroes been thwarted in their cynical collusion with the oil industry.

JOHN BROWNER

SPLAT

Brooklyn, NY

■ When I hear that George W. Bush wants to spread democracy across the world, I can't help thinking of the pigeon I saw spread across the road on my way to work this morning.

LAWRENCE KING

THE ASSASSINATOR

Brooklyn, NY

■ Foul wraith besheathed w' cloak o' doom a-slither worm thru ebon gloom. Pale skull be-circ'ed w' blazing thorn mock mercy-free the wake'ning morn. What spectre this? What blight o' Man? Hey, wait a sec. It's Coulter (Ann).

JAY WINER

A TOWN LIKE ALICE

■ Roberto Lovato, in "Voices of a New *Movimiento*" [June 19], quotes an activist who mentions a suburb of Milwaukee called "South Alice." The suburb is West Allis.

Copyright of Nation is the property of Nation Company, L. P. and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.