

Federal prisons used as slave labor pool

by Jeffrey Steinberg

Two hundred years ago, the British East India Company's radical utilitarian social engineer Jeremy Bentham, a rabid enemy of the American Declaration of Independence and Constitution, designed a model prison system that doubtless made Adolf Hitler and Hjalmar Schacht drool with envy. Bentham's scheme, dubbed the "Panopticon," was peddled as the perfect "utilitarian prison"—a slave labor camp designed to minimize the number of prison guards required to maintain order and calculated to bleed the most calories of work out of each of the prisoners. The entire prison was a factory, in which human manual labor was the primary source of energy, in which the work stations were designed to also serve as the eating tables and even the beds of the prison inmates at night. Above the doorway of the Panopticon (meaning "all-seeing eye"), Bentham proposed a sign reading: "Had they been industrious while free, they need not have drudged here like slaves."

Bentham's slave labor camp was peddled all over Europe at the time as a "prison reform" proposal—specifically aimed at averting a government budget crisis and economic depression. The full title of the proposal made this point clearly: *Panopticon—Or, the Inspection House—Morals reformed—Health Preserved—Industry invigorated—Instruction diffused—Public burden lightened—Economy seated, as it were, upon a rock—The Gordian knot of the poor-laws not cut, but untied—All by a simple idea in architecture.* Bentham's two other great contributions to "social reform" were a book on banking called *In Defense of Usury*, and a series of letters cataloguing his and his brothers' travels throughout Germany and Russia studying methods of capital punishment.

It would be an exaggeration to say that the current U.S. federal prison system is a replica of the system developed by Bentham. But it is a precise statement of fact, that the federal prison system and the "reform" represented by the November 1987 U.S. Sentencing Guidelines puts that system well on the road to Bentham's Panopticon.

No way out

During the Reagan years, some of the leading Benthamites among the American criminal justice establishment, in-

cluding Harvard University's James Vorenberg and James Q. Wilson (the latter also a member of the President's Foreign Intelligence Advisory Board), began peddling the idea that the existing criterion for sentencing of federal prisoners was too arbitrary, and based too much on judicial discretion. They came up with an alternative, which was ratified into law in 1987 as the U.S. Sentencing Guidelines. Under its provisions:

- The federal parole board was effectively eliminated, with the exception of cases involving crimes committed prior to the enactment of the new law, parole of federal prisoners for good behavior, first offenses, etc. By the end of the decade, it is expected that the Parole Board will be entirely out of business.

- The parole system was replaced by a point system, which calculates various factors, including past criminal record, use of violence or possession of a weapon during a crime, status within the criminal organization, and the specific statute violated; and arrives at a mandatory sentence.

The number of points calculated in the pre-sentencing report absolutely determines the length of the sentence to be served. Gone is the notion of rehabilitation, since *nothing that the convicted person can do during his prison term can reduce the length of his sentence.* Gone is any degree of judicial discretion or mercy, since *the judge plays no role whatsoever in determining the length of the sentence.*

There is one sole exception to this rigid scheme: The federal prosecutor alone has the authority to file a motion waiving the sentencing guidelines and recommending an alternative sentence. And the only criterion for a federal prosecutor activating this loophole is a convicted criminal's willingness to sign on as a government snitch.

In just the first few years of the new U.S. Sentencing Guidelines, the federal prison population has soared to currently 64,000. Experts project that the population of the federal prison system will pass the 100,000 mark by the year 1993. An estimated 80% of the population in federal prisons is there on drug-related charges. The present population of state and county prisons is estimated at one million, and is expected to increase at a similar rate to the federal system, particularly if states begin passing bills paralleling the federal prison and sentencing "reforms."

In keeping with Bentham's utilitarian calculus, the prison population—with longer, fixed sentences—is now emerging as the largest single pool of unskilled and semi-skilled labor in the United States. Most of the federal prison facilities, with very few exceptions, have been transformed into low-skill, low-energy assembly plants and repair factories. One private corporation, Unicorp, manages all of the federal prison labor shops, paying a graduated wage scale that begins at 11¢ an hour and peaks at well under \$1 an hour. With the exception of medical waivers, every federal prisoner works a five-day, 40-hour week. Unicorp is currently among the largest "employers" of non-service workers in the country.