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“Municipal Welfare” and the Neoliberal Prison Town:
The Political Economy of Prison Closures in New York State

Abstract

Since 2010, New York State Governor Andrew Cuomo has closed nine state prisons for adults. For the prison towns that dot diversely rural and urban places of New York—each uniquely tied to the maintenance of mass incarceration—the closure of a state prison marks the end of an infusion of state capital constructed and construed quite explicitly as projects of economic development in the 1980's. After decades of growing corrections budgets and expanding prisons across the United States, why is New York closing prisons now? Tracing the history of prison growth and urban governance in prison towns, I posit that the closure of prisons indicates a shift, but not a shrinkage of the carceral state, marking new modes of punishment and strengthening others in an age of increasing austerity.

Reaching the most emotional pitch of New York's State of the State address in January of 2011, Governor Andrew Cuomo said, “*An incarceration program is not an employment program. If people need jobs, let's get people jobs. Don't put other people in prison to give some people jobs. Don't put other people in juvenile justice facilities to give some people jobs. That's not what this state is all about and that has to end this session*” (Cuomo, 2011). For legislators and their friends in the Chamber of Commerce in the northernmost counties of upstate New York, known as “the North Country”—these words “rang an alarm bell” (Brown 2011). A rural economy kept afloat by the construction and maintenance of state prisons since the 1980's, a representative of the Saranac Lake Area Chamber of Commerce stated that with the threat of prison closures, “Our economic well-being is at stake at this point” (Brown, 2011). For the prison towns that dot diversely rural and urban places in New York State—each uniquely tied to the maintenance of mass incarceration—the closure of a state prison marks the end of an

infusion of state capital constructed and construed quite explicitly as a project of economic development. After decades of growing corrections budgets and expanding prisons across the United States, why is New York closing prisons now? In this paper, I posit that in order to understand prison closures in New York, we must first understand the conditions in which the prisons opened in the first place. Using ethnographic from Elmira, New York, and current data from the North Country of New York State, I look at the historical trajectory of prison construction and maintenance in New York State since the 1970's. I look at the prison as a state project of urban governance and economic development with a particular focus on the social, political and economic problems prisons were imagined to solve. After briefly describing the recent prison closures, I analyze what these closures might tell us about the state of the carceral state in New York: what aspects of this project are shrinking, shifting or changing? Tracing the history of prison growth and urban governance in prison towns, I posit that the closure of prisons indicates a shift, but not a shrinkage of the carceral state. I show how the state maintains an incredible arsenal of maximum security prisons, including the growing use of Special Housing Units, or all solitary confinement prisons, and new forms of surveillance while fulfilling the axiom of austerity by closing some prisons.

There are now more than 2 million people incarcerated in the United States. This rate of state supervision, unprecedented in American history, reflects a massive growth over the past four decades of the role of the U.S. state in social control (Gottshaulk 2006: 1). These numbers are expanded when we include men and women under the supervision of a parole officer or those subject to the stop and frisk policies of local police departments or the increasing criminalization of public services, like requiring drug tests for public assistance. The racialization of the

American criminal justice system cannot be underestimated: half of those incarcerated in U.S. prisons are African American, while African Americans make up only 13% of the population (Gottshaulk 2007: 3, see also Alexander 2010, Mauer 2006). Mirroring-- and perhaps catalyzing-- a national pattern of prison growth, the number of people incarcerated in New York State more than tripled between 1980 and 2000 from 21,929 to 70,112 men and women (The Correctional Association, 2003). Importantly, there has been a sizeable **drop** in the numbers of people incarcerated in New York State in the last decade roughly 56,000 incarcerated men and women in 2011 (Pfeiffer, 2011). As a result of this drop, nine state prisons for adults have been closed in New York State: two under the direction of the Patterson administration, and seven during the current Cuomo administration (Virtanen, 2012).

Theorizations of neoliberalism point to a growing carceral state in relationship to the making smaller of the welfare state or redistributive functions of the state (Wacquant 2010, Harvey 2007); I posit that the closure of prisons in New York State marks a shift in, but not a weakening of, the punitive elements of the neoliberal state. Indeed, the incarceration rate in the United States has declined for the first time since 1972 (Pew 2009), and yet new forms of surveillance and control are emerging in place of the old. Most significantly, the prisons closed in New York State have all been medium security or minimum security prisons. Sixty prisons remain in New York State, fifteen of which are maximum security or “supermax” all solitary confinement prisons. During the same process of reducing the number of people incarcerated in New York’s prison, there has been a significant growth in the use of solitary confinement in New York State and across the country (see Rhodes 2003), including the construction of two facilities whose entire incarcerated population (fifteen hundred men, in addition to five hundred “cadre” inmates who do work in the facility) is in solitary confinement— Southport Correctional Facility

in Elmira, New York, and Upstate Correctional Facility in Malone, New York. The growth of solitary confinement is coupled with what Gottschalk refers to as a heightened criminalization of the “worst of the worst” (2007), individuals incarcerated on felony charges who are remaining incarcerated for longer terms. Lancaster (2011) points to a growing panic about the criminality of sex offenders—including mechanisms of surveillance ushered in by Megan’s Law requiring a publically available, lifetime registration searchable by geography. In addition, there has been an expanded use of civil confinement and electronic surveillance such as ankle bracelets. So while the reform of the Rockefeller Drug Laws, New York’s notoriously harsh sentencing for nonviolent drug offenses, has led to the release of some men and women, there is a shift in the modes of surveillance and control. Many “low-level offenders,” are serving their sentences in the rapidly expanding system of county jails, thus reducing the number of state prison inmates but nevertheless maintaining state surveillance (Kaplan, 2007). Taken together, the heightened criminalization of those who are deemed violent offenders through the use of solitary confinement, new modes of surveillance, and tougher sentencing, and the devolution of lower level offenders to county prisons and parole do not indicate a shrinking carceral state, but rather a shift in the modes of punishment.

This set of changes has its political and economic roots in the right-wing project of economic austerity. Under the auspices of downsizing, or in the Governor’s terms, “Rightsizing” New York State’s prisons, New York State is fulfilling the axiom of government austerity set forth during the 1970’s and 80’s. In the wake of a growing recession and state fiscal crisis, the prison closures also mark the limits of prison expansion as a project of economic development, or more clearly, a mechanism for state capital infusion into poor, mostly rural places across the country. Throughout the 1980’s, New York State prisons were put forth quite explicitly as

projects for economic development by the state economic development programs, ironically, under the direction of Governor Andrew Cuomo's father, Governor Mario Cuomo. In Elmira, New York, a place the *New York Times* asserted that, "[p]erhaps no other small city in the Northeast provides a more vivid example of how American manufacturing has declined," prisons were presented by state and local urban governance as a solution to the loss of manufacturing work (Lueck, 1985) and in other parts of the state from the restructuring of farming and mining industries (Huling, 2002) The closure of prisons suggests that this project has run its course.¹

Prisons as Economic Development: New York State in the 1980's

When I first started my research in Elmira, New York, a small city of roughly 30,000 people in central New York State, in 2006, I went into the Steele Memorial Library, the main public library in downtown Elmira, and looked in the card catalogue under "prisons". The catalogue included an index of many articles about the two state prisons in Chemung County but the first card also said – *see also economic development*. A small city of just under 30,000 people in central New York State, Elmira was seen as a good candidate for one of the twenty-nine new prisons proposed to be built in New York State under the leadership of Governor Mario Cuomo (Schlosser 1998: 57). The city was already home to the Elmira Correctional Facility,

¹ By focusing on the political economy of prison closures, I do not mean to underestimate the impact of social movements for the rights of the incarcerated in hastening changes in sentencing reform. As Lancaster suggests, despite the growth of other forms of punishment, "the long tide of punitive lawmaking also shows signs of abatement" (2011: 228) regarding drug crimes. In thinking through the catalysts of a shrinking state prison system as both a political and economic shift, we cannot underestimate the influence of the largely urban movement working to eliminate the Rockefeller Drug Laws (a campaign called Drop the Rock) and seeking larger changes in criminal justice policy. It is through these efforts that in many instances the War on Drugs itself became seen as a problem rather than a solution to the problem of crime. Years of organizing work by formerly incarcerated men and women and advocates for penal reform set the foundation for Cuomo's political dialogue and for the project of decarceration. It remains the responsibility of scholars and social movements to focus on the areas and mechanisms of growth in the carceral state.

built in 1876, and was reeling from the loss of thousands of manufacturing jobs. Some city leaders and residents were eager for the relatively high-paying jobs in the proposed prison. “Great! Call Elmira a prison town, call it anything you want,” an editorial in the local paper, the *Elmira Star-Gazette* encouraged, and keep up that, “spirit of cooperation,” in order to secure a “fat new payroll” for the area (Elmira Star-Gazette 1986: 4A.). When the Southport Correctional Facility opened in 1988, the increased numbers of state jobs available for Elmirans at the prison fueled high hopes for a brighter economic picture for the area. Both despite and because of state prisons providing the mainstay of the regional economy, the Elmira area remains impoverished. In the history of the prisons in the United States, New York’s methodologies and changes figure heavily in national patterns of incarceration; from the penal experiments with reform (and torture) in the 19th century in prisons at Auburn and the Elmira Reformatory to the Rockefeller Drug Laws of 1973, New York State has provided a national model for incarceration that many states chose to follow. Thus, we must take note of the current changes in New York State’s repertoire of methodologies in social control: as goes New York, so goes the country.

Following Harvey’s (1989) notion that the final three decades of the twenty first century marked a shift in the organization and function of cities, whereas the formerly managerial mode of urban governance was replaced by a necessarily more entrepreneurial function in an increasingly competitive, globalized world, I look at how dominant actors in Elmira’s political economy become intertwined with the political economic project of prison construction in Albany. At the height of the prison construction boom, the New York State Urban Development Corporation, the UDC, was a primary vehicle for capital investment in the state. The UDC made a mark in late 1970’s as vehicle for what Smith (1996) has called a revanchist reclamation of space for the uses of middle class and bourgeois interests, such as the transformation of Times

Square and Bryant Park in New York City. The broadly defined uses of the UDC waxed and waned through the tumultuous fiscal era of the 1970's and into the early 1980's. In the early 1980's, a new director, Vincent Tese outlined a new agenda for the governance of New York State's economy—laying the future squarely in the hands of private businesses following Reagan's plan for tax abatements and relaxed labor regulations as a solution to the national fiscal crisis. Announcing a new direction for New York State, Tese said, "It is axiomatic that the private sector is the engine which drives New York's economy" (Tese, 1985). At the same time, Tese created an incongruity to this axiom: the most significant shift in the use of the Urban Development Corporation during the early 1980's was the use of the public authority to build new prisons across New York State. In the spring of 1981, the Security through the Development of Correctional Facilities Bond Act of 1981 (hereafter "the Bond Act") was introduced in the New York State Senate. The Bond Act proposed to sell bonds for construction of three new prisons to house 1500 additional inmates at upstate prisons Wallkill, Woodburne and Coxsackie, as well as lesser amounts of money for state troopers and the expansion of facilities for juveniles. When the Bond Act was narrowly voted down on Election Day, November 1981, Tese used the Urban Development Corporation to fund prison expansion.² The use of the UDC as a vehicle for prison construction was an oblique way of growing the prison system after the electorate voted down the ballot measure allowing the purchase of bonds for prison construction.

² The Bond Act's defeat was indeed indicative of the electorate's concerns about crime across the state; somewhat surprisingly, it was upstate voters who tipped the scales against the initiative. In the midst of a crime wave and panic, voters in New York City cast their ballots 2 to 1 in favor of the measure, suburban voters evenly, but in upstate New York (defined as all of the counties north of Westchester County) the measure was defeated 3 to 2. Koch made a veiled suggestion that it was the racism of upstate voters who didn't want the prisoners in their towns, saying, "the measure was defeated by upstate voters who feared the construction of new prisons populated largely by people from New York City. Nevertheless, the growth in New York State prisons was predicated on prison construction being viewed as a jobs program by upstate politicians and local growth machines.

The twin projects of neoliberal urban governance-- prisons as both economic development and mechanisms of overt social control *and* public abatements and incentives for private companies, emerged as solutions to the disinvestment by the federal government and the experience of job loss for working-class New Yorkers. These solutions were offered by the UDC as solutions across geographies and demographics of New York State. For example, in the first round of demarcating the land for Enterprise Zones in 1987, Ogdensburg, in the Northernmost part of New York State was chosen as a pilot site (New York Times, 1987). Nearly thirty years later, the North Country is home to more than a dozen new state prisons. In Elmira, New York the same pattern prevailed: Elmira's politicians applied to be considered for the new state enterprise zones. Shortly after the application was made, the city became a preferred site for a new prison.

While they seem to be opposite sides of the coin—one the expansion of prisons, a “public work” and the other, the classic neoliberal trope of self-sufficiency in giveaways to corporations— these urban/rural development plans dovetailed in Elmira in the notion of rejecting “municipal welfare”. In a public hearing in Chemung County on the formation of Enterprise Zones in New York State (Smith, 1986), local public officials, business people, and advocates for the unemployed described a desperate situation in the city of Elmira and the surrounding areas: the highest unemployment rate in the state, the loss of thousands of manufacturing jobs, and the shrinking tax base. Facing the loss of the federal development grants, local politicians and their growth coalition partners were all equally desperate for assistance from the state. Following the neoliberal rhetoric of the era, the mayor of Elmira explicitly stated in a public hearing that the city was not looking for “municipal welfare,” but rather an opportunity to thrive, insistent on the fact that “we have done everything we can to help

ourselves” (Smith, 1986, p. 54). That is, local development officials followed the state line: feed the axiom of privatization while growing punitive state projects. (As head of the UDC, Tese was highly involved in all of these projects, from prison siting to more tradition UDC activities like finding tenant businesses for the massive abandoned A & P plant in Elmira.) For many Elmirans, however, prisons were not and are not seen as a giveaway to upstate; rather, in contrast to welfare and public assistance, they were viewed as an opportunity for workers to “help themselves”³. In Governor Andrew Cuomo’s 2011 State of the State Address, he rejects this previously agreed upon formula for upstate development: prisons are again considered municipal welfare and Cuomo wants upstate off the dole.

Solitary Confinement in the Age of Austerity

Throughout the prison construction boom, prisons—their construction, their maintenance, their purpose—remained political battlefields⁴. A riot at the Southport Correctional Facility, and the state inquiry into the situation two years later, provides some insight into the effort by

³ Like welfare, Americans can’t or don’t see the prison as an experience of dispossession, but rather view it as a product of the inmates’ pathological dependency on the state. In my fieldwork with Correction Officers and their families, I found that their discursive treatment of inmates and their families echoes a belief that poor people, and poor people of color above all, are disproportionately the recipients of entitlements from the government. This is manifest in prison workers’ ideas that inmates are always trying to get something for free: health care, cigarettes, food, etc., and that their families are moving into Elmira’s public housing and getting welfare. Fraser and Gordon trace the historical trajectory of notions of dependency in relationships of subordination, which legitimized inequalities of enslaved people and women’s subordination to men by characterizing their “dependence” as a character flaw. A sign of personal weakness, the supposed dependency (ultimately embodied in the fictive omnipresence of black teen mothers on welfare) was juxtaposed with white working men’s “independence” through access to waged labor (Fraser and Gordon 1994). In the postindustrial landscape, I argue that incarcerated men and women and their families have been semantically included in what Fraser and Gordon call the expanding “moral/psychological register” of the racialized notion of welfare dependency when “all dependency is suspect and independence is enjoined upon everyone” (1994: 324). Within this historical framework, many workers see their own dependency on the state (as their employer) as a problematic and to some extent an entitlement of their citizenship and their work.

⁴ As early as the 1960’s, formerly incarcerated criminologist John Irwin argues that there was a conflict between “treatment” oriented staff and custodial or security staff that eschewed helping the inmates for more punitive terms of incarceration. In Irwin’s analysis, the custodial staff emerged victorious making way for a more conservative organization of our country’s prisons. (Irwin, 1980)

conservatives to curtail the expenditures of the prison boom while maintaining the massive expansion of prisons. When the Southport Correctional Facility was built in 1988, it was built as a maximum-security facility. In January of 1991, as part of a new state experiment in corrections, the prison began a conversion to what the state calls a “punitive segregation” facility, meaning that every man is held in a solitary cell called a Special Housing Unit. While there are a section of solitary cells designed for disciplinary confinement in many New York State maximum security prisons (referred to as the “SHU”, “The Box,” or “The Hole.”) it was a penal experiment to design a prison specifically to house 600 inmates all in cells by themselves 23 hours a day, with an hour a day of recreation in a metal “exercise pen”. Born in the wreckage of the Attica Rebellion⁵, this “no frills” prison finally took seed when proposed by the 1983 New York State Assembly Republican Task Force on Correctional Crisis (of which the Elmira representative, George Winner, was the chairperson) as a budget cutting strategy for the gargantuan and growing corrections budget. According to this taskforce, holding all of the inmates deemed “troublesome” at a single location with severely restricted services meant that fewer workers were required to staff “excess” programs. By May 1991, there were 650 men living in solitary confinement at Southport and an additional 150 cadre inmates (men in general population) that serve as cooks, cleaners, etc. Because Southport was originally built as a

⁵ Sparked by a protest of one inmate’s treatment, the rebellion at Attica quickly became rallying point for social movements for racial and economic justice and a turning point in the history of U.S. prisons. In the aftermath of the Rebellion, many administrators made a call for a new style of incarceration to deal with a new menace. Speaking at the memorial for guards slain at Attica, *and only for the guards*, the chaplain at the Elmira Correctional Facility made a statewide plea for the creation of a separate “maximum security institution for about 150 hardcore, militant, Marxist revolutionaries” (Philips, 1971). He predicted more rebellions similar to what happened at Attica if these individuals weren’t isolated. Stories in a series printed in newspapers across the state, tell of wardens hindered by lack of money to do their jobs, inmates from broken families, and, a “new breed of militant inmate” (See Elmira Star Gazette September 13-15, 1971).

maximum-security prison the metal cages designed for recreation were built on top of basketball courts. The speedy and haphazard conversion from maximum security to an all SHU facility was at the heart of the events that unraveled, in that it was apparently easily overtaken by men exercising there.⁶

The union of correction officers, AFSCME Local 82, and their allies in city and county government in Elmira took issue with the experiment, largely because a prison with fewer programs and fewer staff went back on the promises of the prison construction boom: jobs, jobs, jobs. For the administrators in the prison, an all Special Housing Unit prison was created with deficit reduction in mind; considering that the majority of DOCS budget is workers' salaries, despite already minimal services to incarcerated people, labor costs for services were a likely candidate for budget cuts. In his testimony, the state Commissioner of Corrections, Coughlin, blamed a "small number of officers" for wanting the "experiment" at Southport to fail (Commission, State Correction, 1991, p. 7). The warden at Southport suggested that there was a problem of absenteeism and low-morale as workers had "never bought into the SHU facility concept," particularly in regards to the lay-offs it belied (Commission, State Correction, 1991, p. 15). Importantly, the first lay-offs in State Corrections in twenty years (since shortly before the Attica Rebellion) occurred shortly before the uprising. According to civilian workers and advocates for the incarcerated, the blatant cuts in services—chaplains, teachers, psychologists—created a more volatile environment in the prison. George Winner, the area's representative to the State Assembly, the 1980 Assembly Republican Special Investigative Committee on NYS Prisons and the Chairman of the 1983 Assembly Republican Task Force on Correctional Crisis, was put in an awkward position: he made it known that he still supported the "concept" of a

⁶ Gathered from ethnographic interviews.

“maxi-maxi” secure facility for the purposes of punitive segregation, but his “frequent communication with staff at ECF and SCF” demonstrated that there were problems with the project (Commission, State Correction, 1991, p. 42). His commitments to the program of austerity put forth by his committee were at odds with the need for jobs among his constituents. County-level Republican politicians were clearer about their constituents’ interest in the project of incarceration: Tom Tranter, the County Executive, told the local paper: “the community feels a strong sense of betrayal because of the conversion of the facility” (Simpson, 1991). Despite these resentments, the super-maximum security prison is still in Elmira, with no resistance to its program or goals from what I saw during my research. In fact, the prison is off the beaten path in Elmira and receives relatively fewer visitors when compared with the Elmira Correctional Facility; it is thus a less visible part of the daily life of the city. The closures of prisons, and announcements of intentions to close more, in other parts of the state, however, catch the attention of Elmira. Certainly, what was formerly seen as an industry impermeable to recessionary fluctuations is now not considered as stable an industry.

Despite Cuomo’s exhortation that we “get people jobs,” his administration’s proposed program for economic recovery in cities and towns where prisons have closed is unlikely to do so. Rather than public money for job creation in the public sphere, Andrew Cuomo, similarly to his father, is beholden to the notion that private business creates jobs and grows the economy. In light of the political battles in prison towns, he Governor and the Empire State Development Program created a new program specifically for prison towns where a prison is closing, called the Economic Transition Program. In exchange for the closure of prisons and the job loss by the county’s workers, Cuomo offered an economic development package valuing \$50 million. The

program is guided by, and in many ways, replicates the program of economic development active in the state since the 1980's: tax credits and grants for businesses creating jobs. Based on the site of the prison, rather than a city or a village, the capital offered for Economic Transition Areas would be available for new businesses creating at least five new jobs within a short distance of the closed prisons, and only up to ten percent of what a private company invested (Development, 2011). Any new businesses in the area within a ten mile radius of Camp Georgetown in the village of Georgetown in Madison County in rural New York State would be eligible for the credits, if they were willing to commit millions of dollars to the project. Local development advocates doubt that this would bring any new business, considering that similar programs have been in place for years and have attracted little interest.

What is clear from Cuomo's new plan is a sharpening his approach to the role of the state times of fiscal crisis. During the massive shifts in manufacturing employment in the 1980's, prisons were a critical part of the attempt to "fix" the political economy of New York State; in this current crisis of 2011, closing prisons emerges as a key part of further dismantling the state. In order to foment a politics that eschews the use of prisons as a project of economic development but values the redistributive role of the state, it is necessary to theorize the human links created between prisons and towns that trouble the project of containment and create more humane projects of economic development for cities big and small.

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