

RE-MAKING THE INCARCERATION-NATION : NAMING THE PARTICIPATION OF SCHOOLS IN OUR PRISON INDUSTRIAL COMPLEX

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Introduction

With the highest incarceration rate for any western industrialized country—over two million people and counting in prisons and jails—the United States has 5% of the world's total population yet 25% of the world's incarcerated. The number of people under state control in the U.S. jumps to over seven million if the approximately 4.2 million on probation and the near 800,000 on parole are included, and still this figure does not include those housed in Department of Homeland Security detention facilities or in U.S. prisons that are not in the U.S. (Bureau of Justice Statistics, 2006). This addiction to incarceration devastates communities of color in particular, as the 2008 Pew Center on the States Public Safety Performance Project estimates that 1 in 9 African American males between 20 -34 are behind bars, and 1 in 100 African American women (Pew Center, 2008, 6). The systemic, self-perpetuating nature of this rush of incarceration is grotesquely illustrated by research documenting that children of incarcerated parents are six times more likely to be incarcerated at some point than other children (Chicago Metropolitan 2020, 2006).

Our incarceration nation extends beyond warehousing people in prisons and jails. Detention centers are one component of the prison industrial complex (PIC), a multifaceted structure in the United States that encompasses the expanding economic and political contexts of the corrections industry, the lobbying power of the corrections officers' unions, and the framing of prisons as a growth industry in the context of deindustrialization. In addition, the PIC, developing in relationship with the military industrial complex that Eisenhower identified in 1961, involves ever-extending systems of discipline and control outside of prisons that in turn feed prison growth and necessitate more forms of secure detention (Davis, 2003). Some examples of these tightening reigns include increased policing and surveillance, racial profiling, and stiffer enforcement and penalties associated with offenses.

The prison industrial complex also incorporates the interlocking relationships between prisons and other spaces in society, such as educational institutions [1]. A disproportionate number of people incarcerated have no high school diploma (52% versus 15% for adults in the overall population) and the dramatic number of low income men, particularly African-Americans, incarcerated without a high school diploma, indicates that prison is, not unlike joining the military or parenting, a "life stage" event for low income, under educated, men *and women* (Petit & Western 2004). Despite this correlation, instead of increasing educational expenditures, from 1990 to 2004, Illinois spending on corrections increased four times faster than spending on higher education. Not surprisingly, given such funding trends, as of 2004, there were over 4,000 more Black men in prison than in public universities or community colleges in Illinois (Chicago Metropolitan 2020, 2006). In addition to such problems of skewed funding and access, schools themselves can be, through one lens, feeder institutions for prisons (Duncan, 2000). As early as preschool, African-American and Latino students are sanctioned through zero tolerance disciplinary policies and special educational categories as under/unemployable, frequently "dangerous," and in need of surveillance and containment (Skiba et al., 2000 & 2001; Losen and Orfield, 2002).

The interlocking relationship between schools and the PIC is part of the larger context of an increasingly penal society shaped by global capital and the persistence of white supremacy. With the replacement of industry by globally competitive high tech and specialized service industries as the primary economic engine(s) of large U.S. cities (Lipman, 2003; 2004), those who deviate from the rules of the market and big business are severely punished. Chicago, like many American cities, has the tremendous challenge of recovery from its decades-long history of de-industrialization, disinvestment, and white flight. Urban centers across the U.S. compete with global cities, for capital, by marketing the city as an efficient node of control of global markets. This marketing requires order, amenities, services, entertainment, expertise, and the requisite docile workforces. Urban governments engage in image-making to shape neighborhoods to appear safe, clean, and "healthy." In this analysis, the disciplinary moves in schools, important institutions in an imagined healthy community, and neighborhoods are required to construct the image of a safe and appealing city with a disciplined workforce ready to serve global business leaders (Smith, 1996). Those falling outside of this rubric are contained, isolated, and disciplined by city policies:

The city's [Chicago's] top 15 zip codes for prison releases are very nearly (and in nearly the same exact order) identical to the top 15 zip codes for prison population origin. The top 15 zip codes for prison releases contain 10 of the city's top 15 zip codes for poverty, 11 of the top 15 zip codes for unemployment, 10 of the lowest 15 zip codes for

median income, and 10 of the lowest zip codes for possession of a high school degree (Street, 2003).

These neighborhoods, concentrating poverty, incarceration, under-employment, and under-education can be erased in the cityscape, and yet simultaneously these areas can house and shape a workforce for temporary, less than living wage, service-industry labor. These neighborhoods are directly connected to the PIC because they simultaneously feed and receive for the prison system. In Chicago this is demonstrated by the fact that ten predominantly Black Chicago zip codes (five on the West Side and four on the South Side) received 25 percent of people released from all of Illinois prisons in the years 2000, 2001, and 2002. In addition, those released from prisons return to the same communities from which they came prior to incarceration (ibid). These highly policed, underserved neighborhoods act as an extension of the punishing powers of prisons outside of their walls.

These relationships between schools and incarceration are an old, too familiar story in the U.S. that continues to be exposed by a range of activists, youth, and scholars. For instance, Andrea Smith (2005) has outlined the forced deculturalization and isolation of Native American children from their families, cultures, and land when they were taken to boarding schools. In addition, Foucault (1977) presents similarities in the architecture and scheduling of schools and penal institutions. Other scholars point out that both underfunded public schools and prisons are filled disproportionately with the poor and people of color (Wald and Losen, 2003; Skiba, 2001). Certain factors predict *both* future trouble in school and trouble with the law, such as suspensions, out-of school suspensions, substance use, perpetration of physical violence, and witnessing violence, high rates of poverty, poor academic performance, and failure to graduate on time (Raffaele Mendez, 2003; Balfanz et. al., 2003) [2]. In addition, in Chicago, a coalition of educators, youth, and activists formed the *Stop the Schoolhouse-Jailhouse Track*, and worked to highlight how school disciplinary policies target youth of color and shape their participation in the criminal justice system. This Chicago-based organization is linked to a national structure, *Stop Schools to Jails*. (Stop Schools To Jails, 2006). In short, education is an integral component of the PIC.

We seek to contribute to this growing engagement with the school-prison nexus by considering two, perhaps less obvious, factors that implicate schools in the business of the PIC—the examples of gentrification and sex offender registries. By unpacking some of the rhetoric that surrounds gentrification and sex offender registries, this article works to explore new tentacles of the linkages between schools and jails. When “new urban pioneers” are flooding and buying up the “revitalized” cities, and the movement of global capital needs to be protected, schools and “new” educational policies become both sites and agents in these processes. In the face of labels of failure and “probation,” schools are sites where gentrification and the global economy provoke dramatic changes. Schools also become agents as they are forced to position themselves either as appealing to gentrifiers and catering to the needs of the global capital, resistant to gentrification and the structuring of education by economics, or quickly fading from existence. The changing face of cities offers a vital, dynamic moment to examine the role schools play in constructing notions of dangerousness, sorting youth into positions in the new economy, including moving students away from educational environments and toward increasingly secure, penal-modeled institutions, and prisons.

Exploring the efficacy of sex offender registries, the new “tough on crime” in the U.S., unearths important cultural anxieties about the racialized contexts surrounding childhood, and the work of schools to require and legitimate constructs that do not make communities any “safer.” This article uses the creation of sex offender registries within the prison industrial complex to illustrate how schools naturalize the construction of *select* children as vulnerable and in need of protection requiring an increase in surveillance and policing, while other youth are systematically denied access to this category: innocence. Schools minimize or erase “real” dangers, and reproduce fears that legitimate the expansion of the PIC. Registries, with corresponding community notification laws, contribute to a culture of fear of “stranger danger” that can function to displace responsibility from patriarchy for violence against children and women. These registries actively participate in the reification of constructs of the child that both afford benefits and privileges to some children and not to others, and animate “artifacts” (such as vulnerability and innocence – also not available to all) that seemingly require the expansion of the punitive arm of the state.

We write this paper as educators in the city of Chicago that work on a range of projects aimed at stemming what youth and organizers call the school to prison pipeline. We witness how the two themes in this article, gentrification and the expansion of sex offender registries, enhance the role of schools as central sites in the expanding prison industrial complex. As people invested in progressive social justice, we encourage other allies to continue to tease out the pervasive and persistent connections, including those outlined in this article, that are often masked or made to appear inevitable. Educators must continue to explore, track and challenge the intricacies of our expanding incarceration nation, as the consequences of these relationships between schools and jails is not simply school failure or underemployment, but potentially a lifetime of diminished basic human rights, a *civil death*, or loss of life (Gilmore, 2004).

Gentrification in Global Cities

The spatial concentration in cities of things such as wealth, social services, new schools, and populations with high rates of imprisonment have to be strictly regulated in neoliberal cities that are positioning themselves as nodes of control and innovation in the global economy. Neoliberalism is a form of capitalism that redistributes wealth upwards, on a global level, through

technology, flexibility, and the support of states that repress and control people, while reserving “freedom” for the market. These “new” modes of production are frequently global, decentralized, and flexible. Because new information technologies change the physical processes of production, the “company” town with the employee society is no longer a viable model. Sociologists, cultural geographers, and political scientists all use different terms to refer to this shift, from neo-colonialism to post-fordism, but the terms encompass more than economic changes. Hall writes: “If post-fordism exists then, it is as much a description of cultural as of economic change. Indeed that distinction is now useless” (as cited in Amin, (Ed), 1994, p. 31).

Within this dominant political-economic-cultural form, the world’s largest cities are put in competition for capital. Global cities serve as marketplaces, sites for production and innovation in the informational economy, and centers of organization and management of globally dispersed systems. Maintaining the image of a safe and appealing city with a disciplined workforce ready to serve global business leaders thus becomes a motivating force to cities that are struggling for or maintaining global status (Smith, 1996). On the one hand, global cities require highly trained professionals to conduct the business of world economic markets. On the other hand, low-wage workers are required for the various support services and leisure needs of this highly paid professional class (Sassen, 2006). A corollary of this division is displacement and repression for groups that are seen as superfluous to the global economy—specifically, people of color, especially African Americans, and the extremely poor. This contradictory need for flexible, highly trained professionals and disciplined, unskilled laborers highlights the fact that education, as it is structured in market societies, is integral in the development of global cities, and is intertwined with the economic project of capitalism (Smith, 1996; Lipman, 2004; Duncan, 2000; Gabbard, 2003; Chomsky, 2003).

No process foregrounds neoliberalism’s contradictions of wealth and poverty, centrality and marginality more in global cities than gentrification. Contemporary practices of gentrification, more popularly known as urban renewal, is a spatial manifestation of neoliberal globalization in cities, and as such is a force that destroys community networks, catalyzes the demolition of affordable housing, and reorganizes urban space in accordance with new race and class priorities. In Chicago, the demolition of thousands of public housing units and the displacement of tens of thousands of families through the Chicago Housing Authority’s (CHA) “Plan for Transformation,” is an urban renewal, and a bold declaration of war on the city’s poorest African American communities. For instance, as of 1998, 79.3% of households affected by public housing closures or demolitions were in census tracts that were at least 90% Black (Rogal, 1998). In general, Chicago’s family public housing tend to be around 90% Black. [3] Likewise the “revitalization” occurring in many, predominantly Latino, communities of color is being accompanied by the displacement of scores of long-term residents. This is demonstrated in part by the fact that, as of 2005, there were more Latinos in Chicago’s suburbs than there were within the city (Olivo and Avila, 2005).

Chicago’s recent housing policy has demonstrated that land values are of greater importance than the “place values” of low-income communities of color. This message, which favors planning around land speculation over community histories and meanings, has only been reinforced by the city’s friendly attitude towards private developers in gentrifying areas. In order to achieve the lofty goals of gentrification and reshaping an entire city to fit the imperatives of global markets, American cities require the compliance of all compartments of city government. In 21st century Chicago, any efforts to improve public schools must fall in line with the plans of Mayor Daley and big developers. It is increasingly obvious that contemporary reforms in public education are being deployed as tools in the city’s attempts to reconstitute its resident base. Government defendants of quality education for the poor seem to have largely disappeared. Meanwhile, today’s government-subsidized investment in gentrifying neighborhoods continues to destabilize educational opportunities for many public school students. Schools have a role to play in gentrification.

Until the late 1990s public school students in Chicago were largely entitled to pursue the Chicago Public School’s (CPS) dismal offerings in the comfort of their home neighborhoods. However, as a result of gentrification, schools in the fastest developing neighborhoods experienced substantial attendance drops in the late 1990s. Particularly sharp were the drops in attendance rates from these schools’ local area. Schools find themselves in complicated and contradictory situations in gentrifying neighborhoods. Schools are expected to prove that they are organized and effective in order to appeal to new residents; however, since gentrifiers seldom send their children to local public schools, school-age populations can change dramatically as wealthier residents with fewer school-age children displace lower-income residents (with more school-age children) (Weissmann, 2002). For instance, in the community areas surveyed by the Chicago educational publication, *Catalyst*, data indicate that while the White population grew by 14%, White public school enrollment dropped by 24% (Weissmann, 2002). Meanwhile the Board of Education has made it easier for parents in many gentrifying neighborhoods to get their kids into nearby magnet schools. These trends point to the distinctly racialized nature of gentrification. To take the Near South area of the city as an example, from 1990 to 2000, the number of housing units in this area increased by 64% while the population grew by only 33%. In the meantime, the African American population in this area dropped by 6% and the number of children in the area decreased by 5% (Voorhees, 2005). This represents a type of growth typical of gentrification.

The children of displaced families must either adjust to overcrowded schools in their new neighborhoods or endure long bus rides back to their old schools where enrollments have generally declined (Weissmann, 2002). Older neighborhood schools also suffer when parents, who served as school volunteers and local support networks, are displaced along with their children. This is the case, even when students continue to attend the same school after having been displaced. Furthermore, displacement

results in the “underuse” of some schools and the overcrowding of others. In the case of schools with declining enrollment, schools lose funding for programs (*ibid*). Exorbitant sums are spent to locate new schools in areas that were already relatively well stocked with schools, and increasingly well stocked with million-dollar town homes (Myers, 2005). A symptom of the troubling redistribution of wealth and services implicit in gentrification: in the last decade over a quarter of the \$680 million spent to decrease overcrowding in elementary schools has occurred in gentrifying areas with lowering enrollments (Myers, 2005).

Chicago’s vested interest in being a post-millennial global city has increased the influences of private investors over the formal education of poor children. Though the city still makes pretenses towards democratic governance, the city’s primary agenda item is the re-tailoring of urban space towards the comfort zones of the middle and upper class. Arne Duncan, the Chief Educational Officer of CPS, demonstrates this clearly when he asks, “as single yuppies get married and have children: How do we make sure that these neighborhood schools are schools of choice for them?” (Weissmann, 2002). It is no secret that the public education system in Chicago is being revamped through privatization and magnet programming in an attempt to lure the children of higher-income families. Like most processes of urban change, the impacts of reform are being unfairly distributed and any “improvements” are generally occurring on the backs of poor families of color. Because it is not at all clear that gentrifying populations do now or will ever make extensive use of Chicago’s public schools, the question arises as to the symbolic allure of “good schools.” In other words, why do schools make any difference in gentrification when the “gentrifiers” do not tend to send their children to schools in their neighborhood? In short, changes in schools coincide with the demands in globally competitive cities for institutions that do not appear dangerous or substandard.

The school building itself, its grounds, its visible programs, its links to the community (or lack thereof) all establish a degree of visibility (or invisibility) in a community. Schools “mark the presence” (Oboler, 2005, p. 1) of the population that attends them. Even when schools are “deterritorialized” and the traditional linkage between where one lives and where one goes to school is broken (Betancur, 2005), the presence of whatever student body exists has to be considered by its surrounding neighborhood, for better or for worse. This highlights the issue of ownership and trust that is involved in the processes of community development and change. The nature of community change is determined by whether communities have the opportunity to define and name themselves, or are labeled from the outside. When an institution such as a school enters or exists in a community, it is incorporated into that community’s self-image, and as part of its projected image to the outside world.

This understanding of schools as part of the symbolic representation of a neighborhood implies that the state of a community’s schools can seep into the popular image of a neighborhood through racist stereotyping. The implication is that if the buildings in a neighborhood are decrepit and if the schools are failing, it is because the existing community is somehow deficient and to blame. If this goes unchecked, the community gets constructed as comprised of an unwanted, unworthy, or unsalvageable population that has to be reformed or removed. Thus, schools are significant image-making institutions in communities, and therefore, they can play an important role in restructuring neighborhoods and cities more broadly.

The business of representation and establishing a presence or identity is played out inside schools as well. The construction of the outward representation of the school involves issues such as uniforms, test scores, facilities maintenance, discipline, security, police presence, and program offerings, encouraged by national school reforms such as No Child Left Behind (NCLB), and locally, the 1995 Chicago School Reform Bill and Renaissance 2010. The products of many of the requirements can be seen in state school report cards available online (Illinois School Report Card, 2004).

Self-representations of students, teachers, administrators, and disciplinarians, security personnel, or police to one another *within* schools involves issues of crime, criminalization, discipline, and control. In particular, young men’s constructions of masculinity often revolve around behaviors that are framed as deviant or troublesome in schools. To whatever extent more crime or “disruption” is perpetrated by males, African American and Latino youth are certainly disproportionately constructed as “dangerous,” if not simply superfluous, particularly, as Lipman (2003) points out, in a city designed to attract tourism and the high-paid managers, technical workers, and professionals essential to the work of economic globalization (335). This construction of African American and Latino youth as dangerous is based on entrenched racist systems. In addition, this perception of dangerousness is increased by the fact that gang members, the most dangerous youth of all, are generally disaffected youth that have already fallen out of the purview of mainstream institutions such as public schools through drop out or push out. The popular understanding that youth, and particularly male youth of color, are dangerous marks the intersection of the politics of representation with crime and criminalization in schools as well as their surrounding neighborhoods.

These dynamics of conflicting representations in schools then contribute to the larger neighborhood image. Public schools and low-income neighborhoods as well as their inhabitants have been systematically neglected, creating a logic for their destruction or “reconstitution.” Within this logic, crime and gang activity are measures of failing schools and neighborhoods, not greater failures of social support and assistance:

“With economic and material decline, the projects became sites of violence and permanent police occupation and terror. They also became *ideological sites* for the demonization of African Americans. Dehumanizing conditions

created by the state were ascribed to the people living there, who were defined by the media as 'criminal' and 'savage.' Having established the logic for the dispersal of residents, the city and federal authorities who demolished the buildings are now construed as humanitarian." (Lipman 2004,p. 73, emphasis ours)

Although Lipman goes on to argue that other forces are involved, such as real estate speculation and exploitation of the potential profit of the rent gap, which on the surface are more race neutral, the basic premise of her argument is informative. In particular, her discussion of ideological sites for demonization of populations speaks to the way that communities and their institutions are represented as criminal.

One example of this revolves around Chicago's public housing. As Northwestern University's Institute for Policy Research reports, CHA projects are subject to an increase in crime due to unprecedented mixing of gangs resulting from building demolitions and the subsequent displacement. In addition, measures such as "Operation Clean Sweep" that were implemented in the early 1990s (and later found unconstitutional in 1995), cracked down and militarized projects against gangs and crimes, but, addressing none of the underlying causes for gang participation, simply drove gangs to "un-swept" buildings and other locations (IPR, 2000). Media presentations typically do not address such underlying factors as CHA and HUD policy contributing to crime in low-income areas and projects, but instead report only on the ostensibly high volume of crime.

This sense of precariousness and invisibility that is created by media constructions and neglect by city officials permeates all interactions and fuels the gang-related issues that communities face. Amid an atmosphere of historical neglect of housing and services, gangs struggle to mark their territory, but even more importantly, to *mark a presence* (Oboler, 2005). Gangs are an extreme example of efforts to establish visibility as an essential marker of belonging in a particular place or society, especially in the context of a city that has historically imposed invisibility on certain populations. What is often unaddressed is that, while violence can establish one's dominance and mark their presence, when it results in death it also permanently relegates another person to invisibility. In this way, violence can perpetuate invisibility as much as it can counteract it.

Part of the crackdown on gang-related violence that is employed in Chicago's public housing is played out on the backs of local schools. Lipman (2003, p. 345) outlines the militarization of schools, with zero-tolerance accountability policies that label schools, their teachers, administrators, and students with the prison language of probation. Lipman (ibid) argues that probation and the associated sanctions that are dictated by NCLB "demonstrates to the whole school community that it is deficient and powerless...signaling the delinquency of schools in African American and some Latino communities, and by implication, the delinquency of students and families as well" (344-5).

Under Chicago's addition to the NCLB rhetoric, Renaissance 2010, the assumption of failure and ineptitude of minority and low-income communities and schools has facilitated the gutting of the Local School Council system wherever possible. LSCs are revoked in schools as a punitive measure for perceived failure based on state standards under R2010, thereby removing one, albeit frail and struggling, institutional pathway for community involvement and empowerment in schools. In this way, the school community is subjected to the punishing power of spectacle that Foucault (1977) describes, wherein the school's "failure," measured by standardized tests, is put into public view and visible sanctions are placed upon the school. These sanctions both set an example of what could happen to other schools and place the blame and impetus for improvement squarely on the very victims of school failure, the students and community.

In fact there is much evidence of the stripping of rights and "privileges" of schools perceived as "failing," irrespective of contextual struggles relating to poverty, historical discrimination, disinvestment, and the like. Implementation of school uniform policies, reversal of off-campus lunch practices, metal detectors, strict dress codes, zero tolerance policies, hall pass requirements, ID requirements, and anti-loitering policies have all been used punitively in response to perceived disciplinary problems school-wide and among specific targeted groups. Combined, these create a spectacle of control. In addition, the implementation of some of these disciplinary policies has been found to correlate with the socioeconomic position of students and their expected class position upon entry into the economy (Anyon, 1980).

Together with the presence of cameras, school security, private security firms, and police, these forms of discipline combine what Foucault (1977) describes as the two polarities of discipline: the discipline-blockade and the discipline-mechanism. On the one hand, some disciplinary problems are blocked by limiting contact between students or by removing some of the causes of fights, etc. This is the discipline-blockade. On the other hand, the discipline-mechanism encourages a sense of very conscious and permanent visibility that assures automatic functioning of power through perceived infallible surveillance. This internalized version of control is preferable to any overt application of force that could be more easily contested. And, as Anyon (1980) points out, such "self-discipline" mimics the demands of low-level jobs that require a docile and unorganized labor force.

In this situation, controls are imposed on students without their input or consent, much as educational policies are implemented to close or sanction failing schools with little to no community debate. Neither individuals nor communities are empowered and

given resources to take ownership of their own problems around crime, poverty and education. Instead, resolutions are passed from without and complete community implementation and adherence is expected. Indeed, these disciplinary measures on students and whole communities are billed as humanitarian, or in the best interests of communities due to the cycles of violence, poverty, and failure that they purportedly address.

Sex Offender Registries

In addition to assessing how gentrification changes spaces, and “quietly” moves schools into new relationships with the PIC, it is also important to assess how overt expansions of the PIC require schools and school-based discourses. How do schools/educational spaces naturalize artifacts that require the expansion of the punitive surveillance systems that target low-income communities of color, and do nothing to make our communities “better”? Sex Offender Registries, originally created in the ‘30s to track and harass “known homosexuals,” (Jacobson, 1999; Humphreys, 1970) offer a vital current moment to examine the PIC’s relationship to education from a new vantage point and to document how schools function to normalize categories, such as *the child*, or *the nuclear family*. These key school-based artifacts are used to create new tentacles of punitive state surveillance and to manufacture fears that cloak “real” dangers or violence. Schools figure prominently in the expansion of laws targeted toward sex offenders, and exploring these registries might enable different conversations about how to respond to violence against children and might even move, us, in schools, to examine our complicity in reproducing discourses about the child, sexuality, or the family that actually contribute to “violence.”

In Illinois, the 1986 Habitual Child Sex Offender Registration Law established the first public registry for those convicted of child sexual offenses. In the subsequent twenty years, registration requirements have been expanded to include a broader range of offenses, including, essentially, all sex offenses and other crimes against children. Over the years, SORs also increased the information available to the public and enhanced the restrictions attached to registration. In 1996, in direct response to the abduction and murder of twelve-year-old Polly Klaas (1992) and seven-year-old Megan Kanka (1994), by two men with prior convictions for violent sexual crimes, the federal government passed Megan’s Law, establishing a national sex offender registry and corresponding community notification laws.

SORs require those convicted of a range of offenses, from public indecency and lewdness to aggravated child sexual assault, to register every ninety days for at least ten years. SORs also restrict employment, housing and mobility, particularly in public spaces where children congregate. The restrictions are specific. As of last year, registered sex offenders in Illinois were prohibited from living within “500 feet of a school, playground, or any facility providing programs or services exclusively directed toward people under age 18.” Other states (and some cities) have similar laws. In Iowa, convicted sex offenders cannot reside within 2000 feet of schools or places where children congregate, thus effectively prohibiting anyone on the SOR from living in an urban center. SOR restrictions, like most laws, tend to be selectively enforced. One example of this is a shelter in Chicago that has offered temporary housing for registered sex offenders for several decades. The school nearby, measured by the street, is more than 500 feet away, but under 500 feet when measured “as the crow-flies.” As the neighborhood gentrifies, the shelter’s proximity to a school has been explicitly questioned though it is a school in which, few, if any of the new homeowners would ever enroll their children.

Even though the vast majority of all assaults on children are perpetrated by acquaintances or family, not strangers, the popularity of these registries grew in the late 1990s. Civil commitment laws, passed in a dozen states by 2006 and upheld by the Supreme Court in a 2005 decision, aim to geographically detain and segregate certain categories of sex offenders, *indefinitely*, after release (Feuer, 2005). While the violence enacted by those convicted (or not) of assaults is often horrific, we are deeply suspicious of the state’s moves to sequester and stigmatize any population in the name of the safety and the innocence of specific groups of children, and by default some women who benefit from the protection of the state if they possess the central characteristic of the child: innocence (Silliman & Bhattacharjee, 2002).

While strangers do hurt children, SORs create a culture where the perceptions of violence and harm to children and youth occur outside of the child’s natural life. The 2000 report from the Bureau of Justice Statistics, *Sexual assault of young children as reported to law enforcement: victim, incident, and offender characteristics* (BJS, 2000), clearly identifies that for all female victims, acquaintances are the highest risk category to assault children: 25.7% of the offenders are family members, 59.5% are acquaintances, and 14.7% are strangers. The stranger category is lowest for younger children, with only 4.8% of perpetrators in assaults of girls between the ages of 6-11 identified as strangers, while 51.4 % are acquaintances, and 43.8% are family members. For males, the numbers are similar, with an even lower prevalence of stranger assaults. The BJS documents that in sexual assaults against male children, the perpetrators are more likely to be family members, at 32.8%, while 59.8% are acquaintances, and 7.3% are strangers. Younger male children are also less likely than older male children to be assaulted by strangers. For boys 6-11 who are sexual assault victims, 37.7% of perpetrators are family members, 57.7% are acquaintances, and 4.6% are strangers. The younger the child, the more likely the perpetrator is a family member. These are reported incidents to law enforcement, and the sanctions for children (or anyone economically or otherwise dependent) against naming relatives or family friends as the perpetrators of violence are high. Given this reality, we suggest that the incidents of sexual assaults in general are under-reported, and in particular those perpetrated by family and acquaintances. [4]

The mobility and public space restrictions attached to SORs construct meanings about what kinds of public space are dangerous for children, where children are most at risk or vulnerable, and by default, what kinds of spaces are safe or risk-free. With seventy percent of all reported sexual assaults against children committed in the residence of the victim, this emphasis on “public spaces,” namely parks and schools, is deeply problematic (BJS, 2000). The use of schools in SORs as protected sites is not unique, as almost every state has also adopted “drug free zones” around schools, and as a 2006 Justice Policy Institute Report identified, these zones overwhelming “blanket” neighborhoods in urban areas, for example “76 percent of Newark, and over half of Camden and Jersey City,” where predominantly people of color reside. These zones also result in the express targeting of these communities of color by police, and through targeting schools, these policies, not unlike the mobility restrictions in sex offender registers, create erroneous perceptions of what space is “safe,” or how spaces can be made “safer.”

Several theorists deconstruct mass media’s focus on stranger-danger to offer insights into the public sphere’s participation in this frenzy. Some of the most interesting work is by literacy theorists: Kincaid, in *Erotic Innocence* (1998), offers a list of reasons for the explosion of public panic in the 1980s in the US surrounding stranger child abuse and child abductions. His list ranges from “it directs our attention away from more pressing ills, to ... it attacks working mothers most viciously... and it gives the police and policing agencies godlike power” (21). Berlant (2004) suggests that the demonization of select vulnerable populations, such as sex offenders, functions as one way to signify participation in society. Many other theorists, including Jacqueline Rose (1992), and Marianne Hirsch (1999), suggest that stranger-danger is simply easier than addressing the complicated issues of the sexualized violence built into patriarchal systems.

As discussed, SORs were established to protect children from harm. What are the defining characteristics of this population, “children,” or equally slippery constructs - “youth” “juveniles” or “adolescent” that enables these protections or benefits? Responding to these questions requires an examination of the fundamental concept of the child. Childhood, like other categories such as adolescence, is a shifting and invented construct, (Aries, 1962; Lesko, 2001). We will not do justice to the significant and lengthy research on the construction of childhood, the debates within the field of childhood history, as this work is really outside the scope of this article, but we do want to illustrate that a core characteristics of our modern construct of the child: “innocence” is not available to all. This is clearly visible in our current justice system.

Despite the U.S. Supreme Courts’ rather positive decision to not execute juveniles in 2005 that overturned the prior 1989 decision, in the last decade, states have been both lowering the age that a child can be held accountable and tried in a juvenile court and raising the number of children moved into adult court. These shifts expand the definition of who is culpable, and therefore punishable. Dohrn illustrates that changes in the court system in the late 1990s extended the punitive arm of the state into the life of the child.

All across the nation, states have been expanding the jurisdiction of adult criminal court to include younger children by lowering the minimum age of criminal jurisdiction and expanding the types of offenses and mechanisms for transfer or waiver of juveniles into adult criminal court. ... the age when a child is legally still considered a child (and when a child becomes culpable as a adult) has become a major element in the expansion of criminal courts jurisdiction and the simultaneous constriction and extension of juvenile court jurisdiction. (Dohrn, 2000, p. 175)

While 7 or 8 year olds are being moved into juvenile court, fourteen, fifteen and sixteen year old “juveniles” are being transferred to adult court either automatically, or through a process known as the “direct file transfer” where the prosecutor uses “his or her sole discretion in determining whether a child is to be charged in juvenile or adult court” (Dohrn, 2000, p. 177). These processes clearly expand the court’s jurisdiction, yet they disproportionately impact youth of color.

“And Justice for Some,” a 2007 report from the National Center on Crime and Delinquency, [5] documents that youth of color are consistently over-represented at every level of our justice system:

African American youth are detained at 4.5 times the rate of White youth. Latino youth are detained at 2.3 times the rate of White youth...African American youth are more likely than White youth to be formally charged in juvenile court and to be sentenced to out-of-home placement, even when referred for the same offense. According to the latest available data, three out of four of the 4,100 new admissions of youth to adult prisons were youth of color. ... African American youth are 16% of youth in the general population but 58% of youth admitted to state adult prison. . . . (National Center on Crime and Delinquency, 2007, p. 1-5)

Not only are certain kinds of intimate violence erased in the expansion of SORs, but the construct at the center of these registries is the protection of childhood, in particular innocence. This characteristic, innocence, and this category “child” are increasingly unavailable to segments of the population in the U.S (and beyond).

While innocence is “a lot like air in your tires: there is not a lot you can do with it but lose it” (Kincaid, 1998, p. 53), innocence is not equally conferred at birth. White supremacy and gender clearly undergird these shifting meanings surrounding childhood. For example, in the 1920s and ‘30s compulsory school attendance laws and child labor protection laws were not enforced in the Southwest (and in other regions) because the labor of Latino children was needed in the fields (San Miguel, in Darder et al., 1997). This same division about which children merit access to protection under these laws and categories is evidenced today, in the U.S., when consumers feel no shame at purchasing items or clothing made by teenagers or children in other countries, generally children of color, who work in untenable labor conditions. Or, Ann Ferguson’s work that documents that white female teachers are most “fearful” of elementary school aged African-American boys. These bodies do not get full access to the benefits of the category “children,” nor do they merit protection under the category “innocence.”

Perhaps for some, this discussion may appear out of the realm for an article geared towards educators. What do sex offender registries have to do with schools? And what is the connection to the expanding prison nation? Clearly there are surface responses to this question that should be clear motivators: schools are physical spaces that feature prominently in sex offender registries – as discussed—and school-based personnel must screen and do background checks on all employees, etc. But beyond these pragmatic responses, we hope that educators will be investigating two additional compelling reasons to investigate sex offender registries.

First, school-based discourses participate in the naturalization and the construction of particular meanings about children, and these constructs of the natural child (and the family) *necessitate* the expansion of the PIC. Tougher sex offender laws and more punitive policies are required because select children are vulnerable and “at risk.” The very definition of the “child” that schools advance requires increasing surveillance and protection, hence justifying the expansion of laws, regulation of public space, and more. The *child*, and by association also *the nuclear family* and the *adult*, possess enormous traction and power outside schools. These artifacts, by definition, signify normal and abnormal modes of association and development, and clearly delineate who is in need of and worthy of state protection, and consequently, what and who is to be feared. These fears and vulnerabilities translate into powerful rationalizations for the expansion of the PIC. Select, innocent and vulnerable children need to be protected from sex offenders and drugs, even when the dangers of hetero-patriarchy and poverty are much more prevalent.

Secondly, curriculum, teachers, and more, reproduce the fear of stranger danger and minimize or even erase the reality that the garden-variety everyday hetero-patriarchy is just about the most violent, most risky context for children. Schools function as a central site to solidify these ideas of “risk” as external to the everyday, natural life of the child. In 2005, Illinois implemented the *Child Lures Prevention Program*, a national initiative, to prevent child abduction and exploitation through the use of the 3,200 elementary and middle schools in Illinois to “teach parents and children to recognize potential dangers and make smart decisions to avoid child predators.” The press release further states that:

At least 1 in 5 girls and 1 in 10 boys will be sexually abused before they turn 18, according to the National Center for Missing and Exploited Children. The Illinois Department of Children and Family Services estimates that more than 8,000 children are sexually abused every year in Illinois. (America’s Missing: Broadcast Emergency Response, September 14, 2005).

Nowhere on this press release does it state that children are much more likely to be assaulted by family or friends. In fact, the framework of the *Child Lures* curriculum emphasizes how to recognize “predators” and “danger” negating the reality that those who do violence to children overwhelmingly do not appear in the child’s life as a predator or a stranger, but someone they already trust and care about. Schools function to legitimize these constructions of “risk” and who to fear, because educational discourses are imbued with authority and frequently perceived as neutral, apolitical spaces. Finally, highlighting the backdrop that SORs take – the landscape they circulate on – illuminates that it is a narrow group that has access to the full benefits affiliated with childhood, and those that are not able access to this category are subject to surveillance and regulation. As urban centers shift to maintain segregated lines, to privatize public space, and to contain the bodies the state has identified as superfluous, it is vitally imperative to pay attention to how schools legitimate the expansion of the PIC.

Conclusions

Education has both enslaving and emancipatory possibilities, especially during this period of economic restructuring and rapid change in our social life, and may, in turn, forge new ways of thinking about social life.
- Enora R. Brown (2003, p. 148)

The movement of global capital is shifting the face of urban cities. While the PIC is integrated into schools through obvious frames: uniforms, disciplinary codes and more – the relationships between the PIC and education are far more insidious – and interrelated. Schools explicitly traffic in central concepts that legitimate the expansion of the PIC. Moreover, schools and school

reform often play a role in actively cloaking such sinister connections through discourses of meritocracy, individual responsibility, accountability and through perpetuating child-centered discourses that animate our “adult” anxieties and fantasies. Anyon (1980), in her work studying fifth grade classrooms in different socio-economic communities, documented differences in teaching styles and strategies, evaluation methods, curriculum, disciplinary mechanisms, and more. These differing cognitive and behavior practices prepares students in varied socio-economic schools, to possess unequal possible relationships to physical and symbolic capital, to leadership and to authority, and to the labor market. Schools continue to function as sorting mechanisms in global cities vying for position in a global economy.

While Anyon suggests that “hidden” inside schools, curriculum and pedagogy are mechanisms of economic and social reproduction, the inverse is also the case. Schools also cloak how their very foundational concepts, “the child” or “knowledge,” are deeply interconnected to wider systems, notably capitalism, patriarchy, and white supremacy. School reform practices are equally implicated, as these reforms are frequently named and framed in isolation from the landscape of shifting urban economics that actively produces these reforms. While Anyon documents that the “hidden curriculum” is the cognitive and behavioral skills that schools distribute that are deeply stratified by race, class, and gender, we argue that schools and schooling-based discourses also cloak precisely how the artifacts that are central to schooling are intimately linked to larger political forces. Schools, daily, deal in ideologies to support the creation of public enemies.

Given that these public enemies--generally young people of color--are now becoming economic raw materials for a prison industrial complex unparalleled in the world, our task as educators becomes that much more vital. In this short paper we have struggled to dissect the nuanced justifications and interconnections in discourse and policy that construct youth, the poor, and people of color as criminal, superfluous, and in need of boundaries and control. In particular, by relating seemingly non-educational processes such as gentrification and registries to the “business” of public education, we begin to ask about the purpose of schools in relation to historical and relatively new struggles for social justice. In a time of such intense global change, we look for alternatives to what has been and what now is and seek to move education away from its enslaving possibilities, and toward an emancipatory role.

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Meiners acknowledges the pleasure of working and learning with Karen Reyes, and honors that the learning represented in this article that comes from almost a decade of work in Chicago with a number of organizations that continue to challenge the expansion of our incarceration nation in the U.S, including the feminist media powerhouse, Beyondmedia Education (check out www.womenandprison.org) and Critical Resistance (www.criticalresistance.org) that refuses to rely on caging people as a solution to problems of addiction, poverty, and mental illness. *On September 26-28, 2008, plan on being in Oakland, CA, to celebrate CR turning 10!* Meiners is also shaped by ongoing local queer organizing with Therese Quinn. *Join TAME – Teacher’s Against Militarized Education (CivilianSchools@gmail.com).*

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[1] Although our work mainly focuses on k-12 schools, many of these issues affect k-16 educational institutions. In fact, the data relating to inequities in post-secondary education suggests a gatekeeping role for k-12 schools where opportunities for educational advancement are either encouraged or denied, depending upon such markers as race, gender, and class. Further, when doors to educational opportunity are effectively closed, this in turn affects access to legal and sufficient employment.

[2] See also : www.ncdjidp.org/cpsv/Acrobatfiles/2003Stats_midyear.pdf; www.civilrightsproject.harvard.edu/research/pipeline03/Skibbav3.pdf; www.sentencingproject.org/pdfs/brownvboard.pdf

[3] <http://www.chicagoreporter.com//1998/03-98/map.gif>

[4] Bureau of Justice Statistics. (2000). Sexual assault of young children as reported to law enforcement: Victim, incident, and offender characteristics. Retrieved December 05, 2006, from Bureau of Justice Statistics Website: <http://www.ojp.usdoj.gov/bjs/pub/pdf/saycrle.pdf>

[5] <http://www.nccd-crc.org/>

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