

The Rise of Prison Gangs

*The Mafia is, essentially, nothing but the expression of a
need for order, for the control of the State.*

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The Business of Private Protection

Before the mid-1970s, the convict code had provided governance relatively effectively. Reputations were known in the inmate population, and the fear of gossip, ostracism, and assault constrained much predatory and opportunistic behavior. However, the convict code began to break down once large demographic changes occurred within the prison system. Inmates still voice respect for the code today, but it cannot provide the governance that they require, and it is not the preeminent governance institution. As demographic changes made decentralized governance less effective, violence erupted and inmates sought alternative sources of social control. Inmates turned to organizations—prison gangs—to provide protection in the inmate social system. These organizations required effort to operate effectively, but if inmates did not bear these costs, they would continue to suffer the consequences of disorder. By recognizing inmates' demand for governance, we can identify why governance institutions became more centralized and explain where and when prison gangs form.

Like many other mafia groups, prison gangs originated to provide protection. Historically, organized crime has played a crucial role in producing governance in the underworld. In fact, what makes mafia groups unique is not that they engage in crime in an organized and sophisticated fashion but that they govern crime. They enforce the rules of the game that allow people to participate in illicit markets. In surveying the interdisciplinary research on organized crime, economist Stergios Skaperdas has found that "the defining economic activity of organized crime is the provision of *protection* or its more

respectable variation, *security*.² Seminal work by Diego Gambetta examines the formation of the Sicilian Mafia during the 19th century, a time when state enforcement of property rights was uncertain and bandits preyed on the property of new landowners.³ Landowners had a demand for private protection that the government did not satisfy, and the end of the feudal system meant that soldiers were available to offer their services as private rights-enforcers.⁴ These men became mafiosi. They expanded into a number of other rights enforcement activities, including acting as third-party adjudicators of disputes, enforcing contracts, and punishing criminals.⁵ Similar organizations arose in other parts of Italy—such as the 'Ndrangheta and Camorra mafias in the Calabria and Naples regions.⁶

It is common for organized crime to form when newly established property rights have no effective state-based mechanisms to secure them. For instance, Federico Varese has shown that when the Soviet Union collapsed, property rights enforcement was incomplete and uncertain, and businesspeople had a strong demand for protection. Supplied by the abundance of now-unemployed Russian soldiers and secret police, the Russian Mafia stepped in to sell protection to businesses.⁷ Surveys conducted in three Russian cities examined why shopkeepers purchase governance from private protection organizations. Respondents explained that their demand for these services stems from their activity in the informal and illicit economy, which they participate in to avoid strict government regulations.⁸ Shopkeepers view these organizations as an alternative to the failing and ineffective state-based courts and police system. Surveys of Russian and Polish businesses in 1998 revealed three key facts that help make sense of private protection organizations.⁹ First, merchants rely on private protection more when they participate in informal economic activity. Mafias provide a substitute to official mechanisms that people in the informal economy cannot rely on. Second, managers recognized that these organizations are costly and far from ideal, but they often consider private protection services to be beneficial. Third, merchants confirmed that rather than providing protection only from rival sellers of "protection," these organizations provided protection from real threats of theft and predation. This was not merely a protection racket.

In Japan, the Yakuza provides property rights protection to make up for inefficiencies "in formal legal structures, including both inefficient substantive law and a state-induced shortage of legal professional and other rights-enforcement agents."¹⁰ The number of Japanese organized-crime firms is negatively correlated with the number of civil cases filed in district court, reported crimes, and loans outstanding. This suggests that the Japanese mafias "play an

active entrepreneurial role in substituting for state-supplied enforcement mechanisms and other public services in such areas as dispute mediation, bankruptcy and debt collection, (unorganized) crime control, and finance."¹¹ Similarly, China's transition toward a more market-oriented economy includes land reforms and massive privatization of state-owned and rural enterprises. These changes have obscured property rights assignments. Uncertainty, systemic corruption, and weak judicial institutions left people in need of governance. Chinese mafia groups arose to adjudicate commercial disputes and facilitate cartelization of industries.¹²

Ethnographic studies of American street gangs in multiple major metropolitan areas have found that the gangs provide an important source of protection to its young members.¹³ Gang members frequently report that they join street gangs because they need the protection that gangs supply, and "interview data have documented consistently that gang members are drawn to these groups for their perceived protective quality."¹⁴ Individual-level data on gang membership and victimization are difficult to collect. One study, however, examined the relationship between the number of gang members in Los Angeles and the violent-crime rate. The conventional wisdom holds that gangs cause violent crime, but the evidence does not support this view. In fact, gang membership increases after increases in violent crime, rather than before it. This is consistent with the claim that people join gangs for protection from the violent crime that is occurring in their communities, not that they join gangs to participate in violent crime.¹⁵

Mafias do not materialize and come to power at random. They form in power vacuums where people cannot rely on state enforcement of property rights. They often control relatively small areas because it is too costly to keep out competing mafias.¹⁶ Three potentially chaotic situations are typical. First, people might be so geographically isolated from the government that they are not protected. It isn't worth the government's effort to set up police departments and courts in remote areas that have few valuable resources, a primitive or languishing economy, or a small tax base. In the state's absence, people turn to local mafias for protection.

Second, people participating in prohibited trades, such as drugs, gambling, and prostitution, are excluded from using state-based legal institutions to secure governance. The illicit nature of the business forces them to seek alternatives. In the United States, the mafia came to power in the freewheeling alcohol markets of the Prohibition Era. They ended up playing a far-reaching and important role in enforcing agreements and settling disputes in the criminal underworld.¹⁷ In addition to governing illicit markets, mafias often

help businesses manipulate legal markets. For example, local building contractors might hire a mafia to enforce a restrictive cartel within an industry. The mafia deters cartel members from offering lower prices and new firms from entering the market.¹⁸

The third potentially chaotic situation is when politically contentious areas subject to instability from revolutions, riots, and rebellion give rise to power vacuums and a corresponding need for protection. After both the demise of the Soviet Union and the collapse of the Italian feudal system, the number of private property holders increased dramatically, but the availability of conventional property enforcement mechanisms either remained constant or declined. In short, mafias form when the state cannot or will not provide governance and a long-term demand for governance exists.¹⁹

With the decline of the convict code, the inmate social system experienced just this type of power vacuum. Inmates had a need for self-governance that was met by neither official mechanisms nor the norms that previously ruled the community. Gangs formed to meet the demand for protection, for both one's person and property, but also to protect the security of transactions in the prison's underground economy. Identifying the changes in the supply and demand for governance explains why prison gangs form. While mafias exist in a wide range of situations and form to solve a very general problem, the particulars of their origin and operation depend on the unique, contextual details. To understand the rise of prison gangs, we turn to the California prison system and the inmate society in the actual facilities where they surfaced.

The Origins of California Prison Gangs

In 1945, the California legislature approved the building of the Deuel Vocational Institution (DVI). Earl Warren, the famed jurist who later served as the 14th Chief Justice of the United States, was California's governor at the time. He believed in the progressive approach to incarceration, the "new penology" devoted to rehabilitative ideals. He appointed Richard McGee, also a proponent of the new penology, to lead the Department of Corrections.²⁰ They believed that scientific bureaucracies could educate and train the criminally minded so that these individuals could return to society and lead productive lives. The purpose of DVI was to do just that. It was built in Northern California in the San Joaquin Valley, in the small, dusty farming town of Tracy.

Its doors opened in 1953, and as one employee at the time remarked, its walls and buildings reflected the "current correctional attempts to bring the

total forces of contemporary rehabilitative and management techniques to bear on the individual offender."²¹ This facility provided room for 1,250 "young and trainable (i.e. salvageable) inmates" and included "the programs necessary for their resocialization as constructive members of the free community."²² From the start, DVI's mission was to teach inmates how to make an honest living. The facility provided vocational training and a complete elementary- and high-school-level educational program that met all of the state's curriculum requirements.²³ DVI combined an educational element with a custodial setting, but it was still a prison. According to a former staff member, its construction "represent[ed] a monument in concrete and steel to society's failure to discover acceptable alternatives to the 'pains of imprisonment.'"²⁴

One observer quipped that it was a "progressive school for bad boys."²⁵ But this description wasn't perfectly accurate. The inmates who took residence at DVI were not just minors. Whereas other custodial facilities held either juveniles or adults, about half of the inmates at DVI were youths and half were adults.²⁶ Juvenile facilities sent youth to DVI for a variety of reasons, but the most important was to control inmates considered "management problems."²⁷ Prisons sent adults to the facility because they were either "skilled workmen" or "young and trainable."²⁸ As a result, the inmate population at DVI held both the most disruptive young inmates and a large number of adult offenders. Officials hoped that this innovative facility would be the key to unlocking the mystery of rehabilitation. Instead, it provided a fertile environment that gave birth to a new form of organized crime. These gangs would grow to an unprecedented scale and place of power in the criminal underworld.

During this period, changing inmate demographics across the entire prison system were frustrating the effectiveness of the convict code. More inmates, more young inmates, more violent offenders, and more first-time inmates undermined the ability of reputation-based governance mechanism to operate successfully. The inmate population at DVI eclipsed these broader trends, for several reasons. First, the number of inmates grew rapidly. Ten years after opening, the population had reached 1,600 inmates, nearly 130 percent of the designed capacity.²⁹ Second, because of the unique philosophy undergirding DVI and the corresponding inmate selection process, the inmates were much younger than at other prisons. The median age of inmates at DVI was only 24.1 years, compared with the median for all of the state's prisons of 31.9 years.³⁰ Third, there was a higher percentage of people at DVI incarcerated for crimes against persons. Compared to other juvenile facilities, twice as many of the youth were incarcerated for violent offenses.³¹ Finally, inmates at DVI were much less likely to have served a prison sentence—only 39.6

percent compared to 46.2 percent for the entire prison system.³² The same demographic factors that made norms less effective at the system-wide level were even more pronounced at DVI. It is precisely at this facility that we would expect to see decentralized governance fail and violence to erupt.

At DVI, prison gangs sprang violently into existence.³³ From the beginning, it had not been an orderly prison. Violence and periodic race riots plagued inmates at the facility.³⁴ People referred to it as "Gladiator School."³⁵ Robert Morrill, a member of California's first Prison Gang Task Force and a nearly 50-year veteran of law enforcement explains that prior to the 1950s, "there were groups of Mexican-American inmates that had become prey to larger and usually stronger groups of Black and White inmates in California prisons."³⁶ In 1957, young Hispanic inmates formed the first California prison gang—the Mexican Mafia.³⁷ According to a variety of sources, these inmates formed the gang for protection. Morrill writes, "At the inception of the Mexican Mafia, it seemed to be only a self-protection union, or a surrogate family used only to protect its members and their possessions. This is how most prison gangs begin."³⁸ The Mexican Mafia, "like all Security Threat Groups which formed afterward, initially started out as a self-protection group. They wanted to survive in the prison environment and protect their private property from being taken."³⁹ A former prison gang member reports that the Mexican Mafia formed when "several Latino inmates organized a protection group and dedicated themselves and their resources to equal and fair treatment for Mexican-American inmates."⁴⁰

The founding members of the Mexican Mafia were relatively young—including some as young as 15 years old—and typically were members of Los Angeles street gangs.⁴¹ They sought to reduce conflict among the rival gangs from Hispanic neighborhoods. Instead of having multiple street gangs fighting against each other, they consolidated their power. A former prison gang member explains that the budding gang "aggressively recruited newly arrived Mexican-American inmates to boost its membership.... New recruits were instructed to lay all vendettas and conflicts from the streets to rest."⁴² The prison gang's goals were multifaceted. According to a Department of Justice study, the gang members "gave up their street gang identity for the collective purposes of mutual protection, to run illicit businesses in the prison, and to gain power over other inmates."⁴³ A former Mexican Mafia member explains that to accomplish these objectives, the founding members began "establishing their reputation of terror."⁴⁴

In the early 1960s, officials transferred many of the founding members of the Mexican Mafia to other prisons (primarily San Quentin, Soledad, and

Folsom) to disturb their operations.⁴⁵ Officials intended to discourage their disruptive and violent behavior by mixing them with hardened adult convicts.⁴⁶ However, rather than dividing and conquering this group, the dispersal of Mafia members throughout the prison system helped them recruit new members and spread the gang's influence.⁴⁷ In these prisons, the Mexican Mafia reacted to disrespect from inmates with quick, brutal acts of violence. Still, that wasn't the only reason they shed blood. Within days of being transferred to San Quentin, Mafia members stabbed "unsuspecting" inmates to death on two different occasions, for no apparent reason. A gang member who was active in the early years of the Mexican Mafia notes that violence was committed in public places and in a dramatic fashion for the specific purpose of making the biggest display possible. These murders, he explains, were "committed for no reason other than to make a statement to the general population at San Quentin."⁴⁸ As with all other mafia groups, violent acts established the gang's reputation and allowed it to credibly provide protection.⁴⁹

Some of the members felt that the group's name didn't suitably reflect their Latino heritage. They agreed to adopt an additional name for the organization, *La Eme* (pronounced lah EH-meh), the Spanish letter *M*.⁵⁰ The gang recruited the most dangerous Hispanic inmates, regardless of street gang affiliation, and early members came from both Northern and Southern California neighborhoods. While their official membership numbers were relatively small, according to some accounts, by 1965 *La Eme* controlled nearly every California state prison.⁵¹

The gang was different from the inmate groups that had existed in the past. Before the Mexican Mafia, Morrill reports, there had "always been smaller groups of inmates that banded together...but they never had any real meaning other than close friendship or a mutual business arrangement while in prison."⁵² Past inmate groups centered around inmates' street gangs and neighborhoods. The Mexican Mafia transcended that. The member's allegiance was to the prison gang, and membership required a lifetime commitment.

The Mexican Mafia developed internal rules to govern its operations and to maintain order among its members, but it did not provide governance to all inmates. In fact, as their power grew, they increasingly preyed on others. A former Mexican Mafia member claims that the gang members "began robbing inmates of their possessions—prison ducats, canteen goods, and drugs—while making examples of those that would dare oppose their demands."⁵³ Inmates who were not affiliated with the Mexican Mafia had "to surrender their prison luxuries and items of comfort such as wrist watches, rings, shoes

and anything that could either be enjoyed by [the Mexican Mafia] or sold on the prison black market."⁵⁴ Some of the Mexican Mafia members looked down on Hispanics from small, Northern California towns.⁵⁵ According to a former Mexican Mafia member, "in sharp contrast to their more regimented and streetwise counterparts from Los Angeles, they were very unorganized and lacked the aggressiveness and street savvy that was necessary to survive in the prison jungles."⁵⁶ Mafia members referred to them derogatively as "farmers" and "sodbusters." They did not consider them "true gangsters, or *veteranos*, but merely potential victims."⁵⁷ The Mafia "was quick to forget its origins and, once its members began losing sight of their true purpose, they, too, began to prey on their own people."⁵⁸ La Eme had formed to fight against predatory inmates, but they had now become a dangerous predator.

Other inmates were not blind to the Mexican Mafia's threat. John Irwin notes that their abuse "aroused and consolidated a large number of 'independent' Chicanos, who planned to eliminate the Mafia members."⁵⁹ Many of these inmates were the Hispanics from rural farming communities who had suffered their abuse. In 1965, at Soledad State Prison, they grouped together and fought back.⁶⁰ To defend themselves, they "formed their own alliance for self-protection."⁶¹ The group would come to be called *La Nuestra Familia*—Spanish for "our family."⁶² A former member notes that the *Nuestra Familia* "took a firm stance against oppression or other types of unjustifiable practices proven detrimental to La Raza [all those of Latin descent] within the penal system."⁶³ They began recruiting inmates to protect themselves and the Hispanic inmate population in general.

The primary objective of *Nuestra Familia* (NF), according to a former member, was "to protect and defend its members and/or La Raza against any outside aggression, especially from the EME.... Many Latino inmates suffered a great deal of unnecessary hardship and indignity, as did inmates of other races."⁶⁴ The NF leadership "vowed that familianos would no longer passively allow the EME to victimize the very people they had solemnly sworn to protect."⁶⁵ Like the Mexican Mafia, the NF formed for protection; one of the founding members is claimed to have said, "La Nuestra Familia must be the voice of the people, not only in Soledad, but throughout the prison system."⁶⁶ They adopted the Huelga bird symbol, the same logo chosen by the National Farm Workers Association, led by César Chávez. The *Nuestra Familia*'s stated aim was to help its members while incarcerated. Their founding document, a written constitution, states that the "primary purpose and goals of this O [Organization] is for the betterment of its members and the building up of this O on the outside into a strong and self-supporting

familia.”⁶⁷ Recent internal gang documents reveal that the gang promotes itself as a warrior for justice, noting that members “challenge all those who oppose our unity and advancement towards equal justice.... Those who seek to destroy and undermine our raza’s efforts to rise above their standards of living have through their own actions made it possible for us and other groups like us to come together.”⁶⁸

The Mexican Mafia and the Nuestra Familia were the first two prison gangs to form in California, and they were not the last. As they rose to power, inmates of other races and ethnicities formed gangs as well. Morrill explains that, in the following years, inmates “who formed these other gangs felt they had to in order to protect themselves.”⁶⁹ In the late 1950s and early 1960s, white inmates formed the Blue Bird Gang. Little is known about this organization, but by the late 1960s, the Federal Bureau of Investigation reported that it had become “apparent to other white inmates that a more powerful gang was needed to protect white inmates from the Black and Mexican prison spawned gangs that were in power in the California Department of Corrections prison system.”⁷⁰ The Aryan Brotherhood prison gang formed in 1967 with the explicit purpose of protecting white inmates from black and Hispanic gangs.⁷¹ Hispanics from Texas did not align with either the Mexican Mafia or the Nuestra Familia.⁷² As a result, the Texas Syndicate prison gang formed in California in 1976, and their primary purpose was to protect themselves from other inmate groups.⁷³

At around the same time, black inmates formed the Black Guerilla Family, to protect themselves from the Mexican Mafia.⁷⁴ A Black Guerilla Family member describes how they “controlled the line [mainline prison population] there, by offering protection of numbers, protection of comradeship.”⁷⁵ Membership made other benefits available as well. He went on to explain, “you would never really want for anything. Your little smoking habits were taken care of if you were a good soldier. We had private stores—cigarettes, candy, pies, canned food, canned meat. If you were short you could get stuff from us and you wouldn’t have to double up [pay interest on borrowed goods]. Or we’d get someone to write to you from out on the streets, keep you from getting lonely. When you’re going out, we have community officers who have contacts with people on the streets.”⁷⁶

Prison gangs continue to provide their members with protection, mutual aid, and the ability to participate in the lucrative prison drug trade. A federal indictment notes that Nuestra Familia provides “protection and security for its members and associates from rival organizations and gangs both inside and outside California correctional institutions.”⁷⁷ Studying the Nuestra Familia in Colorado, former inmate Robert Koehler reports that they offer valuable

support and supplies. The gang operates as a mutual aid society and "provides *Familianos* [members] with physical protection from rival gangs and supplies them with store goods at low cost or on low credit, and Familia serves as their emotional family."⁷⁸ A gang in Texas with more than a hundred members even calls itself the "Self-Defense Family."⁷⁹ The histories of numerous prison gangs, including the Aryan Circle, Border Brothers, G-27, 211 Crew, the Puro Tango Blasters, the Texas Aryan Brotherhood, and the Mexikanemi reveal that they all formed to provide protection.⁸⁰

Those who argue that prison gangs provide protection are not mere fringe observers. People who interact with these gangs on a regular basis, such as correctional officers and gang investigators, agree with this assessment. A correctional officer at Corcoran State Prison notes, "When you come to prison, you have to join a gang. You have no choice. If you don't join a gang, you'd better pack up. Go into the sergeant's office and tell him you're ready to leave the yard. Because there's just no options. You have to be in a gang."⁸¹ A national survey of prison administrators by the Department of Justice found that protection is the sixth most frequent activity that prison gangs engage in.⁸² A veteran correctional officer claims that "most gangs in prison originally started out as protection groups from other gangs and act as a welcoming committee for new prisoners after their intake into the system."⁸³ A Federal Bureau of Investigation memo in 1973 describes prison gangs' goal as "self-protection."⁸⁴ Prison gangs provide governance by protecting their members, providing mutual aid, and creating organizational structures that allow them to flourish in the underground economy.

Outlaw Economics

Today's prisons are very different from the prisons of the early 20th century. They now comprise booming illicit marketplaces. There are several reasons for this. First, with more people behind bars, the demand for contraband has increased. More people means there are more trading opportunities available in underground markets. Starting in the 1970s, inmates had another big reason to demand more governance—the prison drug trade. Previously, California had imprisoned few drug users. However, in the wake of President Nixon's Comprehensive Drug Abuse Prevention and Control Act of 1970 and subsequent legislation, there was an unprecedented rise in the number of inmates arriving for drug-related offenses. In 1959, 1,450 of the inmates arriving into the prison system admitted having a drug or narcotics addiction, including marijuana (Figure 3.1). That constituted 26 percent of new inmates.

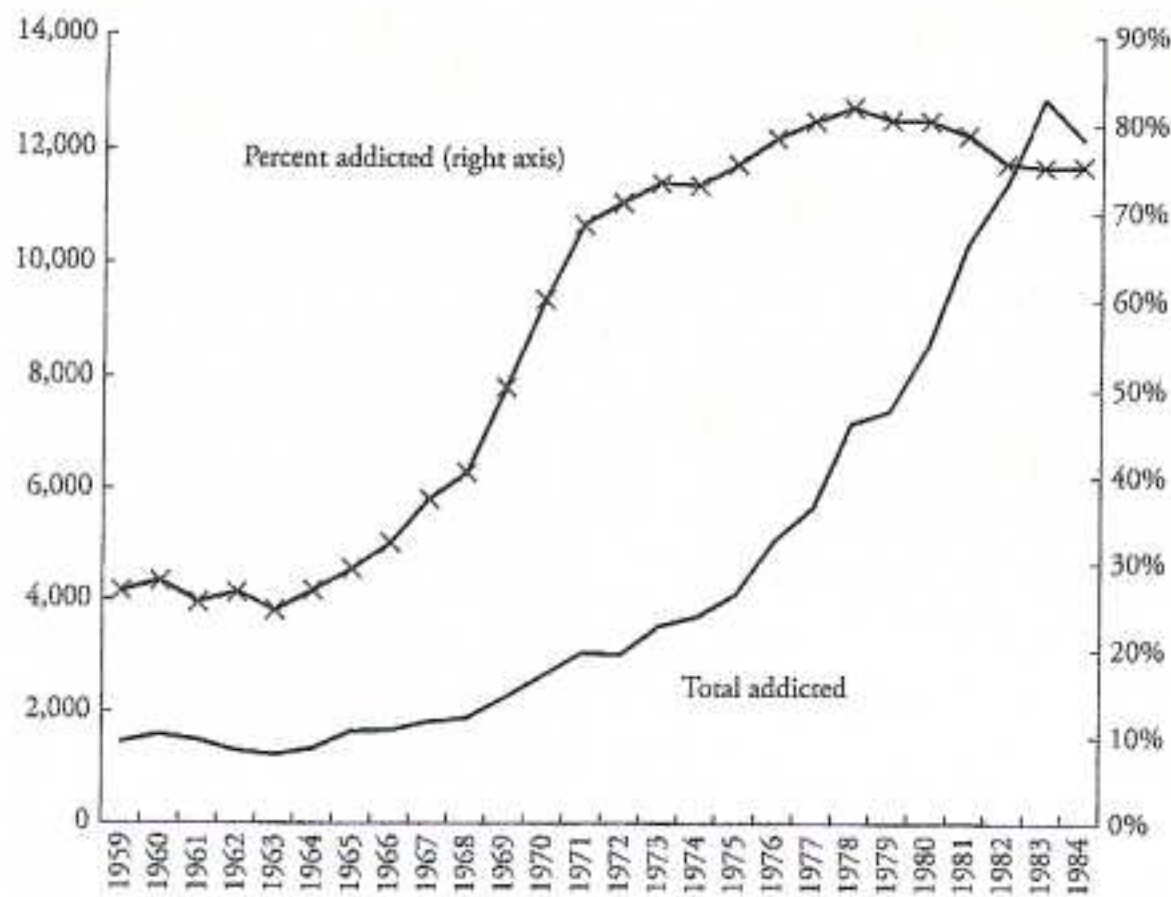


FIGURE 3.1 Male inmates in California arriving with an addiction, 1959–1984

Source: California Department of Corrections and Rehabilitation, Annual Reports

The percentage of addicted inmates arriving in prison stayed relatively stable for the next decade, at an average of 27 percent. This figure increased dramatically after 1970. From 1970 to 1980, the average percentage of addicted inmates rose to 59 percent, reaching a recorded high of 82 percent in 1978. The total number of inmates addicted to drugs increased as well. From 1955 to 1984, the number of inmates arriving in the state prison system who were addicted to drugs and narcotics increased more than eight times, from 1,450 to 12,205. In 2002, 83 percent of all jail and prison inmates in America were heavily involved in drugs or alcohol.⁸⁵ In 2006, 56 percent of all California inmates were deemed to have a “high need” for drug treatment and 80 percent had a drug problem.⁸⁶ Inmates’ demand for controlled substances is substantial.

The number of inmates arriving for drug-related offenses provides another useful measure of the magnitude of drug-involved inmates. People who go to prison for drug-related offenses may not be drug users, and many people incarcerated for non-drug-related offenses use drugs. However, one study found that 81 percent of adults arrested for selling drugs tested positive for drugs at the time of arrest.⁸⁷ Nonetheless, to the extent that people sentenced for drug-related offenses are users or are knowledgeable participants in the

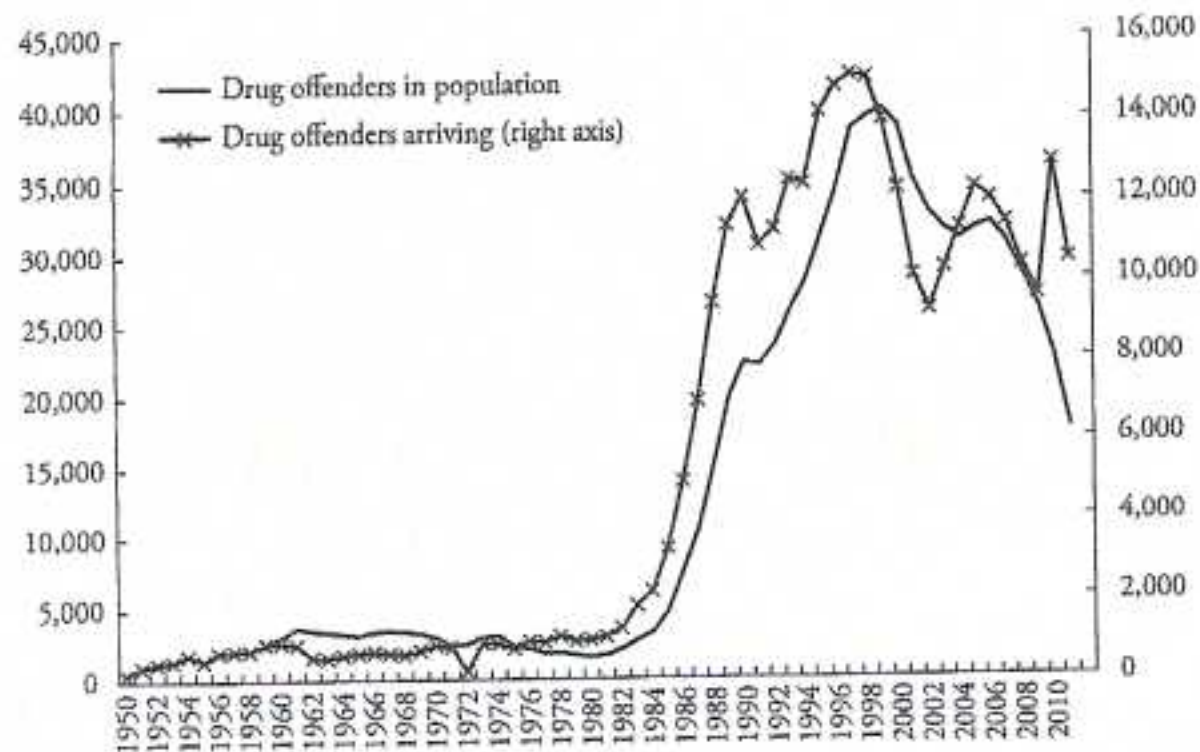


FIGURE 3.2 Drug offenders in California prisons, 1950–2011

Source: California Department of Corrections and Rehabilitation, Annual Reports

drug trade, this provides an informative complement to the previous figure. In 1951, there were only 168 inmates entering the prison system for narcotics-related offenses (Figure 3.2). By the 2000s, that number was regularly over 10,000 inmates per year. The number of people in prison for drug offenses increased from 525 in 1951 to more than 26,000 in 2009. In other words, by the end of that period, there were 50 times as many inmates in prison for drug offenses.

Inmates with drug connections on the street aid prison drug dealers. Drug smugglers find numerous ways to traffic drugs into jail and prison. A common method is for visitors to pass drugs to inmates during visits. The warden at San Quentin explains, “A lot of drugs come in through the visiting room, a lot of drugs.”⁸⁸ A lieutenant concurs: “It’s prison and these guys are pros at doing this stuff, to get it in. They want it and a lot of it comes through the visiting rooms, unfortunately.”⁸⁹ People also smuggle drugs in through inmate mail and concealed in legal documents.⁹⁰ Inmates can transport drugs into the system by swallowing drug-filled condoms and retrieving them later. Drugs can also be “keistered” in an inmate’s anal cavity.⁹¹ People throw bags of contraband over prison walls to incarcerated accomplices. Corrupt guards and employees smuggle contraband in, too.⁹² According to a court-appointed observer, in the Texas prison system, “the major source of drugs comes from prison staff, particularly correctional officers who are

young, single, and inexperienced."⁹³ In one instance, the drug and alcohol staff counselor was fired for smuggling in alcohol for inmates.⁹⁴ A correctional officer at Corcoran notes that for "gang members, their number one source in making money is through narcotics. Out on the street and in the institution. They can make just as much money in the institutions as they can on the streets."⁹⁵

For a prison drug dealer to make money, he must overcome two important obstacles: (1) deterring theft, assault, and opportunism from other inmates, and (2) ensuring the quality of his product to consumers. Traditional businesses in the free world can rely on contracts, courts of law, the police, and regulations to provide this governance. In their absence, inmates must devise self-enforcing governance mechanisms. Prison gangs have a comparative advantage in self-enforcing exchange in the underground economy.

A sole proprietor faces substantial obstacles to participating in the drug trade. As an individual, other groups of inmates who sell drugs can threaten to kill him if he lures their customers away. Other inmates can steal his drug inventory or force him to give it to them. A sole proprietor needs to traffic drugs into the facility, which requires trusting at least one other person to deliver the drugs and to not inform on him. If, as is common behind bars, a drug dealer allows people to buy drugs on credit, then he risks that they might not pay him back.⁹⁶ If he isn't particularly fearsome, then an inmate won't pay what he owes. Another problem is that a customer can cancel his debt by killing the sole proprietor. Moreover, consumers may doubt his trustworthiness. Some customers might want to buy drugs, but they don't know if he will take advantage of them. He might sell them low-quality drugs or rat poison. He might meet them in an isolated area to make the deal but instead of giving them the drugs, just strong-arm the payment from them. Uncertainty abounds.

Each one of these problems is potentially ruinous to an individual who wants to trade in self-enforcing markets. The organizational attributes of a prison gang, however, overcome these challenges. First, a gang strong enough to protect its members and property is strong enough to credibly threaten others. A prison gang is effective because people realize that it can and will use violence. If you steal from a prison gang, they can kill you. They can lure away someone's customers without being intimidated. Because they are effective protective associations, they can effectively deter predatory competitors.

They also have an advantage in the selling of drugs on credit. Their information transmission and enforcement mechanisms (discussed at length in Chapter 4) make it easier for them to hunt down and assault people who

default. Unlike sole proprietors, they have networks that provide information about inmates in many prisons. Gang members are in place to search out and punish delinquent debtors. As a result, prison gangs can sell drugs on credit and have a greater likelihood of repayment. Moreover, having a corporate identity that exists into perpetuity provides an important advantage: Prison gangs eliminate the incentive for debtors to kill their lenders. Killing one prison gang member doesn't erase the obligation to the organization. As a Texas prison gang member explained, "Say I get killed and a snitch or somebody is responsible. No matter where they go, we got people on every farm [prison], and the one that's running it there will tell the leaders what went down. They'll pay for what they did."⁹⁷ One of the mottos of the Aryan Brotherhood reads, "An Aryan Brother, Never need fear. For his death shall be avenged, By his Brothers still here."⁹⁸

Gangs with lifetime commitment requirements have yet another advantage: When their members are released to the streets, they remain obligated to the gang. An important way that a released gang member will assist the gang is by finding ways to smuggle drugs into prison. The Aryan Brotherhood provides one example. According to the Federal Bureau of Investigation, "The rule of thumb is that once on the streets, one must take care of his brothers that are still inside. The penalty for failure to do so is death upon the members return to the prison system. Some of the paroled members' duties would be to supply his brothers inside with drugs, or to make hits on the street as commanded by his brothers."⁹⁹ Unlike many sole proprietors, the Aryan Brotherhood has trustworthy and devoted members of the gang that help supply their inventory.

Prison gangs have a powerful ex-ante mechanism that makes them more effective than the sole proprietor: reputation.¹⁰⁰ Selling drugs as part of a prison gang means that the gang's reputation is on the line. The good name of the gang is held hostage, so if they sell low-quality drugs, their reputation is tarnished. If they rip people off, inmates will turn to other sellers. The gang's investment in its reputation is a large sunk cost, so they have an incentive to maintain their reputation as a high-quality drug seller.

As prison gangs formed and established their place of power, they quickly got involved in the underground economy. After officials transferred Mexican Mafia members out of DVI in the 1960s, the gang realized the profits available in the drug trade, especially for heroin. Many inmates find that heroin eases the experience of incarceration, and it proved to be a reason for the gang's rise to power.¹⁰¹ In 1964, inmates who made loans and dealt in contraband at San Quentin were typically sole proprietors. When the Mexican

Mafia arrived, they became a major player in loan sharking, drugs, and any other type of profitable contraband.¹⁰² John Irwin notes that with the appearance of gangs, "the individual entrepreneur faded or disappeared. Anyone with a rich stock of valuable commodities and without protection from a group [would] be threatened and robbed."¹⁰³ Former Prison Gang Task Force investigator Robert Morrill explains, "the prisoners soon learned that they could not play handball, use the weights, play checkers or engage in any type of recreation [without] paying a fee."¹⁰⁴ A Nuestra Familia gang member described his rival's control of the underground economy, noting that the Mexican Mafia was "in charge of every drug transaction and prison pleasure."¹⁰⁵ An ethnographic study of San Quentin's inmate social system at this time reported that the Mexican Mafia "virtually controls the illegal economic activities" of the prison.¹⁰⁶ Likewise, in a Rhode Island prison, the emergence of gangs led to a situation where "individual 'merchants,' largely white, [had] been driven out of business by 'racketeers' backed by large gangs."¹⁰⁷

The Mexican Mafia's permanence made it a more reliable seller of drugs and allowed them to collect debts with greater effectiveness. Anthropologist Ted Davidson writes that the Mexican Mafia in San Quentin

has an unquestioned stability because it has the power and means to collect and pay legitimate debts from one prison to another (or even on the streets).... This makes dealing with [the Mexican Mafia] a very positive, secure, yet serious matter. For example, [the Mexican Mafia] *will* collect or pay a legitimate debt, regardless of where the debtor or debtee might be transferred—even if he is released to the streets. In contrast, if a prisoner has financial dealings with an inmate, there is the constant threat that the inmate will be transferred to a different prison (or even be paroled or charged to the streets)—which would present serious difficulties in tendering payment or collecting a debt.¹⁰⁸

The gang's violent reputation deters fraudulent and deceptive behavior by consumers:

Anyone who consciously deals with [the Mexican Mafia] knows the seriousness with which members regard [the Mexican Mafia] activities and the extent to which they will go to protect [the Mexican Mafia]. Non-[Mexican Mafia] individuals who function on the lower levels of the prisoner culture understand the rules of the game, and even the

extreme act of death to a snitch may seem justifiable to them. The mere possession of this knowledge usually is sufficient to keep prisoners from crossing [the Mexican Mafia] in any way....Members [of the Mexican Mafia] know very well that their group could never survive without such severe protective measures.¹⁰⁹

Because prison gangs are not transitory sellers, they have an incentive not to abuse their power. Doing so would drive customers away. As a result, the Mexican Mafia has become "the financial institution of the prisoner economy."¹¹⁰

Officials confirm that the Mexican Mafia ran the drug trade in San Quentin and Folsom prisons in the early 1980s.¹¹¹ Davidson suggests that the Mexican Mafia's role in the inmate economy improved market opportunities more broadly. The prison gang reportedly "increased the routine volume of goods available for all prisoners, making more goods available at lower prices than would be otherwise," and "the conditions of many Chicanos and convicts has been significantly improved. Many Chicanos claim that they are in a better position than any other group inside prison."¹¹²

Gangs continue to be an important participant in contraband markets throughout California. In fact, prison gangs' prominent role in drug trafficking behind bars is an important reason for correctional officials' attempts to disrupt them.¹¹³ Drug trafficking is the second most frequent criminal activity engaged in by prison gangs, and prison gangs are responsible for the majority of drug trafficking.¹¹⁴ Administrators report that "almost without exception...the gangs are responsible for the majority of drug trafficking in their institutions."¹¹⁵ A former gang member has noted that "the basis of Familia is capitalism...economic ventures allow Familia to counter the perceived hegemony of the guards/prison system and the threat of rival prison gangs."¹¹⁶ And a lieutenant at Corcoran adds, "The gangs inside the prison control drug trafficking, extortion, any kind of crime that you can think of that happens on the street, happens in the prison system."¹¹⁷ An official at Soledad confirms that "they attempt to control most narcotic contraband 'business' within the prison."¹¹⁸ In short, prison gangs govern the underground economy and promote illicit markets.

Alternative Explanations

The governance theory of prison gangs diverges from several more common and well-accepted explanations of prison gang formation. Understanding why the current explanations are incomplete or unsatisfying lends support to the governance theory.

Although prison gangs now exist throughout the United States, there is substantial variation in when and where prison gangs formed. Table 3.1 shows the long time span over which officials in each state first identified prison gang activity in their facilities. Gangs formed as early as 1950 in Washington, but not until the 1980s (and later) in other states. A useful theory of prison gangs should not substantially contradict this long and varied history. However, many of the current explanations of prison gangs fail to make sense of it.

A common argument is that prison gangs arise when street gangs import their operations behind bars.¹¹⁹ For example, "super-gangs" in Illinois were so large that it was relatively easy for them to import their organizational structure into the prison system.¹²⁰ There are two empirical problems with this explanation. First, not all states had this experience. Texas prison gangs formed and proliferated in prisons. During the 1980s, all eight gangs identified by Texas correctional officials began in prison, not on the street.¹²¹ In a national survey in 2010, prison officials estimated that 52 percent of inmates who are currently gang-affiliated were not in a gang when they were admitted to prison.¹²² They are not simply importing their street gangs into prison.

This theory also suggests that prison gangs will form earliest in those states with a substantial street gang presence. This did not happen. California and Illinois loosely support this prediction because of their long history of street gangs and the early emergence of prison gangs. However, the prediction fails when we look at other states. States without serious street gang problems

Table 3.1 Year that Prison Gangs Began Operating in a State Facility

Year	State	Year	State
1950	Washington	1974	Virginia
1957	California	1975	Arizona
1969	Illinois	1975	Texas
1970	Utah	1977	Federal System
1971	Pennsylvania	1978	Wisconsin
1973	Iowa	1980	West Virginia
1973	Nevada	1981	Missouri
1974	Arkansas	1982	Kentucky
1974	North Carolina	1983	Indiana

Source: Camp and Camp 1985, 20-21

had prison gangs forming very early, including Utah, Pennsylvania, Iowa, Nevada, Arkansas, North Carolina, and Virginia. Likewise, in 1985, Pennsylvania, Missouri, and Arizona ranked among the top five states with the largest number of prison gang members.¹²³ Even in California, modern street gangs existed in the 1930s (and perhaps as early as the 1910s), but prison gangs did not form until the late 1950s and 1960s.¹²⁴ If the presence of street gangs explains prison gang formation, then we shouldn't observe a 20- to 50-year lag. Moreover, the Mexican Mafia was not formed by the members of a single street gang who imported their organizational structure but by rival gang members who created a new and unique organization. Founding members of the *Nuestra Familia* were specifically not gang members but rural agricultural workers from farming communities. Prison gangs were not simply importing their gang structure or gang culture behind bars. Supply-side answers alone do not suffice.

A second argument suggests that judicial interventions affected the administration of corrections departments and gave rise to prison gangs. Prior to the mid-1960s, an inmate lost all legal rights when incarcerated. He or she experienced a "civil death" that made the person a "slave of the state."¹²⁵ Federal and state courts followed a hands-off doctrine and generally refused to hear cases about poor prison conditions.¹²⁶ However, Earl Warren (serving on the Supreme Court) and others participated in a process of legal reform that extended legal rights to inmates. Courts became more confident about intervening in state-based institutions after gaining experience implementing school desegregation.¹²⁷ This corresponded with the rise of public law litigation, and lawyers sought and obtained court-ordered reform for schools, mental health facilities, prisons, and jails.¹²⁸ The Civil Rights Act of 1964 gave inmates more procedural rights with which to complain about prison administration.¹²⁹ Members of the American Civil Liberties Union and the National Association for the Advancement of Colored People also challenged poorly run prisons systems in the courts.¹³⁰ As a result, the number of legal suits filed against corrections officials increased from 219 in 1966 to nearly 10,000 annually by the late 1970s.¹³¹ By the mid-1980s, 45 states had some part of their correctional system under a court order.¹³² This increasing interference by federal courts, it is argued, tied the hands of correctional officials, preventing them from controlling their facilities effectively (and perhaps in a cruel manner), so that they were unable to manage inmates and subdue gangs.¹³³

If U.S. Supreme Court rulings or the Civil Rights Act affected prisons in all states, then we would expect to see prison gangs forming across the United States at the same time, not across a span of more than three decades and not

prior to the 1960s. This is not what we have seen. If judicial intervention mattered, it would have to be in a more context-specific way. This is plausible because many court rulings affected the operation of a specific prison or prison system. However, past work has rarely identified the mechanism that leads from judicial intervention generally to the formation of prison gangs in a specific location. James Jacobs notes that the court intrusions have had a "subtle and indirect" effect, making any sort of empirical testing difficult to conduct.¹³⁴ It is not clear how much judicial intervention matters and in what way.

The most compelling case for the importance of judicial intervention comes from Texas. Ben Crouch and James Marquart examined the implications of *Ruiz v. Estelle* (1980), a far-reaching lawsuit on prison conditions that required major changes in the state's corrections department.¹³⁵ Arguably, it had the most substantial impact on a state corrections system out of any court order in U.S. history. Unlike past work on prison systems, the authors identify the mechanism through which the court ruling gave rise to gangs. Specifically, an important part of the court order disbanded "building tenders," an informal inmate assistant to officials. Building tenders resolved disputes and informed officers about what was occurring among the inmates. They provided a source of extralegal governance that supplemented formal mechanisms of social control. After the ruling, officials could no longer rely on building tenders, creating a governance vacuum. Officials lost control of their prisons, leading to higher rates of violence. Gangs formed as prisoners exploited the decline in traditional controls.¹³⁶

It would be a mistake, however, to interpret Crouch and Marquart's study as making a general argument for why gangs form, and their findings do not imply that judicial intervention is either necessary or sufficient. In some states, like California, there were no major court rulings that precipitated gang formation. Judicial intervention is not a necessary precursor to gangs. In fact, the Texas example does not demonstrate that judicial intervention is sufficient to do so, either. By the end of 1979, Texas held 26,522 inmates. This was the largest state prison population at the time—3,900 more inmates than California.¹³⁷ The large prison population confounds the effect of court actions on gangs. This case does not tell us if the same type of judicial intervention in a small prison setting would have led to gangs.¹³⁸ Moreover, large court interventions often don't lead to gang formation. Between 1970 and 1985, federal courts issued orders against 12 state prison systems.¹³⁹ These orders constituted major interventions, but by 1985, prison gangs did not exist in 10 out of 12 of these prison systems. Of the two prison systems where gangs

were active, gangs formed both before the court decision in one state and after the court decision in the other. In short, court intervention is not sufficient to prompt prison gang formation. Rather, the courts are one factor among many that can influence governance institutions. Changes in inmate demographics also affect inmates' demand for extralegal governance. Judicial intervention is better understood as an important part of a broader governance theory of prison social order.

Likewise, John DiIulio has argued that formal governance mechanisms matter a great deal, and corrections management can differ substantially across states and facilities. He has looked at prisons in Texas, California, and Michigan to gauge the effectiveness of formal prison governance. Many factors that people assumed would be important for determining the level of order, amenity, and service in a prison did not appear to be influential, including the violent characteristics of the inmates, high inmate-to-staff ratios, architecture, and repressive corrections tactics. DiIulio argues that prison leadership is the key to creating stable, safe prisons. Formal mechanisms of social control clearly affect inmates' demand for governance and the ways in which it is supplied. When prison officials can effectively protect inmates, they have less demand for gangs to do so.

There is relatively little research on prison social order around the world. While measuring and comparing formal governance across departments and countries may be infeasible, the limited evidence available is consistent with the argument that gangs emerge to provide extralegal governance.¹⁴⁰ Latin American prisons are typically governed less effectively by formal mechanisms, and news accounts suggest that gangs are often in charge of the inmate community. According to one report, 60 percent of Mexican prisons and jails were "self-governed."¹⁴¹ Bolivia's San Pedro Prison is governed entirely by the inmates, with guards only present at the gates to prevent escape.¹⁴² Prisons in the United Kingdom, by contrast, hold a much smaller inmate population than in the United States. Officials also appear to be more concerned with controlling contraband and they are therefore more restrictive. Both of these factors suggest that inmates may have less demand for extralegal governance.¹⁴³ Consistent with this argument, prison gangs rarely operate in U.K. prisons, and when they do, they are significantly less powerful, permanent, or influential than those in the United States.¹⁴⁴ Finally, in the United States, prison gangs are most prevalent in the two states with the largest prison systems: California and Texas. This fits the argument that large prison systems undermine reputation-based governance regimes. It also helps to explain the variation in prison gangs across the United States. These

international examples also suggest that factors that are unique to the United States—such as the history of the Civil Rights movement, specific court interventions, and the drug war—are not necessary to explain the formation of prison gangs.

A third theory of prison gangs focuses on government policy changes at the state level. For instance, California implemented an indeterminate sentencing regime from 1944 to 1977. The system sentenced an inmate to prison for a range of years (for example, 1 to 15 years for forgery or second-degree burglary) and left it to an administrative board to decide when the inmate was rehabilitated.¹⁴⁵ The California Department of Corrections conjectured that indeterminate sentencing created uncertainty that frustrated inmates, who then lashed out against the system and formed gangs.¹⁴⁶ Alternatively, inmates may have increasingly violated the convict code by informing on their peers to improve their chance of early release.¹⁴⁷ The timing of this explanation works well. However, if this were the key factor, then we would have seen gangs forming among all inmates who were subject to indeterminate sentencing practices, both males and females. This did not happen.

Female prison gangs do not exist in the California prison system.¹⁴⁸ A woman incarcerated for drug possession notes that “women don’t form gangs...we’re not into it.”¹⁴⁹ Another woman explained, “There’s more of a formal system with the men; they assume their roles and they know their positions. With women, it’s not like that.”¹⁵⁰ Yet another woman comments, “We are not like the men, because we learn to live with each other. We communicate. It is not a racial thing in here.”¹⁵¹ Female inmates come together in pairs or small “families.” A woman takes on a specific role in these nuclear family units, as either a mom or dad, and these “parents” sometimes have “kids” whom they mentor and for whom they watch out.¹⁵² For the most part, women do not segregate themselves by race. These families lack the defining characteristics of prison gangs. They have no internal rule-making institutions and no explicit mechanisms for punishing bad behavior in the prison community. Membership is not permanent or mutually exclusive. They do not have a corporate form or exist into perpetuity. These prison families are much smaller than prison gangs. They lack lifetime membership requirements. They do not engage in organized criminal enterprises that extend beyond bars. Female inmates do not typically fight as often or as seriously as male inmates do, and they rarely make or use prison weapons.¹⁵³

The organization of the female inmate social order supports the argument that gangs form to provide governance. Male inmates in California created gangs because demographic changes undermined norms. This didn’t happen

among females, for whom norms continue to work well. The highest recorded female inmate population to exist in the California system is a meager number, fewer than 12,000 inmates in 2009. Historically, the female population has always been much smaller than the male inmate population. In fact, the male population exceeded this size prior to the 1950s, before prison gangs formed. The female population has never grown as large as the male population had at the time that the convict code declined. Moreover, female inmates have less demand for protection, since fewer of them are incarcerated for violent crimes. In 2009, only 35.2 percent of the female population was serving time for crimes against persons, compared with 57 percent of incarcerated males. In the late 1990s, fewer than 14 percent of females were categorized as Level III or Level IV security risks, substantially fewer than in male facilities.¹⁵⁴

With a small inmate population, norms are effective, and we should not observe the formation of prison gangs. It might be that female prison gangs don't form for some other reason—and the data do not rule out all of those alternative explanations—but the lack of gangs is consistent with the governance theory. It also casts doubt on alternative explanations that appeal to state-level changes in correctional philosophy or practice as the primary causal factor.

A fourth approach to understanding prison gangs incorporates demand-side factors, such as inmates' desire for protection or camaraderie. One article in this vein infers a five-step process of prison gang formation, based on observations of inmates in the Texas prison system.¹⁵⁵ The first stage begins when an inmate enters prison and he finds himself alone and afraid. The second stage occurs when he seeks out a clique of inmates with whom to associate who provide a sense of belonging. A clique resembles the informal groupings described by Donald Clemmer: they lack a clear group identity and have no formal rules, leaders, or membership requirements. Some cliques evolve into self-protection groups, which have a group identity but few or no internal rules, and have no involvement in illegal activities and do not engage in unprovoked acts of violence. The self-protection group turns into a predatory group once it begins to restrict membership, disrupt the official operation of a facility, assault staff members, and participate in illegal activities and leaders emerge. The final stage occurs when the predatory group graduates into a full-blown prison gang.

This process of prison gang development identifies why inmates demand gangs—as a source of belonging, protection, and control of resources—but it provides no explanation for why these demands change over time. It treats preferences and demand as a black box. It may be true that inmates join prison gangs out of a sense of belonging and camaraderie, but without elaborating on

why inmates' desire for camaraderie changes in a way that makes sense of the temporal and spatial variation of prison gang formation, this approach is incomplete. Some inmates will always seek out groups for camaraderie; in order to account for the absence and then dominance of gangs, however, we need to explain why the marginal prison gang member's desire for camaraderie changed so dramatically.

A related literature offers cultural explanations for changes in prison social order. Two prominent arguments focus on the idea of male domination and on inmates' adherence to a hypermasculine ideal. The former seeks to explain prison life by identifying a general tendency to, or desire for, male domination and to understand how it is constructed and reproduced in prison.¹⁵⁶ Given the absence of females to subjugate, men must find alternative forms of domination, and "an obvious answer is that incarcerated men create gangs and use physical violence to control each other."¹⁵⁷ The problem, however, is that male domination is not explained. Throughout nearly the entire history of American incarceration, prisons have segregated males and females. Why then has male domination not always given rise to gangs? Without explaining what determines the form of male dominance, this explanation cannot make sense of the historical and contemporary evidence.

Similarly, in a fascinating study of Los Angeles County Jail, Sharon Dolovich argues that the gay and transgender housing unit is free of gang politics because its residents do not embrace a hypermasculine identity.¹⁵⁸ The latter claim may be true, and this explanation seems consistent with the finding that female inmates do not form gangs. However, it does not explain why male inmates didn't previously form gangs, and it offers no explanation for why gangs do not exist to the same extent in all prison and jails. L.A. County Jail has the second highest percentage of jail inmates affiliated with gangs in the United States—why is hypermasculinity so important there?¹⁵⁹ To attribute changes in the inmate social system to camaraderie, male domination, or hypermasculinity—but not provide an explanation for these changes—offers relatively little explanatory power of variation in prison gang activity.

Consistent with the governance theory, however, several characteristics of the gay and transgender dorms predict that norms will govern them well. It is a relatively homogenous population. If the absence of hypermasculinity is associated with less violent behavior, then these inmates will indeed have less need for governance over potentially violent disputes. Unlike the general population at Men's Central Jail—which officials claim is the largest jail in the world—it is also small, with an average of only about 100 inmates per dorm. Its residents have a high recidivism rate, which leads to greater stability in the

community and perpetuation of reputations. Most inmates entering the general population of the jail will know few or no people, whereas residents of the gay and transgender dorm return to "familiar and even friendly faces."¹⁶⁰ Formal governance mechanisms reportedly operate much more effectively in this unique dorm than in the general population. For nearly the entire history of the unit, it "has been run by the same two officers, who have treated unit residents with respect, evenhandedness, and concern for their well-being," so inmates have less demand for centralized extralegal governance.¹⁶¹ The costly information transmission and enforcement mechanisms that gangs create are not necessary in this environment. Interestingly, one-on-one fights with other inmates are much more common in the gay and transgender dorms than in the general population, where inmates have few, if any, such fights.¹⁶² This suggests that gang-created governance may be more effective than norm-based governance.

A related argument explains prison gang formation and activity by inmates' desire to promote hateful, racist ideologies.¹⁶³ It is true that many gangs use racist language and symbols to identify their groups, which are racially segregated. By this account, inmates have a preference for racism, and gangs help them satisfy this desire. There are two problems with this explanation. First, without a theory of preference formation, it does not provide falsifiable predictions. It does not explain why prison gangs are more active in, say, California than in Rhode Island or Wyoming. Second, and related to this point, a seemingly straightforward prediction would be that the rise of gangs reflects an increase in racial prejudice in society. Yet, across a wide range of measures, racially discriminatory behaviors and beliefs have been declining since at least the 1940s.¹⁶⁴ If society is becoming more tolerant, then we should see a decline rather than an increase in gangs whose purported purpose is to promote racism.

It wouldn't be surprising to find that the public believes, based on television shows and movies, that blood-thirsty, sadistic killers form gangs to cause chaos. Sensational stories sell. Law enforcement might exaggerate a group's dangerousness with the hope of receiving bigger budgets. The California Department of Corrections and Rehabilitation says that gangs "promote violence," suggesting that violence is the end in and of itself.¹⁶⁵ They describe gang members as having a "violent nature" and an "agenda of violence."¹⁶⁶ It is without a doubt true that some prison gang members kill and destroy with great injustice. The problem with this explanation is that violent people existed long before prison gangs did. Why didn't they form prison gangs? In fact, as the rate of incarceration has gone up, it is likely that the marginal inmates

entering prisons are less deviant. The worst offenders commit more serious crimes more often, so we would expect that they would be the first to fill prison cells, not people who commit relatively less serious crimes, less often. Finally, if inmates join gangs to promote violence, then we would expect to see an increase in the rate of violence in prison as the number of prison gangs and gang members increases. Instead, there has been a substantial decline in prison violence since the 1970s—the same period in which gangs proliferated.¹⁶⁷

The United States Department of Justice estimates that only 15 percent to 20 percent of prison gang members are hard-core participants who have a vested interest in the organization and leadership.¹⁶⁸ Most gang members are not dedicated to crime. Joining a gang is a way for them to do their time more easily. In a study of gang dropouts, only 25 percent of respondents admitted to engaging in gang-related violence at all. According to the authors of the study, this contradicts the claim that gang members have a proclivity for violence.¹⁶⁹ A study of the Aryan Brotherhood in Arizona found that a member's criminal record, use of controlled substances, age, childhood delinquency, and violent incidents in prison are not statistically significantly different from those of non-gang members.¹⁷⁰

Data on inmate violence during the 1960s also challenge the conventional wisdom. As discussed in Chapter 2, inmate-on-inmate stabbings were on the rise at the same time that norms were failing. The California Department of Corrections conducted a study to understand the cause of this upsurge in violence. Looking at two issues, what they found is illuminating. First, they wanted to know why some facilities are more violent than others. Not surprisingly, they found that there were more stabbings in crowded facilities with more young, violent offenders.¹⁷¹ There was more conflict where we would predict norms to be less effective.

Second, they wanted to understand what factors make a particular person more likely to be a "stabber." This is where things get interesting. When they examined which inmates actually became a stabber, they found no relationship between being imprisoned for a violent offense and being a stabber. In fact, their study determined that a violent-commitment offense was the least important factor out of the 12 variables they looked at.¹⁷² The second most important factor in determining who would become a stabber was if the person had an association with a prison gang.¹⁷³ The people most likely to become stabbers are gang members not incarcerated for a violent offense who live among lots of violent offenders. People join prison gangs in dangerous environments to shelter themselves from violence. People become stabbers not because they are violent offenders but because they live among violent offenders.

Inmates interact in a remarkably large sphere of relationships that must be self-governing. They cannot rely on officials to resolve all disputes and to protect them at all times. Prior to the 1960s, inmates relied on the force of norms to control people's baser instincts. As demographic changes altered the inmate social system, the convict code became less effective. The social sanction of disesteem is not useful in anonymous populations. Ostracism is not costly if an inmate can find new allies and trading partners in a large population. The failures of decentralized governance opened up a governance vacuum in the inmate social system, and inmates formed prison gangs to fill this void. Like mafia groups around the world, they are in the business of private protection, and inmates have a strong demand for their services.