Casualties of Criminal Justice: The Incarceration of American Veterans, 1972-2012[1]

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Abstract

Past work documents the ways in which competing institutions matter in the lives of disadvantaged men. The educational requirements mandated for military service may have important protective factors for young, African-American men likely to experience criminal justice contact, particularly at a moment in American history when the penal system experienced significant growth. In this paper we assess whether, and to what extent, changes in the racial, educational, and population distribution of the military has impacted race and class inequality in incarceration. Using life-table, standardization, and decomposition methods, our analysis quantifies the lifetime risk of imprisonment for veterans and levels of incarceration attributable to shifts in the race and class distribution of the military enlistment. We show that, by 2012, the educational requirements for military service stabilized black-white inequality in incarceration rates among educated veterans, and that black veterans experience lower rates incarceration than their similarly situated white counterparts.

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Introduction

In the early 1970s, two massive policy changes in the United States converged to radically reshape the experience of young African American men. In 1973, the American armed forces transitioned from a staffing policy based on a selective service draft to one that positioned the military as a competitor for volunteers within the civilian labor market. For the first time in our nation's history, black men came to be over-represented in the armed forces (Fernandez 1996; Oi 1996; Segal and Segal 2004). At the same time, the onset of the War on Drugs and a radical reshaping of the dynamics of the criminal justice system – from the reclassification of drug-related crimes to mandatory minimum sentencing to the increase in rates of recidivism driven by changes to laws governing parole violations – have made incarceration a normative experience in young adulthood for poorly-educated black men (Western 2006; Pettit 2012). The degree to which these institutions intersect, and the way that rapid and simultaneous policy shifts have interacted to affect the life time risk of incarceration among veterans, has garnered limited scholarly attention within the demographic, sociological, and criminological literatures.

The criminal justice system has been implicated in concealing racial inequality in employment (Western and Pettit 2005; Western 2006; Pager 2007), wages (Western and Pettit 2005), civic participation (Uggen and Manza 2002; Rosenfeld et al. 2011; Pettit 2012), and educational attainment (Pettit 2012; Ewert et al. Forthcoming). While past work documents the ways in which competing institutions matter in the lives of disadvantaged men, little research exists regarding the downsizing of the military at a crucial moment in American history when the carceral system would experience significant growth. The educational requirements mandated for military service may have important protective factors for young, African-American men likely to experience criminal justice contact.

This paper assesses whether, and to what extent, changes in the racial, educational, and population distribution of the military has impacted race and class inequality in incarceration. We contribute to the lifetime risk of incarceration literature by focusing on veterans, and we extend our investigation in other important ways that draw attention to the rapidly changing rates and composition of these competing institutions. Using standardization and decomposition methods (Kitagwa 1955; Das Gupta 1994; Chevan and Sutherland 2009), our analysis quantifies levels of incarceration attributable to shifts in the race and class distribution of the military enlistment. We show that, by 2012, the educational requirements for military service stabilized black-white inequality in incarceration rates among educated veterans, and that black veterans experience lower rates incarceration than their similarly situated white counterparts.

Mass Incarceration in America

The United States has experienced tremendous growth in incarceration over the last 40 years. Although crime rates are at historic lows observed during the 1960s, incarceration rates remain at unprecedented levels. Mass incarceration – rates of imprisonment significantly above historical and societal levels that lead to the systematic incapacitation of particular groups within a society (Garland 2001) – has been fueled by a set of social policies that disproportionately impact young, low-skill, non-white men. Changes in mandatory minimum laws, increased prosecutorial discretion, and increased criminal sanctions for low-level drug offenses have caused the prison population to swell (Western 2006; Alexander 2010; Pettit 2012), creating staggering race and class inequality in imprisonment. On any given day, over one-third of young, undereducated black men are behind bars, with the life-time risk of spending time in prison or

jail at close to 70% for this demographic group (Pettit and Western 2004; Western and Wildeman 2009; Pettit et al. 2009).

Figure 1 displays the incarceration rate since 1972. At the beginning of the series, nearly 308,000 Americans (or 150 per 100,000) were behind bars. By 2012, over 2.2 million men and women were in prison or jail, with the incarceration rate reaching a zenith of 764 inmates per 100,000 in 2008 (West and Sabol 2008). Currently, 1% of the adult population is imprisoned (Warren 2008). Nearly 5 million more men and women are under the supervision of the criminal justice system through parole, probation, or other forms of community-based corrections (Glaze 2010; Guerino, Harrison, and Sabol 2011). Taken together, approximately 3 percent of the American population – or one in 31 adults – is under some form of correctional supervision or criminal justice surveillance.

[Insert Figure 1]

At the same time mass incarceration began to increase, the rate of veterans entering civilian life exhibited a steady decline over this period, placing them at an increased risk of incarceration. Figure 1 shows the rate at which veterans enter the civilian population. In 1972 there were more than 25 million veterans in the population, entering at a rate of over 12,000 per 100,000 residents. Although the numbers of military service members increased slightly during the 1970s, there was a rapid deceleration in military enlistment after the implementation of an All Volunteer Force. Increased population growth and higher death rates for older veterans of earlier service periods – coupled with a leaner, more educated military personnel – have resulted in a significant decline in the rate of veterans returning to civilian life over the last four decades. Among the birth cohort of 1965-69, Western and Wildeman (2009) estimate that 14% of White men and 17.4% of black men experienced military service by 1999. Among men with lower

levels of education, roughly 13-14% of white and black non-college men entered the military over the same period (Western and Wildeman 2009, pg. 233). To understand how changing educational requirements for military enlistment may have affected the race and class distribution of the prison population over time, we begin by reviewing the policies and demographics of the armed forces by era of service.

US Military Staffing Policy and the Demographics of the Military Population

I. History through the end of World War II

African Americans have served in the U.S. Armed Forces since Colonial times, although during much of American history, the opportunities available to blacks were limited. In general, blacks were officially restricted to service in racially segregated units, although the realities of military life, for example, the experience of combat or life aboard ship, created opportunities for some cross-racial experience. Following Emancipation, a substantially larger proportion of Black men became eligible for enlistment, but remained under-represented in the armed forces, partly because men of African descent were disproportionately likely to be found "unfit for service" (either lacking in some form of physical fitness, or testing below minimum "intellectual" standards) when compared to whites (Oi 1996). Most of the jobs open to black men involved providing personal service to white officers, or performing strenuous manual labor (Nalty 1986).[3] Leadership within black units provided the only opportunities for African American men to attain officer status – and even these opportunities were constrained because some black units were led by white officers. Because of the limited number of available military positions, combined with high rates of rejection for black applicants, those black men admitted to

[3] There were many exceptions, however, including units such as the Buffalo Soldiers and the Tuskegee Airmen, perhaps the most widely-known examples in popular culture.

the armed forces tended to be very highly selected up through the end of World War II (Angrist and Krueger 1994, Elder 1987, Moskos and Butler 1996).

II. The Selective Service Draft era (roughly 1945 through 1973)

In the wake of World War II, military staffing policy underwent two dramatic changes. Rather than reverting to a skeleton army, and waiting until the next major armed forces engagement, the US military instituted the country's first peacetime Selective Service draft, which placed all able-bodied young men at risk of conscription. This increased the proportion of men of African descent who served in uniform, although they remained disproportionately likely to be found "unfit for service" – undoubtedly an outcome of economic deprivation and restricted educational opportunities experienced by those men growing up in the South (Moskos 1966; Moskos and Butler 1996). The armed forces also desegregated in the decade following World War II. There is much popular acceptance of the idea that President Truman's Executive Order 9981, issued in 1948, ordered the desegregation of the armed forces. What it did, in fact, was to order "equality of treatment and opportunity" in the military, effected "as rapidly as possible," and created an advisory committee to recommend specific policy changes to the President (Truman 1948). Desegregation did occur, primarily instituted throughout the duration of the Korean War, due to the requirements of the military as an institution and the realities of waging "modern" warfare.

Racial issues continued to emerge, however, throughout the draft era, with documented disparities in the combat risks associated with assignments of black and white soldiers (Zeitlin et. el. 1973). Much of the evidence suggests that higher rates of combat fatalities among blacks, compared to white, were not necessarily due to differences in overall *risk of service*, but to advantaged whites (for example, former President George W. Bush and former Vice President

Dick Cheney) being able to successfully secure lower-risk assignments. Men of African descent were given more dangerous assignments, on average, more likely to be "put in harm's way," and so died at higher rates than was true for whites. Class-based differences drove some of the inequalities in outcome (Appy 1993), but clearly any policy that results in more negative outcomes for economically disadvantaged segments of the population will have disparate racial impacts as well. Through the end of the draft era, black men remained under-represented among armed forces personnel, and continue to be positively selected (Nalty 1986). As virtually all military occupational specialties were now "color blind," assuming that an individual could meet the physical and mental aptitude requirements, representation of blacks in uniform began to approach parity.

III. The All Volunteer Force (1973 to 2001)

In January, 1973, in the wake of popular opposition to the Vietnam War and the draft system used to staff it, the United States transitioned to the All Volunteer Force (Oi 1996). For the first time in our nation's history, this positioned the U.S. armed forces as an active competitor in the entry-level labor market. Indeed, today, the Department of Defense remains the nation's largest employer, as well as the largest employer of black high school graduates (Segal and Segal 2004). In the early years of the AVF, the low pay scale and limited opportunities for educational advancement made the military an employer of last resort for young men (and some women) with other educational or occupational opportunities. In addition, the Armed Forces Qualifying Test (AFQT) – the standardized test designed to both screen applicants for eligibility for military service, and to assign new enlistees to military occupational specialties (MOS), was mis-normed (Eitelberg 1996). This meant that a large segment of

applicants who likely failed to meet minimum enlistment standards were admitted to the armed forces during the first few years of the AVF.

Rising levels of educational attainment among the US population means that the military has been able to institute high school graduation of GED certification as a nearly-universal requirement for enlistment (Asch et. al. 2001, Day and Bauman 2000). Realizing the poor quality of military recruits during the early years of the AVF, however, the military re-calibrated the AFQT and in 1984, instituted the Montgomery GI Bill and additional tuition benefits to provide college assistance for a limited number of veterans. In reality, virtually all active duty personnel qualified for subsidized college tuition while they remained on active duty, but only a minority were able to claim money for college following discharge (Bureau of Labor Statistics 2007; Fredland et. al. 1996; Thirtle 2001). An important aspect of this reliance on funding for college as an enlistment tool, and one that often gets overlooked in both the scholarly literature and popular press, is that the armed forces today is targeting young adults who have the intellectual aptitude to perform at a high level, but lack the ability to independently fund higher education, and perhaps also lack the sociocultural resources to identify alternate means of funding (Bachman et. al 2001; Thirtle 2001).

V. The "Global War on Terror" Era

Since the September 11th attacks shook the moral, collective conscious of our nation and mobilized Washington politicians to authorize the War on Terror, the representation of blacks among newly-enlisted soldiers has declined. Popular opinion among African Americans was skewed more heavily in opposition to U.S. military intervention in Iraq and Afghanistan than it was for other groups within the population, so some speculate that lack of community support, coupled with an increased risk of deployment and exposure to combat likely counteracted the

draw of educational and occupational benefits available to active duty personnel and veterans (Asch et. al. 2009b). In 2000, one in five new military accessions was a person of African descent. By 2005, only 12.6% of successful new enlistees were black, and while black enlistment has rebounded slightly, by 2008 only 14.4% of new enlistees were black, roughly approximating their concentration in the broader U.S. population (Bailey 2011). However, because blacks have longer military careers, on average, than is true for whites, they remain over-represented among military personnel.

Enlistment rates among Hispanics appear to have increased during this same time period. Hispanic youth have long evidenced high levels of *propensity* to enter the military, but until recent years were substantially under-represented among those in uniform. Speculation in earlier years was that language barriers and lack of citizenship deterred many Hispanic youth who were interested in joining the armed forces from doing so. An increasing share of Hispanic young adults are now U.S.-born, likely diminishing any language barrier that may have existed for earlier generations, when large majorities of Hispanic young adults were recent immigrants. However, between 1990 and 2008, the percent of new military enlistees who were Hispanic increased from around 7% to 12%, approaching parity with the concentration of Hispanics in the general population (Asch et. al. 2009a; Bailey 2011).

The educational and racial distribution of the military for recent cohorts of service members may have insulated them from criminal justice contact upon their return to civilian life. Skills developed during active duty may place veterans at increased risk for labor force participation. Yet, the horrors of combat and the stress of service may impair some non-trivial fraction of the veteran population, equally placing them at risk of violent tendencies and criminal justice contact. To understand whether military service has become a protective factor from

criminal justice contact, we begin by constructing a unique dataset to analyze immersion in the prison and military industrial complexes.

Data and Coding

The data we use include six waves of the Surveys of Inmates in Local Jails series, a data source collected by the Bureau of the Census and distributed by the United States Department of Justice's Bureau of Justice Statistics (BJS). This inmate survey has periodically collected nationally representative data on individuals being held at local correctional facilities across the span of four decades. Respondents include those being held pre-trial, those serving local sentences, and those awaiting transfer into the custody of another correctional facility. The Survey of Inmates in Local Jails was fielded in 1972, 1978, 1983, 1989, 1996, and 2002.

A companion source of data, also collected by the Census Bureau and distributed by the BJS, are the Surveys of Inmates in State and Federal Correctional Facilities. In 1974, 1979, and 1986, this survey was conducted only with individuals serving time at state correctional facilities. In 1991, in addition to the survey conducted among inmates at state facilities, a separate survey of inmates at federal prisons, covering substantially the same battery of information, was added. In 1997, and again in 2004, the two surveys were combined. These surveys are also designed to be nationally representative of the population that has been sentenced to state and federal facilities.

Each survey wave contains information on military status and history. In most years, those respondents who answered affirmatively were asked additional information about their dates of entry into, and separation from, the armed forces. We used the dates of military accession and discharge to assign each person who reported having been in the armed forces to an era of service. In cases where an individual provided the year, but not the month, of accession

to or separation from, the military, they were assigned to the mid-point of that year (July 1). For a small minority of cases in each wave of data collection, the respondent indicated having been in the military, but failed to provide any information on dates of service, we estimated their date of entry into the military based on the year in which they would have turned 18, and allocated that person to the military era for that year. Those cases are also identified with a dichotomous flag indicating that their era of service was based on this allocation strategy. The small number of respondents who reported that they had not yet been discharged from the armed forces at the time of their interview were coded as not being veterans and were excluded from our analyses. The dates associated with each era are presented in Table 1.

[INSERT TABLE 1 HERE]

Respondents were assigned to one of these era, depending on their reported dates of entry to and exit from the armed forces. In cases where the respondent's entry and exit dates fell into adjacent era, the respondent was assigned to the era with the greatest likelihood of exposure to deployment and combat. For example, if a respondent reported entering the military in June of 1949 and having been discharged in April of 1951, that individual was coded as being a Korean War veteran. The reported military service trajectories of the veterans in the sample appear to track quite closely to national trends. That is, prior to the transition to the All Volunteer Force, most military personnel were only employed by the armed forces. A very small number of cases in each round of data collection appear to have pursued longer careers within the military, and their period of service spans multiple wartime era. For example, in the Survey of Inmates in Local Jails data from 1989, there was one respondent who entered the military during the Korean War and remained in the military until well into the Vietnam era. These long terms of service may also be an artifact of the BJS decision to "lump together" persons who were on active duty

with those who served in the National Guard or Reserve forces. This is an unfortunate limitation to the data. We have determined to resolve it by allocating the small number of cases who report long era of service to the first period of major conflict with which they would have been associated.

We also utilize the March Current Population Survey (also known as the March CPS) for the years 1972 through 2012, inclusive. The March CPS is a collaborative household survey jointly fielded by the Census Bureau and the Bureau of Labor Statistics in March of each year. It collects data on a variety of economic and sociodemographic characteristics for all members of a cross sectional sample of households each year. The March CPS categorizes veterans according to their period of service, which conform to the temporal schema we identified above. In some years, the service era categories include an "other service" code. For the relatively few observations identified as veterans who are identified as having some "other service" period, we allocate them to a military era based on their most likely enlistment date. As with the inmate surveys, we identify this as the year in which the respondent would have turned 18, and also include a dichotomous flag to identify that the dates of military employment have been estimated for these observations.

Expected Methods

To calculate life-time risks of imprisonment for veterans over time, we follow the methods outlined in prior studies (Pettit and Western 2004; Pettit, Sykes, and Western 2009; Pettit 2012). We use the March CPS to estimate population-level distributions of veteran status by race, cohort, and level of educational attainment. We then apply the "risk" of being a veteran to the inmate data, based on the race, education, and cohort of the inmate population, and use

linear interpolation to estimate the concentration of veterans behind bars in years when the surveys of inmates were not collected.

The rate at which men are differentially institutionalized, in both the penal and military systems, may complicate estimates of race and class inequality in imprisonment. We separate the rate and compositional effects associated with disproportionate selection into these institutions using standardization and decomposition techniques in demography (Kitigawa 1955; Das Gupta 1994). Chevan and Sutherland (2009) show that these methods can be extended to track the standardized composition effect of a variable and its categories simultaneously, thereby allowing for the decomposition of polytomous categorical variables. For the purposes of this paper, we are concerned with decomposing changes in the incarceration rate attributable to changes in the educational requirements of the military over time, after accounting for compositional differences (race and gender) in enlistment and imprisonment.

Additionally, because the criminal justice system and the military are but two of many competing institutions that differentially siphon members of the population, we estimate the heterogenous risk of entering each of these institutions by race and class. Western and Wildeman (2009) document the fraction of white and black men that experience important life-events (prison, military, college completion, and marriage), but it is unclear how these institutions differentially select particular socioeconomic groups simultaneously. Competing risk models are used in demography to quantify cause specific mortality in the presence and absence of particular afflictions (Wachter 2014). In our analysis, understanding the heterogenous risk of entering prison in the presence and absence of military enlistment, labor market participation, and college enrollment, by race and class, allows for further disentanglement of differential selection into the penal system over the life-course. We couple and extend this particular analysis within a

regression framework to examine how entry in these competing institutions matter for contemporary incarceration rates.

Preliminary Findings

Our preliminary findings suggest, first, that the military and the criminal justice system may be viewed as interchangeable social institutions for some segments of the population, and second, that the military may serve as an equalizing force in racial differences in incarceration rates. Figure 1 graphically presents the temporal shifts in prevalence of incarceration and veteran status among the adult American population. We see that over time, incarceration has become a more normative process, and prior military employment has become increasingly rare. We can observe that while the relative risk of an American adult being either incarcerated or a veteran have – quite literally – reversed places over the course of the past four decades, the *combined* rate of being either a veteran or being incarcerated has remained relatively constant. Only the institutional composition has shifted.

We also observe that within educational categories, and across all time periods, black veterans are at lower risk of incarceration than are similarly-educated whites. Table 2 presents incarceration rates by race, class (as measured by level of educational attainment), and veteran status in 1972, 1992, and 2012.[4] While we see clear evidence of the military's increasing requirements for educational attainment, it is also evident that veteran status provides a buffer for black men's involvement in the criminal justice system – and the effects appear to be even stronger than they are for white men. Among the least educated men in 1972, roughly 3.0 more white than black men (per 100,000), with less than a high school education, experienced incapacitation. This compares to a risk of 14.3 incarcerated men for every 100,000 white high

[4] Although we calculate annual veteran and non-veteran incarceration rates, we focus on 1992 as the midpoint because of the nexus of trends in incarceration and veteran status, as displayed in Figure 1.

school drop outs, and 25.1 incarcerated men for every 100,000 black high school drop outs in 1973. Changes in educational requirements for military enlistment during the mid-to-late 1970s changed the overall distribution of incarceration for this group, but the trend remains the same. By 2012, the absolute difference in black-white veteran incarceration rates for high school dropouts had converged to roughly 0.6 – a decline of 80% (= 1- (0.6/3.0)) from its 1972 level, while the rates of incarceration for *nonveteran* male high school drop outs were 65.6 for whites and 108.8 among blacks.

[INSERT TABLE 2 HERE]

Across the educational distribution, and consistently throughout the four decades of our observation, we see elevated risk of incarceration for black *nonveterans* coupled with an elevated risk of incarceration among white *veterans*. The educational gradient provides additional protections for all men, and indeed, we see the black veteran advantage erode over time among the most highly educated segments of the population. In general, veterans with some college education or more are more protected from the penal system. Fewer than 2 veterans per 100,000 with a college degree were incarcerated in 1972, and the black-white difference in rates of incarceration for this group was less than 1.1 men per 100,000. Yet, by 2012, black-white inequality in veteran incarceration rates for college educated men was almost on parity, with a rate difference only 0.1 (or a 91% decline from its 1972 level).

Future Analyses

How then do we explain the declining risk of incarceration among veterans over this period, and the persistent black veteran incarceration "advantage" throughout the All Volunteer Force era? We propose to examine these changes using a battery of demographic techniques discussed in the methods section of this paper. These methods will standardize, decompose, and

untangle the changing composition and rate effects associated with rising imprisonment and declining military enlistment over time by race and class. Our goal is to explicate the shifting and interwoven risks of incarceration associated with race, class, and veteran status over a four-decade period.

Given the high rates of military participation and veteran status among African American men, these preliminary findings suggest that if we ignore the differences between veterans and nonveterans, we are overlooking a key aspect of racial disparities in involvement in the criminal justice system. Western and Pettit have argued that ignoring the effects of incarceration – and specifically the omission of incarcerated men from statistics on employment and income – distorts our understanding of the true nature of racial inequality in the United States. We similarly argue that a failure to parse out the disparities in incarceration rates between veterans and nonveterans artificially minimizes the difference in incarceration between blacks and whites and across different categories of educational attainment. In reality, it appears that the differences in risk of incarceration by race and educational attainment are quite small among the veteran population, and perhaps even larger than is commonly understood to be the case among nonveterans. The future efforts of this project seek to further interrogate those distinctions.

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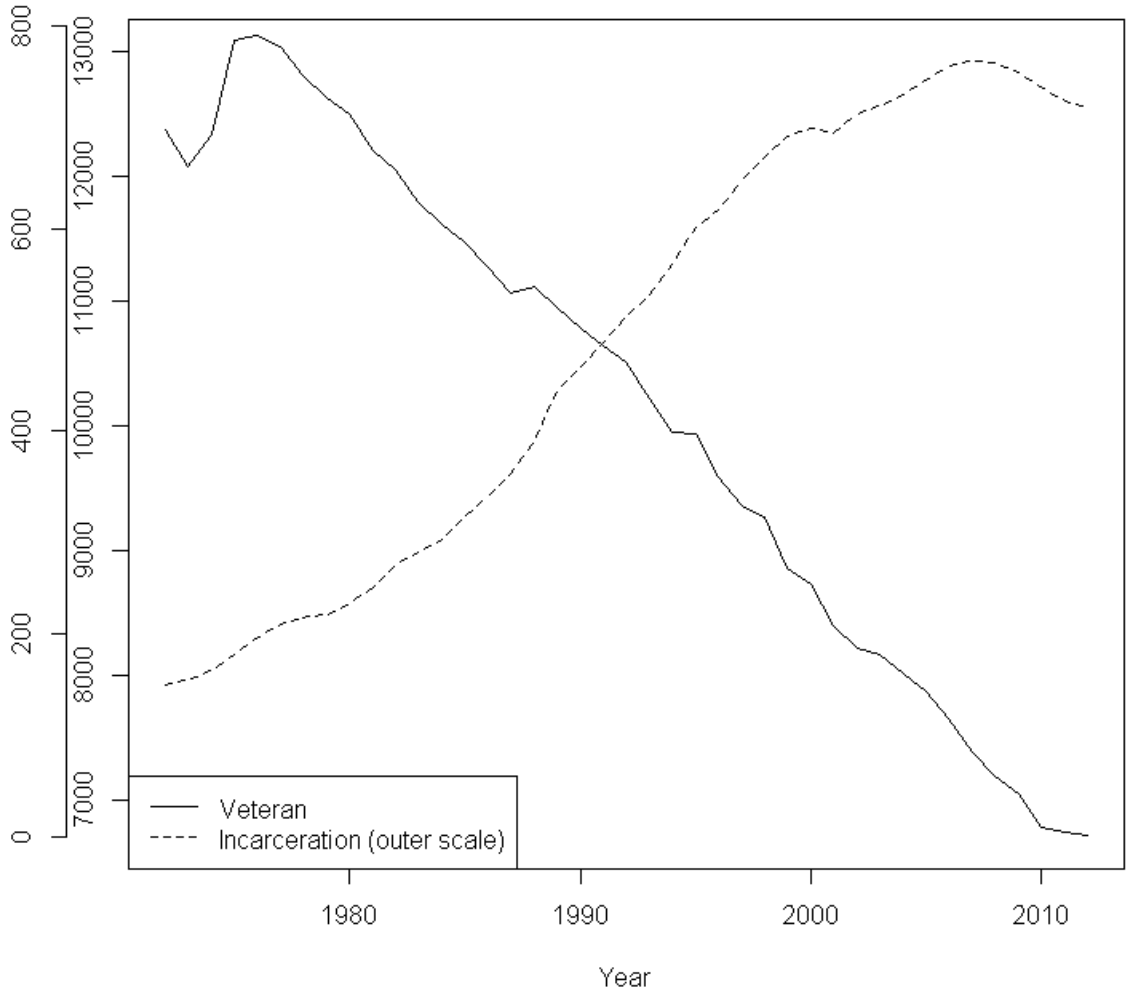
Figure 1: Veteran and Incarceration Rates (per 100,000), United States 1972-2012



Source: Authors' calculations from Bureau of Justice Statistics (BJS) and Current Population Survey data.

Table 1. Era of Service by Entry and Exit Dates

ERA	DATES
World War I	January 1917 - Nov. 1918
Interwar	December 1918 -- August 1940
World War II	September 1940 - July 1947
Postwar	August 1947 -- May 1950
Korean War	June 1950 -- December 1954
Selective Service	January 1955 -- July 1964
Vietnam (Draft)	August 1964 -- December 1972
Vietnam (Volunteer)	January 1973 -- December 1975
AVF Peacetime	January 1976 -- April 2003

Table 2: Incarceration Rates for American Men 20-34 by Race, Class and Veteran Status, 1972-2012

	1972		1992		2012	
	Non-Veterans	Veterans	Non-Veterans	Veterans	Non-Veterans	Veterans
< HS						
NH-Whites	14.3	5.5	33.5	1.6	65.6	0.9
NH- Blacks	25.1	2.5	63.2	1.4	108.8	0.3
HS						
NH-Whites	7.6	6.1	42.2	9.0	37.3	3.5
NH- Blacks	8.5	3.1	48.3	7.5	51.5	3.0
Some College						
NH-Whites	3.6	2.4	10.3	3.7	12.0	1.9
NH- Blacks	2.5	1.3	11.3	3.2	11.9	1.8

Source: Author's calculations from the Survey of Inmates, BJS correctional counts, and the March Current Population Surveys.