

THE OPENING STATEMENT

of those who are supposed to remain silent

Spring 2017 Newsletter

The Opening Statement For THE OPENING STATEMENT

Lacino Hamilton

We, the many of us from the inside and outside, black, white and red and yellow, of various political leanings, or not, as members of organizations and as individuals, recognize the need for reorientation and reorganization after concluding that the strategic and tactical shortcomings and defeats of the prison movement over the past several decades were the result of insufficient information/knowledge, and only secondarily by the repression of the movement to control people who are actually or potentially disruptive to the social order. For this reason, the generation of a new, sustained, conscious-building phase and movement must begin with the sharing of experiences, ideas, analyses, theory, opinions; and systematic attention to the internal forces that are the basis of change and development.

At this point the primary vehicle for sharing information/knowledge for building critical consciousness, educating that consciousness, and providing it with ideology and program for action is the printed word:

"For the individual reading a newspaper or periodical is not only being exposed to a collection of facts and attitudes, he or she is undergoing a collective experience... part of a community of fellow readers who share the same experience... in this respect, a newspaper or periodical is an organizing device, one which shapes the collective consciousness of all its readers. It further creates a community among that readership, who are simultaneously exposed to the same

experience its pages provide.

So a newspaper or periodical functions as a continuous political process, one which organizes, propagates views and defines new directions, new problems and new solutions for its community of readers. A given publication must not only find a particular chord of interest among its readership to give it an audience in the first place, it should also create new levels of consciousness based upon its first entry into the reading community's collective mind. Very often, whether a publication's circulation expands, stays fixed or dies depends on its ability to understand correctly the consciousness of its readership, to respond to that consciousness and shape it further, and to anticipate the direction of the community's consciousness as social, economic and political conditions change. Furthermore, a newspaper or periodical itself becomes an instrument of that change."

(From Robert Chrisman, "Forward," *Voices of a Black Nation: Political Journalism in the Harlem Renaissance*, as. Theodore G. Vincent, Remparts Press, 1973, pgs 15-16.)

THE OPENING STATEMENT provides a framework to foster a broad and continuing dialogue among prisoners, their family and friends, abolitionists, social justice activists and all interested parties in order to find more effective ways to challenge the practice of caging people for part or all of their lives, and to promote social justice through education and dialogue.

The goal of THE OPENING STATEMENT is to assist in developing

the critical analytical tools necessary to understand the system of imprisonment, our socialization to it, and to develop a sense of agency and capacity to interrupt imprisonment patterns.

THE OPENING STATEMENT realizes that developing the critical and analytical tools necessary to begin the process of abolishing imprisonment is no simple feat. For this reason, we need resources so that we can understand how it operates at individual, cultural, and institutional levels, historically and in the present.

To that end, THE OPENING STATEMENT facilitates dialogue to help those on the inside and those on the outside make sense of and, hopefully, act more effectively against the pervasive idea, woven throughout social institutions as well as embedded within individual consciousness, that imprisonment is natural and necessary – when it is not.

THE OPENING STATEMENT is the first step in making the connection between awareness and action, i.e., acquire a language to critically understand the tensions, contradictions, fears, doubts, hopes, and "deferred dreams" that are part and parcel of living in confinement. The first step is placing the experiences of prisoners in a larger socio-economic-political framework. We must have a correct understanding of our social position before we can move to higher, more secure and effective, stages of action. The first step, but not the last.

In solidarity,

Lacino

Prisons Aren't the Fix

HH Gonzales

This article is a response to a letter inquiring about my thoughts on our prison system or the system of imprisonment. As one with 20 years experience inside of it, I can, with a non-biased, honest opinion, say it's flawed! Now, I am currently being crushed by the weight of the MDOC's retribution, unjustly I might add. I have often considered the issue of imprisonment from a purely analytical perspective.

Factually imprisonment does not eradicate crime, and it ebbs and flows in curbing it, especially in our urban communities. The psyche of urban youth is a byproduct of scholastic, economic, physical, and mental oppression, for hundreds of years the psyche was cultivated and passed on from generation to generation, on both sides of the sphere, without ever really being addressed, as far as challenging the psyche on a serious individual-by-individual level.

Yes, the world openly acknowledges the wrongness and atrocities of slavery from its beginnings to now, but no reparations have been made, and I'm not talking "forty acres and a mule", I'm talking about repairing the psyche of those affected by it residually. Beliefs are passed on and they affect thought, which dictate actions; the stronger and more predominant the belief, the more strict the adherence to the action.

The urban youth have received a message for hundreds of years: "They will not and can not make it righteously in this country." Now, most cling to it as a crutch for criminal behavior, but the message was and is the root and to kill a weed you must remove the root.

Liberty is the absence of opposition. Any form of opposition to a citizen's freedoms, guaranteed by the United States constitution, affects the psyche and inevitably will produce a rebel. Self-preservation is the first law of nature, at people's core they

will strive to overcome oppression of any kind, whether sexual, gender, race, or creed related. If this is really the country founded on liberty and freedom, why is there so much opposition? A government that tries to define our personal life to a narrow standard can't claim freedom and liberty as its motto! Let's eradicate the contradiction and mind the psyche of the opposed as well as those who oppose. They have both been wounded mentally in some way and that wound must be healed for the person to contribute at optimal levels to society.

Now I'm not naive to the point where I don't believe that, for some, prisons are necessary—but not as the solution to the problem. Those who commit crimes don't need to be imprisoned as a "fix" to the problem, they need to be healed from whatever mental afflictions that causes the criminal behavior!

Reinventing Slavery Through Mass Incarceration

Randal LeFevre

America is reinventing slavery through incarceration. If we refuse to accept this reality, then we will never fight back and break the chains which keep us fettered. These chains shackle us to being a slave and often without us even realizing it. Perhaps you disagree with this premise. If so, then I humbly implore you to critically analyze this subject matter.

Slavery's core purpose was to ensure that a certain group of people (whites) lived abundantly at the expense of others (blacks). No one would dare dispute that slavery brought whites unlimited wealth and opportunities while doing the exact opposite for blacks. In addition, slavery also created a superiority complex which allowed whites to dehumanize blacks with mercy.

The 13th Amendment has been credited with abolishing slavery but a careful exam-

ination of the Constitution's plain language will show otherwise. According to the 13th Amendment, neither slavery nor involuntary servitude shall exist within the United States, "except as punishment for a crime." In short, slavery and involuntary servitude are legal practices so long as they are punishment for a crime. (See *US Constitution*, 13th AM, (1865)).

Prior to the passing of the 13th Amendment to 1865, there wasn't a demand to incarcerate blacks in prison because blacks were already providing free labor. After the so-called 'emancipation,' prisons were erected and black code laws were designated to entrap blacks. These petty laws were classified as Black Code Laws, or Jim Crow laws, and they made it illegal for blacks to do many things that were legal for whites. Punishment for the crime usually consisted of a monetary fine or incarceration. (See *Worse Than Slavery: Parchman Farm & the Ordeal of Jim Crow Justice* by David Oshinsky, (1996)).

Vagrancy, loitering, and larceny laws were some of many laws used to bring the ex-slave before the judicial system in an effort to re-enslave him. Without any assets, the newly emancipated slaves wouldn't have any option but incarceration. Prisons operated just like the slave plantation. They picked cotton, raised livestock, and worked the fields. Some prisons derived an income over 1½ million dollars as late as the mid-sixties. (See *Holt v Sarver*, 300 FS 362, (1970)).

States created their own board of commissioners which authorized them to 'lease' both convicts and state land. The convicts and land would be rented out as a package deal to the highest bidder. Whoever purchased the package, would have legal rights to the convicts, the land, and all the profit produced through the convicts' labor unless specified otherwise. This is the practice of convict leasing. (See *Nugent v Arizona*, 173 US 338, (1896)).

Another form of convict leasing is where

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the state rented out its convicts to a business owner in a far away state. Businessmen would post advertisements requesting a specific number of able-bodied Negroes for a burdensome job such as mining. The state renting out the 'soon-to-be' convicts would agree upon a price, and then local police would arrest blacks for petty crimes. In one case, the sheriff made a list of some "80 Negroes known to be good, husky fellows, capable of a fair days work." Within 3 weeks he has arrested all 80 of them. (See "Slavery In The South", *Cosmopolitan Mag* by Richard Barry, (1907)).

Michelle Alexander wrote a provocative book titled *The New Jim Crow: Mass Incarceration In the Age of Colorblindness*. She emphasized how ex-felons are openly discriminated against in a like fashion that ex-slaves were once discriminated against immediately after the emancipation. Jim Crow Laws were designed to force blacks back into free labor for whites. This was another form of slavery mass incarceration does the very same thing. (See *The New Jim Crow: Mass Incarceration In the Age of Colorblindness* by Michelle Alexander, (2010)).

Tracy Brame refers to Michelle Alexander's book as ground breaking. She even goes so far as to identify many areas of

discrimination that ex-felons are subject to: the right to vote, excluded from jury service, employment, housing, education, public assistance, and the right to bear arms. These were the very same areas that the 13th, 14th, and 15th Amendments were established to protect blacks from being discriminated against. (See *Collateral Consequence of A Criminal Conviction* by Tracy Brame, (2013)).

Now that you know slavery and involuntary servitude are still practiced so long as you've been convicted of a crime, then you shouldn't be surprised that there are 2.2 million adults incarcerated in the United States. This is the largest amount of incarcerated prisoners in the entire world. The United States only comprises 5% of the world's population but 25% of the world's prisoners are incarcerated prisoners in American prisons. To America, this is merely business, another form of slavery designed to bring wealth and opportunity to a group of people. (See *The Growth of Incarceration In the United States: Exploring Causes and Consequences* by the National Academics Press (2014)).

Isn't it true that your conviction and incarceration creates job security and opportunities for many non-felons? Isn't it true that your incarceration allows you to be dis-

criminated against once you're released from prison? Isn't it true that society looks down on you because you are a felon? If you answered yes to these questions, then you should have drawn the conclusion that America is reinventing slavery through mass incarceration at your expense.

Once you've accepted this shocking reality, it is imperative that you take an aggressive stance to change it. First educate yourself. Second, get involved with advocates. Third, vow to break the chains which keep you bound to a state of servitude. This is your rightful duty to stand up and take account for you and your people, the human people. To do anything less than your best is totally uncivilized.

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The Psychological Warfare of Segregation in the United Snakes of Amerikkka Prisons

Ahjamu Baruti

The psychological warfare that is taking place in the prisons here in the United Snakes of Amerikkka, is placing prisoners in the soul breaker (segregation) for confinement that equals decades.

I refer segregation to being the soul breaker, because that is what long term segregation is designed to do, break a man's soul completely. Among the misconceptions about solitary confinement is, that it's used only for a few weeks or months. There is an estimated 80,000 Amerikan prisoners, many with no record of violence confine to a cell 23-hours a day, in a cell about the

size of two queen sized mattresses, with a single hour in an exercise cage, that is similar to a dog's cage. Some prisoners who are confine segregation are not allowed visits or phone calls. Some prisoners have no TV, or radio. Some prisoners never lay eyes on each other, and some go years without fresh air and sunlight.

After nearly 44 years in solitary confinement, Albert Woodfox was freed from Angola Prison, on his 69th birthday. Albert Woodfox, was the longest serving solitary confinement prisoner to be freed from prison after four decades. Albert Woodfox has been in prison for 45-years, nearly 44-years of them in solitary confinement. He did more time in solitary

confinement than any prisoner in the United States history.

Hugo (Yugo) Lyon Pinell, the former political prisoner of the San Quentin (Prison) Six, was also confined to solitary confinement for over four decades. Political prisoner, Russell Maroon Shoatz, had spent 22-years in solitary confinement in the Pennsylvania Dept. of Corrections, from 1983 to February 20, 2014, then he was released to general population.

Solitary confinement started in the United States, as a morally progressive social experiment in the 1820s, by Quakers, who wanted lawmakers to replace mutilations, amputations, and the death penalty with rehabilitation. The hope was that long

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periods of introspection would help criminals repent.

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Charles Dickens (1812-1870), a British writer, toured a Pennsylvania prison in the 1840s, and he described prolonged isolation as a slow and daily tampering with the mystery of the brain, and immeasurably worse than any torture of the body.

Some of his contemporaries shared the same view about long-term segregation. Alexis De Tocqueville (1805-1859) a French statesman and author, reported from a prison in New York, in the 1820s that it does not reform, it kills!

Most prisons suspended the practice of long term segregation in the mid to late 1800s, once it became clear the theory did not work. The U.S. Supreme Court, punctuated that point in 1890, when it freed a Colorado man, recognizing the psychological harm isolation had caused him.

Solitary confinement, was largely used for about a century, until October 1983, when in separate incidents, prisoners killed two guards in one day, at the U.S. Penitentiary in Marion, Illinois. The prison went into lockdown for the next 23 years, setting the model for dozens of state and federal supermax prisons, designed specifically for mass isolation.

Long term solitary confinement is cruel and unusual punishment, due to the deprivation of basic human needs such as: mental health, environmental stimulation, social interaction, sensory deprivation, etc.

For these reasons concerning prison and staff safety, I am totally in agreement with short periods of confinement for the most violent prisoners. Solitary confinement is psychological warfare, because once confine to segregation, it's about how one will begin to deal with his own mind. Being isolated for a long period of time can drive one insane. To utilize their time, some prisoners in segregation will begin to pace their cells like a caged animal at a zoo. Some prisoners will pass their time by praying and meditating or talking to

themselves, while some prisoners will read voraciously.

Defiance can kill time in solitary. Some prisoners will kick walls or bang their cups against their doors. Some flood their cells by clogging their toilets with toilet paper, and some even break light bulbs and set their mattresses on fire!

The psychological effects of long term confinement on the human brain is phenomenal, because the human brain needs social contact like our lungs need air!

“Long term solitary confinement is cruel and unusual punishment, due to the deprivation of basic human needs such as: mental health, environmental stimulation, social interaction, and sensory deprivation”

Zoo animals are being honored with these needs. It's been acknowledged the inhumanity of caging them for long periods of time alone or in tight spaces. There have been federal guidelines implemented on the use of laboratory animals, requiring more space be provided for them, also more sensory stimulation and environmental enrichment than what is afforded prisoners in solitary confinement.

I believe anyone who spends more than three years confined in solitary confinement will have some type of psychological effects (anti-social behavior) for the rest of their lives. In 2006, a Bipartisan National Task Force, conveyed by the Vera Institute examining abuse in Amerikan prisons, cited studies showing that solitary confinement impairs the brain function and causes psychosis and serious depression.

Prison guards have attempted to use the argument that prisoners shouting to each other between cell blocks, across exercise cages, and down drain pipes, constitute meaningful forms of social interaction during their confinement of long term segregation. This form of social interaction will never replace the basic need of social interaction with another human being, to heighten ones senses with a touch and sight of another human being.

Babies are aware of the importance of the sense of touch, in their social interaction with their mother, without it, there would be psychological effects placed upon the baby. When babies become aware that they are loved, it heightens other senses in them. People in the free world, through their socialization with each other in society, come to know who they are by their interacting with each other. Amerika leads the world in placing prisoners in solitary confinement. Senator John McCain spent two years in solitary, as a POW in Vietnam. He stated: “It crushes your spirit and weakens your resistance more effectively than any other form of mistreatment.”

Craig Haney, a psychologist professor at the University of California, in Santa Cruz, has spent his career studying mental health effects of solitary confinement. He describes prisoners' effect of long-term solitary confinement with psychosis, self-mutilation, and suicide.

The problem is, most of the psychological damage done to prisoners in solitary confinement occurs invisibly in silence and stillness. This effect may not become fully apparent until the prisoner re-enters society; then society has a responsibility to address this problem now, if not, the psychological damage will become a problem, once the prisoner re-enters society!

Are Prisons Obsolete?

An Introduction by Angela Davis

The prison is considered an inevitable and permanent feature of our social lives. Most people are quite surprised to hear that the prison abolition movement also has a long history—one that dates back to the historical appearance of the prison as the main form of punishment. In fact, the most natural reaction is to assume that prison activists—even those who consciously refer to themselves as “anti-prison activists” are simply trying to ameliorate prison conditions or perhaps to reform the prison in more fundamental ways. In most circles prison abolition is simply unthinkable and implausible. Prison abolitionists are dismissed as utopians and idealists whose ideas are at best unrealistic and impracticable, and, at worst, mystifying and foolish. This is a measure of how difficult it is to envision a social order that does not rely on the threat of sequestering people in dreadful place is designed to separate them from their communities and families. The prison is considered so “natural” that it is extremely hard to imagine life without it.

It is my hope that this book will encourage readers to question their own assumptions about the prison. Many people have already reached the conclusion that the death penalty is an outmoded form of punishment that violates basic principles of human rights. It is time, I believe, to encourage similar conversations about the prison. During my own career as an anti-prison activist I have seen the population of U.S. prisons increase with such rapidity that many people in black, Latino, and Native American communities now have a far greater chance of going to prison than of getting a decent education. When many young people decide to join the military service in order to avoid the inevitability of a stint in prison, it should cause us to wonder whether we should not try to introduce better alternatives.

The question of whether the prison has become an obsolete institution has become especially urgent in light of the fact that more than two million people (out of a world total of nine million! now inhabit U.S. prisons, jails, youth facilities, and immigrant detention centers. Are we willing to relegate ever larger numbers of people from racially oppressed communities to an isolated existence

marked by authoritarian regimes, violence, disease, and technologies of seclusion that produce severe mental instability? According to a recent study, there may be twice as many people suffering from mental illness who are in jails and prisons than there are in all psychiatric hospitals in the United States combined.

When I first became involved in anti-prison activism during the late 1960s, I was astounded to learn that there were then close to two hundred thousand people in prison. Had anyone told me that in three decades ten times as many people would be locked away in cages, I would have been absolutely incredulous. I imagine that I would have responded something like this: “As racist and undemocratic as this country may be [remember, during that period, the demands of the Civil Rights movement had not yet been consolidated. I do not believe that the U.S. government will be able to lock up so many people without producing powerful public resistance. No, this will never happen, not unless this country plunges into fascism.” That might have been my reaction thirty years ago. The reality is that we were called upon to inaugurate the twenty-first century by accepting the fact that two million - a group larger than the population of many countries—are living their lives in places like Sing Sing, Leavenworth, San Quentin, and Alderson Federal Reformatory for Women. The gravity of these numbers becomes even more apparent when we consider that the U.S. population in general is less than five percent of the world’s total, whereas more than twenty percent of the world’s combined prison population can be claimed by the United States. In Elliott Currie’s words, “[t]he prison has become a looming presence in our society to an extent unparalleled in our history or that of any other industrial democracy. Short of major wars, mass incarceration has been the most thoroughly implemented government social program of our time.”

In thinking about the possible obsolescence of the prison, we should ask how it is that so many people could end up in prison without major debates regarding the efficacy of incarceration. When the drive to produce more prisons and incarcerate ever larger numbers of people occurred in the 1980s during what is known as the Reagan era, politicians

argued that “tough on crime” stances—including certain imprisonment and longer sentences would keep communities free of crime. However, the practice of mass incarceration during that period had little or no effect on official crime rates. In fact, the most obvious pattern was that larger prison populations led not to safer communities, but, rather, to even larger prison populations. Each new prison spawned yet another new prison. And as the U.S. prison system expanded, so did corporate involvement in construction, provision of goods and services, and use of labor. Because of the extent to which prison building and operation began to attract vast amounts of capital—from the construction industry to food and health care provision—in a way that recalled the emergence of the military industrial complex, we began to refer to a “prison industrial complex.”

Consider the case of California, whose landscape has been thoroughly prisonized over the last twenty years. The first state prison in California was San Quentin, which opened in 1852. Folsom, another well-known institution, opened in 1880. Between 1880 and 1933, when a facility for women was opened in Tehachapi, there was not a single new prison constructed. In 1952, the California Institution for Women opened and Tehachapi became a new prison for men. In all, between 1852 and 1955, nine prisons were constructed in California. Between 1962 and 1965, two camps were established, along with the California Rehabilitation Center. Not a single prison opened during the second half of the sixties, nor during the entire decade of the 1970s.

However, a massive project of prison construction was initiated during the 1980s—that is, during the years of the Reagan presidency. Nine prisons, including the Northern California Facility for Women, were opened between 1984 and 1989. Recall that it had taken more than a hundred years to build the first nine California prisons. In less than a single decade, the number of California prisons doubled. And during the 1990s, twelve new prisons were opened, including two more for women. In 1995 the Valley State Prison for Women was opened. According to its mission statement, it “provides 1,980 women’s beds for California’s

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overcrowded prison system.” However, in 2002, there were 3,570 prisoners⁵ and the other two women’s prisons were equally overcrowded.

There are now thirty-three prisons, thirty-eight camps, sixteen community correctional facilities, and five tiny prisoner mother facilities in California. In 2002 there were 157,979 people incarcerated in these institutions, including approximately twenty thousand people whom the state holds for immigration violations. The racial composition of this prison population is revealing. Latinos, who are now in the majority, account for 35.2 percent; African-Americans 30 percent; and white prisoners 29.2 percent.⁶ There are now more women in prison in the state of California than there were in the entire country in the early 1970s. In fact, California can claim the largest women’s prison in the world, Valley State Prison for Women, with its more than thirty-five hundred inhabitants. Located in the same town as Valley State and literally across the street is the second-largest women’s prison in the world Central California Women’s Facility whose population in 2002 also hovered at around thirty-five hundred!

If you look at a map of California depicting the location of the thirty-three state prisons, you will see that the only area that is not heavily populated by prisons is the area north of Sacramento. Still, there are two prisons in the town of Susanville, and Pelican Bay, one of the state’s notorious super-maximum security prisons, is near the Oregon border. California artist Sandow Birk was inspired by the colonizing of the landscape by prisons to produce a series of thirty-three landscape paintings of these institutions and their surroundings. They are collected in his book *Incarcerated: Visions of California in the Twenty-first Century*.

I present this brief narrative of the prisonization of the California landscape in order to allow readers to grasp how easy it was to produce a massive system of incarceration with the implicit consent of the public. Why were people so quick to assume that locking away an increasingly large proportion of the U.S. population would help those who live in the free world feel safer and more secure? This question can be formulated in more general terms. Why do prisons tend to

make people think that their own rights and liberties are more secure than they would be if prisons did not exist? What other reasons might there have been for the rapidity with which prisons began to colonize the California landscape?

Geographer Ruth Gilmore describes the expansion of prisons in California as “a geographical solution to social-economic problems.”⁹ Her analysis of the prison industrial complex in California describes these developments as a response to surpluses of capital, land, labor, and state capacity.

California’s new prisons are sited on devalued rural land, most, in fact on formerly irrigated agricultural acres . . . The State bought land sold by big landowners. And the State assured the small, depressed towns now shadowed by prisons that the new, recession-proof, non-polluting industry would jump-start local redevelopment.

But, as Gilmore points out, neither the jobs nor the more general economic revitalization promised by prisons has occurred. At the same time, this promise of progress helps us to understand why the legislature and California’s voters decided to approve the construction of all these new prisons. People wanted to believe that prisons would not only reduce crime, they would also provide jobs and stimulate economic development in out-of-the-way places.

At bottom, there is one fundamental question: Why do we take prison for granted? While a relatively small proportion of the population has ever directly experienced life inside prison, this is not true in poor black and Latino communities. Neither is it true for Native Americans or for certain Asian-American communities. But even among those people who must regrettably accept prison sentences—especially young people—as an ordinary dimension of community life, it is hardly acceptable to engage in serious public discussions about prison life or radical alternatives to prison. It is as if prison were an inevitable fact of life, like birth and death.

On the whole, people tend to take prisons for granted. It is difficult to imagine life without them. At the same time, there is reluctance to face the realities hidden

within them, a fear of thinking about what happens inside them. Thus, the prison is present in our lives and, at the same time, it is absent from our lives. To think about this simultaneous presence and absence is to begin to acknowledge the part played by ideology in shaping the way we interact with our social surroundings. We take prisons for granted but are often afraid to face the realities they produce. After all, no one wants to go to prison. Because it would be too agonizing to cope with the possibility that anyone, including ourselves, could become a prisoner, we tend to think of the prison as disconnected from our own lives. This is even true for some of us, women as well as men, who have already experienced imprisonment.

We thus think about imprisonment as a fate reserved for others, a fate reserved for the “evildoers,” to use a term recently popularized by George W. Bush. Because of the persistent power of racism, “criminals” and “evildoers” are, in the collective imagination, fantasized as people of color. The prison therefore functions ideologically as an abstract site into which undesirables are deposited, relieving us of the responsibility of thinking about the real issues afflicting those communities from which prisoners are drawn in such disproportionate numbers. This is the ideological work that the prison performs—it relieves us of the responsibility of seriously engaging with the problems of our society, especially those produced by racism and, increasingly, global capitalism.

What, for example, do we miss if we try to think about prison expansion without addressing larger economic developments? We live in an era of migrating corporations. In order to escape organized labor in this country—and thus higher wages, benefits, and so on—corporations roam the world in search of nations providing cheap labor pools. This corporate migration thus leaves entire communities in shambles. Huge numbers of people lose jobs and prospects for future jobs. Because the economic base of these communities is destroyed, education and other surviving social services are profoundly affected. This process turns the men, women, and children who live in these damaged communities into perfect candidates for prison.

In the meantime, corporations associated

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with the punishment industry reap profits from the system that manages prisoners and acquire a clear stake in the continued growth of prison populations. Put simply, this is the era of the prison industrial complex. The prison has become a black hole into which the detritus of contemporary capitalism is deposited. Mass imprisonment generates profits as it devours social wealth, and thus it tends to reproduce the very conditions that lead people to prison. There are thus real and often quite complicated connections between the deindustrialization of the economy—a process that reached its peak during the 1980s—and the rise of mass imprisonment, which also began to spiral during the Reagan-Bush era. However, the demand for more prisons was represented to the public in simplistic terms. More prisons were needed because there was more crime. Yet many scholars have demonstrated that by the time the prison construction boom began, official crime statistics were already falling. Moreover, draconian drug laws were being enacted, and “three-strikes” provisions were on the agendas of many states.

In order to understand the proliferation of prisons and the rise of the prison industrial complex, it might be helpful to think further about the reasons we so easily take prisons for granted. In California, as we have seen, almost two-thirds of existing prisons were opened during the eighties and nineties. Why was there no great outcry? Why was there such an obvious level of comfort with the prospect of many new prisons? A partial answer to this question has to do with the way we consume media images of the prison, even as the realities of imprisonment are hidden from almost all who have not had the misfortune of doing time. Cultural critic Gina Dent has pointed out that our sense of familiarity with the prison comes in part from representations of prisons in film and other visual media.

The history of visibility linked to the prison is also a main reinforcement of the institution of the prison as a naturalized part of our social landscape. The history of film has always been wedded to the representation of incarceration. Thomas Edison's first films (dating back to the 1901 reenactment presented as newsreel, Execution of Czolgosz with Panorama of Auburn Prison) included footage of the

darkest recesses of the prison. Thus, the prison is wedded to our experience of visibility, creating also a sense of its permanence as an institution. We also have a constant flow of Hollywood prison films, in fact a genre.

Some of the most well known prison films are: *I Want to Live*, *Papillon*, *Cool Hand Luke*, and *Escape from Alcatraz*. It also bears mentioning that television programming has become increasingly saturated with images of prisons. Some recent documentaries include the A&E series *The Big House*, which consists of programs on San Quentin, Alcatraz, Leavenworth, and Alderson Federal Reformatory for Women. The long-running HBO program *Oz* has managed to persuade many viewers that they know exactly what goes on in male maximum-security prisons.

But even those who do not consciously decide to watch a documentary or dramatic program on the topic of prisons inevitably consume prison images, whether they choose to or not, by the simple fact of watching movies or TV. It is virtually impossible to avoid consuming images of prison. In 1997, I was myself quite astonished to find, when I interviewed women in three Cuban prisons, that most of them narrated their prior awareness of prisons—that is, before they were actually incarcerated—as coming from the many Hollywood films they had seen. The prison is one of the most important features of our image environment. This has caused us to take the existence of prisons for granted. The prison has become a key ingredient of our common sense. It is there, all around us. We do not question whether it should exist. It has become so much a part of our lives that it requires a great feat of the imagination to envision life beyond the prison.

This is not to dismiss the profound changes that have occurred in the way public conversations about the prison are conducted. Ten years ago, even as the drive to expand the prison system reached its zenith, there were very few critiques of this process available to the public. In fact most people had no idea about the immensity of this expansion. This was the period during which internal changes—in part through the application of new technologies—led the U.S. prison system in a much more repressive direction. Whereas

previous classifications had been confined to low, medium, and maximum security, a new category was invented—that of the super-maximum security prison, or the supermax. The turn toward increased repression in a prison system, distinguished from the beginning of its history by its repressive regimes, caused some journalists, public intellectuals, and progressive agencies to oppose the growing reliance on prisons to solve social problems that are actually exacerbated by mass incarceration.

In 1990, the Washington-based Sentencing Project published a study of U.S. populations in prison and jail, and on parole and probation, which concluded that one in four black men between the ages of twenty and twenty-nine were among these numbers.¹² Five years later, a second study revealed that this percentage had soared to almost one in three (32.2 percent). Moreover, more than one in ten Latino men in this same age range were in jail or prison, or on probation or parole. The second study also revealed that the group experiencing the greatest increase was black women, whose imprisonment increased by seventy-eight percent.¹³ According to the Bureau of Justice Statistics, African-Americans as a whole now represent the majority of state and federal prisoners, with a total of 803,400 black inmates—118,600 more than the total number of white inmates.¹⁴ During the late 1990s major articles on prison expansion appeared in *Newsweek*, *Harper's*, *Emergence*, and *Atlantic Monthly*. Even Colin Powell raised the question of the rising number of black men in prison when he spoke at the 2000 Republican National Convention, which declared George W. Bush its presidential candidate.

Over the last few years the previous absence of critical positions on prison expansion in the political arena has given way to proposals for prison reform. While public discourse has become more flexible, the emphasis is almost inevitably on generating the changes that will produce a better prison system. In other words, the increased flexibility that has allowed for critical discussion of the problems associated with the expansion of prisons also restricts this discussion to the question of prison reform.

As important as some reforms may be—the

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elimination of sexual abuse and medical neglect in women's prison, for example frameworks that rely exclusively on reforms help to produce the stultifying idea that nothing lies beyond the prison. Debates about strategies of decarceration, which should be the focal point of our conversations on the prison crisis, tend to be marginalized when reform takes the center stage. The most immediate question

today is how to prevent the further expansion of prison populations and how to bring as many imprisoned women and men as possible back into what prisoners call lithe free world." How can we move to decriminalize drug use and the trade in sexual services? How can we take seriously strategies of restorative rather than exclusively punitive justice? Effective alternatives involve both transformation of

the techniques for addressing "crime" and of the social and economic conditions that track so many children from poor communities, and especially communities of color, into the juvenile system and then on to prison. The most difficult and urgent challenge today is that of creatively exploring new terrains of justice, where the prison no longer serves as our major anchor.

THE OPENING STATEMENT is an abolitionist newsletter driven by the voices and visions of Michigan prisoners, as well as those on the outside impacted by the prison system. **THE OPENING STATEMENT** hopes to foster ongoing discussion against the violence of incarceration.

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Attention mailroom: The First Amendment to the U.S. Constitution protects free speech. Regulations that permit the government or its employees to discriminate on the basis of the content of the message cannot be tolerated under the First Amendment (i). Further, prisoners retain free speech rights. Thought control, by means of prohibiting beliefs, would not only be undesirable but impossible (ii). Fact of confinement and needs of the penal institution impose rational limitations on prisoner free speech rights (iii), but those restrictions must have a "valid, rational connection" to "legitimate penological interests" not related to the content of ideas (iv). Regulations and practices can only be justified when the practice "furthers an important or substantial government interest unrelated to the suppression of expression" (v). This means you cannot legally suppress the expression of ideas. Prison walls do not serve to form a barrier separating prisoners from the protections of the constitution (vi). Core political speech is most-zealously guarded and there is a public interest "in having free and unhindered debate on matters of public importance—the core value of the Free Speech Clause of the First Amendment" (vii). Thus, exclusion of printed material on the basis of its political perspective amounts to free speech retaliation and discrimination, which is illegal (viii). If you exclude printed material for an unlawful basis, or if you simply conjure up a false pretext for its exclusion, you have broken the law. The prisoner recipient of this mail has cause for bringing a civil rights action against you and has cause for gaining punitive damages—

which means money. You and everyone who permits this action, from your supervisor to the director of the prison system, may be named in those civil actions, and you may also be subject to termination from your employment. Because this primer is included in this mailing, you will not be able to claim you did not know your actions were illegal. For these reasons, we ask that you conform to federal law and refrain from unlawful discrimination against the enclosed materials, permitting mail service of this literature that objectively meets all legitimate criteria set forth in prison regulations. i, *Reagan v. Time, Inc.*, 468 U.W. 641, 648-49, 104 SCt 3262 (1984). "[T]he fact that society may find speech offensive is not sufficient reason for suppressing it. Indeed, if it is the speakers' opinion that gives offense, that consequence is a reason for according it constitutional protection." *Hustler Magazine, Inc. v. Falwell*, 495 US 45, 46, 108 SCt 876, 882. The government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable, *U.S. v. Eichman*, 496 US 310, 319, 110 SCt 2404 (1990). "[A]bove all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Police Dept. of Chicago v. Mosley*, 408 US 92, 95, 92 SCt 2286, 2290 (1972). ii, *Jones v. North Carolina Prisoners Labor Union*, 433 US 119, 97 SCt 2532 (1977). iii, *Pell v. Procunier*, 417 US 817, 822, 94 Set 2800, 2804 (1974). iv, *Turner v. Safely*, 482 US 78, 107 SCt 2245 (1987) v, *Turner, supra vi*, *Turner, supra vii*, *Pickering v. Board of Education*, 391 US 563, 573, 88 SCt 1731 (1968). viii, *Abu-Jamal v. Price*, 154 F3d 128 (3rd Cir., 1998); *X v. Blatter*, 175 F3d 378 (6th Cir. 1999)