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UNFINISHED LIBERATION:
POLICING AND IMPRISONMENT
JOY JAMES, GUEST EDITOR

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A number of academics and activists, too lengthy to mention here, made possible the March 1998 University of Colorado-Boulder conference, "Unfinished Liberation: Policing, Detention and Prisons." From that conference, most of the following papers were drawn.

The greatest acknowledgment of course rests with those activists and writers, particularly political prisoners, who have contributed greatly to human rights, social justice, and liberation struggles. Their work deeply influences this journal issue.

Introduction

JOY A. JAMES

THIS SPECIAL journal issue of the *Radical Philosophy Review*, “Unfinished Liberation: Policing and Imprisonment,” is based on the March 1998 Conference at the University of Colorado at Boulder, “Unfinished Liberation: Policing, Detention, and Prisons.” The title for the conference was taken from the work of Herbert Marcuse and of his former student, and former political prisoner, Angela Davis. The conference drew some 2000 participants to discuss and debate issues around incarceration, policing, immigration detention, torture and human rights violations, political imprisonment, and the death penalty. It highlighted the growing national interest in these crises and the importance of social justice to confront increasing police powers and state abuses.

Currently there are 2 million people in the United States incarcerated in prisons, jails or detention centers. Approximately 70 percent of the incarcerated are people of African, Native American, Latino/Chicano ancestry. The United States has the highest incarceration rate in the industrialized world. It is also one of the few “developed” countries that continues to deploy the death penalty. To talk about policing, imprisonment and state executions, historically or in contemporary times, one must speak of race and class. Increasingly new literature — such as *Live From Death Row: This is Mumia Abu-Jamal*, *The Celling of America*, *Search and Destroy*, and *Criminal Injustice*, as well as *States of Confinement: Policing, Detention, and Prisons* — addresses the realities of our racialized, class-biased and reactionary criminal justice system.¹

A few striking examples illustrate the gross inequality and rampant abuse in the current prison industry and the system of state policing. In March 1999, the Amnesty International Rights for All campaign issued a report, *Not Part of My Sentence: Violations of the Human Rights of Women in Custody*, documenting the abuses of women in U.S. prisons and jails. By June 1997, there were 138,000 women incarcerated in the United States; triple the number since 1985 and ten times the number of women imprisoned in Spain, England, France, Scotland, Germany, and Italy combined.² Most of the women incarcerated in the United

States are nonviolent offenders convicted of economic crimes or drug use. Eighty percent are mothers, eighty percent are poor; and the majority are women of color. The less common violent offenses are generally connected to domestic violence. Racial-bias in sentencing means that women incarcerated for nonviolent and violent crimes will increasingly make up the growing population of incarcerated females. (Sentencing bias is pervasive: African-American or Latina women who kill their batterers are four times more likely than white women to be sentenced to prison even if the acts are defined as self-defense.) Serving time, this population of caged women find themselves subject to new forms of psychological trauma and physical and sexual abuse. For instance, although the Convention Against Torture (CAT), which the United States ratified in 1994, defines rape of women in custody by correctional officers as "torture," the United States government conducts in virtually no monitoring of the conditions and situations of imprisoned women in respect to human rights violations.³

In government, the majority in Congress and the Supreme Court, as well as the president (and the first lady), have embraced the punitive rhetoric of punishment at least for the poor and racialized (calls for forgiveness and rehabilitation seem to be more often reserved for the privileged). Most politicians and elected officials support the death penalty, although the American Bar Association has advocated a moratorium given the pervasive and acknowledged racial bias in state executions. Consider that race, of both the defendant and the victim, is the primary factor in capital punishment. Those convicted of killing a white person are four times more likely to receive the death penalty, particularly if they are not white themselves. The Supreme Court has found this acceptable and state executions not cruel and unusual punishment in our democracy on the eve of a new millennium; even though in 1994, U.S. Supreme Court Justice Harry Blackmun noted: "Even under the most sophisticated death penalty statutes, race continues to play a major role in determining who shall live and who shall die."⁴ Over sixty-five percent of juvenile offenders sentenced to death since the reinstatement of the death penalty in 1976 have been either black or latino.⁵ In addition, one of the few democratic nations to execute minors, the United States has executed more youths than any other country.⁶

What then seems notable is the contradictory and repressive nature of "democratic" law itself. The Thirteenth Amendment to the Constitution codifies rather than abolishes slavery: Those duly convicted of a crime can be forced into involuntary servitude or slavery for the duration of their incarceration. A hundred years ago, more African Americans died at higher rates in the convict prison lease system than they had on plantations during slavery, worked to death by a state-private industry venture that replaced plantation labor with prison labor, a commodity that could always be replenished by sweeps arresting blacks because they were black. Today, according to the Washington, D.C.-based Sentencing Project,

a black person who commits (or is convicted of) a similar offense as a white person is eight times more likely to be sentenced to prison. As prisoners' rights advocate Angela Davis has noted, one is more likely to be incarcerated because of race (if he or she is black or brown) than because one committed a crime.

Most men and women are in prison for nonviolent offenses, often related to the drug trade and addiction. As part of the state's ongoing "war on drugs," increased funds for policing (both domestically and internationally) and prisons have flowed generously. The U.S. is likely the world's largest nation-state consumer of illicit drugs; it has the most draconian and racialized drug laws among industrialized nations. European Americans are the majority of consumers of both crack (considered an urban drug for black and latino consumers) and powder cocaine (designated as a drug of choice for affluent white suburbanites).⁷ Yet black and latino defendants disproportionately are policed, arrested, and incarcerated for drug use and sale.

Racialized policing has also led the Congressional Black Caucus and progressives to adopt the phrase "DWB" — driving while black or brown, to denote the national prevalence of racial profiling in police harassment and arrests. In addition human rights activists have noted the similarities between DWB and the Black Codes following the Civil War in which white patrollers could stop and question largely law-abiding African Americans solely because of their race and their ability or desire to move freely.⁸

Prisons then exist as a central dilemma for a racialized and class-stratified democracy. This journal issue attempts to push the limits of democratic borders, extending them beyond the "free world" to scan a contracting democracy and expanding state repression emerging throughout the United States.

We begin with a historical perspective, "Angola and the Agonies of Prison Reform" by American studies scholar and journalist Robert Perkinson. Formerly known as Angola Plantation and a key site for brutality during the era of convict prison lease system following the Civil War, Louisiana's Angola prison has received some critical attention in recent years. The Grammy-nominated documentary, *The Farm*, whose co-producers included Angolan inmate, Wilbert Rideau (coauthor of *Life Sentences* and editor of the *Angolite* newspaper) has also increased awareness about this prison.⁹ However, Perkinson offers what is rarely addressed — critiques of prison rebellions and organizing against inhumane conditions. Providing an historical analysis, he looks at the "heel-stringer" rebellions in the post-World War II era.

During the same era in which Angolites were protesting abusive conditions, gays and lesbians in the "free world" were confronting other forms of policing and containment. In "Policing Queers: San Francisco's History of Repression and Resistance," women's studies scholar Nan Boyd examines the cooperation between the U.S. military and civilian police in surveillance, arrests, and harassment

to destabilize the gay and lesbian communities of Northern California during the 1940s. Repressive ordinances and civil rights violations became routine in the exercise of political and sexual policing.

How one sees the repression of “social” and “sexual” criminals should be linked inextricably to state repression of “political” prisoners. Often the connections are not made, but these articles hopefully stimulate comparative analyzes. Concerning, political prisoners detained in the U.S., some for life and at least one, Mumia Abu-Jamal, on death row, human rights organizations have documented that the United States holds over 100 people as political prisoners, most of them stemming from anti-racist and anti-war/imperialism activism of the 1970s. Within that category of political detainees, there is a special population known as “prisoners of war” which includes Puerto Rican nationalists, seeking the liberation of Puerto Rico from its status as a U.S. colony.

Chicago attorney Jan Susler has devoted several decades to human rights advocacy and the case of Puertorriqueño Independentistas. “Puerto Rican Political Prisoners” by Susler examines fifteen prisoners, the lack of due process during their trials, and the use of the Grand Jury to subpoena and incarcerate nonviolent activists. The Federal Bureau of Investigation (FBI)’s manipulation of, or coordination with, mainstream media to demonize Puerto Rican defendants who are accused of political crimes and radicalism reflects the continuation of COINTELPRO according to Susler. After this article was written, eleven Puerto Rican political prisoners were pardoned by President Bill Clinton in September 1999.

Often the FBI’s major targets were black activists such as Mumia Abu-Jamal. Like a number of other political prisoners, Abu-Jamal has spent nearly twenty years incarcerated, largely in solitary confinement (which has led to severe deterioration of his health). He is the only U.S. political prisoner on death row. Black feminist Barbara Smith has argued that if the state of Pennsylvania succeeds in executing prison author Abu-Jamal, this will be the first political execution in the United States since the state’s killing of Ethel and Julius Rosenberg in 1953. There has been increasing controversy and mobilization around this political prisoner and intellectual who has educated many about prison and death penalty politics. Although his commentaries on the prison industry and human rights have been banned from National Public Radio, alternative radio such as the California-based Prison Radio Project and Pacifica’s “Democracy Now” continue to broadcast his views and critiques. He continues through his commentaries, heard on Pacifica’s “Democracy Now,” and his books, *All Things Censored*, in *Death Blossoms*, and *Live from Death Row*, to speak about community, justice and liberation.¹⁰ Here, we reprint Mumia Abu-Jamal’s June 1999 commencement address for Washington’s Evergreen State College, “Life Lived, Deliberately,” which was videotaped and shown to a gathering of 10,000.

Student activists Sabrina Hodges and Heather Larrabee, who helped to coordi-

nate the “Unfinished Liberation” conference, contribute to this issue an assessment of state malfeasance during Abu-Jamal’s trial, and an analysis for the use of economic boycotts in organizing to gain a fair trial for Mumia Abu-Jamal. Numerous demonstrations have taken place surrounding his case. From their vantage point as organizers and participants in gatherings in Philadelphia, Denver and Berkeley, Hodges and Larrabee offer a strategy in campus and community activism to counter the death penalty and political repression in the United States.

Community and liberation are central to the activism and intellectualism of marginalized or “colonized” peoples. Those who suffer and survive the most severe forms of policing, imprisonment, and confinement include indigenous communities. The writings of Native American author and activist Ward Churchill provide important insights. Churchill’s “The New Face of Liberation: Indigenous Rebellion, State Repression and the Reality of the Fourth World” gives a theoretical critique of the limited perspectives of progressives who fail to consider how the bias in their liberation theories ignores and suppresses indigenous views and rights.

Following Churchill’s analysis of the restrictive, and so repressive, “liberation” paradigms proffered by the conventional left, “‘Low Intensity Conflict’ For Whom?: U.S. Policy and Chiapas, Mexico” by Norberto Valdez examines the conditions of indigenous peoples and resistance in Mexico. Valdez explores the role of the U.S. military, economic, and immigration policies with the anti-democratic politics, military repression, and corporate capitalism of Mexico. “Low-intensity” is a misnomer for a war whose anti-civilian violence has destroyed many lives and communities, according to Valdez.

Policing is often deadly; this is true in the United States as well, as the shooting deaths of Tyisha Miller in Riverside, California and Amadou Diallo in New York City attest. The deaths of police officers cannot be ignored; yet the abuses of police powers in maiming or killing unarmed civilians has drawn national attention. The Abner Louima torture case and Diallo murder case in New York have been widely reported; but as the Coalition Against Torture and Racial Discrimination notes: Eighty people have died from police violence in New York City alone from 1994–1998.¹¹ To the mounting concern for citizens’ deaths at the hands of the police, we should add the brutalization and execution of prisoners by guards and prison officials.

Policing is also multifaceted. It includes the repression of prisoners in mutinies and self-mutilating rebellions; it entails the sexual repression in which those at risk of hate crimes become themselves targets of the policing apparatus; and it encompasses the destabilization of organizing for social justice and national liberation.¹² Policing, often racialized and class-biased, is marked by discrimination and abuse of power.¹³

It is also political. As the political prisoners in lockdown, in isolation at Colorado’s “Supermax” units, in “general population” in Illinois’s Chicago

Marion prison, for men or California's Dublin's women's prison, or on death row in Pennsylvania's SCI-Green, know.¹⁴ Finally, policing is ideological and military. Although increasingly, middle-class white religious anti-war and environmental radicals are harassed or incarcerated, those most assaulted as police/military targets remain revolutionaries — seeking to liberate a people — and indigenous land-based communities striving for independence and autonomy.¹⁵

"Unfinished Liberation: Policing and Imprisonment" hopefully directs a spotlight on a few of the many undeclared, "low-profile" wars of the state. With greater illumination, such as that presented in the following contributions, intellectuals and activists can discern the fine lines and deep fissures mapping our future.

NOTES

1. See Mumia Abu-Jamal, *Live From Death Row: This is Mumia Abu-Jamal* (New York: Addison-Wesley, 1995), Daniel Burton-Rose, Dan Pens, and Paul Wright, *The Celling of America* (Monroe, ME: Common Courage Press, 1998); Jerome Miller, *Search and Destroy* (Cambridge: Harvard University Press, 1996); Elihu Rosenblatt, ed. *Criminal Injustice* (Boston: South End Press, 1996). Also see Joy James, ed. *States of Confinement: Policing, Detention, and Prisons* (New York: St. Martin's Press, 2000), which is partly based on the 1998 Unfinished Liberation conference.
2. Amnesty International, Rights for All, *Not Part of My Sentence: Violations of the Human Rights of Women in Custody*, New York: Amnesty International, March 1999, 15–16. Amnesty documents that these European countries combined have a population of 150 million women as compared to 120 million women in the United States.
3. The United States was to submit a report on its compliance with the Convention Against Torture in 1995 but no report to date has been released. In response, a coalition of over sixty non-governmental organizations (NGOs) issued a report in October 1998 titled *Torture in the United States: The Status of Compliance by the U.S. Government with the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. See Morton Sklar, editor, *Torture in the United States*, Washington, D.C., World Organization Against Torture, October 1998.

The report notes that the major areas of noncompliance in the United States center on: the death penalty, prison conditions and the treatment of refugee detainees; physical and sexual abuse of women in prisons; the return of refugees to situations of torture and persecution and their long-term detention under abusive conditions. Other violations noted in the report are: the United States's failure to extradite or prosecute torturers who worked with the Central Intelligence Agency or were trained at the School of the Americas; the state's lack of adequate domestic implementation of the 1996 Illegal Immigration and Immigrant Responsibility Act; and arms sales and other assistance by the U.S. government that support torture in foreign countries (such as the sale of electronic stun gun equipment and some 10,000 shock batons to Turkey to be used against the Kurdish minority, the same equipment which Amnesty International has denounced in its use against U.S. prisoners).

4. Quote cited in Morton Sklar, ed., *Racial and Ethnic Discrimination in the United States: The Status of Compliance by the U.S. Government with the International Convention on the Elimination of Racial Discrimination*, Washington, D.C., The Coalition Against Torture and Racial Discrimination, October 1998, 5.

5. *Ibid.*, 6.
6. See Sklar, ed., *Torture in the United States*, 5.
7. For state complicity in the drug trade see *Inside the Shadow Government*, Declaration of Plaintiffs' Counsel filed by the Christic Institut, U.S. District Court, Miami, Florida, March 31, 1988; and Gary Webb, *Dark Alliance* (New York: Seven Stories Press, 1998).
8. See George E. Curry, "Policing Police" and Marcia Davis, "Roadside Racism" in *Emerge*, June 1999.
9. See *The Farm*, Polly Gram Film Productions, 1998; and, Wilbert Rideau and Ron Wikberg, *Life Sentences: Rage and Survival Behind Bars* (New York: Times Books, 1992).
10. *All Things Censored*, Prison Radio Project, 1998; Mumia Abu-Jamal, *Death Blossoms* (Farmington, PA: Plough Publishing House, 1997). Jamal's case is also featured in the documentary: *Mumia Abu-Jamal: The Case for Reasonable Doubt*, Fox Lorber Video, 1997.
11. See Sklar, ed., *Racial and Ethnic Discrimination in the United States*, 7.
12. Within the last year, the nation's attention has been forcibly drawn to the lynchings of African-American James T. Byrd in Texas and gay European-American Matthew Shephard in Wyoming. For an analysis of Byrd's murder, Klan violence, and Texas death penalty politics, see L. Gaither, "All the Brother Wanted Was A Ride" in *States of Confinement*.
For discussions of male victims of homophobic murders, as well as conversations with the killers, see Albert Dong's documentary *Licensed To Kill* and the film's 1999 study guide also available from the Los Angeles-based DeepFocus Productions.
13. See Sklar, ed., *Torture in the United States*.
Also for an important critique of the abuse of female prisoners, see Amnesty International, *Not Part of My Sentence*.
14. For a biography of political prisoners see: *Can't Jail the Spirit* (Chicago: Committee to End the Marion Lockdown, 1998, fourth edition). Currently, one-fourth of U.S. political prisoners are women.
15. For information about peace activism surrounding the School of the Americas, see Mary A. Fischer, "Teaching Torture," *GQ* (June 1997); for information on environmental activism and state repression, see Judi Bari, *Timber Wars* (Monroe, ME: Common Courage Press, 1994).