

# THE ABOLITIONIST

FALL 2014

FREE TO PEOPLE IN PRISONS, JAILS, AND DETENTION CENTERS • ESPAÑOL AL REVÉS

## ISSUE 23: CAPITALISM, ANTI-CAPITALISM, AND THE PRISON INDUSTRIAL COMPLEX

### LETTER FROM THE EDITORS

Dear Abolitionists,

2014's second issue of *The Abolitionist* tackles the theme of "Capitalism, Anti-Capitalism, and the prison industrial complex (PIC)." To many of our readers, this topic will come as no surprise. Two interconnected questions might help to frame the pieces offered in this issue: First, what might prison industrial complex abolition look like through an anti-capitalist lens? Second, what does capitalism look like when our struggles to abolish the PIC provide the lens through which we view it?

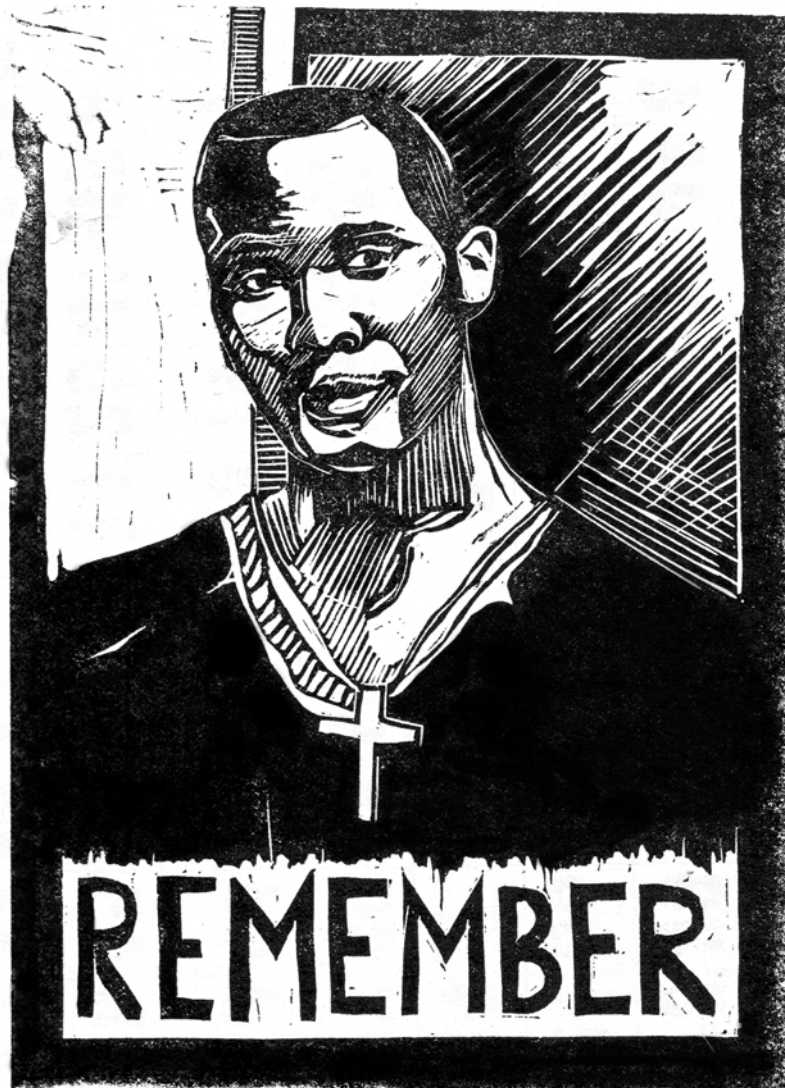
The term *prison industrial complex* helps shift the way that we think and talk about prisons and policing, to shift the way that we explain why imprisonment and policing exist in the first place. Whereas the all-too-prevalent explanation says we need prisons as a solution to crime and other social problems, the term *prison industrial complex* suggests that in order both to explain and to fight the racist system of imprisonment, we needed to ask, who benefits from policing and prisons? Who makes money? Who gets elected and re-elected? Who gets a career? Why is it that the US has spent millions of dollars on new prison beds even as the rate of crime has fallen? How is it that, as Ruthie Gilmore puts it "punishment has become as industrialized as making cars, clothing, or missiles, or growing cotton"? Why prisons, rather than some other industry? Why, as Craig Gilmore's interview with James Kilgore in this issue suggests, do people who do not benefit directly from the PIC believe it to be necessary? What makes people believe that prisons solve problems?

Asking these questions reminds us that in order to fight the PIC, we need also to fight the social, political, and economic systems that make the PIC possible in the first place. What we gain from analyzing that system is the ability to imagine how the abolitionist struggle intertwines and intersects with other struggles. Taken as a whole, the pieces in this issue insist that we understand how housing justice is an abolitionist struggle (in Bruce Reilly's piece), how social inequality is giving rise to new forms of imprisonment (in Micah West's piece), how globalization fuels and is fueled by the PIC (in Rachel Herzing's interview with Linda Evans and Eve Goldberg), and how the US's exportation of the War on Drugs has also involved the exportation of the US prison model (in Julie de Dardel's piece).

Placing the PIC at the center of the way that we think about capitalism troubles the lie at the heart of capitalist ideology—the notion capitalism has given rise to freedom and democracy around the world. In response, the abolitionist asks, freedom for whom? Which world?

For the world in which the abolitionist sets to work and seeks to transform, the world in which the abolitionist finds community is also the world in which capitalism has sought to find freedom and security in *unfreedom*. The abolitionist knows that capitalism saw its dawn in the captivity industry that kidnapping and shackled millions of Africans, commodifying their bodies and labor as a source of wealth; in the warfare industry that deployed murder, displacement, and sexual violence to transform Native lands into colonial properties and plantations. Plantation slavery instituted on Native lands has its afterlife in the modern prison system, as Brionne DeDecker's article on Louisiana incarceration demonstrates. The world, then, in which the abolitionist's struggle begins is a world where

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"You can jail a Revolutionary, but  
you can't jail the Revolution."

### COMPASSIONATE RELEASE: "Then and Now"

BY TIMOTHY J. MUISE

In the summer of 2000 the *New England Journal on Criminal and Civil Confinement* ran a comprehensive legal exposé by Nadine Curran which, in Nostradamus-like fashion, laid out the future of the elderly prison populations(s) and the landscape of corrections yet to come if we did not act in an expedient fashion. Her piece, entitled "Blue Hairs In The Big House: The Rise In The Elderly Inmate Population...", should have acted as a harbinger of plans to prepare the system for this crisis, but her fact based warnings went unheeded across the nation. Massachusetts, which at this time is in the top five states housing elderly prisoners, did its best to place an ostrich head in the sand concerning the specific warnings Ms. Curran's exposé laid out.

In 2000 it was estimated that the cost of housing elderly prisoners was three times that of housing younger prisoners (those under 50 years of age), and even today it is reported that in most states, that cost of housing elderly prisoners is at least double the standard cost. Today the national average for housing a prisoner under the age of 50 is \$34,100.00 per year, while an elderly prisoner's care rings in at \$68,270. Financial distress is far from the only negative impact this aging prison population has upon the prison system, and ultimately society in general.

The overcrowding that is keeping these "Blue Hairs" in the big house results in severe stress upon services, employees, and

ART: "REMEMBER" BY NAOMI POLINA

**BY THE YEAR 2030 NEARLY A THIRD OF THE ENTIRE PRISON POPULATION IN THE UNITED STATES WILL BE ELDERLY. UPWARDS OF 400,000 PRISONERS.**

the prisoner himself/herself. Overcrowding limits the amount of prisoners who can access reentry programs and preparations. Prisoners return to the streets fully unprepared sustaining the mean recidivism rate in Massachusetts. Prison guards have the highest suicide rate in law enforcement and have been reported to be responsible for 50% of sexual assaults in prison. The America Medical Association reports that prison overcrowding results in increased rates of heart disease and high blood pressure. This dire hopelessness embedded by old men/women being held past their dangerousness negatively impacts the entire prison system; top to bottom. Not only do you, the taxpayer, "pay" out of pocket, you also pay through sustained crime levels being the result of the ineffective corrections system.

At this time about 19% of Massachusetts' prison population is in the elderly category. Governor Patrick himself has predicted that by 2020 we will have far more elderly prisoners requiring acute care than we could ever have bed space for. Republicans call for more prisons in which to house the elderly; compassion calls for a viable release vehicle. Politics and the "tough on crime" rhetoric of those state legislators proved folly here in the Bay State, as

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*Critical Resistance seeks to build an international movement to end the Prison Industrial Complex by challenging the belief that caging and controlling people makes us safe. We believe that basic necessities such as food, shelter, and freedom are what really make our communities secure. As such, our work is part of global struggles against inequality and powerlessness. The success of the movement requires that it reflect communities most affected by the PIC. Because we seek to abolish the PIC, we cannot support any work that extends its life or scope.*

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as James Baldwin once wrote in solidarity with a then-imprisoned Angela Davis, people are taught to “measure their safety in chains and corpses.”

Chains, corpses, and, we might add, cages: this, to the abolitionist, is what capitalism looks like. As this issue goes to press, an Israeli military offensive on the Palestinian people Gaza brings the death toll to over 2,100 in the last 47 days. Over 500 of the dead have been children. If, as Noam Chomsky has suggested, Gaza is “the world’s largest open-air prison,” the \$9.9 million per day that the US government sends to Israel is a sharp reminder that in the context of racial capitalism, the prison industrial complex, colonial occupation, and American empire are interwoven. We recognize those same forces at work presently in Ferguson, Missouri, in the wake of the police execution of Black teenager Michael Brown. Here, local police, Missouri Highway Patrol, and the National Guard have set the technologies of capitalist warmaking/warmon-gering—assault rifles, tear gas, flashbangs—against the largely Black community that has risen up in response. The expressions of solidarity sent by Palestinan residents in Gaza to the Ferguson uprising echo across a new and yet familiar landscape a message of solidarity sent by the poet June Jordan in 1982:

*I was born a Black woman*

*and now*

*I am become a Palestinian*

*Against the relentless laughter of evil*

*there is less and less living room*

*and where are my loved ones?*

*It is time to make our way home.*

Things look different when one resides in this world, where the story capitalism tells is not freedom but violence, not safety but shackles. The abolitionist knows that to struggle against capitalism is to struggle to make living room, to make room, that is, for another kind of life to flourish.

Glossary

**Capitalism**

What, to the abolitionist, is capitalism? When we speak about capitalism, we are talking about an economic, social and political system in which the means of producing goods and services are privately owned by a small class of capitalists who sell those goods and services at a profit. Under capitalism, the great majority of people, in order to feed, clothe, and house themselves, must compete with one another to sell their labor to the capitalist class. For this reason, work in the context of capitalism is defined by exploitation: private ownership of the means of production allows the capitalist to pay workers less than what their labor is worth.

Since reducing the cost of labor drives the cost of production down and increases the amount of profit that can be extracted, capitalists search unceasingly for ways to pay their workers less. In this respect, capitalism requires unemployment: workers are much likely to accept lower wages, dangerous work, and long hours when they know they are easily replaced by someone else in need of work to survive. For workers, unemployment might mean hunger, eviction, and/or foreclosure. For the capitalist, however, unemployment, in the right circumstances, amounts to leverage.

From factories to manufactured goods, from warehouses to apartment buildings, capitalists invest money in order to make more profit. Starting in the 1980s, capitalists teamed up with lawmakers and found a new way to profit from the longstanding tradition of American racism. They did so by pursuing a massive project of warehousing and caging human beings, and by promoting that project of warehousing and caging as a project of justice. Sustaining this project involved an attempt to discredit that idea that crime was the result of larger social problems like systemic racism, poverty, and other forms of social inequality. Rather, industrializing punishment required the mass promotion of the belief that eliminating crime required intensifying the policing, surveillance, and further criminalization of the populations that were already the most vulnerable and socially oppressed. Industrializing punishment required the development of a rationale that simultaneously blamed the victims of systemic racism and social inequality, and gave the perpetuation of systemic racism and social inequality the name of “justice.”

An abolitionist understanding of capitalism requires thinking about how and why the exploitation of workers and imprisonment operate as parts of the same system. Placing the PIC at the heart of our understanding of capitalism also directs our attention to a problem that the scholar Cedric Robinson argues forcefully his book *Black Marxism*: capitalism has always been racial capitalism. The major social institutions—including but not limited to prisons, the police, the military, the media, and the education system—are built specifically to reinforce and to reinforce the rule of the few over the many.

**Debt**

Put simply, debt is money that is owed by one person or entity to another; the person who owes money is a debtor, and the person who loaned out money is a creditor. Debt has come to play a significant role in today’s economic system, and is used in different ways to control people and governments economically.

As ‘globalization’ explains below, capitalism sought to find cheaper and less regulated labor markets in the Global South, and this shift began to take place mainly in the 1970’s. One of the results is that as competition for cheaper labor increased, wages since the mid-1970’s have been pushed down, and have basically stagnated since then. The 1970’s also saw the standardization of credit, which creditors pushed to make more easily accessible. As people tried to make up for the gap and stagnation in wages, they began to take out loans and pay with credit, going into debt. So while some try to argue that debt is a result of an individual’s “bad choices,” we understand it to be a structurally imposed system of economic domination that serves to keep people dependent on creditors and banks to survive, thereby only deepening the amount of debt they go into.

**Globalization**

Marx wrote that “[t]he need of a constantly expanding market for its products chases the bourgeoisie over the whole surface of the globe. It must nestle everywhere, settle everywhere, establish connections everywhere ... In place of the old local and national seclusion and self-sufficiency, we have intercourse in every direction, universal interdependence of nations.”

In order to sustain itself, capitalism must extend its reach globally. Not only does it need new markets to sell its products and new locations from which to extract resources; it also needs new markets to satisfy its hunger for cheapened labor. But “cheapening” the cost of labor, or raising its productivity, often involve the search for, or the creation of increasingly exploitative, violent, and dehumanizing labor conditions. Hence the increasing use of un- and underregulated labor in the Global South, as James Kilgore reminds us in his interview with Craig Gilmore in this issue. Last year in Dhaka, Bangladesh,

a city that supplies many companies that sell clothes in the U.S., a fire in a garment factory killed over 100 people. Workers in these factories typically make \$40/month for full-time work. For over two decades, Chiquita Brands International’s, whose bananas are consumed all over the U.S., secured productive labor on its banana plantations by paying armed paramilitary with automatic weapons to oversee its workers. In Bangladesh and Honduras both, these forms of brutality accompany corporate efforts to stifle and suppress workers who are organizing for higher wages, overtime compensation, and other employment protections.

The globalization of capitalism fueled the rise of the PIC, and as Julie de Dardel suggests, it is also being fueled by it, as the U.S. sends its prison models to Latin America and beyond. As we have shown in previous issues, the PIC’s operation is now industrializing punishment not only within but between countries, as the criminalization of migration transforms borders into spaces where prisoners and detainees are produced. No presidential administration has realized this as extensively as the Obama administration, which has to date deported more than 2 million people.

Yet as the globalization of capitalism has extended and enhanced the reach of imprisonment, surveillance, and policing to unprecedented levels, it also presents opportunities to use our global interdependency to very different ends. It is for this reason that activists have called for a globalization not of capital but of solidarity

**Neoliberalism**

If globalization is capitalism’s expansion across the globe, then neoliberalism is the set of governmental and international policies that have made that expansion possible. Neoliberalism is characterized by free-trade, open markets, de-regulation, and the expansion of the private sector.

The purpose of neoliberal policies is to ensure that capital is able to move freely across national boundaries, making it easier to exploit populations and resources all around the world. One of the ways this has happened is for Western governments or international financial institutions, notably the World Bank and the International Monetary Fund (IMF), to pressure countries of the Global South to remove trade taxes at the expense of local populations. When the markets are opened up, multi-national corporations can easily go into a country, exploit labor, produce goods much more cheaply than the local workers, and eventually take control over the economy by making it impossible for the local business to compete.

Neoliberalism globally also entails the privatization of public goods and services. Public spending on public goods and services such as various welfare benefits, education, and healthcare gets cut, and these sectors then are increasingly taken over by private institutions looking to profit. A prime example of this process is the increased privatization of water in South Africa: water and other resources were promised to be distributed publicly after the fall of the apartheid regime in South Africa, but it did not take long for the forces of neoliberalism – including the IMF, the World Bank and multi-national water corporations – to pressure the South African government to reduce its public spending on water, and to instead allow private companies to come in and make water distribution a profit-making business. All across the world, this same process has happened time and time again over the last 40 years through neoliberal policies.

However, the spread of neoliberal policies are not restricted to the purely economic; neoliberalism has helped spread the logic of the prison industrial complex, repression, and increased criminalization, both in the U.S. and all over the world. As is explained above under “globalization,” the PIC has expanded both within borders and across borders. Neoliberal policies have not only created the conditions for massive levels of poverty, joblessness, and immiseration, but have also responded to those conditions by expanding the PIC – with more police, detention centers and deportations, surveillance technologies – as “solutions” to the problems it has created and spread.

**Oligarchy**

An oligarchy is a form of power structure or system of governance where power is held by a small number of people. Oligarchy has taken many forms throughout history, from societies ruled by royal families to dictatorships. Today, our society can be described as an oligarchy, where the vast majority of the world’s wealth and resources are controlled by a relatively small number of individuals. For example, according to the World Economic Forum in 2014, the 85 richest people in the world have as much money as half of the world’s population combined.

Because capitalism continually seeks to drive down the value of labor, making it cheaper and more profitable for owners and more exploitative for workers, oligarchy in capitalism is inevitable. Under this current system of exploitation, wealth is constantly consolidated to the top, while the vast majority of the world is kept in poverty. With such a gross wealth inequality, those with the most wealth are able to have near total control of politics, while the dispossessed have little influence over what kinds of political decisions are made, even in a so-called democracy.





# Revisiting “The Prison Industrial Complex and The Global Economy”

AN INTERVIEW WITH EVE GOLDBERG AND LINDA EVANS

In 1997 Eve Goldberg and Linda Evans published “The Prison Industrial Complex and The Global Economy.” The piece, which was re-published multiple times and turned into a pamphlet, drew important connections between globalization and the rise of the prison industrial complex (PIC). The piece remains essential reading for people interested in fighting the PIC today, so at the request of *The Abolitionist*, Critical Resistance member Rachel Herzing sat down with Linda and Eve to reflect on how the piece came together and what lessons still hold in today’s context.

**Rachel Herzing: Can you talk about how the pamphlet came together? How you had the idea to do it?**

Eve Goldberg: Linda was getting her BA through New College [while she was in prison] and had written a paper that I was really impressed with about neoliberalism. And I remember that was the beginning for me of learning about globalization and globalization of capital. The WTO stuff was happening during the same time, so this whole thing about the globalization of capital was beginning to be on people’s minds. It certainly was on my mind. And there’d be so many times when things would happen in Linda’s incarceration. It would be a series of take-aways; a series of repressions. And it would always come out that the reasons were some combination of social control and money making. Somebody was profiting from these changes or it was just another way to tighten the grip on people’s humanity. So learning about prisons and globalization, it was how does what’s in my face because I’m involved with someone who’s in prison, how does that relate to this big global picture?

Linda Evans: There wasn’t anything written like this that was trying to put it in the context of what I was learning in college, which I thought was so important in terms of what structural adjustment was doing, to social services here, to education, everything. As far as internationalism goes, our prison movement was just really starting to compare the United States to other countries in terms of what their laws were, how many people were in prison per capita, all kinds of stuff. And there wasn’t any analysis out there of the superstructure of the system. So another reason we wrote the pamphlet was to go beyond just the factual comparisons. We decided that we would write something together without really having any specific purpose. We thought maybe we’d get it published somewhere, but that wasn’t really the reason we were doing it. It was partly a way to develop our relationship, too. It wasn’t just sitting in the visiting room talking with each other. It was actually producing something together so it was a different stage of relating.

**RH: The era in which the pamphlet came out is in some ways the last wave of pamphleteering. For some imprisoned people the shift away from print media has been devastating. And there are a lot of institutions that won’t let stuff produced off the internet go inside.**

EG: We’re in the middle of a change taking place around media and the written word. I don’t think it’s going to go away, but you’re so right, we were at the last wave of that. We’d talk about something we wanted to find out and I was still going down to the Oakland Public Library to check things out and find things and take notes. There was a little bit we found on the internet, but very little.

Once we wrote it, the very first thing that happened with it was that Prison Activist Resource Center put it on its website. It was like, “Oh Linda, look! This article we wrote is on the internet.” The next thing that happened was the pamphlet came out. Bo Brown took it to AK press and had it come out as a pamphlet. Then Michael Novick printed it in *Turning the Tide* anti-racist action paper. Then it was in a couple more different magazines. Around that time Critical Resistance put it in pamphlets for the first conference. So it had little bits of life in different arenas and I’m thinking now, do those arenas even exist? There are a lot less newspapers, a lot less magazines. People are still reading. Tons. But they’re reading it on the internet.

**RH: And one of the things that’s coming up right now in California where the bulk of *The Abolitionist* papers go, is the prison regime is proposing new regulations around “obscene materials”. And that would have a huge impact on something like this project or something like the *Bayview*, because if they codify this idea of “security threat groups”, then anything that mentions a person that they validated as being part of a security threat group or has a picture of them or anything, any reference to that can be banned. That could mean we would never get back inside California prisons. Let alone statements from the hunger strike reps getting published or let alone Third World Liberationist statements coming out from imprisoned people. And so while there are so few political papers going inside already, that would be the end. That’s a big deal.**

LE: I remember how important it was to get anything from the outside and there were so many more underground papers and lots of radical magazines. Even then, when we wrote the pamphlet, there wasn’t as much radical media as when I was young in the ‘60s where we had a huge network nationally, but it was so important to get things that we could read and share with other prisoners. I’m sure it’s really important inside still.

**RH: Linda, in your bio for the piece it describes you as a North American anti-imperialist political prisoner. I wonder what your perspective is on anti-imperialist struggle in this period and what that would mean today.**

LE: I think the main place that it has a real meaning currently is probably in the anti-war movements—the movements for peace and to stop US intervention and wars in

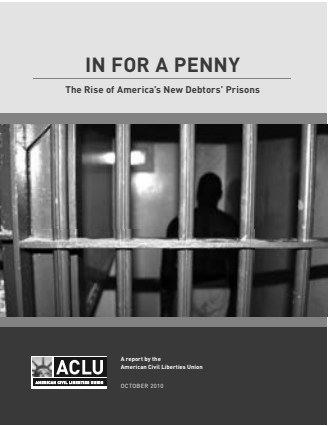
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## America’s New Debtor’s Prisons

BY MICAH WEST

Although the Supreme Court outlawed debtors prisons nearly two hundred years ago, many poor people continue to go to jail because they are too poor to pay their criminal justice debt. In New Orleans, where I worked before going to law school, courts may impose hundreds of dollars in fees and courts costs if a person is convicted of a crime. Many people are sent to jail because they are unable to pay their criminal justice debt. Sean Matthews’ story, which the American Civil Liberties Union (ACLU) featured in a 2010 report, *In For a Penny, Rise of America’s Debtors’ Prisons*, highlights how people end up in jail because they are too poor to pay their criminal justice debt:

*Sean Matthews, a temporary construction worker who lives with various family and friends because he has no home of his own, was arrested on February 9, 2007, and pled guilty to possession of marijuana on September 13. He was assessed a \$300 fee for the Judicial Expense Fund, \$148 in court costs, and a \$50 fee for the Law Enforcement Fund. He was unable to pay his fines and fees, and was arrested two years later on September 1, 2009 [for failing to pay]. When he was taken into custody, no one could tell Mr. Matthews when he would be brought to court; after a couple of weeks, he simply stopped asking. He was unable to get in touch with his family from jail,*



**BEFORE A JUDGE IMPOSES ANY FEES OR COSTS, JUDGES SHOULD EVALUATE WHETHER A DEFENDANT CAN AFFORD TO PAY THEM... SHRINKING THE CRIMINAL JUSTICE SYSTEM WOULD CREATE LESS PRESSURE ON JUDGES TO IMPOSE FEES TO FUND THE COURTS’ OPERATIONS.**

*although he did once manage to reach his uncle, who “didn’t care” and hung up on him. Finally, on January 21, 2010, after spending almost five months in jail, Mr. Matthews was brought to court, where the judge waived his fines and fees and ordered his release.*

Louisiana law does not permit a judge to send people like Matthews directly to jail because they are too poor to pay their criminal justice debt. But the law does permit judges to send them to jail indirectly. For example, a poor person may miss a court hearing because they do not have the money to pay for bus fare, childcare, or their court costs or fees. If a poor person misses a debt-related court hearing, a judge will issue a warrant for the person’s arrest. As Municipal Court Judge Paul Sens told a reporter: “[U]npaid court fees [eventually] trigger warrants, which lead to arrests, which put indigent people in jail, where the city must pay \$22.39 per day to house them.” Municipal Court judges regularly order police to arrest an individual that fails to appear in court to pay his or her fines, fees, or court costs. At a hearing on the city council’s 2013 budget, Municipal Court Judge Joseph Landry explained to the city council:

*[G]enerally a person [in municipal court] pleads guilty or is found guilty and is given thirty days to come back [to court to pay any outstanding court costs] .... Normally, most people do not come back. We have to issue an attachment. The police have to go arrest them. They have to transport them to jail and then bring them to court and, at that point, we either decide “do you do your time in jail or am I going to give you another thirty days [to pay]?”*

This problem is not isolated to municipal court. In 2009, the Brennan Center for Justice reviewed one week’s felony docket in criminal district court in New Orleans and found that 6.15 percent of the docket related to debt collection. The court had issued a warrant in 21.6 percent of those cases for a missed payment or failure to appear. Even if a person does go to court, a judge may revoke a poor person’s probation if a court finds that the person willfully missed a payment. A court may also impose other sanctions for failing to pay, including suspending the person’s driver’s license, extending his or her probation, or intercepting his or her tax returns.

The rise of debtors prisons in New Orleans is particularly insidious because the criminal justice system profits from sending poor people to jail. In New Orleans, the courts depend on fees and costs to operate the court and to pay for the salaries of non-judicial employees. “We need crime to fund criminal justice in New Orleans. That’s asinine. But it’s the crux of the matter,” Judge Arthur Hunter admitted. “I was as guilty of [funding the court on the backs of the poor] as any when I was on the bench,” former Judge Calvin Jonson added, “but you have to fund yourself in some fashion. And so you did it on the backs of the people who were least able to pay.” In recent years, about 80 percent of the traffic court’s budget, 40 percent of the municipal court’s budget, and 30 percent of the criminal district court’s budget came from fees and costs imposed on people arrested and convicted of crimes.

The court system’s dependence on fines, fees, and costs may be unconstitutional. The Supreme Court has held that a criminal defendant has a right to an impartial judge. A defendant’s due process rights are violated if a judge might be tempted to convict a person in order to collect fines, fees, or court costs. Although not every financial assessment raises constitutional concerns, assessments that the courts control—such as judicial expense funds—do. In New Orleans, judges have a conflict of interest because the court both depends upon and controls certain fees and costs. In October, the traffic court judges admitted as much, calling it “unconstitutional” that the traffic court funds itself off the backs of poor people. Likewise, Chief Municipal Court Judge Desiree Charbonnet has said: “The judges should not be in the business of ... making money .... We’re here to ... dispense justice .... We’re not ... supposed to be placed in that extremely conflicting position, as to be concerned about how many fines and fees we take in so that we can operate.”

So what should New Orleans do? Certain fees that judges control – such as judicial expense funds – should be abolished. The money spent on the criminal justice system should be unrelated to the number of people arrested and convicted of crimes. Before a judge imposes any fees or costs, judges should evaluate whether a defendant can afford to pay them. Louisiana statute does not provide any guidance to judges currently. The state is also currently studying whether to eliminate the number of judges in New Orleans or whether to consolidate the court system. Shrinking the criminal justice system would create less pressure on judges to impose fees to fund the courts’ operations.

**Micah West** is a 2013 graduate of Berkeley Law School.



# Ending The Full Punishment

## Fighting Housing Discrimination of the Convicted

BY BRUCE REILLY

New Orleans is the most incarcerated city in the most incarcerated state in the most incarcerated nation in the world. That is quite a title. This means a high proportion of New Orleans families are navigating the punishments impacting not only individuals arrested and convicted of crimes, but entire communities.

Punishments beyond a prison sentence or probation are commonly called “collateral consequences,” as though discrimination in housing, employment, and voting were unfortunate but indirect consequences of punishment. Yet this is a misnomer. These consequences are quite direct. Despite the lasting and destructive nature of these punishments, they are not even mentioned during the plea bargaining or sentencing process.

Today there is a great deal of energy put towards the end of collateral consequences, including a focus on “reentry.” Some of those leading this work—or at least those with budgets to implement and support it—include courts and prisons. In other words, the new “reentry” industry is intertwined with the same people imposing and executing the sentences. Obviously the most effective way to reduce collateral consequences is to not convict someone in the first place, to not send them to prison, and even to change the laws that have criminalized so much common behavior.

While many of us work to actively alter the laws so that fewer people face the myriad punishments of the convicted, others are working towards developing a cultural shift that embraces a healthier response than prisons to our social ailments. Many others are also working towards reducing these collateral consequences. People always need to get in where they fit in.

### The Myths of Federal Housing Discrimination

When I was incarcerated, I constantly faced the commentary about how people can’t move back to the Projects, or to Section 8, after prison. Nobody knew the actual rule, it was just “word on the street” and also what would happen if someone applied to live there on parole. Effectively, families couldn’t be reunited and people were desperate for transitional housing that didn’t exist. ‘Not In My Backyard’ applies to all convicted people everywhere, even to their mother’s house. After a while, I put this question into my caseload and squeezed the research into my spare time.

Nationwide, people have been organizing against employment discrimination under the slogan “Ban the Box.” This name was coined by All of Us or None, an organized movement of directly impacted people fighting for the rights of convicted people, inside and outside of prison, as well as the rights of our families. Impacted people have inspired others to take on this issue, including mainstream groups like the Equal Employment Opportunity Commission (EEOC) and National Employment Law Project (NELP). In 2012, the EEOC finally issued guidance on what constitutes a legal form of employment discrimination due to a criminal history, and bars all blanket policies. This has given ammunition to the organizers and others who are both trying to change local policies and win cases in court.

The federal government has banded agencies together into a National Reentry Council, including the EEOC and the Department of Housing and Urban Development (HUD). The Reentry Council put out a series of “mythbusters,” to address the inaccurate words on the street about reentry. Among the myths is that the Feds bar all people with felony convictions from living in public housing. In fact, they only bar people who are on a lifetime sex offender registry and those convicted of operating a meth lab on federal property. Considering that tens of millions of Americans carry the mark of a conviction, the people actually banned from publicly subsidized housing represent the tiniest slice of the whole. The vast number of exclusions are all discretionary.

Discretionary exclusions and evictions means that people are, in the housing authorities’ view, erring on the side of caution. However, caution for who? HUD has a mission to improve and stabilize housing for low income people and communities of color. This is in light of its own troubled history of fostering racial imbalance in the housing markets through the “white flight” from cities, leaving public housing to be under-supported and turned into highly-policed Bantustans.

### What Can We Do? Organize, Organize, Organize.

Here in New Orleans, we built a coalition to win this fight. It started when two organizers from Stand With Dignity (a member-based organization of low-income residents and workers) came to the monthly meeting of Voice of the Ex-Offender (VOTE). VOTE is an organization of formerly incarcerated people, our families, and supporters. The Stand members asked if anyone was interested in helping draft new policies for the Housing Authority of New Orleans (HANO). The room turned to look at me, as I had been working on a full report: “Communities, Evictions, and Criminal Convictions.” The report highlights policies in certain cities where members of the Formerly Incarcerated & Convicted People’s Movement are active.

Ultimately, we put forth a proposal to HANO. We organized our people, including our legal allies and the media. Some of us explained the basic need to create a housing

authority that constructively responds to the dilemma of such a high percentage of Black New Orleans families saddled with criminal records. These records are, in turn, typical effects of poverty, poor education, mental illness, substance use (and abuse), and the classic forces of racism, classism, and capitalism.

Some of us also recognize that bureaucrats often need motivation to act. How much money will they save? How many political points will they score? The safest space is generally the square they currently occupy, so it is our job to supply the motivation... beyond altruism of actually upholding the HUD mission. Sending people to live under the I-10 highway overpass (where many homeless people in New Orleans stay) is not creating sustainable nor fair housing for anyone, much less the overly impacted Black community in a Black-majority city.

Local housing authorities using their discretion to exclude, have amplified the word on the street that we are barred. They should be reminded that their only basis for exclusion is a criminal record, and that the EEOC already determined that the criminal justice system is a pyramid of race-based determinations: from the decisions on where to deploy police to profiling, lawyering, convicting, sentencing, paroling, and the likelihood of family resources upon release. Thus anything that is based solely on the convictions is based solely on a suspect classification. Without getting too legal jargonish about it, the authorities whose job it is to prevent race-based housing discrimination may be perpetrating it.

In 21st century America, criminal records are a proxy for racial discrimination.

### New Orleans: Petri Dish for Change

Jesus said to go where the sinners are. In this scenario, the sinners could be the people convicted of crimes. However, the sinners are also those doing the community-wide discrimination. Forgive (some of) them, for they know not what they do. Like much of America, the punishment has gotten so intense, its devastation on the community has probably exceeded the harms it was advertised as preventing. Many Americans, however, don’t believe the use of courts and prisons was ever about anything more than oppressive control. Regardless of the motives, many are now asking for little ways to avoid the big change.

Because of the agency’s history of corruption and mismanagement, the federal government had appointed a “receiver” to run HANO. This head of the agency capitulated and agreed to the basics of our proposal. He then hired the Vera Institute, a criminal justice reform policy organization, to draft an official policy, awarding them a \$1 million contract to continue work we had been doing with no budget at all. Vera sat down with us and the private developers who accept HUD money in exchange for

housing. At first, everyone was in agreement and the whole process appeared to be a slam dunk.

Our proposed policy does not bar anyone. It divides people into two groups: (1) those whose records are not serious enough, and/or recent enough to even bother reviewing; and (2) those who require an individualized review by a board. The first group is obvious, reflecting the public’s widespread views that many of us have past criminal activity that doesn’t raise an eyebrow of concern. The second group, those requiring review, acknowledges the safety concerns of someone who previously committed a serious act of violence. The review factors in one’s current circumstances and frame of mind, including their actions (such as work and education) and time elapsed since the crime. Creating a review process is the only way to alleviate fears, both realistic and fabricated, regarding who is given the apartment next door. Ideally, the board will include a formerly incarcerated person who will provide a good vantage point upon someone’s ability to be a good resident.

After years under federal oversight, HANO is returning to local New Orleans control. The developers may or may not fully realize that the housing policies are not theirs to create, only to follow (or get out of this business). Furthermore, the new HANO board may fear doing anything controversial despite Gilmore’s moves in this direction. Thus, HANO’s new leadership may be less inclined to finalize an inclusive admission policy if the developers are not eager to implement it.

HANO now has an opportunity to create a model for the nation. The new board has a chance to make an immediate positive impact on the overall community by discarding a practice of widespread discrimination and replacing it with a nuanced approach that promotes family unity and inclusion. Ultimately, we need to do what we have always done: Organize.

**Bruce Reilly** (Tulane Law, ’14) is a policy consultant, and board member of VOTE, co-founder of Transcending Through Education Foundation, and a founding steering committee member of FICPM. He served nearly twelve years in prison, where he became active in law and policy. He is the author of “NewJack’s Guide to the Big House,” several plays, and the report “Communities, Evictions, and Criminal Convictions.” He is currently working on a book about the criminal justice system. Read his blog at [www.Unprison.com](http://www.Unprison.com).



ART: “BREAKING THE CHAINS”  
BY RONNIE GOODMAN



# The Prisons of Plan Colombia

BY JULIE DE DARDEL

The punitive management of the most deprived classes is not a deviation from the economic principles of neoliberalism, but is rather an essential element of the neoliberal order. What the sociologist Loïc Wacquant sets out for the United States and other advanced economies is also true of Latin America. After two decades of aggressive neoliberal policies most Latin American countries have witnessed a spectacular rise in the penal sector, designed to contain and discipline the more marginalized fractions of the post-industrial working class. Emulating developments in the US in the 1990s, these countries have adopted extremely punitive policies, thus provoking a demographic explosion in the prison population.

Colombia is one of the most significant examples of prison expansion during the neoliberal era. Since the economic aperture of the 1990s, labour deregulation and privatization of public services have coincided with an unprecedented tightening of the screws in relation to criminal law and repressive practices. As Colombia became the most unequal country in South America (according to the United Nations CEPAL ranking), the government decided to face down criminality, as well as social and political unrest, with an iron hand.

Indeed, Colombia is not just a dramatic replica of what is happening elsewhere in Latin-America; forty years of armed conflict makes it a particular case study, especially in terms of the State’s penal policies and methods of coercion. The internationalization of the War on Drugs and the War on Terrorism after September 11th has had a major impact on the destiny of this country. Between 2002 and 2010, President Uribe clearly intensified the ascent of the penal institution initiated in the 1990’s. His policy of ‘Democratic Security’ involved the militarization of the country, increased activity by security forces, a clampdown on drug trafficking, harsher punishment for crimes related to the armed conflict (except for the paramilitary groups that were pardoned en masse in a ‘peace’ process), creation of new offenses and a stiffening of penalties for minor infringements committed by the poorest sectors of the population. Although using a more centrist and moderate discourse, President Santos has deepened the trend of mass imprisonment in the country since he was elected in 2010. As a result, between 1994 and 2013, the Colombian prison population and the national prison budget increased fourfold.

This penal escalation cannot be understood outside of the wider political context i.e. the direct interference of the United States of America in domestic affairs, particularly in military, security and penal matters through *Plan Colombia*, the massive US antinarcotics and counter-insurgency program for this country. Plan Colombia represents a colossal foreign policy investment by the US: between 1999 and 2010, 7.3 billion USD were spent on this program, mostly on military aid. The scale of the initiative has turned Colombia into one of the first leading recipients of US aid in the world. Yet, the objectives, the methods and the results of Plan Colombia has provoked serious controversy and public debate. US support for Colombia’s security forces linked to extreme rightwing paramilitaries responsible for crimes against humanity, the environmental impact of fumigating coca crops, have been polemical issues giving rise to strong opposition both in Colombia and in the rest of the world.

However, a lesser known aspect of Plan Colombia concerned prison reform. In 2000 and 2001, Bogota and Washington signed two appendices to Plan Colombia constituting a bilateral agreement known as “Program for Improvement of the Colombian Prison System” (*Programa de Mejoramiento del Sistema Carcelario Colombiano*). The agreement foresaw the technical input of the US Federal Bureau of Prisons (BOP) in the design, construction, equipment and internal rules of new high security correctional facilities, as well as the training of new special groups of commandos within the Colombian National Institute of Prisons (INPEC). With the help of the US Embassy in Bogota, the experts of the BOP established a close collaboration with the board of the INPEC setting up a permanent office inside its national headquarters. Until 2005, the BOP and the INPEC worked hand in hand to implement the *New Prison Culture*, a reform policy that promised to put an end to the laxity, loss of control and disorder that characterized the prison system. The BOP chose the Maximum Security Prison at Coleman Federal Correctional Complex in Florida as an inspiration to be reproduced in Colombia, and 15 new prisons were built along the lines of this model – including supermax security blocks and correctional mega complexes – during and after the mission of the BOP in Colombia. The US blueprint of

radical isolation, draconian rules and deliberate harsh treatment that was implemented through the New Prison Culture reform represented a dramatic change in comparison with the traditional (or *criolla*) prison system in Colombia.

It is undeniable that at the turn of the Century, when the BOP came on the scene, the Colombian prison sector was going through an unprecedented crisis. At that time, the prison system was a disorganized and disparate stock of decayed and antiquated correctional institutions, mainly built prior to the 1970s. In many cases, those old buildings were practically in ruins. Apart from the serious deterioration of its infrastructure, the Colombian prison system was characterized by an endemic lack of control by the State, generating extreme levels of corruption, delinquency, poverty and insecurity in the prisons. Each inmate had to pay huge amounts of money to other powerful inmates and warders for absolutely everything, from a mattress in the cell to the right to life. The level of violence was dreadful and given the extraordinary lack of medical care, there was an elevated risk of actually dying in prison. A large part of the system was controlled by drug traffickers, who enjoyed absurd privileges. Furthermore, the armed groups in the Colombian conflict fought for control of territory inside the prison and literally extended the battlefield to it. In addition to such levels of disorder and violence, and as a direct consequence of the punitive turn of the 1990’s, the Colombian prisons began to reach unthinkable levels of overcrowding. The situation was such that in 1998 the Constitutional Court of Colombia declared the whole prison system to be unconstitutional.

However, this view of the old prison system would be very incomplete without considering some culturally embedded practices that contributed considerably to raising the quality of life behind bars. Anthropological research methods, such as in situ observations and in-depth interviews with prisoners, reveal that the traditional ‘criolla’ prison culture in Colombia afforded – and still affords in the facilities in the country where the New Prison Culture has to be implemented – some clear benefits which helped preserve social relations and moderate the depersonalizing effects of imprisonment. A few significant cultural practices of the old prison model are worth highlighting: (1) *a strong communal life style* (including a collective self-management of almost all aspects of daily life, such as cooking, cleaning, studying, producing crafts, setting up businesses, sports and recreation); (2) *a space open to the outside world that allows regular and close contact with the family and society* (each weekend, thousands of family members and friends including, in most cases, children, used to go to the prisons and spend the day with the prisoners, inside their daily environment); (3) *a geographical integration into the urban setting*, since the majority of the correctional facilities of the 20th Century where built inside or near town centers, with easy access by public transportation.

The shared interest of the Colombian and US governments was to regain control of the prison system. Without a doubt the opening of the high security ‘Coleman model’ prison in Valledupar (Northern coast) which first put the New Prison Culture into practice was seen as a major victory for them. However, the dream of modernity and order that the INPEC sold to the Colombian media rapidly turned into an Orwellian nightmare. In a short period of time, Valledupar earned its reputation as a ‘national punishment prison’, performing the role of an exemplary space of fear used as a bogeyman to neutralize and subdue prisoners in the whole country.

Before its inauguration, the BOP took up quarters inside the new high security prison of Valledupar. For several months, its inauguration was rehearsed like a theater

play, where each actor learned his role: the administrative staff and the warders learned the procedures and the New Prison Techniques borrowed from the US correctional protocols. Special forces created by the US advisors – Immediate Response Group (GRI) and the Special Escort Corps (CORES) – where trained according to US security methods, such as the Forced Cell Extraction (immobilization of inmates on their stomach with arms and legs handcuffed behind the back in the scorpion position), four point restraint in which the inmate is neutralized by shackling his hands and feet to the bed, and the use of chemical gases to subdue recalcitrant individuals or groups. Warders were instructed to break with the ‘bad habits’ of the old system, such as talking to the prisoners or greeting them with a handshake. Colombia had never known such methods in the prison sector before: the spirit, practices and aesthetic appearance of these prison commandos where modeled on the military, and the prisoners were turned into enemies to be fought and subdued, as prescribed by the training manuals of the New Prison Culture.

BEEHIVE DESIGN  
.....  
COLLECTIVE

Beyond regulatory and architectural changes, the New Prison Culture also created more subtle control and disciplinary mechanisms, particularly in the spatial organization of the facilities, insofar as the new prison model was based on the isolation and desocialization prisoners, which worked on different levels. The isolation primarily concerns the internal rules of these high security institutions. In those new prisons, the freedom of movement of the detainees inside the institution is reduced to a minimum.

The prisoners hardly have any access to work or study programs, and suffer a monotonous daily routine of inactivity. Furthermore, the great majority of the prisoners come from remote regions far from their social and family networks, subjecting them to what the inmates call a ‘regional extradition’.

In conclusion, no one can claim that the Colombian prison crisis at the turn of the century did not require an urgent political response. However, reform in the framework of a military response by the US to Colombia’s internal armed conflict was certainly not the answer. Despite some progress regarding the authorities retaking control of the prisons and an important reduction in the circulation of firearms within the prison system, the New Prison Culture has not succeeded in overcoming the crisis. Major overcrowding due to an unending upward spiral in incarceration rates, scandals of corruption, obvious privileges enjoyed by powerful inmates (such as crime bosses, politicians linked with paramilitary mafia or high ranked members of the military sentenced for serious human rights violations), an absence of real occupational programs and dreadful living conditions, are still part and parcel of daily life in the Colombian prisons. Besides, many embedded practices and manifestations of the old prison system have, over the years, infiltrated the high security “Americanized” facilities, which have progressively become a strange combination of harsh punishment, technological ruin and mismanagement. The Colombian prison system is worse now than before the US intervention with all the disadvantages of the *criolla* system combined with the negative aspects of the New Prison Culture and few if any of the advantages of either system. In the end, the prisons of Plan Colombia are a strong historical case of interpenetration between military expansion and penal ascent: both need to be dismantled to build a true path towards peace.

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- Examples of current prisoner organizing
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- Try to write an outline before you write the piece. Ask yourself: does the first paragraph tell the reader what the article is about? Do the middle paragraphs support and strengthen the main argument. Does the last paragraph have a conclusion and some suggestions for action?
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# An interview with James Kilgore

BY CRAIG GILMORE

*If you’ve been reading much about prisons over the past years, you’ve probably come across stories that explain the rise of mass incarceration as a historical extension of slavery - a modern institution to steal the labor of people of color in low-wage or no-wage prison factories. Some have claimed that as many as one million incarcerated people in the US are forced to work to produce corporate profits. Formerly incarcerated researcher & writer James Kilgore made waves last year when he published an essay attacking that “myth.” (The Myth of Prison Slave Labor Camps in the U.S. <http://www.counterpunch.org/2013/08/09/the-myth-of-prison-slave-labor-camps-in-the-u-s/>). Craig Gilmore talks to Kilgore about his research, his experience working during his time in prison, and his recent dismissal from his freeworld job at Univesity of Illinois.*

**Craig Gilmore: In one of your recent pieces you write, “Our longing for social justice can cloud our vision.” What do you mean by that?**

James Kilgore: What I mean in particular is that people concerned with social justice tend to vilify corporations and make them into an absolute evil. And I’m certainly not defending corporations, but I think that the agenda of mass incarceration is more complicated than simply a bunch of companies making profits from building prisons.

There are two areas in which this clouds peoples’ vision. The first is the obsession with private prisons; that somehow private prisons are the main actors in the prison industrial complex. There’s a comfort in thinking that, because we like to be morally outraged at the bad behavior of corporations and the idea that corporations are making money by incarcerating people for longer periods of time, and in particular, by incarcerating African Americans and Latinos. But it’s not actually what’s going on. Private prisons only hold about eight percent of the number of people in prisons and jails across the country. They’re small players in a much bigger picture. We need to address the fact that the state has been building prisons and jails, continues to build prisons and jails, and there’s a politics there that isn’t simply profits.

The second issue is the notion of prison slave labor camps where people who are incarcerated are working at ridiculously low wages, largely under contract to multinational corporations. This is just not true. We’re looking at something on the order of probably, out of 2.2 million people locked up, at less than 10,000 people who are actually under contract to labor for private corporations. The overwhelming problem for people inside prison is not that their labor is super exploited; it’s that they’re being warehoused with very little to do and not being given any kind of programs or resources that enable them to succeed once they do get out of prison.

**CG: Are there a fair number of prisoners who work doing what we might call the reproductive labor of the prison itself?**

JK: Yeah, I think, quite a lot of people do that labor. Most of the time, they’re not really working full time, and they’re being paid a very low wage to do that. I worked in a kitchen in a reception center in California. I worked about four or five hours a day. All I got was extra food. But the reason it was attractive is that in that particular facility it was 24/7 lockdown, so if you worked in the kitchen you got out of your cell, you got to move, you got to associate with other people. So that was the attraction of working in the kitchen.

Let’s say we have a kitchen worker who gets paid \$15 a month, which is about what people get working in a prison kitchen. In most prisons, you have a lot of people working in the kitchen. It’s one of the biggest employment sites. When I was in High Desert, we had a 1,000 people on the yard, there’s probably 75 or so working in the kitchen. On the one hand, you could take a trade union model and say every single one of those jobs is a potential union job and that nobody who’s incarcerated should be doing that work. That’s an incredibly problematic position. It’s certainly not economically sustainable. It would almost double the cost of incarceration. And so the obvious push would be to not have so many people locked up. But I’m not sure that that particular demand is going to lead us in that direction.

**CG: And there are people in prison who work for prison industry authorities, something between doing that work for the prison itself and being contracted out to corporations. Can you describe what those are?**

JK: The one that I had experience with was a federal initiative called Unicorn in Lompoc Penitentiary, and there they made some kind of electrical boxes for the Department of Defense. There was a full-blown factory where out of a population of I think about 1,400, maybe about 100 people worked there. And in the prison, that was really the best job you could get; probably \$100 a month working in the factory and sometimes if there was a deadline you got to work overtime, and people might make \$150 a month. So that was quite attractive for people who wanted to earn a little bit of extra money. The problem with prison factories like that is that they operate under very tight security regimes. So for example, every day the tools have to be counted and collected because they’re made out of metal so they can be converted into weapons. It takes a long time in the morning to hand out the tools because they have to record who has what. Then when they go for lunch they have to turn all the tools back in and account for them all again, hand them all out after lunch, and then do the same thing at the end of the day. And then if there is a security crisis within the institution, the factory can be closed down on a moment’s notice, which can create problems, particularly for private sector corporations that are trying to meet production deadlines. So the notion that somehow prison labor is this incredibly flexible, super exploitable force is not correct because the security of the institution is going to trump at all times the need for production in the factory.

**CG: If you’re working for something as inefficient as the US Department of Defense in Unicorn, then “just-in-time” production doesn’t matter because efficiency is not their middle name anyway.**

JK: Right, and “cost control” isn’t their middle name either. So if it takes you a little bit longer to do it, it’s not a problem. But I think if we compare the work regimes of people in prison to the work regimes that I have studied in places like Bangladesh or China, there’s no comparison in terms of productivity. Plus, there’s a certain culture of resistance within the prison population. People aren’t trying to, for the most part, outshine their neighbors. There’s a lot of resistance to the authority of the staff that supervises them. There’s a lot of ways in which people try to use their work time to gain access to other things, like for example, in the factory, you might have someone who works for the office and that person might have access to a photocopier. So the people that work in the factory are going to try to get that person who works in the office to make photocopies of things for them; it may be their legal papers, it may be pages from pornography magazines, which can be resold on the yard, but there’s a whole lot of side games that are going on within the workplace that detract from productivity.

One of the things that has happened recently, which shows somewhat the attitude of people in prison toward work, is that we’ve had a bunch of work stoppages in immigration detention centers where people have objected to being forced to do work, the kinds of work that you were talking about before, sort of reproductive work within the prison, but of course the particulars of those people in the immigration detention center are that they’re not actually convicted of anything, or they’re in a kind of legal

limbo, which is different from people who are in prisons and jails who typically have been formally charged with a crime.

**CG: How should we in the free world position ourselves around questions of the use of labor of people who are incarcerated? On the one hand, people are getting paid very little. On the other, I’ve heard many stories like the one you shared in which people inside, for any number of reasons, compete for those low paying jobs. So, how do you think free world organizers and activists ought to think about the use of prison labor or the use of prison labor that’s not being paid minimum wage?**

JK: I think it’s quite a complicated issue. I think there’s a danger of an opportunistic argument, which then casts people who are incarcerated as sort of scabs or people that are undermining the hard-won gains of the organized labor movement. With that also comes an attitude and a categorization of people who are in prisons as criminals, as opposed to people who have been marginalized within the working class. So I think that it’s difficult to come up with a precise position about how to deal with the contradictions around prison labor but I guess there are two points that I would make. One would be that we need to see people who are incarcerated as part of the working class. If we’re going to talk about organizing workers, if we’re going to talk about building some kind of working class movement, then we need to find ways to build bridges of solidarity to people who are in prison, and also people who are coming out of prison, trying to reintegrate into the labor market. The second thing is, I think we should be vigilant about multinational corporations using prison labor as a source of super exploited work because that is problematic. But I think it’s being used opportunistically by a lot of people in the trade union movement to cast people in prison in this category of criminal, rather than for an honest reason of actually opposing the labor regimes that are being put in place.

**CG: Do we think it’s worse that private prisons are paying people a dollar a day, than the state of California might pay them a dollar a day?**

JK: I don’t actually. I don’t think it makes that much of a difference. If you look at the worst prisons in the United States, the ones that are notorious; the Pelican Bays, the Angolas, the Tamms in Illinois that has been closed down, the Atticas or whatever, the classic, horrible prisons are not private. They’re public, they’re state run institutions. So I don’t think it’s really helpful to try to say somehow that private prisons are worse, I think what we have to do is to say that mass incarceration is a wrong approach to the problems of crime, poverty, inequality, racial conflict. And we need to say whether it’s private prison or it’s a state prison, it’s a wrong way to approach these issues. But trying to cast private prisons as a special brand of evil, I think it can often take us down a side road that ignores the bigger picture, that is the fact that state budgets, that local budgets are using taxpayers’ money to build most of the prisons and jails in this country.

**CG: You describe this notion that it’s private prisons exploiting the labor of the people they hold, as a myth it gets in the way of effectively opposing mass incarceration, but then suggest that there are questions around labor that people who want to oppose mass incarceration really need to deal with.**

JK: If we take people who are coming out of prison, and the way they integrate into the labor force, they’re not completely unique. What’s happened is that we’ve had a restructuring of the workforce, and we have more and more people who fall in the category that some people refer to as precarious workers. That is, we have more and more people working on part time jobs, contract jobs, minimum wage jobs with no benefits, etc. So the idea that the majority of working class, for example, is going to get a well paying union job with benefits and they’re going to work in that position for 20, 30 years is just not part of what’s happening in the real world. We see minimum wage workers taking action now, Walmart workers, fast food workers, taking action trying to push the minimum wage to \$10, \$15 an hour, because they’re saying that they can’t survive on the wages that they’re being paid. Formerly incarcerated people are part of that bigger category, they are just more vulnerable because they have a felony conviction. They’re still largely competing for these low wage, insecure jobs. So for people who are trying to organize labor, this a challenge for trade unions, not only in the US, but across the globe, how do you service the workers who are in these precarious positions? The old model of having a big huge factory with several thousand workers, where you organize them all in one place, and they are all working for years and years and years doing the same thing, that’s not the model of workers today.



The other part is that we should think of people in prison as people whose opportunity to be part of the labor force has been locked, and they’ve ended up in prison largely because of the removal of job opportunities especially in big cities, so that in the communities where African Americans and Latinos are living there are less and less opportunities for them to actually be engaged in the workforce. So if we look at a city like Chicago for example, at one point there were huge industrial sites in Chicago and the stockyards. All of these were places where the working class and even people of color, could get secure employment. Those have all picked up and gone elsewhere for a host of different reasons, leaving very little behind by way of opportunity.

**CG: Another trending policy is charging people in prison, in jails, or out under supervision, part of the cost of their incarceration or supervision. It frightens me that if we pursue short term goal of paying everyone minimum wage for kitchen work, that most of that wage would go to the restitution fund and to room and board for the prison. So there’s the question both of what people are being paid on the books, but separately how much actually ends up in their pocket as a result of that work.**

JK: Right. When I left Lompoc 55% of your wages went to restitution and it was a similar percentage in the state system in California. So you’re right that basically

*Continued on next page*



that money would be recirculated and used as a source of funding incarceration. The whole notion of cost recovery has gone completely amok in the criminal justice system so that we now have people paying for public defenders, the daily fee for ankle bracelets, the monthly fee for being on parole, and then people also now being charged a daily fee for being in jail. It's quite out of control.

**CG: So I can imagine that if the Department of Corrections or the county sheriff were told, “Well you’ve got to pay minimum wages,” they would say, “Well I’m going to charge for room and board then.”**

JK: So you’d get paid to work in the kitchen, but you’re paying for the dinner. Restaurant prices. It’s complicated stuff, and that’s why trying to blame the corporations and the slave drivers is so attractive.

**CG: Yeah, because it gives us a simple target right? Even if it’s the wrong target.**

JK: Even if it’s the wrong one. That’s the problem.

**PART 2**

This Spring, James Kilgore was informed that after over three years working at University of Illinois with excellent evaluations, his contract would not be renewed. That decision came soon after the local newspaper ‘revealed’ his criminal record soon after Kilgore and others led a successful fight to stop the local jail from expanding.

**CG: Did the university know about your record before you were hired?**

JK: They didn’t ask, but I completely revealed my criminal background when I was employed because of nature of my offense is kind of a high profile offense. I figured that people might find out about it and it might create a problem for me if I looked as if I had tried to hide that or deceive my employer in some way. So I totally revealed all the details of my past right when I was employed.

**CG: Are any of the workforce at the University of Illinois unionized?**

JK: Yeah, generally the clerical staff and the building maintenance and food workers are organized. There’s an effort to organize the academic faculty, both the adjunct and contingent faculty, the people who are on contract like myself, and then there’s attention to organizing among the permanent faculty, the people that have tenure or are permanently employed.

**CG: So the adjunct faculty is sort of - for people who are not familiar with how US higher education works - adjunct faculty are the precarious teachers of American colleges and universities.**

JK: Absolutely. It’s hard for some people to maybe believe the conditions of employment that people have and how little they actually get paid. If you’re teaching two courses in a term and there’s two terms in a year, that’s four courses for the year at \$4,000, you’re making \$16,000 a year with no benefits and very little job security. Quite often your contracts are renewed on a term-by-term basis or annually.

**CG: It also seems like that it would, even if you were in a situation where you had the time to do some political work outside your job, it’s something that is going to discourage that because your contract can not be renewed for no reason, you don’t want to court any controversy at all.**

JK: Yeah, that can be part of the problem. It’s also an inhibition to try an organize a union, because you can be so easily, easily fired, plus it’s also easy to get on a sort of “no employ list” because if you get fired from a university or if your contract is not renewed for let’s say, union organizing, that’s probably going to end up trailing you as you move to other places.

**CG: The local paper ran these exposes of your political, criminal past. The first response from the university was actually an administrator made a positive response, didn’t she?**

JK: That’s correct. The public relations person for the university said that I was doing “a great job” and that I was “highly respected by students.” But then, something seemed to have changed somewhere along the way.

**CG: So what sort of response has there been, both on the campus and in Champaign-Urbana, more generally?**

JK: Well on the campus, a group got out a petition and they got 310 faculty members to sign on to the petition asking the administration to give me my job back. Largely they were arguing that this was a violation of the academic freedom, or academic integrity of the university.

What’s happened down the road was a realization that the university was perhaps on shaky ground arguing around the issue of academic freedom. So they then fell back on my criminal background. I mean the fact is that the university, the time that I was employed and even to this day, they have no policy on how they deal with peoples’ criminal background. Basically the university had no way of looking at peoples’

**I DON’T THINK IT’S REALLY HELPFUL TO TRY TO SAY SOMEHOW THAT PRIVATE PRISONS ARE WORSE, I THINK WHAT WE HAVE TO DO IS TO SAY THAT MASS INCARCERATION IS A WRONG APPROACH TO THE PROBLEMS OF CRIME, POVERTY, INEQUALITY, RACIAL CONFLICT.**

criminal background. They began to use my case as a way to develop a policy on criminal background. The framing that they’re trying to come up with is one that says we can accept people who have felony convictions, but people who have certain kinds of felony convictions we can’t accept. And so they’re going to draw some line in the sand between acceptable and unacceptable, and I imagine that I’m going to fall on the unacceptable side of that line. They have set up a special committee that is supposed to be reviewing my case.

The National Employment Law Center has written a letter in my support arguing that cases should be dealt with on an individualized basis; that the minute you start making categories and drawing lines about who can and cannot be employed, it creates unnecessary obstacles and completely disempowers the people who are applying for jobs from the opportunity to at least explain what their situation is and why they should be employed despite their criminal background.

The other thing that the university seems to be moving toward is doing criminal background checks on every single employee at the university. The plan is that every person the university hires is going to get a criminal background checks as of 2015.

Another of the issues that emerges from this is the need for a more transparent process in terms of the hiring and firing of people who are on a contract basis, because as it stands, if you simply have a personal disagreement with the head of department for example, if they don’t like what you teach or they don’t like how you teach, you’re gone even if you’re doing a good job. You can see that my particular employment situation is layered with a whole set of complicated issues related to academic freedom, relating to the transparency of hiring and firing of contingent and adjunct faculty in universities, but also related to the access to employment opportunities for people with felony convictions and particularly people who have some sort of political history.

**Craig Gilmore is a longtime member of California Prison Moratorium Project.**

**James Kilgore works with the No More Jails campaign in Champaign IL. He frequently contributes to Truthout, Counterpunch, and Dissent. In addition, he has authored three novels, all drafted during his six and a half years of incarceration. His most recent work, a crime fiction piece, Prudence Couldn’t Swim, deals with the vagaries of prison, race and parole under CDCR. His forthcoming book is a primer on mass incarceration, to be published by the New Press. To read writing by James Kilgore and more about his case, see his website at <http://www.freedomneverrests.com>.**

*Continued from page 3, “Evans & Goldberg”*

different places around the world. I think US imperialism has changed a lot because now it’s moving primarily in coalition and it isn’t just doing a US invasion of Costa Rica or the Dominican Republic, or Panama. They tend to be working in these pretend coalitions that are brought together by the US so that they can intervene in these countries but they have the cover of the nominal participation of some of their allies.

I’ve changed a lot since then. My analysis of US imperialism domestically has been tempered by current conditions. I used to believe that there were internal colonized nations and I didn’t adequately incorporate the class question into my analysis. Having been out now all these years and changing from the perspective that I had before, I feel the way imperialism has developed is more complex. Obviously the question of people being oppressed because of race has unifying characteristics that may be part of what defines a nation, but there has not been effective leadership or effective struggle around national liberation movements within this country, except for Puerto Rico. That may be because there’s not a structural basis for a national liberation struggle, actually. So my view of imperialism has changed a lot. That’s part of what led to me to help start All of Us or None as an organization that unites people across racial lines; recognizing that the analysis that we bring to our organizing has to be more complex than I was capable of understanding at that earlier point in my life.

When Eve and I wrote this, although I don’t think my personal analysis was dominant in the pamphlet, we know where I was coming from and that was a struggle that we had. Eve has a much more class-based analysis.

**RH: In the piece you talk about the war on drugs as one of the conduits through which US interventionism around the world gets played out domestically. What you just raised about the security state is interesting in how the technicians that you just described, but also the technologies, the strategies, the tactics that get used in foreign wars are increasingly being used in what we call the wars at home, whether that’s policing, or imprisonment.**

LE: And increased surveillance as an industry. And that’s a globalized phenomenon, at least in the developed countries. That has industrial and economic effects because of the manufacturing of all that equipment. And where is it being manufactured? Probably in the Third World, with the profits directed into increasingly large multinational corporations. So that’s another element that goes into an economic analysis of what has changed. And there’s plenty of other war-time technology that’s been developed so that’s just something else that’s different.

EG: Back then in the Clinton years, the sectors of the ruling class that were ascendant were the high tech, let’s get our money through “less violent” means when possible, through market expansion, and then, oops, Bush and the oil people are like, no let’s just put in the guns and get our oil. So there was a shift.

LE: Part of it is the war on terrorism, too, and how that has been concocted, used, and implemented. I think the “international war on terror” has been one of the things that has made US intervention in other countries acceptable to the US public. It’s the excuse they’re using

to do the same kind of interventions they’ve always done, either unilaterally or in coalitions like NATO. Permission for US military operations in other countries wouldn’t have been accepted as part of diplomatic agreements before 9/11. But now they are. So, I think that’s related to the ongoing wars and the change in direction. And because so much of it is directed against Muslim countries, I think there’s been an increase in the targeting of Muslim communities here as well, and so that has impacted who’s being locked up in US prisons, too.

**RH: Linda, one of the things that you and I have worked on together that is related to the “war on terror” is the increased use of gang validation and profiling and what they’re calling domestic terrorists. But that’s probably an evolution of the war on drugs.**

LE: And the fact that in California all the gang validation is against people of color. The Aryan Brotherhood is the only prison gang that is a white gang. So, they can use that label very obviously to impose a police state, that’s what the gang injunctions certainly were. Just impose a gang injunction on a certain section—which is usually a neighborhood of people of color and suddenly it’s a police state for young people because they can just be pulled over if they have a hooded sweatshirt on. So I think that’s another thing that has changed in those years is using gang labeling to increase budgets and jail capacity. The sheriffs get extra money for every arrest they label a gang-related arrest or a gang-related conviction or a gang-related validation. So, it’s become

*Continued on page 9, “Evans & Goldberg”*



# The Modern Prison Isn’t So Modern

## How Slavery and Reconstruction Built Louisiana

BY BREONNE DEDECKER

Louisiana imprisons more people per capita than any other state in the nation, which places Louisiana first in the nation that ranks first in the world for prison rates. Most of these prisoners are housed in the \$182 million dollar for-profit prison industry, which earns money based on the number of individuals in prison. Privatization of prisons might seem like a modern concept, part of the growing argument that businesses can run aspects of the state with more efficiency, saving taxpayer money and extracting government resources from difficult managerial quagmires. But private, moneyed interests have had their fingers in the prison system for a very long time, with the goal of maximizing profit while dehumanizing the incarcerated. And the state of Louisiana has a storied tradition of willfully ignoring the brutality of the system that was put in place.

The roots of the modern prison system in Louisiana can be traced back to slavery. Before the Civil War radically disrupted the plantation economy, 331,276 people, or 46.8 percent of the entire population of Louisiana, were enslaved. By the mid-1800s, Louisiana was the richest state in the American South, and the second richest state in the nation. The majority of money and assets were held by a handful of incredibly wealthy families who presided over vast plantations, and firms that negotiated trade in the raw exports produced in the state. A river of wealth flowed in and out of the Mississippi delta—primarily sugar and cotton. But human bodies also flowed, bought and sold between plantations.

How the prison system is viewed by the state government in Louisiana tends to vacillate between two poles, with one being extreme indifference and the other viewing the prison apparatus as a protected source of state revenue. Both poles are characterized by neglect. During times of extreme indifference, such as the early 1800s, prisoners were housed in a dank building in downtown New Orleans, sharing living space with animals. During this era, most prisoners were white, since the vast majority of enslaved African Americans were

punished on the plantations for infractions rather than entering the state system. In 1844, Following a brief period of “prison reform”, including the construction of a new prison in Baton Rouge, the state decided that it was too costly to run the prisons, and leased the penitentiary to a private firm, McHatton, Pratt, and Company. Not only did the state lease the prison, and the prisoners, to McHatton-Pratt—it initially paid the company to take over the prison.

The result was the creation of a parallel slave economy typified by extreme labor, abominable medical care, and terrible living conditions. By the 1850s, the state realized that it was missing out on a solid profit revenue, and passed legislation requiring the lessor to pay one quarter of all profits back to the state. This marks the shift towards the second pole, with the prison becoming a revenue source. The convict leasing system grew even more monstrous following the Civil War.

Before the war there was no real separation between governing bodies and the oligarchy of the elite planters. The representative government was drawn from the planter class, and political and economic decisions were made with their interests in mind. The loss of the war changed this, and the Reconstruction era ushered in not just new political actors with different interests than the planter class, such as free African Americans, but expanded the role of the government as well in regard to punishment.

The Civil War was essentially about labor, and for the Southern oligarchy to protect their amassed wealth. Slaves, after all, were considered assets, not people, and were utilized as collateral when securing bank loans. The loss of slaves as assets would deal a crippling blow to the balance sheets of the wealthiest planters. Moreover, the Southern oligarchy needed to control the labor market as much as possible in order to extract the maximum profit from their farms and industries. Slavery is the ultimate expression of such control.

Decades of relying on forced labor warped the southern labor market, Louisiana’s included. A predominately agrarian society where the most money is made via physically owning the labor of others is a society where the money produced is decoupled from those producing it, meaning the workers.

The original owner of Angola Plantation, Isaac Franklin, was one of the wealthiest slave owners and traders in the entire south. He made his fortune in the interstate slave trade, buying enslaved men, women and children in the Upper South and then selling at a high profit in the Lower South. It is estimated that he broke up more families than any other trader, and was rumored to be a particularly cruel owner, although by insinuating that one man who fed his fortune out with blood is somehow worse than others who did the same implies that some owners or traders should be viewed with benevolence. This is a dismissal of the inherent brutality of slavery.

Franklin died incredibly rich in 1847. Twenty years later, by the close of the Civil War, the wealth of Louisiana had dissipated. The war had been long and expensive, and the state’s wealth plunged to 37 out of all states and territories in the nation. The resulting restructuring of the economy from one centered on a captive, enslaved workforce to a labor market based on wage workers who were relatively free to leave the plantations to seek work elsewhere put the social order, and the economy, into turmoil. Emancipation complicated the labor market in numerous ways. Plantation owners needed to offer wages to their workers now, and African Americans were now seen as competing with poor whites for jobs on and off the plantations. Capital dried up—the South was essentially broke, and northern banks did not offer loans to planters, resulting in an inability for some to offer wages to laborers.

Much of the planter elite, and the political elite, were desperate to control the labor of the emancipated African Americans. New laws that primarily targeted this population were quickly passed, including the need for African Americans to have year-long labor contracts by the first of the year. Men and young boys were arrested for petty crimes and given long sentences. The result was an inversion of the previous demographics of the prison system, with

the majority of prisoners now being African American rather than white. Their skill sets were primarily agricultural, and the convict lessees soon realized that the best way to exploit this captive population was by creating penal farms.

The man who truly brought the vision of the penal farm to bear was an ex-Confederate major named Samuel Lawrence James. James bought several plantations across the state, including Angola. He then managed to purchase the right to lease the state’s convicts in 1870. This lease was different in a striking way. Previous convict leases were fairly short in duration, lasting on average five years. This meant that the discussion of what to do with the prison system, and with prisoners, was a common one in the state legislature, with different factions advocating for different types of penal codes and procedures. The James lease, however, was for 21 years.

The length of the lease meant that the state could es-

### IT WAS SAID THAT A SEVEN YEAR PRISON SENTENCE WAS TANTAMOUNT TO A DEATH SENTENCE.

entially retire the issue of the prison, since it was now merely a source of income. James and his associates were to pay the state \$5,000 the first year, \$6,000 the second year, each year increasing until the final year saw the company pay \$25,000 for the lease. Records of how much money Major James was making were not officially kept, though in 1870 alone it was reported that he made nearly \$500,000 (roughly \$9 million in 2014 dollars) off the labor of convicts. By 1873, the penitentiary was sitting empty, with all prisoners working fields in various plantations across the state. Prisoners were also building roads and levees across the state. The records were poorly kept, and the administrative clerk did not know who was working which prisoners where. There were reports of whipping and water torture, as well as extreme stress positions and forced wearing of metal face cages with bits inserted in the mouths of prisoners. A particularly disgusting case of mistreatment arose in 1886, when a prisoner named Theophile Chevalier was seen by a journalist visiting a prison work camp. Chevalier was missing both feet, a result of working outdoors in the winter with no shoes. He developed frostbite, which, left untreated, became gangrenous. One foot rotted off, and the other was amputated via penknife.

It is difficult to say how many prisoners died during James’ tenure, though estimates peg the number as high as 3,000. It was said that a seven year prison sentence was tantamount to a death sentence, as a prisoner did not usually live that long in the system. There was no concern over prolonging a convicts’ life; the state would continue to supply new convicts into the prison system, replacing the dead with new men.

James’ original lease expired in 1891, but he managed to secure another 10 year long lease after a lengthy battle in the state legislature. Although a handful of state legislators and journalists despaired over the high levels of abuse in the lease system, the mutilations and deaths were not the reason why it was eventually ended. Major James failed to pay his percentages of the profits back to the state. A growing number of voices spoke out against the money issues, arguing that it was an outrage that the state should be losing the profits made by the prisoners whose labor they owned. If Major James could become wealthy on the backs of prisoners, why couldn’t the state of Louisiana?

In 1894, while pressure was mounting for the state to take back control over the prisons, James passed away while visiting with his family at Angola. A report stated that he suffered a violent attack of illness, abruptly vomiting blood from his mouth and nose. James, much like Isaac Franklin before him, died an incredibly wealthy man, leaving behind a fortune of 2.3 million dollars, an immense amount of wealth for the time.

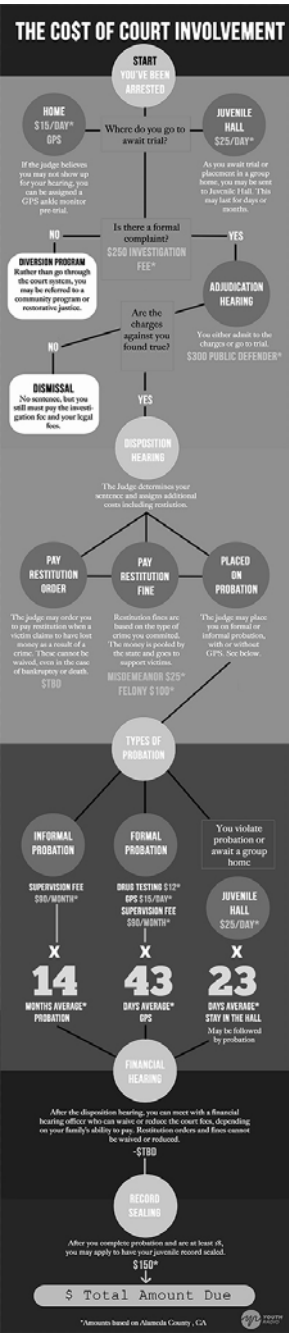
The convict lease system ended not long after, in 1901. But it did not end for humanitarian reasons, and the main function of the prison system did not change. The state itself took over the management of the labor of prisoners, and the state itself began to profit more from the system. It was a mere transfer of ownership, a cutting out of the middle man. James had built a vast empire of slave labor inside of the Louisiana penal system, and the state merely took it over and continued to run it as such, working convicts in the fields, factories, and swamps for a century and counting.

*Breonne DeDecker is a writer, photographer and researcher based in New Orleans. She is part of The Airline is a Very Long Road, a multi-media exploration of the social, economic, and environmental development and decay of the American South, with particular emphasis on Southeastern Louisiana. More work can be found at [www.verylongroad.com](http://www.verylongroad.com)*

### A note from the editors:

The Prison Industrial Complex has many costs for all of our society, but particularly for those who are most directly impacted by the violence of policing, the legal system, and incarceration. The following image created by Teresa Chin and Youth Radio represents one very specific type of cost—the financial burden that young people and their families face when they get ensnared in the criminal legal system. When following along with the arrows, notice the ways that both public and private actors are both enriched by the process, and reap greater profits through incentives embedded within the process by administering harsher penalties. In many cases judges and officers have the discretion to decide who should be punished most -- decisions which disproportionately fall against young, low-income people of color.

When reviewing this graphic, it is important to keep in mind that its language, while not necessarily presented within an abolitionist framework, reflects some of the ways in which young people experience contact with the criminal legal system. The language around the criminal legal system is seeped with reference to “criminals” and “victims,” language which obscures the many ways in which the oppressive elements of PIC itself create violence and injustice under the guise of maintaining order. The piece also highlights the ways in which the experience of young people is distinct from adults within the legal system. For instance, unlike in adult criminal court, where a defendant is found “guilty” or “not guilty,” in a California juvenile court petition, youth are never technically found guilty. Instead, the judge determines if the charges are “true” or not. This rhetoric of rehabilitation that is employed in youth courts in California masks a lot of what is really happening in juvenile court—namely, that youth are being subjected to worse punishments with fewer procedural protections in the name of “rehabilitation.”



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an easy way for them to line their pockets and to continue the expansion of the prison-industrial complex. It’s a very fertile sector for them to oppress.

EG: And remember that debate, it’s so quaint now, but I remember growing up as a teenager: what do we think the future will really be like, will it be more *1984* or more *Brave New World*? Will it be more guns in your face and rats chewing at your skin in your cell, *1984*, or will it be nice little drugs and TV and shit to just zone you out so that you’re just half a person. That’s quaint. It’s both. And it’s heavy duty both!

LE: There was that [Rolling Stones] song, “Mother’s Little Helper,” you know, but I think a lot of people are addicted to prescription drugs and really suffering behind it.

EG: It’s all related whether you get it from the street pusher or from the medical pusher. Some of it’s illegal they can throw you in jail for, and some of it’s not.

**RH: It’s illegal to have Oxycontin without a prescription for example, but it’s the number one thing that they push on everybody, even knowing that it’s super dependency forming. So of course you’re going to want it even when they stop writing you a scrip.**

LE: Prison doctors prescribe a lot of psychotropic drugs to people in prison, too – a lot of people are taking addictive psychotropic drugs inside, and are drug-dependent when they come back into the community.

EG: Making something illegal is only a way to control it. And punish around it. It’s not a way to stop it. So, the war on drugs continues. When we wrote the pamphlet, there were 1.8 million people in prison in this country. Now it’s 2.3 million. There are fewer jobs, there’s more unemployment and there are more people in prisons.

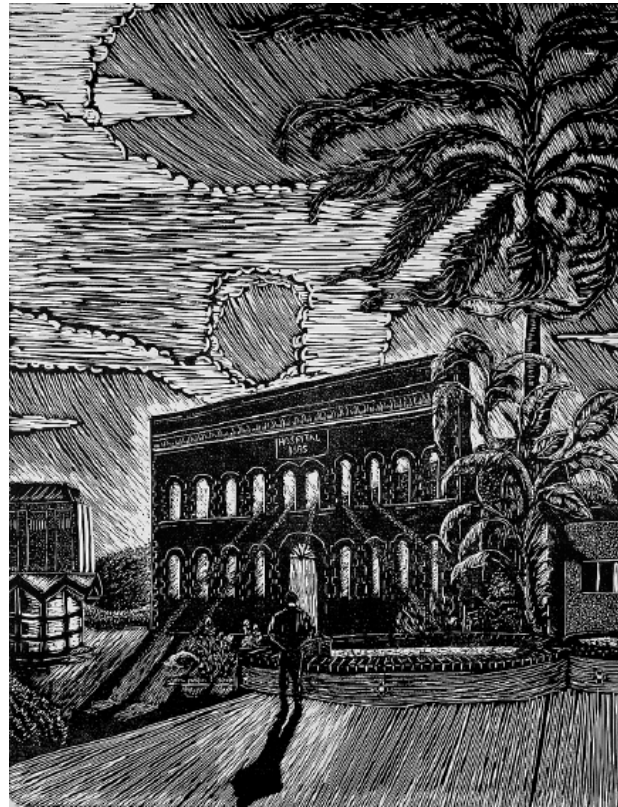
LE: There is also the whole question of jobs and how far people have to travel to get to their jobs and then how little they pay. All these minimum wage jobs don’t pay you enough to live, so you have to have more than one job. What does that do to the whole question of people having time? To have a family life, to be an activist, and really be serious about accomplishing some changes whether they’re revolutionary or reformist? People don’t have that kind of time and I think also the whole income gap has made a big difference too. I know a lot of All of Us or None members, people that have been in prison, don’t have gas money to attend a meeting; to drive as far as they have to, to a central place and really come together with other people. And public transportation is expensive. So, what happens? Everybody’s isolated and on their phone or electronic device—if they have one. So, I don’t know, I think the conditions for organizing dissent have also been impacted by technology and that’s made a difference.

**RH: Will you comment on the value of doing projects across prison walls—whether they’re written projects or other kinds of projects to build analysis, to be in contact with each other?**

LE: I remember the project that Marilyn Buck did with Miranda Bergman and another artist. That was actually done in the visiting room, but then there was a production part that happened outside. One of them would draw a picture on a third of the page and the next person would draw another picture in the middle and then fold it under so that you didn’t ever see the other artist’s work. Then they put those pictures in one of her chapbooks of poetry. It’s wonderful to have that back and forth with somebody that’s actually out in the

world. Eve was doing a lot of the research and the running around to find facts and things like that, but the fact that her analysis and her experiences were being brought into something I was working on made a tremendous difference in terms of relevance to me and feeling like it would have relevance to others.

EG: Me too. I’m always saying since then, we should do another thing like that pamphlet together. It’s good for relationships in general I think. Doing things together is a deep way of relating. That’s what social change is, people coming together and doing



**ART: “THE RUINS OF SAN QUENTIN HOSPITAL”**  
**BY RONNIE GOODMAN**

something together. It was a good example of collaboration. I don’t think either one of us would have or could have done it without the other one. It was really two people coming together to make something that wouldn’t have happened without a coming together.

LE: I remember the Prisoners Fight AIDS walkathons, too. Those were tremendous collaborations. Not resulting in a written product, but resulting in tremendous consciousness changes for people inside. There was huge consciousness change for the volunteers from the outside that came in to help set it up and distribute the money. Big social giving, too. In prison, it’s illegal to give anybody anything. Suddenly we were able to give to people with AIDS. That was very big. Out of our little commissary money and money from their prison jobs, women would make donations, in addition to the financial donations we got from the outside. But prison programs generally, and collaboration with community groups – that environment of potential col-

laboration and bringing people in from the outside – are getting decimated. There are more and more and more restrictions even in places like San Quentin, which has

**IT’S BECOME SUCH A STRUGGLE JUST TO SURVIVE THAT MANY PEOPLE DON’T HAVE THE TIME, ENERGY, OR RESOURCES TO GET INVOLVED IN SOCIAL MOVEMENTS. BUT ON THE BRIGHT SIDE, CHANGE HAPPENS. MOVEMENTS ALL OVER THE WORLD GROW EVEN UNDER THE MOST DIFFICULT CIRCUMSTANCES.**

a history of volunteers coming in, and it’s very difficult to start those programs anymore. I know in the federal system no inmate clubs are allowed anymore. That’s been for many years.

**RH: Do you think our movement is stronger since you’ve been out of prison?**

LE: I now have a clearer picture of the two forces kind of developing off of each other and how they relate. Good things have happened. In the New York State system, they say they’re going to have higher education in all the prisons. That would be fantastic. The fact that the Governor signed an executive order ordering that is a big deal IF they implement it. At the same time that that might happen in one state, you have all these other places that are shutting those programs down. And at the same time that we’re able to stop a prison from being built, we have AB900 and all the county jail expansion stuff going on. I’m really impressed with the fact that we have built a movement. Like always, there’s fragmentation and in-fighting and it tears us apart. It’s difficult to build broad coalitions to meet new challenges like abolishing solitary confinement, because people haven’t worked together. And there aren’t always clear agreements so people can unite with mutual respect, and with a clear purpose, where everybody feels like they’re respected and moving forward together.

**RH: I think the material conditions we’re trying to organize in create levels of competition that are necessary for capitalism to do its thing and fuel some of that. I don’t know that it’s the singular factor, but it does strike me that the decimation of our movements and the leadership of our movements coupled with a continual drive to be in competition and to mistrust each other poses serious challenges to making change.**

EG: I agree. I don’t think we’ve ever recovered from the vacuum in leadership that was created with the murder and incarceration of the Black Panthers, Malcolm X, etc. in the 1960s and 70s. And another factor making

it difficult today to create mass movements for social change is the increasing impoverishment of the American working class. The lack of jobs. And the lack of jobs that pay a decent wage. It’s become such a struggle just to survive that many people don’t have the time, energy, or resources to get involved in social movements. But on the bright side, change happens. Movements all over the world grow even under the most difficult circumstances. So, you never know.

*Eve Goldberg is an activist, writer, and filmmaker who lives in Northern California. She is the partner of Linda Evans.*

*Linda Evans was an anti-imperialist political prisoner for 16 years, and currently is active in All of Us or None, a grassroots civil rights organization of formerly-incarcerated people and our families.*

the overcrowding it created and ineffectiveness of the long-term sentence, especially for the non-violent offender, has recently had to be repealed through bills calling for sentence restructuring. Modern incarceration demands more.

The Pew Charitable Trusts, through its Health Care Spending Project, reports a 52% jump in costs in prison healthcare spending in the 42 states it researched for the time period between 2001 and 2008 – an increase which Nadine Curran predicted in 2000 as we report herein. The Pew study revealed that the states covered spent \$6.5 billion on prisoner healthcare in 2008, which was a glaring \$2.3 billion increase compared to 2001. The study also reported a 94% increase in the number of state and federal prisoners during the same time period (2001 – 2008). Healthcare costs were two to three times higher for elderly prisoners with chronic illnesses than they were for younger prisoners. The American Civil Liberties Union echoed Pew findings in a report from 2012. The ACLU reports that of the nation’s 1.5 million state and federal prisoners, around 246,000 were age 50 and over. This is about 16% of the total prison population. Massachusetts currently runs at about 19% of its population at 50 years of age or older, and this is one of the fastest growing demographics in the system with 55 years of age and older being the fastest.

By the year 2030 nearly a third of the entire prison population in the United States will be elderly, upwards of 400,000 prisoners. The cost of keeping these aging prisoners incarcerated is about \$16 billion per year with \$3 billion of that money for healthcare costs alone. To keep these aging prisoners, the vast majority of which no longer pose any type of threat to society (the ACLU reports that the majority of prisoners who are serving “life sentences” are not incarcerated for murder but have received life/long-term sentences under “tough on crime” measures from the apex of that era: 1986 – 1995), behind bars is pure economic irresponsibility but it is also morally reprehensible. Once you know that this ongoing incarceration does not reduce or deter crime, and you continue to allow it to go on unabated, you are now in the category of “perpetrator” as you are perpetrating a crime against justice, humanity, and decency.

ACLU research has shown that the arrest rate for people over 50 years of age is about 2%. It is just about zero for over 65. The aging prisoner is the safest release demographic – hands down. The immediate cost impact of “legislating” these sick and dying, chronically ill prisoners into private managed care would be eliminating security costs. Massachusetts spends 68% of its half-billion dollar corrections budget on salaries (that rings in at about \$350,000,000.00 or so) while spending 18% of its budget (another \$95,000,000.00) on prisoner healthcare. This does not leave too much money for the “corrections” department to “correct” those in its care. Spending so much money on the aging prisoner demographic promotes recidivism (Massachu-

setts has a mean 43% recidivism rate as of 2007) and does absolutely nothing to deter crime and most likely promotes it as prisoners cannot receive quality services for reentry due to the portion of the DOC budget spent on salaries and healthcare. The time has come to force the hand of the legislature to mandate the release of these sick and dying prisoners.

The Massachusetts legislature has proposed bills on the topic of medical release since at least 1993. They have failed to pass such a measure as there has not been enough public backing. Most recently Sate Senator Patricia Jehlen (D- Somerville) authored the brave measure S.B. 1139, “An Act for the Medical Release of Prisoners.” Even though this bill was backed by effective groups like CURE-ARM, Bread & Water Prisoners, Inc., and the Norfolk Lifers Group (it was even supported by the DOC although zealously opposed by the guards union), it died in committee this last legislative session. A new bill will be authored in the next session and must be supported by the citizenry. The Judiciary also needs to be pushed to act. The extraordinary powers afforded that comprehensive body would allow them to fashion release orders for those prisoners determined to be too ill to pose a threat to society. We must act in as aggressive fashion as possible before the dire situation is beyond reasonable repair. We are nearing that point.

We need you to get involved. Please contact the organizations listed below to find out what you can do to bring compassionate medical release to fruition. U.S. Attorney General Eric Holder announced in August of 2013 that the Bureau of Prisons would institute new and effective compassionate release policies. The commonsense pendulum has started to swing the right way but the effort truly needs your involvement. We must embrace the concept of justice tempered with mercy as we are a nation of fairness and compassion. Actions speak far louder than words. Please get involved. I ask you to contact:

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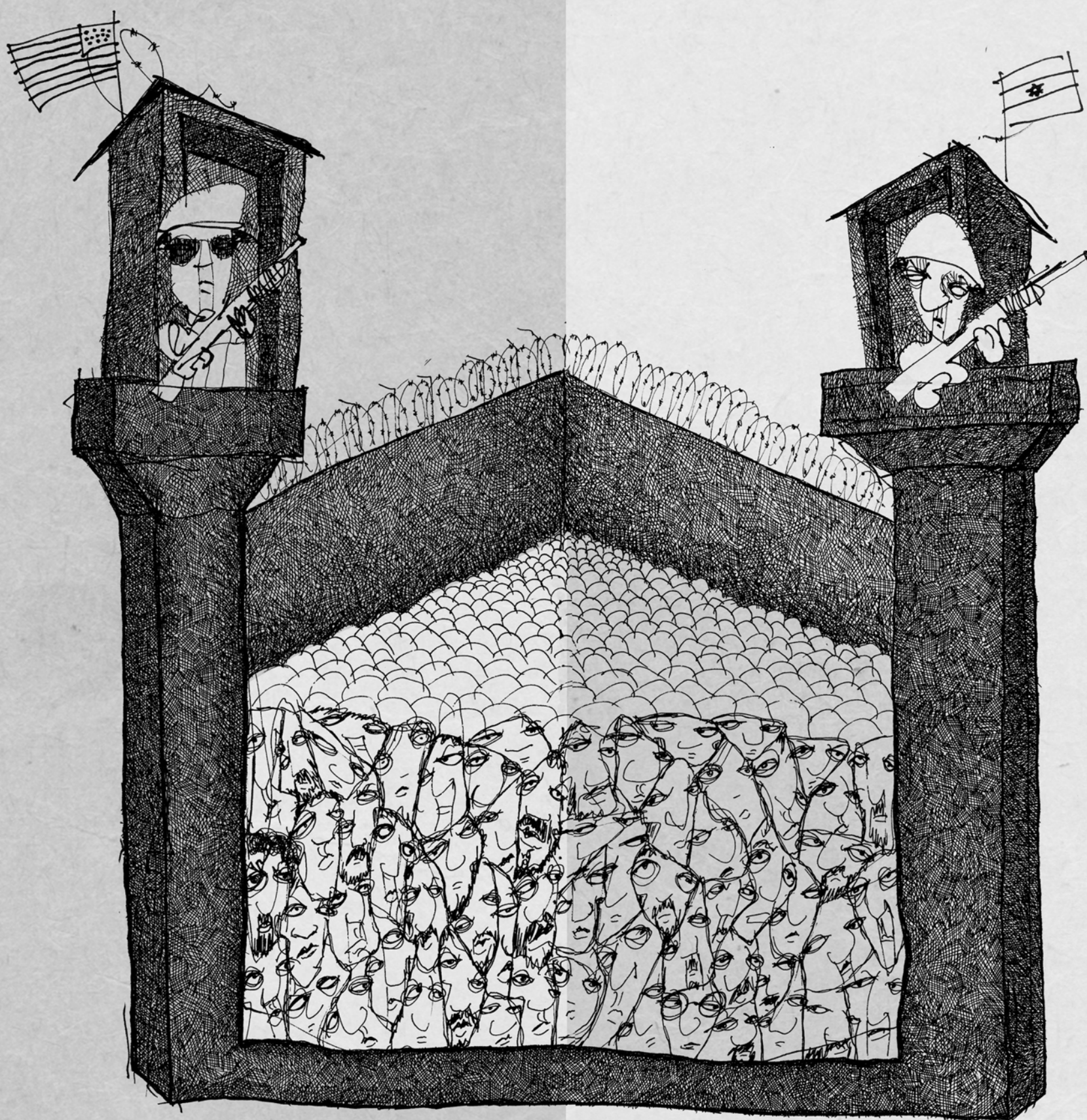
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