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Free to people in prisons, jails, and detention centers
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AFTER THE STORM The Struggle for Public Housing in New Orleans

by Mariko Shitama

The flooding of New Orleans after Katrina hit and the response of all levels of government exposed the deeply rooted history of inequality in this country, and the government policies that shape it. The people of New Orleans were confronted with the dark reality that even in times of crisis, our government reacts swiftly and efficiently to police and criminalize the poor, while openly denying these very people the necessary support and infrastructure they need to cope and to recover.

In the days following the storm, where at least 80,000 people were left to fend for themselves as water filled the city, National Guard troops and police accompanied by mercenary forces armed with M-16s, roamed the streets looking for "looters." Camp Greyhound was the first infrastructure rebuilt in New Orleans after the storm, a make-shift jail constructed to handle the overwhelming swell of prisoners created by unprecedented arrests and policing following Katrina.

Over the course of six weeks more than 1,200 people found themselves inside the chain link fence and razor wire used to convert the bus station into a jail, a clear indication that law enforcement was operating at outstanding levels in spite of the impending disaster. Relief, however, was left to the people themselves and to small organizations such as The Peoples Hurricane Relief Fund and Oversight Coalition and Common Ground, created in the aftermath of Katrina to provide first aid and

emotional support to victims. Charity Hospital, the only public hospital in New Orleans, remains closed to this day, boarded up like the majority of public housing in the city.

Given this country's approach to addressing social inequities, the government's response to Katrina should come as little surprise. With increasingly harsh legal policy conflating justice with punishment, accompanied by popular aversion to investment in systems of support such as affordable housing, healthcare and education for fear of a 'socialized' United States, our government's response to the disaster in New Orleans is in keeping with the general trend of dominant free-market policy. This neo-liberal approach to government promotes corporate welfare at the cost of human welfare. It is validated by an ideology that cripples this country—that "diligent" Americans fend for themselves first and foremost and cannot be expected to look out for those who do not make it.

Two and a half years after Katrina, what is happening in New Orleans is arguably more radical than mass gentrification.

There is a blatant effort by those with money and power to cleanse the city of the poor and working class—most of whom are black—and to replace them with high rise condos, golf courses, big business, and middle-class Americans with pastoral dreams. The devastating floods after Katrina debilitated New Orleans, and corporate interests wasted no time in capitalizing on the shock overwhelming the city and its people, in what sociologist Naomi Klein has called "one of the most

shameless examples of disaster capitalism."

Backed by private interests and big business, the government has seized a perfect opportunity to push forward an agenda born well before Katrina. That is, to purge the historic city of its more "deplorable" aspects, namely poor people, the projects and crime, and to privatize the city's resources and redevelopment for the economic interest of a wealthy few.

Challenges to the Right of Return.

Some of the prohibitive factors that restrict many New Orleanians from returning home are a lack of affordable housing, employment, public education and hospitals. Coupled with heightened criminalization, imprisonment and policing of the working poor, an entire population of the Crescent City has been relegated to the periphery of grand plans to rebuild and recreate. As wealthy New Orleans developer Joseph Canizaro put it, "I think we have a clean sheet to start again. And with that clean sheet we have some very big opportunities."

Of roughly 5,000 families occupying public housing before Katrina, fewer than 1,600 have been able to return.

Robert "Kool Black" Horton, who grew up in New Orleans and is one of Critical Resistance's

Campaign and Projects Directors, points out that the destructive effects of criminalization go well beyond human rights violations sustained in jail, which most prisoners of Katrina have experienced. A few years ago, Horton could not find employment for two full years because of an arrest nearly twenty years prior. "When does a person pay his debt to society? I served two years in prison. I've worked with youth around this country. I'm involved in all kinds

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photo courtesy of Peoples Hurricane Relief Fund

CR10 Strategy and Struggle to Abolish the Prison-Industrial Complex

by Amy Vanderwarker

When Critical Resistance decided to host a tenth Anniversary conference, it was clear to all involved that it would not be just a conference. A three-day convening will be held in Oakland from September 26 – 28, 2008.

This event will be the culmination of a two-year organizing project. At its heart, the entire effort is an attempt to engage allies from all political spectra in a collective effort to assess the movement to abolish the prison industrial complex (PIC), generate new strategies, and invigorate the movement so we can see our visions of a world without prisons realized.

The story of Critical Resistance's birth is somewhat legendary by now: a conference held in Berkeley in 1998, bringing together organizers, former prisoners, family members, scholars, attorneys, service providers, students, and others, to discuss the recent, and unprecedented, build up of the US prison system. The groundswell of people who attended the conference clearly demonstrated that the movement to abolish the prison industrial complex had been born.

But with Critical Resistance's tenth Anniversary conference, known as CR10, we all have another chance to be part of history. Even as we speak, lead-up events are being held around the country as a way to build support for the project, but more importantly, engage in dialogue about the state of the movement. Eighteen months will be spent asking each other, "Where are we?" and "Where have we been?" so when September rolls around we can collectively answer a new question: "Where are we going?" And without a doubt, it is a chance to celebrate our many years of struggle.



ABOVE: CR10 planning committee, September 2007

photo by Rose Braz

the organized movement to end the PIC, the past ten years have seen the massive growth of both the movement and the system we fight. In the time since Critical Resistance was born, the phrase "prison industrial complex" has become commonplace and hundreds of organizations around the country have explicitly taken on aspects of this many-headed hydra. Hundreds more fight pieces of the PIC in less overt terms. In many

ways, it is difficult to talk about a cohesive "movement," given the diversity and breadth of organizations, groups, and people working on these issues.

The simple fact that a concerted effort to abolish the PIC has grown to such a point that it cannot be easily summarized or categorized is a success. Through this expansion, our analysis of what constitutes the PIC has deepened. Our understanding of how many different facets of oppression keep the PIC alive and growing has matured. In turn, we have extended our ability to draw connections with one another. Whether it's building bridges with immigrant rights groups, empowering youth to lead us, or working more directly with prisoners, the movement against the PIC has taken many new forms and created many

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WHY NOW?

If the Critical Resistance conference of 1998 kicked off

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This spring while the collective was working on this issue of *The Abolitionist* you're reading now, we were also reckoning with the harsh reality that it's been over five years since the United States declared war on Iraq. As we considered the final months of George W. Bush's presidency and the legacy that his administration has created for us, we also reflected on the twilight of another president's tenure in the White House. In his 1961 Farewell Address to the Nation, Dwight D. Eisenhower warned the country against the, "acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex." He continued, "The potential for the disastrous rise of misplaced power exists and will persist."

It's no mystery that Eisenhower was not against war or military power. He was an Army general, after all. His caution was remarkable, however, because it signaled an increasingly intimate relationship developing between commerce and military and the "unwarranted influence" that the military was in turn having over government. He could envision a future in which the tanks were driving the policy.

Three decades later, with the Cold War drawing to a close (or perhaps simply moving into a new phase), residents of the US felt the impact of different wars—wars at home. One of these, a war on drugs, had been declared by Ronald Reagan. The military tactics and equipment once used in foreign wars were turned on US residents as the use of Special Weapons and Tactics (SWAT) forces increased in number and in resources. As people across the US were urged to "just say no" to drugs at home, the war on drugs also encouraged us to support military incursions throughout Central America in the name of US safety. A similar story can be told about US borders as well with border zones, particularly those along the US-Mexico border, replicating US militarized zones around the world.

During this same period the US also saw a marked increase in the use of policing and imprisonment as additional weaponry in the wars at home, and we began to hear warnings against the unwarranted influence of a prison industrial complex. Politicians got "tough" on crime. The casualties of the war on drugs began to mount inside US courtrooms, jails, and prisons. The number of people in cages increased by 500%. Concerns about "illegals" reached new highs. A prison-building spree swept the country. The cages began driving the policy.

It seems clear, then, that in mourning five years at war in Iraq, those of us concerned with abolishing the prison industrial complex (PIC), must pay close attention to the continued march of the military industrial complex (MIC) and the symbiotic relationship between the two. The impacts abroad have been overwhelming, from the raw

costs—the US is spending about \$12 billion a month to fund the war; to the casualties—nearly 4,000 US troops dead and nearly 90,000 Iraqi civilians dead; to the public and salaciously broadcast execution of Saddam Hussein; to the use of torture and imprisonment with "terror" suspects and prisoners of war highlighted by CIA "black sites," Guantanamo Bay detention camp, and Abu Ghraib prison.

The costs at home have also been devastating. For example, the US has seen the increased use of surveillance, the arrest and detention of hundreds of Muslims and Arab Americans without trial, the passage (and renewal) of the PATRIOT Act, the creation of the Department of Homeland Security, an economic recession, increased gentrification and displacement of poor and working poor people, increased unemployment, and increased pressure for people of color to enlist even as veteran and soldier suicides reach epidemic proportions. The harmful impacts both at home and abroad could go on for pages.

For the past 10 years here at Critical Resistance, we've maintained that the complex inequities and instabilities our most vulnerable populations face cannot be addressed with a single solution; particularly one that causes and exacerbates those same inequities. Over and over we hear the state tell us that it is providing more cops on our streets and more cages on our landscapes for our safety. In the same breath the state also tells us that we remain at war in Iraq and Afghanistan for our national security and for the safety of Iraqis and Afghans.

The core of both the MIC and the PIC centers on government and industry responding to every disruption to the status quo of the power elite with containment and control. We ask for justice, they give us "safety and security," we ask for resources, they give us "safety and security," we ask for self-determination, they give us "safety and security." When we ask for genuine safety and security, they always offer the same solution—war, policing, and imprisonment. We need look no further than a single example to see this logic unfold. Responding to a complex range of crises in Iraq, in post-Katrina New Orleans, and in the never-ending war on drugs, the US government has employed the contract services of the same company—Blackwater. Returning to the words of Dwight Eisenhower, "The potential for the disastrous rise of misplaced power

exists and will persist."

This spring also saw another anniversary to mourn. In April we recognized the fortieth anniversary of the assassination of Martin Luther King, Jr. Near the end of his life, Dr. King became more fervent and vocal in his anti-war sentiments. In a speech entitled, "Beyond Vietnam: A Time to Break Silence," given only a year before his death, King said of the war in Vietnam:

...It became clear to me that the war was doing far more than devastating the hopes of the poor at home. It was sending their sons and their brothers and their husbands to fight and to die in extraordinarily high proportions relative to the rest of the population. We were taking the Black young men who had been crippled by our society and sending them eight thousand miles away to guarantee liberties in Southeast Asia which they had not found in southwest Georgia and East Harlem. And so we have been repeatedly faced with the cruel irony of watching Negro and white boys on TV screens as they kill and die together for a nation that has been unable to seat them together in the same schools. And so we watch them in brutal solidarity burning the huts of a poor village, but we realize that they would hardly live on the same block in Chicago. I could not be silent in the face of such cruel manipulation of the poor.

As we mark five years and counting at war in Iraq and consider the manipulation of the poor and of communities of color in the name of the military and prison industrial complexes, we also must look ahead and fortify our continued struggles for the demise of these complexes. The pieces in this issue of *The Abolitionist* compel us forward.

In this installment of "Testing the Borders," the issues of the wars abroad and at home raised here are drawn out in greater detail. In this issue's "Alternative Visions" column, we are urged to re-conceptualize our understanding of the use of policing in response to intimate and interpersonal violence. The words of Dr. King are carried through in "I Have a Dream, Too." The racist nature of the PIC is exposed again through "Vicissitudes," and our continued coverage of the crisis in New Orleans in an examination of the struggle for public housing in the Crescent City. As we look ahead, we

also encourage participation of our friends and comrades on both sides of the bars in CR10, Critical Resistance's tenth Anniversary and Strategy Session. Your ideas, participation, and input are crucial to the success of the event.

We must continue our fight against these "unwarranted influences" and persist in our elimination of the systems designed to cage, control, and kill us. We'll see you on the yards and in the streets.

by Rachel Herzing
for *The Abolitionist* Editorial Collective

As we mark five years and counting at war in Iraq and consider the manipulation of the poor and of communities of color in the name of the military and prison industrial complexes, we also must look ahead and fortify our continued struggles for the demise of these complexes.

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Letters

Dear Abolitionist,

Peace Brothers and Sisters, I pray all is well upon reception of this scribe. I am currently in the belly of the beast of struggle. But your paper has given me a renewed zeal. I have been inspired and enlightened by the knowledge your paper contains. I am a California native, so your current events touched me a bit more than my east coast comrades. But we are all in the same struggle, so location means very little. I'm imprisoned by the Pennsylvania D.O.C. and the same problems that exist in any other state-pen exist here. But I will be returning to Watts next year, and information on what's going on in and around my birthplace is good and essential. On top of that, the truth about issues, from a black standpoint, is even more essential. The SF8 story, and the piece on comrade George were particularly important. Information like this needs to be produced for the mass of black people who are uneducated about how intricate our struggle is, and why we must band together. I do not have a personal subscription to your paper, which is why I'm writing. I acquired your paper from a comrade-in-struggle but he is transferring and I would like to continue my enlightenment. In this pen they don't want you to be in the know about the outside, so when you go to the hole you not only lose freedom, but also access to info. So if you could let me know how I can acquire your paper. I would greatly appreciate it. Thanking you in advance.

In Solidarity,
Marcel Winston

(I Have A Dream Too)

Within darkness, all that remains is the desire to be enveloped by light. The physical eye can be secluded from light, but the mental eye will always be able to see, even when surrounded by darkness.

Los ghettos y los¹ barrios of the world are infected immensely with narcotics and diseases, which through the authoritative positions they hold, instill vain hope in the hearts and minds of certain individuals: young followers. The youth develop the desire to have the same lavish and materialistic items that their neighborhood superstars possess. The youth are taught to obtain such things through acts of larceny, deceit, robbery, drug dealing, and prostitution. The youth are given the hope to lie, steal, and morally degrade themselves in an effort to attain something they perceive as happiness.

This illusion envelopes all of us in darkness, our minds blindfolded with the desire for meaningless things. Now we lie, we steal, we sell drugs, and we prostitute ourselves only to suffer the consequences for our divergence from the laws of the land. Such consequences consist only of imprisonment and death. Both of these consequences are dark, at least that's what we're taught. In reality, both places provide light and a lesson to students who have an open mind's eye.

Why do we have to experience this type of darkness? Why are we not leading by positive example, taking the time to teach the importance of education and becoming aware of what's taking place in our government and economy? Let me tell you why: we're taught not to dream anymore. We're taught that dreams can't become a reality. We're taught that no matter how diligently we strive for success, we'll always remain in poverty leading lives filled with drugs, violence and darkness. We're taught that light doesn't exist.

Yes, "I have a dream too!" My dream is to encourage all eight shades of brown and all eight shades of black to reawaken their dreams. A dream is a pleasant vision that usually takes place during sleep. We've been sleeping for too long! My brothers and sisters of all shades, wake up, reawaken your dreams, your pleasant visions, and most of all believe that dreams do come true.

"I have a dream too!"

Your Brothers of Struggle
Samuel and Derrick

¹ English translation: The ghettos and the barrios.

ALTERNATIVE VISIONS

Not an Option: Policing Violence Against Women

by Andrea Ritchie of INCITE!

On September 28, 1999, 39-year-old African American Bronx resident Cherae Williams called 911 because her boyfriend was beating her. The officers who responded refused to help her, take her complaint, or even get out of their car. Frustrated by their response, or lack thereof, she asked for their names and badge numbers. The two white officers responded by handcuffing Ms. Williams and driving her to a deserted parking lot. Along the way, a terrified Ms. Williams managed to get one hand out of her cuffs, only to be pepper-sprayed in the face by the officers. When they arrived at the lot, the officers pulled Ms. Williams out of the patrol car by her hair, repeatedly shook her and struck her head against the car, and beat her so badly she suffered a broken nose, a broken spleen, and a broken jaw which had to be wired shut.

Ms. Williams later testified before a New York City Council hearing on police responses to domestic violence, “[the officers] beat me until I was bloody... They left me there dazed and with a warning. They told me if they saw me on the street, that they would kill me... I called the police to prevent a serious incident, and they brutalized me.”

A young African American transgender woman living in Los Angeles reports that she called the police for help on many occasions because her boyfriend was abusive, but they never investigated or took any action. However, one morning, following her most recent call, two undercover officers knocked on her door and arrested her pursuant to an old warrant for solicitation.

A little over a year ago, a police officer working in a Chicago suburb was found to be forcing women to strip naked when he responded to domestic violence

calls. Another, this time in Pennsylvania, was found to have raped a woman after responding to a domestic violence call. The survivor later said, “He had his police uniform on, his gun, his nightstick... I had no choice but to do what he asked me to do.”

These shocking and brutal instances of violence at the hands of law enforcement officers – those we have chosen to rely on to protect women from violence – are

These shocking and brutal instances of violence at the hands of law enforcement officers—those we have chosen to rely on to protect women from violence—are unfortunately not isolated incidents.

unfortunately not isolated incidents. Rather, they, along with countless others, are illustrative examples of systemic state violence experienced by women of color across the country every day.

These experiences inform INCITE!’s understanding that state and interpersonal violence are inextricably linked and cannot be addressed in isolation. They inform the CR-INCITE! statement, which calls on anti-violence movements to center women’s experiences of state violence in services and organizing, challenges us to critically examine our reliance on the criminal justice system as the primary, if not exclusive, response to violence against women, and urges us to “develop community-based responses to violence that do not rely on the criminal justice system AND ensure safety and accountability for survivors of domestic and sexual violence.”

Challenging State Violence

Many women of color have consistently recognized and highlighted the contradictions inherent in our almost exclusive reliance on law enforcement to address violence against women. The challenge, however, is to move beyond current approaches to violence. The anti-violence movement can no longer continue to

advocate for more or “better” use of state force to protect women and communities of color and remain silent in the face of evidence that law enforcement-based responses to violence in fact lead to further violence against women, and particularly women of color.

At the same time, movements challenging state violence, and particularly the anti-police brutality movement, have failed to recognize that women of color are also targets of law enforcement violence in our own right. It is time we took up the challenge of responding to state violence against all members of our communities, rather than focusing exclusively on the experiences of young heterosexual men of color. Although we often provide critical leadership and woman power to anti-law enforcement and anti-prison organizing, women of color who are themselves subjects

of state violence find themselves with very few spaces in which their experiences are reflected and integrated, leaving their voices largely unheard and their experiences unaddressed.

Meeting the challenges of the CR-INCITE! statement requires us to recognize that society’s reliance on law enforcement based responses to violence against women has had a number of unintended consequences, not the least of which is increased vulnerability of survivors of interpersonal violence to violence at the hands of law enforcement officers. Most disturbingly, it appears that such violence often takes place in the context of police responses to domestic violence and sexual assault.

Physical and sexual assault are not the only forms of violence perpetrated against survivors by law enforcement officers responding to domestic violence. Such violence also includes arbitrary arrest of survivors pursuant to mandatory arrest policies, subjecting women to the violence of the criminal legal system, including use of force during arrest, threats to remove and removal of children into state custody, strip searches, and other violent and degrading conditions of confinement. As one survivor who was subject to a mandatory arrest described it: “[I] [g]ot arrested like *two* times... That’s traumatizing... the police officer... He *pushed me* inside the car! He *pushed me* inside, ‘Tell that to the judge!’ He sees me *crying* and *trembling* and stuff. He just *pushed me*... ‘*Shut up back there!!*’ And I was crying, I said, ‘it’s not fair’... ‘*Shut up!!*’... He pulled me out of the car... he pushed me against [a desk].” Such retraumatization of survivors immediately following an incident of domestic violence so severe as to prompt someone to seek law enforcement intervention is unfortunately commonplace across jurisdictions.

Susan Miller reported in 2001 that in some cities, over 20% of those arrested for domestic violence are women, and concluded: “An arrest policy intended to protect battered women as victims is being misapplied and used against them. Battered women have become female offenders.” Beth Richie has stated that half of the women

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TESTING THE BORDERS

The War Abroad and the War at Home: Immigrant and Black Communities at Stake

By Fahd Ahmed and Monami Maulik

“They say money’s the root of all evil but I can’t tell
You know what I mean, pesos, francs, yens, cowrie shells, dollar bills
Or is it the mindstate that’s ill?
Creating crime rates to fill the new prisons they build”
– Black Star, *Thieves in the Night*

The last 30 years have seen exponential growth in building, expanding, and filling up prisons throughout this country. The last 10 years have seen the unparalleled growth of the immigration policing and detention system: 30,000 immigrants are detained on any given day, over 1 million immigrants have been deported in the last ten years; and the number of detentions is going to increased five-fold in the coming years.

The common elements in both the immigration policing and imprisonment systems are attacks on poor people of color, and lots of power and profits for a few. Desis Rising Up & Moving (DRUM) is an organization of working class South Asian (people from Bangladesh, Pakistan, India, Trinidad, Guyana, Nepal, Bhutan, and Sri Lanka) immigrants fighting detention, deportation, and winning justice and dignity for immigrants and all people of color. Our work has focused on resisting the criminalization of immigrants, especially the targeting of Muslims through the War on Terror.

In the immediate aftermath of September 11, 2001 we saw massive sweeps and detentions of Arab, South Asian, and Muslim immigrants, and those who looked like them. In the New York and New Jersey area, well over 1,000 people were picked up from their homes, their workplaces, and off the streets and secretly detained within a span of a few weeks. Our members immediately went from block to block putting up flyers for our hotline, and we got endless calls about missing husbands, co-workers, fathers. We tracked down hundreds of immigrants locked up in New Jersey jails in deplorable conditions: overcrowding, racist abuse, little food, and punishment by guard dogs.

Our membership of families began a public campaign to expose these round-ups and to call on the government to release the detainees. We held protests outside the prisons after planning

with our detainee members inside. We organized weekly protests outside of the federal detention facility where families were banned from visiting. Families spoke at press conferences, met mothers of Black and Latino youth killed by the police, and mobilized

allies to pressure Immigration and Naturalization Service (now called the Department of Homeland Security) to end these secret detentions. This organized fighting back by affected families exposed authorities’ actions. Eventually, most of the detainees were deported to their home countries or charged with minor crimes, while only a few were released.

In 2003, our actions in concert with many others ended the national Special Registration program that was rounding up thousands of Muslim men aged 16 and 45 for deportation. Not one of these immigrants was found to have any connections with terrorism; these immigrant working class people supporting their families were scapegoated.

As the racist and vicious actions of the government became more and more apparent, these government agencies, such as the FBI, Department of Homeland Security, local police departments and Immigration, started to undertake “public relations” programs to try to repair damage to their image. These agencies tried to buy out sections of the Arab, South Asian, and Muslim communities in the US: they needed collaborators from our own communities to do their bidding. Having failed to find any legitimate threats from our community, these agencies resorted to creating the threats they needed. The FBI has built relationships with conservative and patriotic institutions and so-called “leaders” in our communities. Through these gatekeepers, it has hired individuals as government informants to report back on every “suspicious” activity, conversation, and personality. In return for their work, these informants are offered money, up to \$100,000 for a year’s worth of work, or are promised amnesty or relief from criminal charges.

As the informants report back, their handlers then direct them to build relationships with particular people. Often they target young men in our communities who may have mental or substance abuse problems, or be hotheaded or naive. Informants develop these relationships over a period of several months and establish trust. Once trust is established, they

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by Fernando Marti

NEWS BRIEFS

by Rose Braz and David Stein

GOVERNOR PROPOSES EARLY RELEASE AND CHANGES TO PAROLE, BUT PROPOSALS FACE STIFF OPPOSITION

SACRAMENTO- In his January 2008 budget, California Governor Arnold Schwarzenegger proposed some important first steps to reduce the number of people in prison. While many grassroots organizations, such as Critical Resistance, stepped forward to promote these changes, lawmakers and others quickly opposed the moves. Particularly because the budget requires 2/3 approval by the state legislature, it seems unlikely that the changes would be enacted this way.

The Governor proposed shortening sentences by 20 months for a limited number of people, specifically those convicted of charges classified as “non-violent, non-serious, non-sex offender” and “without prior serious or violent offenses or strikes.” The Governor projected such a change would reduce the number of people in California’s prisons by 22,158 by budget year 2008-09.

Early release is not unprecedented. In 1967, then Governor Ronald Reagan also reduced the prison population by 13 percent through an accelerated release of selected prisoners with no resulting public safety crisis.

States from California to Illinois to Florida to Washington have all enacted early release programs. A recent report by the National Council on Crime and Delinquency (NCCD) found that releasing people from prison early did not increase their odds of going back. In some cases the recidivism rate among the early release groups was lower than those who served their full sentence. The NCCD study reviewed early releases nationwide from 1981 through 2004.

The Governor also proposed changing California’s parole policies that result in California sending people back to prison for parole violations at twice the national average. If implemented, these modest moves would reduce the number of people in prison by another 6,249 people.

The Governor is proposing placing some people convicted of offenses classified as “non-serious, non-violent and non-sex offender” on “summary parole.” “Summary parole will have minimal conditions of parole and involve no active supervision.” People on summary parole could not be returned to prison solely for a violation of parole.

While supporting these proposals, Californians United for a Responsible Budget (CURB), a coalition which CR is a part of, was critical of the Governor’s budget expenditures related to AB900, which will add another 53,000 new prison and jail beds at an astounding cost of \$15 billion for construction and debt service alone.

“The Governor’s budget recognizes that the only way to cut prison spending is to reduce the number of people in prison. The next step is to make permanent changes to reduce the number of prisons in the state, not build 53,000 more prison beds as envisioned in AB900,” said Debbie Reyes of the California Prison Moratorium Project.

These proposals face an uphill battle in the state legislature. However, the Los Angeles Times reported that the proposals could form the basis of a negotiated settlement in the medical care lawsuit now pending in federal court which could lead to the court capping the number of people California can imprison.

OUT OF STATE TRANSFERS CONTINUE IN CALIFORNIA

The Department of Corrections in California (CDCR) recently reported that it had transferred over 2,000 people to prisons in Tennessee, Mississippi and Arizona. The CDCR also negotiated for the transfer of 7,752 total people to five prisons, including a prison in Oklahoma that will be open in January 2008, and a prison in Midway, Arizona that is still under construction. CDCR’s goal is to transfer 400 people per month.

Of the over 2,000 people already transferred, CDCR reported that only 400 were transferred “voluntarily.” CDCR is now looking at transferring people classified as Level III, beginning with those “who do not receive visits or have work assignments.”

SIT OUT AT SOLANO

In early January, 2008 over 2,000 people imprisoned at California State Prison, Solano, protested a recent change in yard scheduling which limited access to the outdoors, “by sitting out from work related and other duties.”

UPDATE ON 3 JUDGE COURT/ OVERCROWDING CASE

The overcrowding case was brought by Plaintiffs attorneys in two class action lawsuits for the mental health and medical rights of California prisoners. Attorneys argued that because of overcrowding, their class members in *Coleman v. Schwarzenegger* (monitoring mental health care in CA prisons), and *Plata v. Schwarzenegger* (monitoring medical care in CA prisons), were not able to obtain the level of medical and mental health care that is needed to be compliant with the court’s many orders. They argued that one of the main ways to alleviate overcrowding is to reduce the number of people in California prisons. This matter was then referred to a three-judge panel for proceedings.

A trial in this case was originally set for early February 2008, but the trial has been postponed by the three-judge court while discovery in the case continues. The case was originally scheduled for two phases, the first phase was going to determine if overcrowding was the only reason that mental and medical health care was not given to California prisoners. The second phase was to decide different approaches to reduce the prison population. The phases have now been combined into one trial. At this time, the three-judge court has not set a new trial date and they do not know when a new trial date will be scheduled.

AT&T ORDERED TO REFUND EXCESSIVE PHONE CHARGES FOR PRISON CALLS

Washington State regulators ordered AT&T to pay thousands of dollars to families of prisoners who were overcharged for collect phone calls made from two Eastern Washington State Prisons. AT&T was also fined \$302,705 for the overcharging.

The Washington Utilities and Transportation Commission found that AT&T had committed 29,971 phone rate violations during a four month period in 2005 resulting in overcharges totaling \$67,295. If you or someone you know paid for a collect call from the Airway Heights Corrections Center in Spokane or the Washington State Penitentiary at Walla Walla between March and June 2005, you may be eligible for a refund and should contact AT&T.

CHANGES TO FEDERAL SENTENCING FOR CRACK COCAINE

WASHINGTON, D.C.: The US Sentencing Commission agreed to allow prisoners serving crack cocaine sentences to seek sentence reductions that went into effect on November 1, 2007. Families Against Mandatory Minimums (FAMM) estimates that retroactivity will affect 19,500 federal prisoners. Federal courts will administer the application of the retroactive guideline, which is not automatic. Courts may refuse to grant sentence reductions to individuals, if they believe they could pose a public safety risk.

According to FAMM, The US Sentencing Commission has repeatedly advised Congress since 1995 that there is no rational scientific basis for the 100-to-1 ratio between crack and powder cocaine sentences. The Commission has also identified the resulting disparity as the “single most important” factor in longer sentences for Blacks compared to other racial groups.

The Supreme Court ruled that judges can consider the unfairness of the 100-to-1 ratio between crack cocaine and powder cocaine sentences, and may impose a sentence below the crack guideline in cases where the guideline sentence is too severe. However, neither the new guideline nor its retroactivity changes the statutory mandatory minimums that retain the 100-to-1 quantity disparity between crack and powder cocaine.

NEW REPORT DOCUMENTS RACIST APPLICATION OF DRUG LAWS

WASHINGTON—A new report released in December 2007 by the Justice Policy Institute (JPI) found that 97 percent of the nation’s large-populated counties imprisoned African Americans at a higher rate than whites. The report documents racism in the use of imprisonment for drug offenses in 193 of the 198 counties.

“The Vortex: The Concentrated Racial Impact of Drug Imprisonment and the Characteristics of Punitive Counties,” found that counties with higher poverty rates, larger African American populations and larger police or judicial budgets imprison people for drug offenses at higher rates than counties without these characteristics. These relationships were found to be independent of whether the county actually had a higher rate of crime.

Among the major findings of the report:

- While African Americans and whites use and sell drugs at similar rates, African Americans are ten times more likely than whites to be imprisoned for drug offenses.
- Of the 175,000 people admitted to prison nationwide in 2002, over half were African American, despite the fact that African Americans make up less than 13 percent of the US population.
- There is no relationship between the rates at which people are sent to prison for drug offenses and the rates at which people use drugs.

INITIAL AB900 PRISON CONSTRUCTION PLAN SCALED DOWN

Facing opposition, a huge budget crisis, and a long history of failing to bring plans to reality, the Department of Corrections has scaled down its initial construction plans passed last year by the legislature as AB900.

If fully implemented, AB900 will add 53,000 more prison and jail beds. CDCR’s initial step was to build 16,000 infill beds at 10 existing prisons around the state. CDCR announced recently that they would instead begin construction with 1,000 beds at Delano II, while moving forward with the full plan later. Organizers will definitely continue to fight any expansion plans.

CR Oakland Update

By Rose Braz

Things are changing and moving forward at Critical Resistance Oakland. We welcomed Ilanito as our new organizer and gave big thanks and love to Nat, the CR Oakland Organizer for the past several years, who will continue to work with us. We continue to work in coalition to stop the state from building 53,000 new prison and jail beds, while fighting the tough battle for early releases and changes to parole policies that would prevent people from being sent back to prison on technical violations.

We continue to work in coalition to stop the state from building 53,000 new prison and jail beds

We are also continuing our partnership with All of Us Or None to ban the box on Oakland City job applications that asks if you have ever been convicted of a felony. We are thinking about how to put direct action and mobilizing more centrally into our work. And we are gearing up for CR10, our tenth anniversary conference and strategy session which will be in Oakland September 26-28, 2008.

CRITICAL CONDITION

Strangulation in Cells

Tuberculous in Incarcerated Communities

One of the common and least talked about illnesses prevalent in prisons is Tuberculosis (TB). In Issue 7 of *The Abolitionist* I wrote about Valley Fever, a fungal infection that has similar symptoms as TB, but has very different effects and requires different treatment. Tuberculosis is a bacterial infection caused by *Mycobacterium tuberculosis* and is the leading killer of people who are HIV positive. Worldwide, about 9 million people become sick with TB, and it kills about 2 million. Prevalence of TB in the United States is significantly lower than other places in the world. In 2006, there were 13,779 reported cases, and, fortunately, this number is decreasing.

TB is spread by breathing in the air coughed or sneezed up by a person who is sick with active TB disease. Most people in the United States are able to fight off TB after they are newly infected, during the "primary stage of infection," and never become ill. There are usually no symptoms in TB's primary stage of infection. If the infection continues, the person will either develop a latent TB infection or become sick with active TB disease.

A person can have TB bacteria in their body for decades and never develop active TB disease. This is called latent TB infection. In this form, the bacteria reside outside of the lungs, and the person is not contagious, which means that they cannot transmit the bacteria to other people. It is possible, however, for the bacteria to enter the lungs if the infected person is immunosuppressed or immunocompromised. Immunocompromised means that the person's immune system, the parts of the body that protect us from getting sick, is temporarily or permanently weakened. People can become immunocompromised if they are infected with Human Immunodeficiency Virus (HIV) or are undergoing chemotherapy. Your immune system also becomes weaker when you are underweight, have poor nutrition intake, are fighting another illness, and after you've reached the age of 65.

When a person has active TB disease, the bacteria are attacking and multiplying in the lungs. Symptoms include fatigue, weight loss, fever, night sweats, and a mucus producing, bloody cough. TB also causes wheezing, chest pain, and difficulty breathing. People most at risk for becoming sick with TB are infants, elderly, immunocompromised, have poor nutrition, are from countries with high prevalence of TB, or live in crowded or unsanitary living conditions. Because of heavy crowding, unsanitary conditions, poor nutrition, and high rates of HIV, prisoners are especially at risk for developing TB.

Testing

There are several different tests normally used to diagnose TB. There is a general skin test, which can detect both latent TB infection (person is not sick or contagious) and active TB disease (person is sick). Many employers, schools, and residential housing programs require this test. You can get a skin test at a public hospital, the city health department, or any free clinic. A health care worker will inject a small amount of testing fluid (called tuberculin) just under the skin on the lower part of your forearm. After 2 or 3 days, the health care worker will measure your reaction to the test (if there is one) to determine if it is positive or negative. A positive reaction means that you have either latent TB infection or active TB disease.

If you have a positive reaction to the skin test, or are experiencing signs and symptoms for TB, there are other tests your doctor or nurse can do to see if you are sick with TB. These tests usually include a chest x-ray and a test of the phlegm (mucus from deep in your lungs) you cough up. If you have ever had a "positive" reaction to a TB skin test or if you have been treated with TB drugs in the past, tell your health care worker, because it will affect how you respond to the test.

Treatment

Although active TB disease is easily transmitted, it is also (generally) very treatable. Of the 14,206 reported U.S. cases in 2005, 646 people died, less than 5 percent of total cases. People are initially prescribed a combination of medications under the close supervision of a doctor, including isoniazid, rifampin, pyrazinamide, and ethambutol. The bacteria that cause TB are difficult to kill, and they die slowly, so treatment usually lasts 6 months, but can take longer. In some situations, you may be required to be admitted to a hospital to prevent spread of the disease. If not treated early, TB can cause permanent damage to the lungs and is fatal. The combination of drugs has several side effects,

including liver damage, nausea, and fatigue. The Center for Disease Control (CDC) asserts that this drug treatment is not harmful to pregnant women.

You will start to feel better after a few weeks of treatment, but unfortunately, you will need to continue the full course of treatment to ensure that the infection is entirely gone

and you are no longer contagious. There is an emerging problem with the development of drug-resistant TB in developing countries. This is a result of incomplete treatment of TB infections, such as the failure to inability to take the necessary medications for the prescribed length of time. Drug-resistant TB is even more difficult to get rid of.

For people with latent TB infection, drugs are available to treat the infection and prevent the onset of disease. This treatment is a 9-month course of medication. These drugs are very hard on your liver, and therefore you CANNOT drink alcohol while taking them because it will result in permanent liver damage. Your body relies on your liver to filter and remove toxins from the blood stream and its health is essential to your survival.

There is a vaccine for TB, the BCG vaccine, which is used in countries with a high prevalence of TB, and not in the United States. The vaccine is not guaranteed to prevent TB, and has not been proven safe for people who are immunocompromised or who are pregnant. The BCG vaccine will cause a positive TB skin test, so if you have received this vaccine, notify the health worker and request a blood test, a QuantiFERON®-TB Gold test (QFT-G), which will not give a false positive for TB.

What can you do?

Although TB is declining in the United States, it disproportionately affects people who are HIV positive, born outside of the US, and communities of color. In 2006, 57 percent of all TB cases occurred in people who were born outside of the US. As shown in the pie chart, of all US TB cases, 30 percent occurred among Latinos, 27 percent among Black people, 24 percent among Asian communities, and 17 percent among white people. Because of the high rates of HIV among people inside and poor prison conditions and medical care, prisoners are especially at risk for catching TB. Due to this greater risk, request regular testing, and get treated early. If you think you've been around someone with active TB disease, be sure to get tested. If you do undergo treatment, make sure you follow the doctor's instructions and complete the medicine, even if you feel fine! This will ensure that the illness does not come back and will prevent the development of untreatable, drug-resistant strains of TB.

In love and solidarity,

Liz

Written with information provided by the Center for Disease Control Division of Tuberculosis Elimination (www.cdc.gov/tb/)

VICISSITUDES

Breaking the Demon Circle

By Marilyn Buck

During the second week of January, 2008 the New York Times reported that two men, "authorities said dabbled in Satanism," were arrested for arson and vandalism of rural churches in eastern Alabama. Not having seen earlier articles reporting on the attacks this past November, I have questions. Were the churches Black community churches, white, or both? Might they have been churches where people of different ethnicities worshipped? And the 21-year-old men, were they white?

Sitting here behind the walls of prison, after six decades of life in the US, I conclude that it is most likely that the churches were predominantly, if not all Black churches, and that the men were white. Not a wild guess, since the burning of Black churches by white men is not at all unusual or rare. And, I don't remember hearing of any person of African origin having been arrested in connection to Satanist actions or activities.

Satanism seems to be a European and American Christian practice that arose out of a need to have a Devil and human disciples to blame for social, psychic, or economic ills. At best it may have been a protest to Christianity being forced down millions of European peasants throats through intimidation, mayhem and of course the Catholic Inquisitions with all their *auto da fes* and the Protestant Reformations with their witch trials. Today, it seems a cover to explain away hateful behaviors by white kids. All

that is to explain why I assume the boys are white. That, coupled with a long US tradition of angry, vociferously fundamentalist Christian white men who, while wearing white robes and hoods with little KKK cross emblems, burn crosses (which would seem to be a Satanic bent, no?), lynch, murder, and burn alive Black people and Black people's houses. These men and others, in the name of Christianity, also attack synagogues, and in the less recent past, Roman Catholic-brand Christians, as well as Sikhs, Muslims—anyone not like them or opposed to them. Pillars of intolerance and crusaders for white-only.

I think about these two young men (I slipped and called them boys, but they are indeed grown men, fully responsible for their thoughts and deeds). These two men have pleaded guilty so far, but I suspect they may end up pleading guilty to good ole boy pranksterism and get probation. But what if for some reason they are not permitted to plead to malicious mischief or some such charge usually reserved for mean, racist, and women-hating white men who get caught and are instead found guilty?

Should they be thrown in prison, where they might be educated into regiments of racial hatred? Are they salvageable? Perhaps they could be re-educated? What if these two young men were sentenced to rebuild those churches, to work and perhaps even live in those communities under strict tutelage and the watchful eyes of those communities, overseen by a community agency with the strength and determination to hold these guys accountable—a deacon's council or a Deacons for Defense. Or perhaps the assaulted communities could call on some white anti-racist organization that would take responsibility to oversee these men's reparation and restitution responsibilities as well as some basic socialization education and transformation. Only then would we know if such "offenders" are "redeemable."

I can hear other prisoners saying to me, "Marilyn, that's B.S. It won't work, and besides we didn't get a break. Why should they?" My response: We have to start somewhere, with the haters, the worst. I could have written about drug dealers or stick-up artists. These prisoners are economic offenders who threaten, undermine and destroy their own communities. Ninety plus percent of these folks don't hate in the name of God or Satan or Caesar. I could have written about all the set-up, framed-up, or the living-while-Black prisoners. These women and men shouldn't be in jails or prisons. They're not guilty, but are targets and victims of the whole system that demonizes people and lets racist and xenophobic hate mongers off the hook. And here we are back at the beginning. What to do? Break the demon circle. Then perhaps we can begin to abolish the prison state.

We have to start somewhere, with the haters, the worst. I could have written about drug dealers or stick-up artists.

CR 10: Strategy and Struggle (continued from front page)

new alliances over the past ten years. Healthy doses of new analysis and strategizing have been interjected by allies exploring the mechanics of prison growth, or addressing the intersections of the PIC and queer and transgender issues, or by the release of political prisoners, to name but a few. We have been heartened by the growing efforts to identify alternatives to the punitive options laid out by the PIC, such as transformative justice.

However, despite these important successes, we all recognize the many walls we still have to tear down. Even as we have delved deeply into the interconnectedness of the PIC, the PIC itself has developed new fronts. From the rise of quality-of-life policing,

criminalization of youth activities, immigrant crack downs, the expanded powers of surveillance within the Federal Government, the specter of terrorism, or the brutal truths revealed in the state's response to Hurricane Katrina, the PIC grown and matured as a system, just as we have grown and matured as a movement.

It is not just the PIC that we have to battle. As a movement, we must address the many internal tensions that are barriers to our success. As more and more people question the efficacy and centrality of the nonprofit organizational model to create a long-term, successful movement for social change, it is time the many pieces of this movement came together for collective thinking about the state of the movement to abolish the PIC.

What is CR10?

CR10 is an opportunity to create a shared, national sense of direction and strategy. Through dialogue in the 18 months preceding the conference, we will assess the last ten years of work challenging the PIC. Out of this joint analysis, space will be opened for new avenues of action, organizing, and coalition-building.

The three-day conference will include a program with presentations of all types from a wide range of organizations, individuals, and allies. It will include people struggling in all different areas of social justice, from anti-violence to environmental justice and everywhere in between. There will be visual and interactive features at prisoner call-in sessions, a prisoners' art show, and a local action. And in the crucial effort to bring people together, as building a movement requires, there will be a celebration of ten years of survival, growth, and resistance – of both the movement and the organization, Critical Resistance.

Building an Organization and Building a Movement

The convening is a mechanism to build not only the anti-PIC movement, but also Critical Resistance as an organization. Critical Resistance today is a widespread entity, with eight chapters across the country and thousands of members. To ensure the project reflects the diversity of perspectives within the fight against the PIC and within Critical Resistance, CR10 is being planned by a national committee, which includes staff and volunteers from Philadelphia to New Orleans to Los Angeles.

The effort to build the organization is an integral part of the effort to build the movement, and the need for such a convening is exemplified at both the organizational and movement levels. CR10 is a way to bring together the many people who are and have been affiliated with Critical Resistance in the past, just as it is a way to bring together the many parts of the diverse movement to dismantle the PIC. This diversity includes many new people, who haven't benefited from such a national effort, and old hats who recognize the need for some collective cohesion. Just as different organizations, groups, and individuals have focused on their specific battles against the PIC over the past ten years, Critical Resistance has focused on building local chapters and campaigns to address the place-specific manifestations of the PIC. Critical Resistance as an organization, and the movement as a whole, now has a chance to turn outward and broadly re-engage across and through the specifics of our work.

Not Just a Conference

Even as CR10 aspires to bring together the diversity of the movement for collective strategizing, the project's aspirations do not end there. CR10 will provide a jumping off point for local organizing, a platform to develop new tools and alliances, and create space for organization and project building.

Critical Resistance has a history of achieving such goals.

The organization has successfully hosted convenings for the past ten years that have become key moments in the movement. However, this is the first convening in five years: Critical Resistance South was held in 2003; Critical Resistance East was held in 2001; and the original Critical Resistance conference was held in 1998.

The 1998 convening not only spawned Critical Resistance as an organization, but galvanized a previously dispersed and near-dormant movement to end the PIC. After CR East in 2001, Critical Resistance as an organization developed chapters as a way to support local resistance to the particular ways the PIC plays out in each area. At the CR South conference, All of Us or None, an organizing project of former prisoners, held a critical meeting in its development as an organization.

Other local collaborations have emerged from the convenings.

After the original Critical Resistance conference, many of the organizers continued to work together to fight Proposition 21 in California, which drastically increased criminalization of young people of color. Multiple youth justice organizations coalesced out of this organizing. Today, these groups are leading the movement to empower and politicize youth throughout California.

Perhaps one of the largest impacts of Critical Resistance conferences is their ability to politicize a whole new cadre of committed individuals, organizations, and allies. This highlights one of the overall goals of CR10: increase the number, diversity, and strength of individuals and organizations fighting the PIC.

Focus on Abolition

One aspect that makes CR10 unique is its focus on abolition. As an organization seeking not to reform but to abolish the PIC, CR10 will provide a space to engage in the political viability of this vision. This framing will utilize Critical Resistance's expansive analysis of how the PIC is propped up and perpetuated, which allows many different points of engagement and action. There are connections between virtually every issue area, from education to immigration and beyond. CR10 will explore the many ways that abolition and the PIC get expressed and articulated in our own political work and struggles.

Despite the focus on abolition, CR10 is not meant to alienate folks who do not identify as abolitionist. It is a strategy to engage people from across a wide breadth of political convictions in a meaningful dialogue about our visions for true community safety. By exploring the concept of abolition – that the punitive practices of imprisonment, surveillance, and policing that constitute the PIC must be replaced – the hope is to not only advance the abolitionist community's analysis of the PIC, but the analysis of many other political communities as well.

Creating a Shared Sense of Direction and Strategy

CR10 emphasizes the process of creating a national analysis of the movement. The project prioritizes lead-up events as a way to spark conversations across the country about the state of the movement. The tide of collaborative conversations, dialogue and thought will peak in September, so that each thread of conversation will have pushed the movement as a whole to a new place by the time the conference rolls around. From study groups to community forums to house parties to fundraisers to one-on-one conversations to concerts, the assessment, connections and celebration is happening now – not just in September. This effort will pay off at the convening, when we can focus on determining where the movement will go in the future.

Many Projects in One

The focus on lead-up events corresponds with CR10's effort to create new political connections through the actual organizing of the conference itself. The project is an opportunity to ensure that our every-day practices are furthering our political vision, and show how our political vision can in turn be enhanced by the daily activities of

building a movement or building a conference. Thus, each phase of the project is a political project in and of itself.

Even the logistical and production aspects of the project will push forward the work of our movement. Previously unconnected childcare collectives in New York and San Francisco are collaborating to create a children's program that includes abolitionist practices and curriculum, which is also a mechanism to build their own solidarity and politics. In another example, CR10 is developing ways to support local food systems. Several local Community Supported Agriculture programs are donating a portion of their harvests to the conference. For graphic production, CR10 is collaborating with Just Seeds, a graphic design collective, to produce a series of posters. This collaboration will not just commemorate the conference, it will also produce a new visual language for abolition.

These projects not only ensure the conference embodies our alternative visions for the world we live in, but also points of engagement, politicization, and engagement for allies, organizations, and individuals. Groups around the country are already furthering their own analysis and connections around the PIC. These many, discrete acts will culminate in the September conference, but each of these projects is a process of political education and action.

Accessibility & Prisoner Engagement as the Work of the Movement

As many know, organizing is often the distinctly unglamorous work of actually getting people to a physical place. In many ways this work is the backbone of building a movement: making activities, whether they be actions or meetings, and the political engagement within them, accessible to as many people as possible.

Ensuring CR10 is as accessible to as many people as possible is one of the most important aspects of the conference. It will be free, with some meals provided, and people are dedicating much energy to finding low- and no-cost housing and transportation options. The extensive outreach and lead-up beforehand is also a project of accessibility – making the idea, the work, and the event available for people's engagement and involvement.

CR10 is specifically emphasizing participation of prisoners. Prisoner input and analysis on the state of the movement will be absolutely crucial to the overall effort to create a national framework and a strategic direction, and CR10 is looking for ways to support prisoners in engaging in this sort of dialogue. This can be anything from hosting study groups to sponsoring call-in times.

CR10 is also encouraging prisoner feedback and input on the convening program, such as content, fundraising, and media efforts.

CR10 is also facilitating prisoner participation in the actual weekend convening. Organizers are trying to arrange for live prisoner feed. Prisoners can submit artwork to be displayed and written statements to be read. CR10 will also be documenting the conference and lead-up organizing in a variety of ways, including essays, proceedings, and documentaries, all of which will be available for prisoners.

Getting Involved in CR10

There are many ways to get involved in the CR10 project. The project relies on the efforts of volunteers from around the country – which includes you. From joining a work group to hosting a lead-up event, get in touch to find out ways to support: call 510.444.0484 ext. #2 or email cr10@criticalresistance.org. And we will be sure to let you know when pre-registration opens.

But participation goes beyond simply volunteering or attending. CR10 relies on committed individuals and groups engaging in critical thinking about the state of resistance against the PIC. How would you characterize the movement against the PIC? What have we accomplished? What has changed in the past ten years that we need to adjust to? What types of analysis do we need to develop in order to win? What types of tools and strategies do we need to have available?

By thinking about these questions, and discussing them with your friends, loved ones, acquaintances, and political opponents, you will be participating in the project of CR10. We hope you come prepared to share in September.

Thanks to Rachel Herzing for assistance in writing this piece.



ABOVE: CR10 planning committee meeting, September 2007



ABOVE: CR10 planning committee members at September 2007 planning meeting.

MUSINGS ON US JUDICIAL REPRESSION

The Abolitionist has been following the case of the San Francisco 8 (SF 8), political prisoners who are being tried for a case 35 years old which relies on confessions extracted in the 70s by torture at the hands of law enforcement. Though the existence of the case points to a new strategy by the state towards criminalization of movement leaders, there are some causes to celebrate. Six of the 8 are presently out on bail due to an unprecedented decision by the judge and the financial generosity of several community members. Judge Moscone ruled that the men were not a flight risk and posed no threat to the community. In a more recent hearing, the judge made the decision to drop conspiracy charges towards five of the 8 on the grounds that the statute of limitations had expired. Richard O'Neal, who was only being charged with conspiracy, is now free of all charges. Meanwhile, the prosecution's case continues to unravel, and no new evidence has been presented.

Though these victories signify the coalescence of a movement against the prison industrial complex, they do not signal the end of the case. Seven of the men still face murder charges. Two of them, Jalil Muntaqim and Herman Bell, have been imprisoned for over 35 years on other charges. What follows is a statement from Jalil Muntaqim contextualizing the case and reminding us of the importance of continuing the fight to free these and all other political prisoners.

By Jalil A. Muntaqim

Why is the government prosecuting eight alleged former members of the Black Panther Party ranging in age from 56 to 70 for the death of a police officer 36 years ago? In January 2006, the SF 8 were charged with an armed assault on a police station resulting in the death of a police officer. What is not readily known is that in 1975 these charges were brought against three former Panthers, of which one is again being accused. Those charges were dismissed because the prosecution failed to inform a grand jury that New Orleans police officers tortured the three with the explicit consent of SF police officers investigating the alleged police station attack.

Since 1975, there has been no new evidence or information; instead, information has gone missing or been exposed as unreliable; there is an absence of DNA, tainted latent fingerprint evidence, lost weapons and ballistic evidence; there are tortured and coerced confessions, lost FBI tape recordings, police cover-ups and perjured testimony. So the question must be asked: what is the judicial system trying to prove by disrupting the lives of 6 of the 8 who had been living peaceful family lives for over 25 years?

Given the weakness of the prosecution's case, we must assume that the purpose for the prosecution of these men is

We are forced to see this judicial process as part of a governmental pogrom to repress dissent to racism and domestic police/military repression that is being codified into law.

political. We are forced to see this judicial process as part of a governmental pogrom to repress dissent to racism and domestic police/military repression that is being codified into law. This codification continues a long process of racial injustice built into our nation's constitution through the original sanctioning of slavery, to Jim Crow laws in the aftermath of the Civil War, to today's continuing profiling, policing, and disenfranchisement of minority communities throughout the United States.

These musings address the need for mass and popular movements to be directed towards an overall political understanding of the various aspects of the judicial process, the police, court and prisons, and their functions in a corporate capitalist social structure. The demystification of the judicial system provides the mass and popular movement with an understanding of how

the masses are controlled and manipulated by the courts, Congress, and legislative bodies of the corporate-government for the benefit of corporate monopoly-capitalism. As poverty begets crime and social change, it is imperative that we reveal the judicial process as an instrument to control the masses by exploiting class divisions and racial or ethnic differences.

With the revelation of racist police profiling and

a criminal legal system wrought with racism, it is appropriate to charge the US with ethnic cleansing. Such a charge is especially ominous as Congress considers new laws that permit children as young as 10 to be tried and jailed as adults, and as States increase use of the death penalty and tighten restrictions on parole releases. This country imprisons more of its citizens, approximately 2.4 million people, than any other industrialized nation. Although European Americans comprise 69 percent of those arrested, institutional racism in the criminal justice system incarcerates Blacks in disproportionate numbers. It imprisons New Afrikan men three times more than European Americans and four times more than did apartheid South Africa. While New Afrikans comprise 53 percent of those in prison, they are only 12.5 percent of the entire population. These young Black men are held in prison for longer sentences during their most productive years, ultimately reducing any potential for reproduction. The genocidal implication is glaring.

This reality is coupled with the gentrification of Black communities, which are being destroyed from the top down. Voting districts are being redrawn or annexed through gerrymandering that serves to eliminate the prospects of Black elected representatives dedicated to the New Afrikan community. At the same time, real estate moguls with the support of city and state officials gentrify predominately Black neighborhoods. Entire communities are being displaced as part of the cleansing process; the aftermath of hurricane Katrina speaks volumes about this process.

Hence, the criminalization of poverty: anyone who is poor, unemployed, underemployed, or homeless is likely to suffer the penalties of imprisonment. While these socio-economic conditions are produced by government policies, the corresponding result is the increase in the construction of prisons that have become the new housing for the poor and unemployed. At the same time, an exponential increase in orphaned Black children is burdening the foster care system.

Legacy of COINTELPRO

Additionally, we find that many US laws serve the continued morass of national oppression and class exploitation. The police, courts, and prisons preserve the system of domestic monopoly-capitalist domination and prohibit the possibility of revolutionary social change. It is imperative that progressive and revolutionary forces expose how the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, the Department of Defense and the various branches of the military serve to maintain corporate capitalism-imperialism. In this way, we can begin to understand how various branches of the legislature, in concert with a judiciary system made up of their "peers," which is to say lawyers and judges sharing their class interests and visions for coercing the people into a position of powerlessness, create laws that undermine equal justice and uphold the existing system of national and class oppression. This situation should not be a surprise considering the FBI's memorandum of August 25, 1967 describing the purpose and intent of its infamous operation dubbed COINTELPRO (the FBI's secret domestic counterintelligence program):

...to expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of black nationalist, hate-type organizations and groupings, their leadership, spokesmen, membership, and supporters, and to counter their propensity for violence and civil disorder.

The pernicious background of such groups, their duplicity, and such publicity will have a neutralizing effect. Efforts of the various groups to consolidate their forces or to recruit new or youthful adherents must be frustrated. No opportunity should be missed to exploit through counterintelligence techniques the organizational and personal conflicts of the leadership of the groups and where possible an effort should be made to capitalize upon existing conflicts between competing Black Nationalist organizations. When an opportunity is apparent to disrupt or neutralize Black Nationalist, hate-type organizations through cooperation of established local news media contacts or through such contact with sources available to the Seat of Government, in every instance careful attention

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Alternative Visions

(continued from page 3)

in jail in Chicago are there because they were arrested under current mandatory arrest laws simply because the abuser, familiar with and manipulating the legal system, was the first to call the police. A recent study of the experiences of domestic violence survivors under New York state's mandatory arrest policies conducted by the Family Violence Program of the Urban Justice Center in New York City found that survivors of domestic violence had been arrested in 27 percent of cases received through their law enforcement/mandatory arrest hotline over a two-and-a-half year period. 85 percent of survivors arrested had a prior documented history of being subjected to domestic violence, and 85 percent were injured during the incident that led to their arrest.

Arresting Impacts

The impacts of survivor arrests pursuant to mandatory arrest policies appear to fall disproportionately on low-income women of color. Of survivors in the New York City study who had been arrested along with their abusers (dual arrest cases) or arrested as a result of a complaint lodged by their abuser (retaliatory arrest cases), a significant majority (66 percent) were African American or Latina. 43 percent were living below the poverty line, and 19 percent were receiving public assistance at the time.

Indeed, existing information indicates that police interactions with women are very much informed by racialized notions of gender dictating who is, and what conduct befits, a legitimate survivor of domestic violence, and who is therefore worthy of police protection; who is just as likely to be a perpetrator of violence and therefore unworthy of protection and even properly subject to arrest under mandatory arrest policies; and who poses a threat to law enforcement officers' safety which must be met with force no matter how vulnerable. Failure to act, sometimes with deadly consequences, on behalf of women deemed unworthy of protection from domestic violence, or women who fail to fit the dominant script for appropriate behavior for "victims" of domestic violence is also a form of law enforcement violence against survivors.

Women who are criminalized, such as sex workers, drug users, and formerly incarcerated women, are often perceived as deserving of arrest or unworthy of protection by law enforcement officers responding to violence against them. Many have suggested a direct relationship, if not absolutely causal, between violence experienced by women and problematic drug use. As a result, a significant number of survivors of domestic violence are more likely to be subjected to law enforcement practices associated with the "war on drugs," including racial profiling, strip searches, body cavity searches, and other violent methods of recovering drugs perceived to be carried on a woman's person, than they are to receive protection where they are subjects of domestic violence. In fact, a study by the Family Violence Project of the Urban Justice Center found that women who experienced dual arrests in the context of mandatory arrest policies tended to be using drugs or alcohol "thus deviating from gender-role prescriptions of appropriate female behavior." According to HIPS, a DC sex workers' organization, women perceived to be departing from gendered norms of acceptable behavior by engaging in sex work are almost universally subject to dual arrest when police respond to domestic violence against them.

This also appears to be the case where lesbians are concerned. As one survivor interviewed by the Family Violence Project in New York City said, police "already have th[ese] predetermined thoughts about women, what they should be, and the women who aren't what you think about them, how could it not affect what you're gonna do?... [They] show up and ...are like...dykes, damn it... God, they deserve this..." It is therefore not surprising that, according to advocates in California, many LGBT survivors fear the police as much or more than they fear their own partners.

Transgender women, whose very existence is often seen as defying rigid binary gender systems, report that often when they contact the police for protection, they will be arrested while the abuser goes free. Advocates and survivors alike report that once a transgender woman's gender identity is discovered by law enforcement officers or disclosed to them by an abuser, she is treated as if she has deceived the police, and often subjected to violence by law enforcement officers. In some cases, officers are reported to laugh, or say, "you're a man too, you can handle yourself," or "oh guys, forget it, this is a man." In one incident which took place in the winter of 2002 in the District of Columbia, a transgender woman was choked by

her male partner and chased through their apartment as she tried to defend herself. She managed to get him out of the apartment and call the police, who reportedly responded by arresting her, handcuffing her, and forcing her down the stairs. Her abuser was not arrested. She reports that as soon as officers saw her identification, they began referring to her by male pronouns, calling her "mister." She was detained for seven or eight hours at the police station, and was charged with civil assault against her abuser. The charges against her were eventually dismissed.

Not An Option

The experiences of women of color with law enforcement responses to interpersonal violence also reveal that criminal-legal approaches do not promote our safety for the simple reason that many women of color just do not see calling on law enforcement for protection as an option. Since the arrival of European colonists on this continent, First Nations, African, Mexican and Asian women and girls have been and continue to be harassed, profiled, strip searched, body cavity searched, raped, beaten, and murdered by agents of the state on a regular basis. These historical realities, as well as experiences such as those described in this article, coupled with the targeting of communities of color in the context of the "war on drugs" and ever-increasing cooperation between police and immigration authorities to target immigrant communities in the name of the "war on terror," lead women of color to see law enforcement agents and the criminal legal system not as sources of safety from violence in the home, but rather as further threats to their own safety and that of their families and communities.

Many undocumented women have reported cases of sexual and domestic violence, only to find themselves deported after being arrested pursuant to mandatory arrest statutes or subject to inquiry by law enforcement officers regarding their immigration status. Many more undocumented women are afraid to call the police, particularly in border zones in states such as California, Texas and Arizona, because Border Patrol often ride with local law-enforcement agents. Additionally, physical violence against and rape of women perceived to be undocumented by both local law enforcement and Border Patrol officers are widespread – some women living in the borderlands between the US and Mexico have reported being picked up by local police, raped or sexually assaulted, and then being handed over to Border Patrol who rape or sexually assault them again before tossing them over the border.

Calling the police is simply not an option for many women of color, not just undocumented women. For instance, Native women living on reservations remain almost completely unprotected from violence due to jurisdictional limits which preclude tribal

law enforcement from exercising jurisdiction over felony cases or cases involving non-Natives, leaving pursuit of abusers to federal law enforcement agencies who fail to adequately investigate and prosecute crimes against Native women. Moreover, historic and current state violence against Native women in the context of colonialism, mandatory boarding schools, and the "war on drugs" renders many Native women unlikely to or reluctant to call on law enforcement for assistance when facing violence in their communities.

A significant number of organizations and individuals report that many members of LGBT communities would not contact the police in a domestic violence situation for fear of disclosure of their sexual orientation or that of their partner, or of inappropriate response, mistreatment or non-response by law enforcement officers. As one survivor stated "[a]s a woman of color and a lesbian, I really don't want to take this to the police if I can handle it myself." Fear of contacting the police was reported to be particularly high among transgender women, LGBT immigrants, and LGBT survivors with prior criminal convictions.

These incidents and trends illustrate what women of color have been saying for decades – as a general rule, law and order agendas have never been about protecting us, and, in fact, have led to increased violence against women of color in the home, in the community, and at the hands

of law enforcement. They demand that we reconceptualize our responses to violence to address women of color's experiences. This means, as an initial step, that the anti-violence movement must be as concerned with challenging law and order agendas, police brutality, and criminal justice

policies such as the war on drugs, "quality of life policing," the "war on terror," and the militarization of the border, among others, as it is with ending interpersonal and community violence. It also means that anti-police brutality organizers must not only identify and challenge the specific impacts of these policies on women of color; they must also be concerned with and invested in developing responses to violence that are not law enforcement based.

Reconceptualizing violence against women and our responses

to it also means that we must go beyond reform of state institutions to developing community based responses to violence that do not invoke the violent mechanisms of the state, but rather require us to build and transform our communities, prioritizing 1) women's safety from violence, 2) community responsibility for creating and enabling the conditions which permit violence to take place, and 3) transformation of private and public relations of power. Ultimately, given the historic and systemic racism, sexism, heterosexism, homophobia and transphobia, and classism inherent in the criminal legal system, until the role of law enforcement agents in perpetrating and facilitating violence against women of color and their communities is examined and addressed, and alternative, community-based responses to violence are developed and promoted, society cannot effectively promote safety for all women.

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Law and order agendas have never been about protecting us, and, in fact, have led to increased violence against women of color in the home, in the community, and at the hands of law enforcement. They demand that we reconceptualize our responses to violence to address women of color's experiences.

After the Storm (continued from front page)

of civic organizations, I made a complete change in my life and I still can't get work." Horton says his political education and community involvement kept him from returning to prison in the face of unemployment, and yet he realizes that most people confronted with these challenges, particularly young people, are not equipped with the same systems of support.

The inability of many New Orleanians to find housing and jobs is compounded by severe policies of policing and imprisonment, and vice versa, in what becomes a brutal cycle of exclusion for poor residents. Many people have found the struggle to find housing and employment in New Orleans deepened by their record of arrests since Katrina.

Public Housing

Two and a half years after Katrina, roughly half of those displaced have been able to return, and over 100,000 people who were renters before the storm have not found housing. With the Federal Emergency Management Agency (FEMA) planning to evacuate over 30,000 families in government-issued travel trailers by April 1, 2008, it is fair to expect the already burgeoning homeless population to soar to alarming heights. Of roughly 5,000 families occupying public housing before Katrina, fewer than 1,600 have been able to return. At least 3,000 of the vacant public housing units slated for demolition are suitable for current occupation, and some say all vacant units are fit for immediate occupation.

When asked what the people of New Orleans need most right now, Horton answers without hesitation, "affordable housing." He continues without pause, "My point is we could get the best health care system, the best education system, the best employment system. And we could get rid of the prison... But if the people who are still displaced, that wanna come home, can't come home, then at the end of the day, New Orleans loses... That's why I'm fighting, is to bring the people home. Then from there, we think about how to make life for everyone better once they're here." Asked about those who claim many of these folks don't want to return, Horton says, "I'm told people don't wanna come back. That could be true. Out of 200,000 people if there was only two people wanted to come back, then that's why I wake up everyday to fight, for those two people."

This is also why hundreds of other New Orleans residents are fighting. The people of New Orleans are not willing to give up their volatile right to affordable housing by allowing the Department of Housing and Urban Development (HUD) to hand over a 99 year lease for the public housing units to private developers at Lafitte, St. Bernard, BW Cooper and CJ Peete.

Demolitions

After HUD and the Housing Authority of New Orleans (HANO) announced plans to demolish these four developments in June 2006, a group of public housing residents filed a class-action lawsuit to fight it, arguing that HUD and HANO have an obligation to "provide nondiscriminatory access to safe, affordable housing" and to keep "contractual commitments to residents with leases." An agreement was reached in Orleans Parish Civil District Court between the plaintiffs and HANO attorneys, obliging HUD to obtain permits from the city council in order to proceed with the demolitions.

When it became clear that the City Council was likely to approve such permits, an alliance of local organizations fighting for affordable housing formed The Coalition to Stop the Demolitions, led by The People's Hurricane Relief Fund and Justice for New Orleans.

The coalition has gained widespread support and momentum both locally and nationally, and has been endorsed by over sixty organizations constituting a wide spectrum of political beliefs and causes; some of which include Safe Street Strong Communities, The Malcolm X Grassroots Movement, Incite! Women of Color against Violence, Left Turn Magazine, The Louisiana Justice Institute, Amnesty International USA and the ACLU.

With the impending demolitions compounding the intensified shortage of affordable housing, organizations in New Orleans are more effective and collected than ever. The Coalition to Stop the Demolition has organized and galvanized dozens of demonstrations against the demolitions since November 2007, both in New Orleans and around the country, and the determination of New Orleanians in this fight is evident in the many manifestations of the struggle. From videos shown on YouTube depicting

the dismal existence of over two years in FEMA trailer parks, to the "Stop Da Demolitions" mixtape featuring hip hop artist and organizer Darrel "Sess 4-5" Warren, and interviews with organizers such as Horton, Kali Akuno of The People's Hurricane Relief Fund and Viola Washington of the New Orleans Worker Justice Coalition on shows such as Democracy Now and Flashpoints, the resolute voices of enraged New Orleans residents are resonating throughout the country. It was with this resolve that throngs of concerned citizens attended a now infamous city hall meeting.

On December 31st, while violently blocking hundreds of protestors from entry into what was supposed to be a public meeting, the City Council voted 7-0 to issue permits to HUD for demolition of over 4,500 units of public housing. Twelve people were arrested inside the meeting for demanding that the public be allowed in, including one young man who was tasered and forced to the ground by the New Orleans Police Department (NOPD). Hundreds more were locked out by police who handcuffed the gates of City Hall. They unleashed pepper spray and tasers into the crowd when protestors rattled open the gates.

City Commissioners and officials, alongside HUD and HANO claim that the Lafitte, St. Bernard, BW Cooper and CJ Peete public housing developments have been compromised by the flooding and constitute a health risk for residents. They argue that there is a larger issue at stake: that such developments create unfavorable conditions of concentrated poverty results in high crime rates and a never-ending cycle of economic dependency. They maintain that replacing dilapidated public housing with so-called mixed-income housing is an ideal solution. They claim mixed-income housing would provide "economically sustainable communities... a vast improvement to concentrating families in islands of poverty, a recipe for despair across generations."

Mixed Income Housing in New Orleans

The River Garden Apartments, which used to be the St. Thomas housing development, is the only model of mixed-income housing the people of New Orleans have as a reference for what their own future might hold. St. Thomas originally contained 1,350 units of public housing and was one of the developments slated for revitalization with a \$25 million HOPE VI grant in 1996. As a result of community concern, a resident's council elected by the heads of households of public housing tenants to protect their interests and in partnership with HUD, HANO and organizers at St. Thomas (DELETE DASH) was set to oversee a Self-Sufficiency Plan as part of the HOPE VI revitalization project.

The Self-Sufficiency Plan was intended to help families of public housing raise \$30,000-\$35,000 yearly income through case by case assessments, and subsequent programs such as education, health, job and homeowner support and training. The Self-Sufficiency contract was awarded to a local community agency called Kingsley House, and the power base of the resident's council was dismantled when residents of St. Thomas were forced out with vouchers and promises of return upon completion of redevelopment, giving HUD total control of the project. In 1999, HUD revoked the redevelopment contract from the company initially agreed upon with the residence council. Instead HUD awarded the contract to KB Home Corporation, a Los Angeles-based national tract-home contractor, and HRI Properties. These are companies who promised little concern for the rights of the tenants. By June 2001, the relocation of almost 750 families to different parts of the city was complete, all but six of the original buildings at St. Thomas were demolished, and the Self-Sufficiency plan was virtually abandoned. This

included the end of the promised one-to-one replacement ratio of public housing.

Instead of the sturdy brick buildings built in 1938 as part of Roosevelt's New Deal, the residents of St. Thomas got the mixed income community known as the River Garden apartments. The tracts of town-homes, in an ironic twist of architectural "inspiration," were built to mirror historic New Orleans housing. Instead, the effect is a Disney-like replica, plastic town homes with a neat, contrived look, complete with a brick-faced Wal-Mart Supercenter as part of the development where people once lived. According to HUD and HANO's own figures, of the 1,500 public housing units and the 750 families forced to leave St. Thomas only 122 live in River Garden apartments, the complete number of units set aside for public housing. Of those who do, many feel unwanted and out of place.

Further evidence of public housing residents of HUD's questionable track record public housing is the fact that three of the remaining revitalization projects begun before Katrina have yet to be completed. The Desire development was also razed before

Katrina, and HUD was in the process of replacing it with mixed-income housing. However, Hurricane Katrina ravaged the new, cheaply constructed buildings, so HUD must demolish this "fresh start" and begin yet again. Meanwhile, all four developments set to be demolished remain standing, having withstood countless storms with the solid integrity of age-old construction such as brick and block.

Still, one possible justification for replacing dilapidated public housing with cheaply constructed mixed-income housing is the claim from City officials, HANO and HUD that rebuilding is more affordable than renovating decrepit housing. Yet, according to Loyola law professor Bill Quigley, "HANO's own documents... after Katrina documented that the cost for repairing and modernizing apartments would be far less costly than demolishing and rebuilding. Only after HUD announced that the buildings were coming down (a decision by HUD that HANO did not participate in nor even know was coming) did well-paid consultants go back and re-work the numbers."

Demolition Vs Renovation

Estimates aside, it is difficult to believe HANO and HUD's claims that cost is the driving force behind their push for mixed-income housing. In contrast to River Garden, a multi-billion dollar endeavor, this past Christmas New Orleans residents saw a faint glimmer of hope amidst this housing crisis. The six buildings left standing from St. Thomas—originally salvaged for the benefit of tax credits—saw completion of their renovation by Historic Restoration, Inc., in a \$9.4 million project.

After only ten months of work, which included new floor plans, new plumbing and wiring, re-crafted ironwork, repainted brick work, and landscaping, close to 40 units of much needed affordable housing were opened. Walter Gallas, director of the New Orleans office of the National Trust for Historic Preservation said this accomplishment "puts the lie to the arguments that 1930s public housing can't be rehabilitated."⁸ The cost of each unit for this renovation can be estimated at just over \$235,000, while HUD and HANO's own estimates for replacing Lafitte, St. Bernard, C.J. Peete and B.W. Cooper with mixed income housing is \$762 million, or well over \$400,000 for each apartment. This does not include the millions of dollars already spent on 'no-bid' contracts for consultants, lawyers and contractors in order to push this plan through.

Considering these developments, it is not difficult to imagine why the people of New Orleans are skeptical of the city's plans for public housing. Before Katrina the market value for a one bedroom apartment was between \$280 and \$350 per month. Today it is difficult to find a one bedroom apartment anywhere in New Orleans for under \$900 a month. With the current plan to reduce public housing at Lafitte, St. Bernard, BW Cooper and CJ Peete by 82%—from 4,605 units to 744—and at least 30,000 more families are in need of housing. With the FEMA evacuations come summer, the demand for affordable housing will be squeezed further, pushing the market rate

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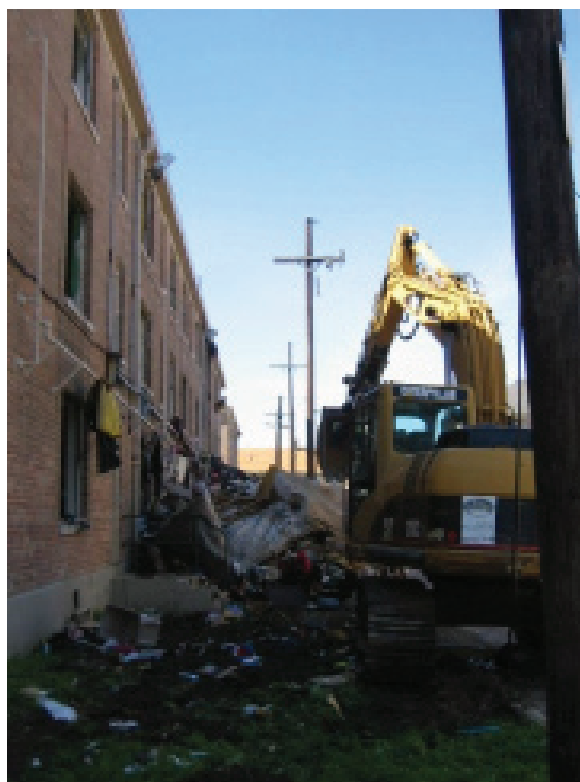


photo courtesy of People's Hurricane Relief Fund

Musings on Judicial Repression (continued from page 7)

must be given to the proposal to insure the targeted group is disrupted, ridiculed, or discredited through publicity and not merely publicized.

Another internal FBI memorandum of March 9, 1968, proposed neutralizing those who promoted fundamental changes to the socio-economic conditions confronting poor and oppressed communities. The memorandum specifically encouraged neutralizing New Afrikan youths, stating: "Negro youths and moderates must be made to understand that if they succumb to revolutionary teachings, they will be dead revolutionaries." The history of domestic civil and human rights violations by the FBI and US military has been deliberately hidden from the American population; from 1966 to 1975, the Black Panther Party was a principle target.

Moreover, since September 11, 2001, a series of laws has legalized what had been unconstitutional police, FBI and US military domestic activities. In anticipation of US progressive activism opposing this so-called war against terrorism, the federal corporate government has passed new laws broadening the Patriot Act. Specifically, these new laws severely restrict protest, demonstrations, and dissent. In a private Oval Office ceremony on October 17, 2006, by signing the John Warner Defense Authorization Act of 2007, the president permitted his office to declare a public emergency and station troops anywhere in America, taking control of state-based National Guard units without the consent of the governor or local authorities, in order to suppress public disorder.

Most recently, 404 US House Representatives passed HR 1955, the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007, which clarifies the means and method for the application of martial law. This initiative establishes a crime for the promotion of ideological terrorism, and Section 899D creates a Center of Excellence for the Study of Violent Radicalization and Homegrown Terrorism in the United States under the auspices of the Department of Homeland Security. Obviously, all of these laws severely erode the US, Inc. Constitution, violate civil and human rights, and project and promote martial law and a fascist police state agenda.

Domestically, the police, courts, and prisons are the primary institutions for repressing the aspirations of human rights that the mass and popular movement seeks to achieve. The mass and popular movement must demand the closing of prisons and a moratorium on further prison building; it must also call for the release of political prisoners of war and an end the torture of captured revolutionaries, the abolition of capital punishment, and for the end of prison slavery as instituted by the 13th Amendment of the US, Inc. Constitution. These demands speak to the inequitable functioning of the judicial process, acknowledging that most laws serve to suppress the will of the masses, its aspirations for freedom; they recognize how the police, courts, and prisons are repressive coercive bureaucracies of corporate monopoly-capitalism. Ultimately, such calls to action will demystify the judicial process and broaden a mass and popular consciousness to become fearless when confronting the State.¹ The martyred Black Panther Party Field Marshall, George Jackson, advised that:

Consciousness grows in spirals. Growth implies feeding and being fed. We feed conscious by feeding people, addressing ourselves to their needs, the basic social needs, working, organizing toward a national left. After the people have created something that they are willing to defend, a wealth of new ideals and autonomous subsistence infrastructure, then they are ready to be brought into "open" conflict with the ruling class and its supporters.

Unfortunately, the majority of young New Afrikans do not know their peoples' history of struggle in this country beyond the civil rights movement. Therefore, they are unable to recount the heroic struggles of Denmark Vesey, Gabriel Prosser, Nat Turner and the hundreds of pre-Civil War slave rebellions. They are unaware of the forced migration of New Afrikans from the South after the Civil War because of the Hayes/Tilden compromise and the advent of the Ku Klux Klan out of the defeated Confederate Army. They are unable to relate to the history of racist lynching of thousands throughout the South that served to bring the NAACP into existence in 1909, evolving out of the Niagara Movement with its anti-lynching program. They know nothing about the killing of nearly 50 New

Afrikans during white racist riots in 1919 and 1920 in Chicago and New York, or the 1925 white destruction of Black Wall Street in Tulsa, Oklahoma. And how many understand the significance of the judicial ruling in Plessy v. Ferguson compared to Brown v. Board of Education? They do not truly understand how the practice of the



ABOVE: Jalil A. Muntaqim

Black Codes and Jim Crow segregation gave birth to the 1950-60's civil rights movement, out of which the Black liberation movement was born. It is this history of struggle, and in particular, the legacy of struggle represented by the Black Panther Party that came into existence in 1966, that is currently being attacked with the persecution of the SF 8.

These historical movements, in conjunction with the government's recent efforts to further crush dissent, demonstrate why the SF 8 must be supported; indeed, the SF 8 must be victorious in order to undermine efforts of the US corporate-government to repress and destroy socio-political movements for true fundamental change. In this regard, the SF 8 issued a joint statement that urges their supporters to organize specific objectives:

I. Anti-Torture Legislation

In 1909, the Niagara Movement evolved into the NAACP led by W.E.B. Dubois. The principle platform of the NAACP at that time was a struggle to forge an anti-lynching movement. Today, torture in its many forms has become a scourge in America. The inhumane use of restraint chairs in jails and prison, for example, represents an especially despicable device reminiscent of medieval torture mechanisms; there has been an increase in the use of tasers as a weapon to induce confessions and control prisoners, resulting in many deaths – another example of an inhumane torture device becoming more and more popular. In the case of the SF 8, law enforcement officers employed torture techniques that included those used in Vietnam and more recently in Abu Ghraib by US military personnel. The use of torture permeates all facets of the so-called criminal justice system.

The SF 8 call for a national campaign demanding anti-torture legislation on local levels (city councils and state legislatures), holding that any form of interrogation using water boarding, simulated drowning technique, cattle prods, tasers, restraint chairs, physical beatings, sensory and sleep deprivation, and psychological coercion must be deemed inhumane and criminal. Thusly, the SF 8 calls for all progressive and peace-loving people to join in a national campaign on city, state, and congressional levels for proclamations and legislations outlawing all forms of torture.

2. Reopen COINTELPRO Hearings

Although it is well known that the FBI targeted the Black Panther Party for annihilation employing a secret counter-intelligence program called COINTELPRO, what is now forgotten is that as a direct consequence of COINTELPRO, there are 100 political prisoners who have been languishing in prisons for over 30 years. The FBI COINTELPRO actions resulted in assassination, criminalization, vilification, and the splitting of the BPP, ultimately leading to its destruction. In 1974, the Senate Church Committee investigating the FBI COINTELPRO activities declared such practices unconstitutional. Unfortunately, the Senate Church Committee failed to

create remedies for those who were victims and suffered from the unconstitutional practices of the FBI and police departments.

Therefore, the SF 8 hereby calls for a national movement for the reopening of COINTELPRO by the Judiciary Committee in Congress, and for public hearings on why 100 political prisoners, all victims of COINTELPRO, have remained in prison for over 30 years.

3. Truth and Reconciliation Commission

At the conclusion of hostilities in the struggle to end apartheid in South Africa, progressive forces sought to resolve potential antagonisms subject to racial, socio-economic, and political strife during the decades of apartheid. Their efforts led to the creation of the Truth and Reconciliation Commission, principally led by the Honorable Archbishop Desmond Tutu.

New Afrikans in the United States suffered under a racial system of Black Codes and Jim Crow laws similar to the apartheid regime in South Africa. At no time has there been a national determination to resolve political, social, or economic antagonism born out of centuries of racial strife; on the contrary, progressive programs such as affirmative action are being rolled back. As a result of the reparations movement, some corporations, cities, and states have issued apologies for having been involved in the Atlantic slave trade. Despite these apologies, the systemic inequities prevail with devastating consequences on every vestige of life confronting the majority of New Afrikans.

The SF 8 believes there is a need for a national dialogue and process in order to address these inequities and to forge a catalyst to heal America's racial trauma. The SF 8 calls for a Truth and Reconciliation Commission to address the historic dynamics of socio-economic and cultural deprivations inhibiting New Afrikans from developing the necessary psychological inducements towards self-reliance and self-determination.

Despite the US corporate-government's continuing efforts to destroy the legacy of struggle evolving out of the Black liberation movement, with these three calls for action, the SF 8 preserves and extends the history of struggle and the goals that New Afrikans have been seeking to achieve throughout their long history in the United States. However, the SF 8 believes the power of the people will prevail, and that change is inevitable, once a culture of resistance has been institutionalized in a mass and popular movement.

Recently, Archbishop Desmond Tutu and five other Noble Peace Prize Laureates issued an international call demanding all charges against the SF 8 be dropped, and that Herman Bell and Jalil A. Muntaqim be immediately released from prison on humanitarian grounds. Moreover, as have many national legal and political organizations across the country, on November 6, 2007, in a vote of eight to none, with one abstention, the City Council of Berkeley, California, issued a resolution demanding all charges against the S.F. 8 be immediately dismissed. The history of the US, Inc. judicial system chronicles the preservation of racist corporate monopoly-capitalism, and if it is necessary to trample over the civil and human rights of the poor and oppressed peoples' to do so, it will do so blindly and dutifully.

Despite the US corporate-government's continuing efforts to destroy the legacy of struggle evolving out of the Black liberation movement... the SF 8 preserves and extends the history of struggle and the goals that New Afrikans have been seeking to achieve throughout their long history in the United States.

To learn more about the case of the SF 8 check:
www.freethesf8.com or www.CDHR.org.

This article represents the political thinking of Jalil A. Muntaqim, and not a joint statement from the SF 8. The entire article can be found at: www.freejalil.com

REFERENCES

¹ In 1998, two organizations were formed for this specific purpose, the Jericho Amnesty Movement and Critical Resistance, and both continue to be a source of information and resistance exposing the overall criminal (in)justice system. Check: www.thejerichomovement.com and www.criticalresistance.org. The Jericho Amnesty Movement has also called for the reopening of COINTELPRO hearings, on behalf approximately 100 COINTELPRO victims, US political prisoners languishing in prison for 30 to 40 years.



COMING HOME

by Kathy

Kathy is a member of Critical Resistance NYC. Kathy came into the new South Bronx CRNYC storefront one day to find out what we were doing, and once she found out she never left. She is a woman who is a warrior fighting everyday of her life to make ends meet and take care of her family. She is currently fighting the prison industrial complex (PIC) in multiple ways. She is a former prisoner who stays true to herself and others in her community. Here are some of her writings from while she was in prison. She shares them in the hopes that people in prison know they are not alone, identify, relate and will be encouraged to share their stories.

WASTED TIME

The time that I've wasted is my biggest regret
spent in these places I will never forget.
Just sitting and thinking about the things that I've done,
the crying, the laughing, the hurt and the fun.
Now it's just me and my hard driven guilt
behind a wall of emptiness I allowed to be built.
I'm trapped in my body, just wanting to run
back to my youth with its laughter and fun.
But the chase is over and there's no place to hide.
Everything is gone, including my pride.
With reality suddenly right in my face
I'm scared, alone and stuck in this place.
Now memories of the past flash through my head
and the pain obvious by the tears that I shed.
I ask myself why and where I went wrong.
I guess I was weak when I should have been strong.

Living for the drugs and the wings I have grown.
My feelings were lost, afraid to be shown.
As I look at my past its so easy to see
the fear that I had, afraid to be me.
I'd pretend lost like a blinded old fool.
I'm getting too old for this tiresome game of acting
that I change and get on with my life.
Fulfilling my dreams for a family and husband.

What my future will hold I really don't know.
But the years that I've wasted are starting to show.
I just live for the day when I'll get a new start
And the dreams I still hold deep In my heart.
I hope I can make it; I at least have to try.
Because I'm heading toward death,
And I don't want to die.

Mom's Final Act

I love you Daughter I love you Mom
Within these walls, this prison,
My mind and thoughts run free.
I think of mom and days gone by,
And of what she means to me.
I wonder how life would have been
Had she not gone away.
And would I be behind these bars,
If she were here today?
How would my life be different?
I've asked a million times,
If I could only talk to her,
She might have stopped my crimes.
I'm thankful for the time we had,
But she could not have known
Of the dark void left within my life
In the years since she's been gone.
I needed her and miss her,
I love her for a fact,
But I know my life is different,
Because of Mom's final act.

Access Catalog

Its the little things that count
when the walls are closing in,
when no matter what you do or say
it seems you just can't win.
It's the letters that you get,
the phone calls that you make,
contact with the human world
that helps you not to break.
Its a radio, or TV set,
or decent clothes to wear
family, friends (that's access, too)
easing the burden you bear.
No matter where (or who) you are,
doing time ain't fun,
so be thankful for these things
that help you get it done.

Mail Call

Darkness and loneliness fill my cell
With pain and fear too great to yell.
I wait for the mailman to deliver to me
As I wipe away tears that no one will see.
I pray so sincere with head raised above
"Please, God, soon send a letter of love."
I long to gaze upon pages so dear,
With riches to bring by loved ones near.
Words of diamonds on pages of gold
A message from heaven as their story is told,
"We love you, miss you, pray you'll be free,"
A treasure filled envelope just for me.
Please bring memories of joys I once knew
Family, friends and things I would do.
The darkness and pain of my cell will prevail
As my name, again, was not called for mail.

After the Storm (cont. from page 9)

even higher than it is today. Clearly the destruction of public housing is not simply an issue for public housing residents.

One To One Housing Replacement

Although demolition of CJ Peete and BW Cooper has begun, some claim that the city is responding to the massive mobilization of people in New Orleans fighting for affordable housing by holding developers to the promise of a one to one replacement ratio for public housing before finalizing demolition permits for Lafitte and St. Bernard. Unfortunately this appears to be another example of the city misleading its people.

Horton cautions that the one-to-one ratio of promised public housing refers to the actual number of units currently occupied. For Lafitte, this would mean that a mere 94 of the 450 units of public housing would be replaced. A letter posted by Mayor Ray Nagin to HUD secretary Alfonso Jackson says HUD must show "evidence of 4,534 actual units made available either through public housing units, affordable units consistent with the mixed-income model or home ownership vouchers," in order to receive demolition permits for Lafitte and St. Bernard.

So-called "affordable units consistent with the mixed-income model" give little reassurance to public housing residents, as the scale for "affordable" has tipped out of control. As far too many families in New Orleans know, home ownership vouchers mean next to nothing these

days. Hundreds of families have received FEMA vouchers only to find that the amount is grossly inadequate to secure housing in a city where affordable housing no longer exists. This explains why so many families are still staying with friends and family in New Orleans and across the country. For this reason the Coalition to Stop the Demolition is urging the support of Senate Bill 1668, The Gulf Coast Recovery Bill, which would effectively guarantee one-to-one replacement of public housing, as well as move to enforce and secure the right of return for all displaced residents. While Horton contends that the bill is not perfect, he says that right now, it's the best New Orleans has.

The Coalition to Stop the Demolition has organized and galvanized dozens of demonstrations against the demolitions since November 2007

Of the people who have been able to return to New Orleans, 30,000 are still living in asbestos-ridden government issued FEMA travel trailers. Many of these are located miles away from the city and any accessible public transportation. People who have received Road Home money to rebuild their houses have come home with these checks only to find their houses demolished by the city, due to an ordinance more powerful than eminent domain passed post-Katrina.

Road To Recovery

Yet in the face of tremendous challenges, the people of New Orleans are beginning to recover, by getting together and fighting back, one small step at a time. When asked whether the people's resolve to organize has increased since Katrina, Horton answers emphatically, "of course... there's a gradual and slow movement that's building here...but I think it's increasing day by day...when Katrina first hit...the wind was knocked out of us. Then in 2006

[we] came back a little bit stronger, but we're still trying to protect ourselves, and that's what was happening, folks were now in the process of getting it back together in 2006. Having a roof over your head was the first priority, and you know getting the family system back in place was the priority. In 2007 folks [were] back out swinging now... so 2008 we're gonna be in a big fight, we got an election coming up, it's on."

There are many ways people outside of New Orleans can get involved and support the people of New Orleans. An essential part of this process is simply promoting awareness of the situation and the struggle in New Orleans and educating ourselves and others through research, conversations and public dialogue. The website defendneworleanspublichousing.org includes updates on the housing struggle, as well as possible actions including calling New Orleans City Council members and urging them to stop the demolitions in the name of a more democratic process and guaranteed one to one replacement of public housing units. Calls may also be made to state Congressional and Senate Representatives—particularly Senator David Vitter who actively opposes SB 1668—urging them to support this bill.

Public events such as video screenings, fundraisers and efforts to make connections between the disappearance of affordable housing in New Orleans with this phenomena across the country also provide meaningful ways to support the movement. Visiting the city, volunteering with a local organization, or simply donating money are always effective means of raising awareness and providing direct support. Because as many people in New Orleans are pointing out, the success of business interests and privatization in New Orleans at the cost of its people would provide a vital model for a dangerous trend in this country and around the world.

THIS SIDE OF HELL...

Dr. Richard Sunday

This side of hell,

victims convicted

some by arbitrary means

Injustice?

fighting causes against inhumane

treatment and conditions

that attempt to reduce God's creatures

to animal levels

concrete walls, bars of steel,

policemen and guards ego-tripping on taxpayers' money

strip prisoners from human levels

reduced

Physical conditions, treatment, policies and procedures aimed at:

ENSLAVING!

Human beings of all colors, races, religions or creeds into human

ROBOTS;

conditioned to return

to the plantations

prisoners programmed to contribute to recidivism.

PRISONERS,

on paper that really in essence defines "human slaves"

by the thirteenth amendment.

Work mules caught by circumstances of Governmental traps;

commodities,

products of corporate industries

Prisoners fighting causes against

injustice and inhumane treatment and conditions

that reduce God's children to animal levels;

VICTIMS

mourning their losses,

lamenting

as a result of their trials and tribulations

that left them shackled and chained

in bird cages

mocking birds that cannot fly

victims,

in the name of American Justice and Democracy??

On this side of hell

tormented souls confess their sins before God

Rehabilitated

themselves with knowledge,

education that socially transformed them into citizens again

are warehoused beyond repair

TRAPPED

in cells that laugh at their suffering and justice they defy

In America suffering is synonymous with hate,

not as a result of skin color

but systems bent on injustice

DEHUMANIZATION

on plantations, prisons, designed to make

slaves from people reduced to

NUMBERS

Dollars and cents

Behind walls, 40 feet of concrete

On this **SIDE OF HELL.**

Testing the Borders

(continued from page 3)

inject the relationships with emotionally inciting conversations and propaganda. They refer to the suffering of Iraqis, show pictures and websites of victims of the war, tell stories of rapes and tortures. As informants incite anger, they encourage their targets to take action. In most cases, the informants themselves supply ideas or plans for action. Once a target agrees to the plans, the FBI or police departments move in and arrest them, declaring in the media that a 'terrorist' has been arrested or disaster has been averted. The media and politicians then notch their belt for another win in the imaginary "War on Terror."

Matin Siraj

An example from DRUM's membership of working class immigrant families here in New York City is the nationally publicized case

Matin Siraj. Matin, a Pakistani Muslim immigrant, was 19 years old and working at his uncle's bookstore in Brooklyn, NY, when he was befriended by Osama El-Dawody, an informant working for the New York Police Department's Counterterrorism Unit for a fee of \$100,000. El-Dawody undertook the exact tactic described above, and pushed for the plot to bomb Herald Square during the Republican National Convention in NYC in 2004. He even promised to provide all the necessary materials. Two days before the RNC, Matin was arrested in connection with the plot. The story, plastered on front pages nationwide, provided fodder for the re-election of the Bush-Cheney-Rumsfeld regime. Matin was found guilty in 2006, and on January 8, 2007, he was sentenced to 30 years in prison for mere words, for agreeing with El-Dawody's plans.

Less than 12 hours after Matin was sentenced, over 15 immigration and federal agents came to the Siraj family home and arrested his father, mother and sister and hauled them off to immigration jail. The family was targeted for being outspoken community leaders of DRUM. Matin's whole family came to DRUM six months earlier to organize for their son's release and against the detention and imprisonment system. After a successful support campaign by DRUM, Matin's mother and daughter were released on bond two weeks later, and the father released six months later. Since then, his family, particularly his mother, has continued to be outspoken on behalf of their son, highlighting the role of informants.

Due to the visibility of this case, the media has become much more critical of the role of informants in subsequent "terrorism" cases. Countless similar cases continue throughout the country.

Taking a step back, our organization asks the question: who does this "War on Terror" and its imprisonment/detention system benefit and for what purpose? We see the purpose of this system of war and imprisonment as three fold:

First, it feeds the hysteria for the war machine. As the US government wages war, directly or through proxy, on several Muslim countries, it needs events at home that keep people afraid and thus supportive of wars. Is it a coincidence that just before every vote in Congress to send more troops or money for war in Iraq, a new so-called "terrorist plot" is reported quashed here at

home? This creation of a "boogey-man" to justify war is nothing new, whether it is called "terrorist" or "criminal" or "illegal alien." In fact, any movement or organizing of people of color resisting US oppression within the belly of the beast is the biggest threat to the ruling class here. During Vietnam, Black and Brown communities resisting US policies were targeted at home. During the US wars to spread capitalism in Central America in the 1980s and 1990s, the US government waged the War on Drugs to criminalize and lock up Latino and Black communities.

Second, these actions intend to silence resistance within Muslim communities at the very same moment that our countries and homelands are being invaded or bombed. The communities that would be at the forefront of speaking out against the war are intimidated and forced to

live in fear and suspicion of their neighbors, community members, friends, political activities and organizations.

Third, there is a lot of profit (billions of dollars) to be made by the ruling class in the US. The New York City Police Department alone has received over \$80 million in "counter-terrorism" funds since 2001. All this money goes

As the US government wages war, directly or through proxy, on several Muslim countries, it needs events at home that keep people afraid and thus supportive of wars.

to buy high-tech surveillance and enforcement equipment, buying out informants, and going into the pockets of various corporations and contractors who fund the re-elections of the very same politicians allocating this money. It's a system of nepotism and gangs of the ruling class under a guise of democracy.

Government Collaboration

Perhaps the most disturbing development in all of this is the increasing collaboration between government enforcement agencies. We see in the Siraj case that Matin's targeting was planned and carried out by the NYPD, and that the Department of Homeland Security (immigration) targeted the family with the intent of silencing them. At the same time community members and our organizers report these informants created for "anti-terrorism" purposes are calling the police or immigration if they suspect someone's immigration status. Special units house these entrapped targets, where their activities and communications are strictly monitored and restricted: prisons such as the Terre Haute Federal Correctional Institution in Indiana or the Supermax prison in Florence, Colorado. Conditions at the Florence facility have been described as worse than Guantanamo Bay. Informants also operate within these and general population prisons to entrap people already serving sentences.

The FBI used these tactics of infiltration and informing extensively as part of COINTELPRO in the 60s and 70s to repress the civil rights, Black, Latino, and Native American power movements. Though COINTELPRO as such no longer exists, its methods continue to be used today. As police operate to criminalize poor Black communities, we see immigrant communities being harassed through raids, detentions, and deportations, making immigrants the fastest growing segment of prison populations.

So what do we do in these times and under these conditions here and globally, while US policies seem to be going unchecked? DRUM believes that all we can and must do is organize, organize, organize. We see organizing ourselves, joining forces among oppressed communities in the US with people around the world, as the only way to end this ruthless system of the rich getting richer and the poor getting poorer. As South Asians, Arabs, Blacks, Latinos, and Native Americans, we have a lot of internal re-education to do, because we have been intentionally kept divided and fighting each other for crumbs in the belly of the beast. Imagine what we can win if we join forces against our common enemy! We imagine it and practice it each day here in our small ways in our work at DRUM.

We go door to door training our members to form Community Defense Networks so that Immigration and Customs Enforcement (ICE) teams know not to mess with us. We march and rally for the rights of over 14 million undocumented immigrants because slavery was evil before and it is evil now. We mobilize our South Asian and Muslim immigrant members for justice for the family of Sean Bell, a young Black man killed by the racist police here in New York City.

Our Muslim immigrant youth members join forces with Black and Latino youth to fight City Hall and the Department of Education to get more books and resources in our schools than metal detectors and cops. Our members march to end the war in Iraq, even though the threat of being deported looms over them, because 700,000 Iraqi men, women, and children murdered there are our sisters and brothers. We organize and unite with each other because we simply cannot afford not to.

Fahd Ahmed and Monami Maulik are long-time Community Organizers at DRUM. Fahd can be reached at fahd@drumnation.org and Monami can be reached at monami@drumnation.org.

For more information and resources on immigrant detention and racial justice, also contact:

- National Network for Immigrant and Refugee Rights at: www.nnirr.org
- The Black Alliance for Just Immigration (BAJI) at: www.blackalliance.org.
- The Detention Watch Network at: www.detentionwatchnetwork.org

R · E · S · O · U · R · C · E · S

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AB 1539 PASSES: California Has Opportunity to Show Compassion and Address its Budget and Prison Problems

By Michael Flynn

“My father has three beautiful grandchildren that would love to spend time with their grandfather. Please give my father the opportunity to die peacefully surrounded by family and love ones, not in prison.”

- Kenya Devereaux, in a March 12, 2007 letter to support the medical release from prison of her father, Kevin Devereaux.

The family and friends of terminally ill and incapacitated people in California prisons have a better chance of seeing their loved ones free, because of a bill that was recently passed into law. AB 1539 streamlines the existing medical release process and expands it to apply not only to people with terminal illness, but also to permanently incapacitated people.

Kevin Devereaux suffers from Lou Gehrig's disease, a progressive, debilitating terminal illness which has left him permanently incapacitated with less than six months to live. The illness causes irreversible and progressive weakness, wastes his muscles, and could render him unable to eat and breathe. He is permanently unable to use his arms and has minimal use of his legs, so he cannot care for his own daily needs like bathing, dressing, and feeding. He requires around-the-clock medical attention and skilled nursing care. Yet he is under 24/7 guardwatch.

Devereaux's family is willing and capable of providing for him if he is released. When Devereaux and other terminally ill and/or incapacitated people in prison are able to obtain medical release under the streamlined procedures of AB 1539, they will be able to receive medical care in a more appropriate, better-equipped facility where they can benefit from the love and care of family and friends.

What AB 1539 Will Do

AB 1539 updates the law to require prompt action from the CDCR when a person inside prison is identified as terminally ill or medically incapacitated.

- “Medically incapacitated” means a person is permanently unable to perform activities of daily living such as dressing, eating, walking, or maintaining personal hygiene without assistance.
- “Terminally ill” means the person has six months or less to live.
- The new law requires that any CDCR physician who discovers that a person qualifies for release notify the Chief Medical Officer immediately, and if the CMO concurs, s/he shall notify the Warden of the prison.
- Now, within 48 hours of receiving the prognosis, the Warden must notify the qualifying person of the release procedure and take steps to identify

and notify a family member, emergency contact, or outside agent that can assist in the process of arranging for medical release.

- The Warden is now required to provide the person or emergency contact with updated information throughout the process.
- Unfortunately, the newer version of the law still excludes lifers from eligibility for compassionate release.

Prior Law

The California Department of Corrections and Rehabilitation (CDCR) currently spends \$120,000 per terminally ill or permanently incapacitated person in prison under constant lockdown annually. Although California law prior to the passage of AB 1539 provided for the medical release of people like Devereaux (Penal Code Section 1090 d-e), CDCR, courts, and other agencies were not using the existing law efficiently. Excessive administrative delays have too often tragically kept physically incapacitated and dying people in prison unnecessarily until their deaths.

Although a law like AB 1539 should have been passed long ago because it makes sense and is the right thing to do, its supporters have faced strong foes for too many years. In 2002, then Governor Gray Davis vetoed a previous version of this same bill.

Even though the CDCR's health care system is so deficient it is under federal receivership, there is no medical treatment in the free world that can improve Devereaux's condition. Mr. Devereaux's release was first denied because he was incapacitated yet not terminal, and, since his family was not given access to specific information as to why his case was denied, they could not effectively respond.

Now that AB 1539 is in effect, incapacitation is grounds to be considered for medical release, and the CDCR is required to provide updated information to a person applying for compassionate release or their agent, so Mr. Devereaux and people in similar situations have more hope for medical release.

Under the law prior to AB 1539, people who qualified for medical release endured a slow, frustrating process that too often ended with death in prison custody. This is heartbreaking for family members who hoped to be with their loved one for his/her/hir last days and weeks, and at the same time, it results in a tremendous waste of prison resources and taxpayer money.

AB 1539 streamlines, clarifies, and expands California's medical release law (Penal Code section 1170(e)) to ensure that Californians do not continue an inhumane practice of locking up people who have illness and/or disabilities such

that that they need nurse assistance for basic daily activities.

As a legal advocate with Justice Now, I experienced the heart wrenching sadness of working hard for months side by side with family members, friends, and fellow Justice Now staff to obtain the compassionate release of Milton Moreno - a man from Los Angeles and Mexico with liver cancer who was serving a short prison term - only to be disappointed and full of grief when Mr. Moreno died of cancer at the young age of 37, hand and ankle-cuffed to a hospital bed under the constant watch of two CDCR prison guards.

Justice Now's advocacy made family visits possible, and although we really hoped to have him free and spending the last days and weeks of his life with his family in Los Angeles, we had to live with knowing the best we were able to do was make possible a brief family reunion. After years of disagreement that cutoff communication, Milton, his two young sons, and his wife overcame their past disagreements, and his family came to visit him twice in the hospital. Milton's struggle and the struggle his family fought serve as a warning and compassionate call for common sense change in policies, so that such a horrible family tragedy won't happen again.

Projected Financial Savings

AB 1539 shows that Californians have both compassion and common sense, as it will potentially save the state millions of dollars.

- It costs about \$120,000 per year per dying/or medically incapacitated inmate.
- The financial savings of releasing 10 people per year to CDC would be around \$600,000, and, considering that the state's share of Medi-Cal costs may increase as a result, savings to the state as a whole would be approximately \$475,000 annually.
- If the annual average number of cases presented to the CDCR Director were increased by only 30 percent, 61 terminally ill people in prison would be considered for medical release each year. If 85 percent of those cases (considering that about 70 percent of people in prison are there for non-violent offenses and another 15 percent would also pose no threat to society) were approved, based on the Assembly Appropriations Committee cost-analysis figures above, the savings to the State would be nearly \$2.5 million annually, and cost savings to the CDCR would be \$3.1 million.

As a piece of legislation that strengthens and expands existing medical release law, AB 1539 is a proud achievement of Justice Now and our partners inside and outside of prison walls. While it is but a first step in shifting policy debate around decarceration, AB 1539 provides us with one more legal tool to get our family and friends released while we continue to struggle for a safe, compassionate world without prisons.

SUBMIT TO THE ABOLITIONIST ←

The Abolitionist wants to hear from you! Do you have questions about abolition, strategies to advocate for prisoners, or useful resources? News or ideas about imprisonment, policing, surveillance or other aspects of the punishment system? Write us!

- We accept:
- Short Articles (1500 words)
 - Letters (250-500 words)
 - Reproducible artwork (highly desired!)

Our criteria for pieces in The Abolitionist are listed below. Please note that we edit all submissions for content, length, and clarity. If you do not want your piece edited, include a note with your submission indicating that no changes should be made. Please also know that requests for no editing may result in your piece not being printed. Also, let us know how you would like to sign your piece. You can sign however you wish: your full name and address, initials and city, or anonymously.

We will do our best to respond to everyone, but unfortunately, we will not be able to respond to or publish every submission we receive.

If you are interested in being involved with The Abolitionist, let us know! Please forward us family and friends' mailing and e-mail addresses that would like to receive or support The Abolitionist. Contributions, submissions, and stamps can be sent to:

The Abolitionist, c/o Critical Resistance; 1904 Franklin St. Suite 504; Oakland, CA 94612

CRITERIA FOR SUBMISSIONS:

WRITING STRENGTH

- Is the piece clear?
- Is what the author is trying to say easily understandable?

POLITICAL STRENGTH

- Are the messages communicated in the pieces PIC abolitionist or compatible with PIC abolitionism?
- Is the piece politically coherent? As with writing strength, we want to print pieces that are politically clear and make sense.
- We want to encourage dialogue and interplay between the different sets of voices represented in the paper, while staying true to our organizational politics and mission.
- We want the paper's content to remain vital, so we don't want to print pieces that are redundant or don't contribute new ideas or angles to pieces we've previously printed.
- Pieces do not have to be about abolition, but they should not advocate for measures that will strengthen the PIC or include language that is racist, sexist, homophobic, or transphobic.

TYPES OF PIECES TO PRINT

- We hope to print a range of pieces—letters, creative writing, short pieces, dialogues, letters, essays, etc.
- We don't accept pieces that are individual requests for legal support, money, or publicity from individuals that are not tied to some larger conversation or analysis.

A Note On The Use Of The "@" In The Spanish Language Edition

By Rafael Mutis

In our efforts to be inclusive and to reflect our lived reality in our translation/interpretation work to Spanish, we are using the "@" to reflect words which normally refer to more than one gender. Spanish tends to be gender specific and, like many languages, tends to use male dominance in terms that are supposed to refer to all of us. This is not to say that the @ refers to only two genders, but that it transgresses the gender binary and sexism. Many anarchists use the @ this way, as do the Zapatistas, among others. We are happy to be using this concept, which helps us reflect our reality in language, in communication and in the work of translation/interpretation. This is certainly part of what we do as abolitionists!

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