

THE BARNARD CENTER FOR RESEARCH ON WOMEN

THE SCHOLAR & FEMINIST CONFERENCE XXXI

ENGENDERING JUSTICE: PRISONS, ACTIVISM AND CHANGE

APRIL 8, 2006

MORNING PANEL

CHALLENGING MYTHS, BUILDING A MOVEMENT

Janet Jakobsen: My name is Janet Jakobsen. I am the Director of the Center for Research on Women here at Barnard College. And first of all, I want to thank all of you for coming out on a not-so-nice morning, for this year's 31st Annual Scholar & Feminist Conference -- Engendering Justice: Prisons, Activism and Change.

We are sure it's going to be an exciting day and we really appreciate your taking time out to be with us.

Why are we here this morning? In less than two decades, the population of incarcerated women has increased by 400 percent. During the same period of time, the number of incarcerated women of color has burgeoned eight-fold. We were talking this morning, that it's important to realize that there are still many more men in prison than women in prison, but nonetheless, the rate of increase is greater for women than it is for men.

At year-end 2003, 2.8 percent of female prisoners were HIV-positive. At that time, 14.6 percent of the female prison population in New York State was HIV-positive. There is a direct link between failures in our school system and imprisonment. And we take this seriously, as an educational institution.

68 percent of imprisoned people did not receive a high school diploma. How did this happen? That is the basic question with which we will start this morning. We will go on to ask a series of other questions. We are concerned with the fact that our society has chosen to address a series of social issues -- education, HIV AIDS, drug addiction, poverty -- through imprisonment.

We are concerned about this as the natural answer to these social issues, and we want to know why. At lunch time we will try to make connections between prison activism and these various issues -- immigration, transgender rights, education. Violence against women. Andrea Ritchie.

And then in the afternoon, we are going to ask -- what do we do? How do we make change? How do we make change, not only in the social situation that has been produced for us? But how do we make change in the way that we go about our business, so that things can be different in the future?

But this morning, we want to know how it is that prison came to be the answer to social problems. This was crystallized for us by our planning committee, and I want to thank everybody who participated on the planning committee, some of whom are here today.

Chino Hardin, Andrea Ritchie and Julia Sudbury in particular, who has been a consultant for this conference and whose book, Global Lockdown, was the inspiration for us to take up this issue at this particular moment. So I want to thank all of them.

(applause)

But the turning point in our sessions was a moment in which, one of the members of the committee who had worked with the Bedford Hills Educational Program, talked about what it was like to go to work every day, and how she had to adjust her thinking in order to be able to go into the prison and act as if this was a normal situation.

And what we wanted to know is -- why? Why should this be treated as if it is a normal situation? Why should not prison be treated as the problem, rather than the solution? And so, we got together a group of people who have been doing long-time work on prisons -- both activists and academics -- and asked them to share with us their knowledge about why this has

happened, so that we can go forward in the rest of the day and figure out ways to make it different.

I want to introduce those people to you, in the order in which they will speak, which is from the end of the table down toward where I stand now. Each of them has a particular piece of the story to tell, and because many of them have been active for so long, these pieces are interrelated and they've often worked together before; so we hope that you will get a coherent narrative by the end of the morning.

Our first speaker will be Kay Whitlock. She recently retired, about which she is very happy apparently, as the national representative for LGBT issues for the American Friends Service Committee, the AFSC. She is the author of a number of important reports for AFSC -- the AFSC Justice Vision Series; a series of publications addressing the meaning of justice in a society based on violence, exclusion and abuses of human rights.

These include "In A Time of Bones," which challenges penalty enhancement hate crimes laws as a progressive response to hate violence. And "Correcting Justice: A Primer for LGBT Communities on Racism, Violence, Human Degradation and the Prison Industrial Complex", among others. She comes to us today from Missoula, Montana.

Our second speaker will be Julia Sudbury. She is the Canada Research Chair in Social Justice, Equity and Diversity at

the University of Toronto. And also, Associate Professor of Ethnic Studies at Mills College, from which she is on leave. She's also on leave from Toronto, so she's happy.

Everybody is happy. Stop working, and look what happens.

She is the author of Other Kinds of Dreams: Black Womens' Organizations and the Politics of Transformation and editor of the very important Global Lockdown: Race, Gender and the Prison Industrial Complex.

She has been involved in women of color and prison abolitionist movements in the U.S., Canada and the U.K. And she is a founding member of Critical Resistance, the prison justice action committee in Toronto, and the Arizona Prison Moratorium Coalition.

Following Julia will be Andrea Ritchie, another member of our planning committee. She is a progressive lesbian feminist of African Caribbean descent, who has worked in the movements in the U.S. and Canada over the past 15 years as an advocate, policy analyst and researcher.

She is currently a member of the National Collective of INCITE! -- women of color against violence. And her research in organizing focuses on police brutality and misconduct, as experienced by women and LGBT people of color. She recently worked as a research consultant and co-author for Amnesty

International's "Stonewalled: Police Abuse and Misconduct Against LGBT People in the U.S."

And she also has served as a researcher and co-author for Caught in the Net: A Report on Women and the War On Drugs, published by the ACLU, the Brennan Center for Justice and Break the Chains.

Following Andrea will be Chino Hardin, who is also a member of our planning committee. She is Youth Organizer of the Prison Moratorium Project. She joined PMP as an intern in the summer of 2001, and came on to the fulltime staff as Youth Organizer in February 2002.

Chino brings personal experience with New York City's juvenile justice system, to her organizing work. She's appeared in Off Our Backs, Village Voice, Caribbean Life and numerous other community-based publications.

And finally, Patricia Allard is a lawyer by training and a black feminist activist and policy analyst in practice. She is an Associate Counsel at the Brennan Center for Justice at New York University School of Law. Pat's research and advocacy efforts focus on the impact of criminal justice policy on low income women and women of color.

She is currently developing a collaborative research advocacy project documenting the impact of current child welfare policies on incarcerated and formerly-incarcerated mothers and

their children. Pat is the author of Claiming Our Rights: Challenging Post-Conviction Penalties Through An International Human Rights Framework and Civil Penalties, Social Consequences.

Pat is also the author of Life Sentence: Denying Welfare Benefits To Women Convicted of Drug Offenses.

So, Kay Whitlock.

Kay Whitlock: Thank you, Janet. I want to first begin by kind of situating myself in a specific context. Janet gave you a little bit about who I am. But a couple of things are important. The first is that -- I've been an activist working across the interrelationship of issues. Economic justice, gender justice, LGBT justice, environmental justice -- for a long, long time.

There's never been a single-issue approach in my life. And that's part of what leads me here today. The fact that, by necessity, out of my own life and out of my own circumstances, struggles for justice have been interrelated. And I've also worked, in one capacity or another, for 25 years for a Quaker organization.

And as you will see in a few moments, that has a very germane connection to what I'm going to be talking about -- which is the rise of the prison system. The rise of imprisonment as a response to a lot of social tensions in this country.

I want to begin with mentioning a couple of myths. One is the sense that there is somehow an inherent definition of crime that enjoys a widespread social consensus in this country. In fact, there is not. The naming and the prosecution of crime is a political process that reflects, reinforces and strengthens structural inequity and violence on the basis of race, nationality, gender, sexuality and class.

And in fact, the history of punishment in this country is a history of punishment as proscribed by a dominant social, political and economic class.

The second myth is that -- prisons have always been with us, will always be with us, are an essential part of any justice system. And any little things that have gone wrong, any abuses that pop up from time to time, are possible through reform. I'm going to argue that they are not.

And I want to also, by the way, locate myself very quickly as a convinced abolitionist -- somebody who did not spring full-blown, as if Minerva, from the head of Jupiter, as an abolitionist.

But someone whose work and experience has convinced me over time, that abolition of the prison system, abolition of prisons is not only important, but an essential component of justice in this country. The rise of prisons in this country begins in a colonial context.

And there is a backdrop that's really important to notice. And it's the state violence that is never named as offense or crime. It is the context of slavery, of trafficking in slavery. It is the colonial context of dispossession and escalating violence against native peoples that approaches genocide over time.

It is a history in which there is the complete and utter subjugation of all women, and in which there is a very privileged white landed gentry group -- largely a religious group, that is defining what crime is. In the early colonial time, imprisonment is not used as a major approach to offenses.

In fact, offenses are defined largely according to the idea of sin and morality. And it's a very religious kind of context. There are jails, to be sure. They are primarily for holding people until there is some public dispensation and processing of the offense, and there is some kind of sentence.

And there are debtors that are in jail. Economic offenses are an enormous class, and it's hard to even get out of small debts. Legally, it's made very difficult to even erase small debts. And so, a lot of debtors are in prison. But in general, prisons are not used as a major sentencing tool.

Instead, there's a very quick, very harsh and short emphasis on swift public punishment. It's going to happen swiftly, it's going to happen publicly, and it involves very

strongly the idea of public shaming and repentance. And the idea that you will be taught a lesson swiftly and publicly, and everyone else will learn from seeing this swift, public lesson.

And there will be repentance and the offender -- especially depending on who he or she is -- will be restored to the community. This is carried out in an autocratic and theocratic context and it is brutal. The aggressive kinds of public shaming include not only stocks or pillories, but hands being nailed, ears being nailed to pillories and cut off. That kind of thing.

We have whipping, especially for servants and slaves. We have branding, mutilation and hanging. There are more than a dozen offenses -- including sodomy, fornication and adultery -- that are capital offenses. And there is the widespread use of fines from which the servant class can hardly ever escape.

In New York state, between 1691 and 1776, for example, there are only 19 recorded cases of imprisonment as a sentence for an infraction. That's incredible. What happens? What in hell happens? Because we're just on the cusp of a perfect storm of economic, gender, racial, political privilege, religion and punishment.

By 1790, things are changing very rapidly. Pennsylvania adopts the first penal code, providing for the sentencing of prisoners to unremitting solitude, coupled with hard labor

inside prison. And in Philadelphia, the Walnut Street Jail is converted to include a number of tiny, tiny cells that are meant to segregate the worst prisoners from the less-worse prisoners, and from each other in these tiny, tiny little cells.

This is the beginning of the penitentiary movement and the elements are enforced solitude and silence, harsh restrictions on human contact; and extremely hard labor. There's also the idea that in this isolation prisoners will reflect and repent on their misdoings, and they will, in a sense, reform themselves through this wholesome contact that is happening.

We also see at the same time, the beginning of the professionalization of corrections. For the first time, jailors are being hired in larger numbers. What's driving this? What's driving this, and we're starting to see a shift from the idea that those who are being imprisoned are just guilty of sin and moral failings, to the idea that society is actually producing crime.

And society is producing crime -- why? Well, because there are huge new influxes, increases in the population, most of them poor immigrants. Poverty is expanding widely and with it, all the stresses and strains of poverty that are going along. There's growing fear about instability -- social and political and economic instability and unrest.

There's also growing concern, particularly among Quakers and other religious folk, about the cruelty of public punishment. That is, they're getting so grotesque; people don't want to actually watch them all the time anymore.

And they are being concerned, quite rightly, about inhumane and brutal conditions in the jails that exist. Well, what happens with the experiment with the Walnut Street Jail? The brilliant Walnut Street Jail experiment that happens under the guise of religious reform instituted through public policy.

Liberal religious reform. What happens? The production of insanity and mental illness. There's overcrowding. These tiny, tiny little postage-stamp cells now hold three people instead of one. People who never get out. Never, ever, ever get out. They don't get out to work; they don't get out to think, they don't get out to talk.

And if they are moved, they have hoods put over them. This is a liberal religious reform intended as a humanitarian thing and as a more effective response to crime. Silence and cleanliness cannot be maintained. And there is, despite all of these measures, increased prisoner instability and unrest.

The experiment, over time, is a failure. What is the policy response to failure? The policy response to failure is - - expand the prisons. We don't abandon them; we're going to expand them. So, new prisons begin to crop up in Pennsylvania,

in New York, in Massachusetts, elsewhere. Oddly enough -- it's not oddly enough -- reasonably enough, they are not popping up to the same degree in the south.

Why? Because of the institution of slavery where slaves are being whipped, flogged, put to death, mutilated by masters, by people who, obscenely enough, imagine that they own these people. And so, there's not the same kind of stress until about the 1850s, when there's an economic depression, and all of the sudden, so-called economic crimes become widespread and the prison starts to grow.

But who are the people who are in these early prisons? Well, it's instructive to look that in Philadelphia those convicted in the Philadelphia Mayor's Court in 1796, 70 percent are born outside of the American colonies. They are immigrants. There are more men, but there are plenty of females that are in there too.

And they are all lumped in together. Over time, one of the reforms will be to separate female inmates and then to develop separate institutions. Same thing with young people. First, everybody is thrown in together. But then over time, we begin to segregate and then separate, and then create separate institutions for the management of females and juveniles.

So 70 percent are born outside of the American colonies and are poor immigrants. 31.7 are Irish. 31.8 percent in the

Philadelphia jail are of African descent, at a time when blacks are only 1 percent of the population. This is at the birth of the prison system in this country. The very birth.

By 1830, in the Walnut Street Prison in Philadelphia -- and this is only illuminating the larger thing. It is not unusual, it is typical of what happens again and again. The black population in the Walnut Street Prison in Philadelphia outnumbered white people.

So, the system is a failure. But the public policy response is to expand. In the north, prisons grow; they expand rapidly, explosively, in the 1830s through the 1850s. By the 1850s in the north, the prison population and prison construction just starts to skyrocket. It's already been steadily rising and then it just begins to shoot up.

In the south, as I'm noting, the growth is a little slower. But in the late 1850s and then on through the 1860s and the end of the Civil War, it's just unbelievable. By 1819, in prisons, to make them profitable and useful and also to help reform and correct the prisoners, but mostly to make them profitable and useful -- there's the rise of contract labor within prisons.

And the institution of convict leasing to private citizens who profit from these arrangements. There's also the creation of prison labor used to mitigate prison costs and reinforce other social structures that are violent. For example, a prison

in Louisiana creates its own in-house cotton mill and shoe factory in order to provide the lowest-possible cost clothing for slaves.

So it becomes a very self-reinforcing, self-perpetuating system. In the south, convict leasing becomes of such a scale that it becomes a powerful regional and political force, shaping local justice, labor relations and politics. And so, where are we now?

Where are we now? What has happened between now and then? Well, between the 1970s and 2003, a prison population, incarcerated population in this country explodes from 300-something thousand to 2.1 million. And when you add the other people who are on probation or parole, under the direct control of prison and jail and legal authorities, you have about 7 million people in this country.

And one of the reasons for that, and I have to end this now, is that rather than dealing with structural inequality, we've allowed prisons to become a social and economic and political force in their own right. And as such, they demand a reliable and increasing source of bodies to sustain, justify and perpetuate their existence and their growth.

And so, we've gone to many of the same populations reflected in the early jails. But we've nuanced them and we've twisted them and we've expanded them. So now, rather than deal

with good education, good housing, dealing with drug treatment, dealing with all of those kinds of things -- we've criminalized immigrants. We've criminalized youth. We've criminalized an increasing number of women, particularly women of color under the Rockefeller drug laws.

And in fact, in every category going into prisons, it's always going to be people of color in whatever configuration -- youth, women, immigrants, transgender and gender-nonconforming people. Those are who are driving the growth of the system.

So when people call for reform, I want to point out that the entire institution and expansion of this system is built on the idea of liberal reform.

(applause)

Julia Sudbury: I want to thank Janet, Grace and everyone at the Center for Research on Women for organizing this amazing and important conference. I want to thank all of you for being here. And I particularly want to thank -- who was here last night for the prison puppet show and the Black Out Arts Collective?

That was amazing, wasn't it? So I really want to thank the folks who organized the prison puppet show, the Black Out Arts Collective and the "She Disappeared" play that we saw last night. And those of you who didn't get a chance to see that last night, I'm sure there are going to be other opportunities.

Because it's so important for us to recognize that art and culture and spirituality -- all of these things are part of our movements for social justice and social change. That's what sustains us. I want to start just briefly by locating myself in why I do this work around prisoner justice issues.

I was actually raised in a prison town in the south of England. And thinking back to those days, I remember going to a school with about 800 kids; and I think there were less than five of us who were black kids. And that pretty much reflected the town.

So when I grew up, I didn't see a lot of people who looked like me reflected back at me. And I lived just about five minutes below the prison. The prison was one of those prisons - - it was pretty much right in town. And we used to walk past it all the time.

In fact, during my teenage years I had a job cleaning in a local hospital. It was directly opposite over the road from the prison. So every day I'd walk past it and I didn't really think about it being there. It was pretty much invisible. It was huge. It had these huge walls, it was this huge building. And it had been there for hundreds of years.

It was really invisible. Nobody talked about it. Nobody thought about it except for those, obviously, who were inside

and those who came from mostly London, out of town, to visit the prisoners.

I did actually have a cousin who was in prison, who was in and out actually. But again, the silence was there. He was never talked about in our family. It wasn't something that you discussed over dinner. Nobody talked about when he was going in and when he was coming out.

I knew that he had mental health problems and that was the cause actually of him being in and out of jail. But it wasn't something that we talked about. So there was this silence, this denial. There was always this sense that prison wasn't something you looked at. But you saw it; it was right there, it was really huge and it was kind of the elephant in the middle of the room. It was right at the top of the high street, but nobody talked about it.

So I actually ended up entering into prison work, not through really being conscious of the role of the prison in my childhood, but through the black women's movement, through black women's activism. And Andrea is going to talk a lot more about women of color activism.

But for me, I found that, when I went into the women's prison in Winchester I found out where all the black folks had been all the time I was growing up. That place was full of black women. And that really was an eye opener to me. And I

realized that, not only did I find where all the black women were, but I also found, in sitting and talking with the women, that we shared a lot.

I hadn't spent time in jail but we shared common experiences of racial violence, racial discrimination, sexual violence, sexual trauma. These were the kinds of bonds that tied us together and these were the things that, I think, in the end motivated me to stay close to prison activism and prison justice work.

And I came to believe that prisons are in fact a form of violence against women. That the state's response to women's survival strategies -- women who have survived poverty, women who have survived violence, women who have survived racism -- is to criminalize and incarcerate. It's a form of violence against women that is layered on many other experiences of violence that we face, as women of color.

And I think about the quote from June Jordan -- June Jordan, the wonderful African-American poet and feminist -- who said that freedom is indivisible. And I think that, to myself, I change that slightly to say that -- freedom from violation is indivisible.

So that if I am to be free from violation, from violence, then I need to fight constantly for the freedom of all women and all women of color to be free from violation. And that prison

is a form of violation against us, against our children and against our communities. So that's where I'm coming from in doing this work.

But Janet asked me to focus specifically on connecting the global economy to the amazing increase in women's imprisonment that Kay just laid out. So I'm kind of really going to focus my comments today on the question -- where is the money? And I hope I'm going to also convince you that it's important for us to know -- where is the money -- when we're thinking about prison issues.

And Kay gave us this amazing historical survey -- how many centuries did we get there in ten minutes? I was impressed with that. I was trying to squeeze in the last 20 years in my 10 minutes, and I was having a hard time. But we know that in the last 25 years or so, the prison and jail population of women in prison and jail here in the U.S. has increased from something like 14,000 -- all the way up to 170,000.

And we also know that over a million women are currently either in custody -- in prison, in jail -- or under probation or parole. So, under some kind of intervention and supervision and control by the state directly, in these forms of state violence.

So we could ask ourselves -- how did this happen? Why is this the case? Well, back in '98 some folks were involved, some folks over on the west coast and nationally were involved in

organizing a conference called Critical Resistance. And Critical Resistance very rapidly become a national movement, with chapters all across the states and here, too, in New York.

And Critical Resistance and other organizations like the Prison Moratorium Project and others, began to do a lot of outreach and organizing around the concept of the prison industrial complex. How many people vaguely have a sense of what the prison industrial complex is? I'm not going to ask you to answer the question, so just . . . okay, I would say that probably since those days, around about '98, the term "prison industrial complex" has become pretty much commonplace; something that we generally understand, as part of our organizing language and our organizing concept.

And it's a term that helps us to think differently about prisons. It's a term that helps us to think different about -- why is it that the U.S. locks up more people than any other country in the world, including China, including Russia and so on?

And it's a term that helps us to answer the question that, as Kay pointed out -- prisons are not something that are just automatically here with us. They haven't been with us forever. Also, prisons don't make us any safer. Right? The fear of crime, the fear of violence is higher in the U.S. than probably any other country in the world.

And yet, we have the highest prison population. We lock up more people than any other country. If that's the case, if prisons don't make us safe, and if prisons are not something that we have to have to avoid being here, then why in fact has the U.S. spent so many billions of dollars in the last 30 years building more and more and more prisons?

Why are -- not only in the U.S. -- but why are U.S.-style megaprisons being exported to countries throughout Latin America, Africa and other parts of the world? So not only has the U.S spread this model throughout, within the country; but it's also spreading it globally as well, as a solution to -- oh, you have problems, you have poverty, you have some kinds of issues going on? Here, we've got an idea; here's a 3,000-bed prison that we built, here's the plan, here's the architectural design; just pop that in Capetown and we can solve your problems. And in fact, we have a corporation that can build it for you. In fact, we have another corporation that can run it for you.

So, the term "prison industrial complex" helps us to question -- who is profiting from the global prison-building boom. It helps to shift our attention away from the individual behavior -- those so-called criminalized acts that Kay talked about. To focus away from those individual criminalized acts and towards the actions of politicians, multi-national

corporations, lobbyists and so on, who promote prison as the solution to social problems.

And of course, we all know that these social problems are in fact rooted in economic injustice. They are rooted in racial and gender inequality and they are rooted in state violence. So clearly, the prison which itself is a form of state violence, and perpetuates racial, gender and economic injustice -- is not going to be the solution.

And yet, it's handed to us as the solution. So when we use the prison industrial complex as a framework, it becomes clear that so-called reforms that aim to make prisons more humane, to provide better rehabilitation or education inside prisons, is simply not enough to stem the tide of repression and criminalization of our communities.

That is not to say that we should not push for education programs inside prisons. But it is to say that, if that's all we're pushing for, then we've really missed the focus of what we should be doing.

Instead, we need to work towards abolitionist strategies -- strategies that aim to dismantle the prison industrial complex altogether, and to put the freed-up resources, those billions of dollars, back into the hands of our communities so that we can decide how we're going to use that money to build up the

services and infrastructure that we need to keep our communities healthy, safe and growing.

So, in order to understand the global spread of the U.S. prison industrial complex -- and I want us to think about the prison industrial complex as global. But I also want us to really hold onto the idea that the U.S. has a key role in that. That many of the multi-national corporations that are part of, at the root of this global spread, are headquartered here in the U.S. And that's really important.

We need to understand the role of global economics in fueling the global prison boom. And Janet mentioned the book, Global Lockdown. And in this book, the contributors who are activists, who are former prisoners and academics, argue that in fact, globalization is one of the key forces driving prison expansion today.

I want to very briefly mention four key ways in which economics, or where the money is, have a role to play in the prison industrial complex. The first is in what I call the neutralization of the women and men whose labor is no longer needed by restructured capital.

We all know about the ways in which globalization, for example, opens up borders for capital. It opens up borders so that the factories can be relocated in Taiwan and in Mexico, so that young women, mostly, can be exploited. Young Mexican

women, young Chinese women can be exploited for their labor there; they can do the work more cheaply.

What happens to the folks in the U.S. who would have been working for those corporations? One of the important things that happens to them is that they become criminalized and swept up in the prison industrial complex. And so, in a sense, I don't know if some of you are watching the series on CNN or other programs about the whole debate about what to do about all those undocumented immigrants.

Well, we know that in fact, the employers want the undocumented immigrants and they want to keep them undocumented because that keeps them really cheap laborers. But at the same time, we've got the political lobby and we have individuals saying -- we don't want all those immigrants here, coming and taking up all of our resources.

There's a contradiction there between what capital want, and what people with their kind of racist ideas want. And so, prisons kind of solved that problem very neatly because what they do is say -- they are coming in and it's a terrible thing, so we'll lock a few of them up.

Not enough of them to make a real difference so that the employers won't be able to employ them for five or six dollars an hour. But just enough of them to keep that contradiction

going. So that's one way that economics and prisons are tied together.

When people like, for example, the woman on CNN last night -- she was incarcerated because initially she was caught up by police at a police check for not having a U.S. driver's license. She didn't have a U.S. driver's license because she was undocumented.

So when women like her end up entering the court system, they are turned into criminals. So people with everyday lives, their activities, the things they do to survive -- are turned into criminal acts. And then they become criminals.

What prisons do is they turn those so-called criminals -- who are basically as we know our brothers and our sisters and our mothers and our fathers, we've got that part -- into commodities. They turn those criminals into something that can make money for somebody.

Where is the money, right? There's no point taking these folks and locking them away if nobody is profiting from that. So who is profiting from that? Well, where we have private prisons, we've got federal and state governments paying corporations a fee per prisoner, per day.

So that means that if you've built a prison and you have an empty cell, that cell is not making you any money. If you can fill up that cell with prisoners -- even if you can double-bunk

that cell. In fact, if you can triple-bunk -- it means that you can have a cell for two beds and put six people in it, you're making a lot of money. Does that make sense?

So you have all these corporations that have a vested interest in making sure that the most punitive criminal justice policies possible are being passed, so that more and more prisoners can be turned into these commodities to make money.

Kay talked about prison labor. And she talked about it more historically, but we also know that you can pick up a phone and you can talk to somebody at Bank of America, and you may be talking to somebody who is in a prison. Or you can go and buy your little sexy underwear for a nice weekend engagement, and you might be wearing something that was sewn for Victoria's Secret by a prisoner.

So we understand that the global economy also incorporates prisoners as laborers. It's not just women on the global assembly line in Taiwan, making sneakers for Nike. It's also women inside the prisons, who are super-exploited and obviously not being paid anything like a minimum wage. So that's another way in which prisons and a global economy are connected.

And finally, I just want to touch on the role of the prison system and the prison industrial complex in silencing dissent. Because clearly, we know that under globalization, under U.S. imperialism, the injustices that our communities are facing are

brutal. The poverty that our communities are facing is brutal. The violence that our communities are facing are brutal.

And yet, somehow there needs to be a maintenance of some sense of order. And the prisons help to control our communities in those situations. And many of us know folks who are former prisoners who say -- well, I don't know about getting involved in prison activism because I'm not supposed to really hang out with ex-cons.

Have you heard that, those of you involved in prison activism might hear that. Or people might say -- well, I kind of might want to support the whole thing around immigrant rights, but I don't really want to get arrested if I'm on a demo and I (inaudible).

So those kinds of things can really encourage us not to speak out. But more importantly, across the globe, the U.S. is maintaining a global gulag, a global network of prisons -- from Afghanistan through Iraq to Guantanamo Bay. So throughout the world, there's this network of prisons that serve as these very visible markers of U.S. empire and U.S. dominance.

So it's not just those of us internally who are being policed, and those of us internally who are perhaps censoring ourselves and thinking -- hmm, I'm not sure how much trouble I want to get into. But it's also internationally, that U.S.

empire is maintained by holding up this image of control and dominance through the prison system.

But at the same time, the fact that the U.S. had to maintain a global network of prisons; has to keep investing billions of dollars each year into maintaining the prison industrial complex, which is like this greedy monster that keeps swallowing up more and more funds.

That points to the fact that it's a crisis. It points to the fact that it can't maintain itself. It can't continue to keep investing in these kinds of resources constantly. And I think that that is the crack in the facade. That is the point at which we can have hope.

Because what it shows us is that there is a possibility for something different. And instead of imagining a world of a constantly-growing prison industrial complex, a constantly-growing gulag of prisons throughout the world -- we can imagine a very different future.

And that different future is based on our transnational, our anti-racist and our feminist visions of collectivity and solidarity. And I really am so excited to be part of this conference this weekend, and we also know that this is just the beginning. And as we walk out of these rooms, we have to take that to the streets, to our communities, and to engage in activism to make the future that we want to have. Thank you.

[Break In Taping]

Andrea Ritchie: . . . enforcement-based solutions to violence and safety in feeding, maintaining and perpetuating the prison industrial complex. It's often the case that in discussions such as these, although probably not if any of these women are at the table, but usually that we pay pretty superficial attention to the role of law enforcement.

And by that, I mean local, state, police, federal agencies such as border patrol, customs enforcement and of course, immigration authorities -- as the primary point of entry into that prison industrial complex. People don't just show up in prisons. Someone puts them there.

The police play a central role in turning people, as Julia said, into criminals. And it's police who decide who's a criminal. And they are the ones who enforce these socially-constructed notions of what crime is. We often talk, in criminal justice circles, about sentencing disparities or exercises of prosecutorial discretion, which determine, for instance, who gets drug treatment and who gets put in prison.

But we talk less about who decided that someone was suspected of using drugs in the first place. Why are they not looking at the frat houses and looking more in my neighborhood? Whether and how they decide to take action on that suspicion, to

get someone to the place where they are facing an exercise in prosecutorial discretion or a mandatory minimum.

And we sort of touched briefly on racial profiling as a contributing factor to the stark and systemic racial disparities that, as Kay pointed out, have existed in the nation's prison population since its beginning. But we don't really delve into the nature and quality of daily police encounters; and the manner in which a significant degree of discretion that's delegated to individual police officers and law enforcement agencies, is wielded to enforce systems of punishment.

Reflecting, policing and perpetuating systemic power relations that demand and uphold the PIC, as we've talked about.

So this thing called conflict theory of law, I figured that in any university I had to say the word "theory," so . . .

(laughter)

. . . I went and read this book called Minority Threat and Police Brutality. Conflict theory of law maintains that crime controls an instrument used by powerful groups to regulate threats to their interests, thereby maintaining the existing social structure.

And then I was like -- what does that mean? In other words, police officers, as the state's frontline soldiers, bear primary responsibility for enforcing and upholding social order. That I could understand. When the balance of power in society

is threatened, the police are called on to bring offending populations under control. So as a result, patterns of police conduct and misconduct are consistent with historical systemic and structural oppressions.

And individuals whose existence, expression or conduct defies those structures are, at best, objects of suspicion and detention and harassment by law enforcement officers. And at worst, just disposable people turned over to police officers, to punish or ignore as they please.

We also don't often critically examine society's reliance on the prison industrial complex or the PIC as a whole, and law enforcement in particular, to protect us from interpersonal violence. So many of us will agree that racial profiling and mass incarceration for non-violent drug offenses is problematic.

But we are less willing to challenge or question or examine the manner in which emphasis on increased policing and punishment of violence against women, or homophobic, transphobic and racist violence also known as hate crimes -- I don't really get that. It's about systemic oppression, not hate.

And how, us pushing for more law enforcement responses to that, to somehow reinforce that we are valuable people in society -- actually perpetuates violence and helps to promote growth of the PIC. So in the time that I have, I'm going to attempt to try and do both of those things and encourage us to

really envision a world, not only without prisons, but also without police -- which sometimes is really difficult.

And when looking at policing discourse, which is the other place where I spend a lot of my time, there has historically been a significant gap in our understanding of women's experiences of policing. So to date, our analysis of law enforcement has been almost exclusively informed by the paradigm that centers young black or Latino men, who are coded as heterosexual but not necessarily heterosexual -- as the quintessential subjects and victims or survivors of criminalization and brutality by police.

I'm not saying that doesn't happen. I'm just saying -- and some other people get affected too. So these narratives of racial profiling and police brutality, as well as the kind of data that's collected -- like frequency and nature of traffic stops or street encounters experienced by non-gendered African Americans or Hispanics and whites -- fail to analyze data along gender and racial lines.

And these dominate the discourse and debate around race-based policing and police violence, and to the exclusion of the experiences of women of color. Women's experiences of policing, which are informed by enforcement of gendered norms and social mores, and complicated by gender identity and expression, race,

class and sexual orientation -- demand really a more nuanced theoretical approach than has been advanced to date.

So I went back to look for more theory and found a recent study of police behavior that concluded that females are viewed as more submissive by law enforcement officers, and are less appropriate targets for coercive control; and are socially regarded as worthy of greater protection.

That clearly really doesn't hold true for all women. And in fact, may apply only with respect to a really narrow group of white middleclass women, under particular circumstances.

Similarly, the conclusions of a recent study of traffic stops -- that male police officers are more reluctant to stop female drivers for fear of accusations or misconduct, really weren't in play in Brooklyn back in the fall of last year, when they stopped a woman for a traffic stop and then proceeded to sexually assault her.

And then they also said that traditional gender role expectations may lead male officers to be more polite in their interactions with female drivers.

So earlier this week, police stopped Joni Pratt, a black school teacher and a wife and a sister of fellow New Orleans police officers -- for allegedly running a stop sign two blocks from her house.

The witness saw the officers pull Pratt out of the car by her hair, and throw her repeatedly against the car, and twist her arms behind her and spray pepper spray in her face. And then two more officers arrived on the scene and the three of them shoved Pratt to the ground and knelt on her back, while one of the officers kicked her in the head.

She had a broken wrist, a black eye and a hemotoma at the end of this little police encounter. And witnesses said, of course, that officers refused to believe that Pratt lived in the house that is in fact her home, because it's in a middleclass area of the city.

Not so much -- what were they saying there? -- politeness and, be more polite in their interaction with female drivers . . . so whether the context is racial profiling or law enforcement practices associated with the war on drugs, or excessive use of force or immigration enforcement or the war on terror -- women and LGBT people of color are subject to race-based policing as well as violence and abuse at the hands of law enforcement officers.

And I really just want to direct folks to Caught in the Net, which is a report that you can talk to Stephanie over there in the corner about. It's put out by Break The Chains, the ACLU and the Brennan Center. That talks a lot about drug enforcement

and women of color, and particularly the role that police play in that.

I also want to direct you to a report put out by MC[?] International called "Stonewall," which looks for the first time, in that kind of national context. Lots of local groups have been working on it for a long time -- at police interactions with LGBT people, that demonstrate this.

But because the dominant paradigm of police brutality has governed the manner in which, for the most part, law enforcement data is gathered and reported, the trend that we hear about and see and talk about, don't really reflect the experiences of women and LGBT people of color.

And that leads to some theoretical and practical blind spots in our discourse and in our organizing. I just remembered that I'm not supposed to say that. Areas in which we don't have enough information.

And these gaps in police misconduct research further skew our views of how women are treated by law enforcement agents. And so, they perpetuate existing narratives of policing, which focus exclusively on the experiences of men.

But recent data documenting the dramatic increase in the number of women, and particularly women of color, who are incarcerated pursuant to law and order agendas and war on drugs

policies that Julia referenced, suggest that police interactions with women are increasing in frequency and intensity.

Last fall, the BJS -- the Bureau of Justice Statistics -- indicated that women account for nearly one in four arrests. So that's a lot of police interactions to lead to one in four arrests. And a recent study in New York City by the NYU Wagner School of Social Policy, showed that black and Hispanic women make up eighty percent of women arrested in New York City.

Which makes women of color a significantly greater proportion of arrestees than any other group in the general population in New York City. Women's experiences of law enforcement are obviously informed by our location at the intersection of structural oppressions based on gender, race, class, sexual orientation, age and disability.

Enforcement of socially-constructed raced, classed and hetero-normative notions of gender and regulations of sexual conduct -- are two cornerstones of policy interactions of women of color and LGBT people of color.

From the enforcement of historical laws prohibiting people from wearing apparel associated with another gender; or, to present-day enforcement of social expectations regarding the use of gender and segregated facilities such as bathrooms. Someone was recently arrested for using a bathroom that the officer didn't expect that she should be using, even though there's no

law anywhere in New York City, saying what bathroom you have to use.

There's one for people with skirts and one for people with pants. I mean, that's mostly what I can gather from the sign.

(laughter)

So law enforcement agents have explicitly policed the borders of the binary gender system. Additionally, police officers engage in subconscious gender policing. Departure from socially-constructed norms of appropriate gender expression is perceived as grounds for suspicion and securing submission to gender roles.

And such perceptions are further complicated by presumptions of criminality based on race or class. Individuals perceived to be transgressing racialized gender norms are consciously or subconsciously framed by police as inherently disorderly, and therefore, more likely to become objects of police suspicion and surveillance, and to be subject to presumptions of criminality, mental instability, substance abuse or predisposition to violence.

So, for instance, the interactions of transgender women who are often perceived to be the ultimate gender transgressors of law enforcement, are generally marked by an insistence on gender conformity and punishment for failure to comply. As well as undercurrents based on perceptions that they are just

inherently, because of their gender -- at this juncture, in the eyes of the police officer -- inherently fraudulent, deceitful, substance-abusing, violent or mentally unstable.

Women who are framed as masculine -- including African-American women who are routinely masculinized through systemic racial stereotypes -- are consistently treated by police as potentially violent, predatory or non-compliant, regardless of their actual conduct or circumstances, no matter how old, young, disabled, small or ill.

Similarly, lesbians are often defeminized and dehumanized by the criminal justice system and therefore subjected to considerable criminalization and abuse by police. A lot of this that I'm talking about has been informed by discussions I've had with Rebecca Young, who is here today.

Speaker: And who will moderate the second panel.

Andrea Ritchie: And who will moderate the second panel and be passing notes like -- "you have two minutes left." So Rebecca also pointed out that women who are perceived as lesbians are also a subject of increased attention by law enforcement because they are perceived to be taking something that's not theirs to take. Intruding on male territory and undermining male privilege by having sexual relationships with other women.

Working class or low income women are also perceived to be more masculine than middle or upper class women, and therefore subject to greater violence by law enforcement officers, and criminalization. So all these presumptions result in arbitrary stops and detentions, invasive and abusive searches, use of excessive force during encounters with police.

And ultimately, arrest and punishment through the prison industrial complex; or denial of protection by law enforcement as crime victims. So that's -- policing gender.

Policing sex. There have been historic laws making it an offense to be a woman found unaccompanied on the streets at night. Common street walking laws. And from those laws to current prostitution laws which essentially say the same thing. Also, morals regulations -- such as lewd conduct statutes and, until recently, sodomy laws.

Police have been charged with enforcing dominant sexualities and policing sexual deviants. So, violation of gender norms through public sexual conduct deemed deviant, whether it's engaging in sex work or engaging in expression of affection between people of the same gender -- also gives rise to heightened police surveillance, harassment and abuse, and ultimately arrest.

And then there are conflicts between the two because people who transgress gender and sexual norms are highly sexualized by

the police, and then they are presumed to be involved in sex work or lewd conduct. And sexual violence against them is not worthy of police attention.

Vaguely-worded quality of life regulations which prohibit, among other things, loitering and loitering with the intent to solicit, disorderly conduct and being a public nuisance -- really provide officers with the discretion to police gender and sex and enforce gender, race and class lines through discriminatory and arbitrary arrests.

They can't arrest everyone who beats these vague qualifications or socially-constructed definitions of crime. So they pick -- who's the criminal. And inevitably, their internalization, perpetuation of the gender to race stereotypes we've been talking about result in selective targeting of women of color, in the highly-discretionary world of policing.

So what's important for us to remember also, is that the role played by police officers on the front line of the PIC doesn't change when police move between serving as enforcers of drug laws or quality of life regulations, to protectors from violence.

Therefore, in order to stop the growth of the PIC, we not only have to think of how to respond to social problems such as substance abuse and poverty, we also have to rethink how we as a

society approach violence. Police don't make us safer any more than prisons make us safer.

Women's experiences with police brutality rather than police protection in the context of domestic violence interventions, implementation of mandatory arrest policies and policing of racist, homophobic and transphobic violence -- have not, for the most part, been integrated or addressed in our discourse challenging violence against women, or violence against LGBT people or people of color.

Some notable exceptions are the publications that Kay has been involved in, that Janet referenced. But for the most part, mainstream approaches to intimate violence and sexual assault and racist, homophobic and transphobic violence continue to rely almost exclusively on law enforcement agencies as the primary, if not exclusive, response to personal violence.

And the role that that plays in criminalizing some of the very people that these policies purport to protect has, for the most part, been really relegated to the margins. And our critiques of these approaches and abolitionist discourse also often leaves out gendered experiences with police violence, through police protection practices, which ultimately really provide powerful evidence in support of arguments challenging the PIC.

Because most of the advancement of law and order agendas and attendant growth of the PIC has taken place on the backs of anti-violence against women rhetoric, and anti-hate crimes rhetoric.

So I'm just going to end with a story that hopefully illustrates this. Cherie Williams, a 35-year-old African-American woman in the Bronx, who lived in the Bronx in 1999. She called the police because her boyfriend was beating her in her home.

They showed up and took one look around the housing project where she lived, and at her as a black woman -- and didn't even bother getting out of their squad car. They were like -- protection doesn't apply here.

She was irritated and asked for their badge number. They proceeded to grab her, also by the hair; throw her up against the car, throw her back in the car, cuff her, and started to drive her away. She didn't know where they were taking her. She got her hands out of one handcuff, to try and get out of the car and they maced her in the back of the car.

And they took her to a deserted parking lot and beat her within an inch of her life. So much so that they broke her jaw and busted her spleen and just left her there for dead, on the ground.

Those kinds of experiences -- it's hard for law and order and people who are saying "no violence against women, we need more police and more jails" . . . it's really hard for them to respond to that and continue that rhetoric in the face of that.

They will do it, but it's harder. And also, proliferation of mandatory arrest policies across the country, leading to an increased arrest of domestic violence survivors who then become subject to further violence in the criminal justice system, including use of force during arrest and threats of removal of their children; and abusive strip searches and other violent and degrading conditions of confinement.

So in New York City, a study found that a significant majority of domestic violence survivors are arrested along with their abusers, or arrested instead of their abusers -- are African-American or Latina. And 43 percent of them were living below the poverty line. And lesbian survivors of DV are also often arrested along with their partners, or instead of their partners because the police either see it as mutual combat or a cat fight or they can't figure it out.

Or they just rely on presumptions that the abuser must be the bigger partner or the more butch partner or the woman of color or the person who is less fluent in English, or the immigrant. And survivors of homophobic and racist and transphobic violence have also been subject to arrest because

officers are saying -- well, you brought this on yourself and you must have been engaging in some kind of criminal conduct, because look at you, you're all gender messed up, so you brought it on yourself.

So these experiences and countless others really counsel strongly in favor of development and support of alternative community-based accountability strategies which prioritize safety for survivors, community responsibility in creating and enabling climates which permit violence to take place, or don't prevent it to take place.

And then really, the transformation of private and public gender relations. So, INCITE!, Women of Color Against Violence is an organization that's engaging in the kind of women of color organizing that Julia was talking about, that she's been a part of. And we are really working towards doing that; both by documenting law enforcement violence against women of color to show that the mainstream reliance on law enforcement to create safety doesn't do it.

And it just creates more violence against women. And then also, to encourage us to really move beyond fund (inaudible), or put more money into policing or train the police to be more sensitive to DV; or train them to figure out who's the abuser in a lesbian relationship.

And move away from that, to let us as a community, we take responsibility for each other's safety and for revolutionary interpersonal relations that really will create a world without prisons and without police.

(applause)

[Pause In Taping]

Chino Hardin: Good morning. How is everybody feeling? Okay? All right. I see some people nodding off in the back, but that's all right. I'm Chino. I've from an organization called Prison Moratorium Project, which is based in downtown Brooklyn, that works on stopping mass incarceration, prison expansion and construction.

And so I'm here to talk about the juvenile part of this prison industrial complex. I don't have nice papers written like everybody else. I'm just kind of freestyling from the top of my head. So basically what's going on right now in New York City is that something happened.

People don't know. I don't know if you got the invitation to the wedding, but Bloomberg married the Department of Juvenile Justice and Education Department. And that marriage, what is happening is that they have many kids. And all of them are going into what we call the school-to-prison pipeline.

We talk about prisons and how they are constructed and how they play out and where they are. What people don't know is

that, for New York City young people and unfortunately, for a lot of young people across the country, is that we don't need to go up to a juvenile detention facility. We can go to our local public high school and it will look exactly like a prison.

When I say -- exactly like a prison -- I mean, armed guards which you don't really even see on Riker's Island Jail. You don't see armed guards like that, but we have armed guards in our New York City high schools. We have scanners. We have more security in the New York City high schools than if you would take an international flight to like, China. That's how serious it is.

These young people are being criminalized, demonized. Basically shit on -- excuse my language. And put down and hurtled into the juvenile detention system. Young people, especially women, report sexual violence; being harassed by the school safety agents. Being felt up or being scanned because of their underwire bras or so forth.

Can people hear me without the mike? [Steps away from the microphone.]

So our young people are being shoveled into the prison industrial complex. What's happening right now is that we spend more money on locking up young people than we spend on education. \$150,000 per year, per young person to keep them

locked up in jail. And the New York City Department of Education only spends about \$9,000 or \$10,000 to educate them.

And the young people I'm talking about is not Bobby or Susan from the Upper West Park Side, who ends up going to Columbia or Barnard. I'm talking about Ray-Ray, Shaniqua. I'm talking about people like me. You know what I'm saying? Who should end up going to Columbia or Barnard, but doesn't; and ends up going to Bedford Hills or Albion.

This is where their higher learning, education is, up there. Not these beautiful facilities that we see in force right now. So what are we doing about this? PMP is definitely trying to organize people to stand up and fight for their rights, but it's hard.

Young people are dealing with so many problems. Like figuring out being young; figuring out what's going on in school. If they're going to go to college. A lot of them are poor. A lot of parents are not there. The parents were there, working 9 to 5. Never making ends meet; ends meeting doesn't apply at this point, because it's never going to happen.

And while our New York City government is putting more and more policies in play, like zero tolerance policies that criminalize the young person's every behavior. Throwing a snowball fight because assault in the first degree. A snowball! Fight in school. Kids are going to fight.

The adolescents, you know, sometimes you are working it out behind three o'clock. You know what I'm saying? And they get locked up. They can be charged with a D felony and up to seven years in prison. Why? Because we live in a capitalist, racist country. That's completely why.

I don't have a lot of fancy words to describe that, but . . .

(laughter and applause)

. . . and how it ends up playing out is that a lot of young people is dropping out. They're like -- forget this; high school is whack. It doesn't matter, even if I end up graduating from there, I end up getting a little scholarship that will accept you to college.

My high school never prepared me for these institutions in the first place. Young people are playing the hand they're dealt. You know what I'm saying? They're playing the hand they're dealt. And when they play that hand, they're criminals. You know what I'm saying?

And 85 percent of the young people that come in contact with the Department of Juvenile Justice end up becoming more in contact with the Department of Juvenile Justice over and over again. Now, we looked at (inaudible) incarceration programs, which are cheaper and more effective.

Only 0 to 35 percent of the young people who get sentenced to an ATI comes back in contact with the Department of Juvenile Justice. And ATI costs about \$12,000. But still, our city spends this enormous amount of money to lock them up. They are planning to build new facilities up in the Bronx.

DJJ gets buttloads of money and when I say buttloads, I mean buttloads. I'm talking about all types of taxpayer money. This is our money that's locking up our young people. And at the end of the day, our schools are just really, our schools are just so far gone.

That education system is a distorted system from the giddyup. Right? They're (inaudible) really hard. But what I really want to talk about is -- what does that mean in the movement? What are we doing as social activists or academics to stop this?

I think we need to take a hard look at ourselves. I'm taking it from a perspective of somebody who's had a (inaudible) of being locked up as a young person, as an adult and being a social activist. And within both of those, I feel very unfulfilled. I feel very unfulfilled because I feel like the more I do, is the more they do.

Every time I get a step forward, I feel as an individual (inaudible) prison industrial complex, they move two steps ahead of us. So I want to urge us to move beyond our comfort zones.

Because unfortunately the prison industrial complex is not going to be (inaudible) in a paper or in book. Unfortunately it's not going to be (inaudible) in a conference.

It's not going to happen. The people who are part of it, the people who are out there facing these things every day, are not in this room right here, with you and me. We are privileged to be in this room right now and get this information because the ones who are being arrested, beat up, maced, locked up every day for things like sitting on their block where they live at -- are the ones not getting this information.

So the best thing I can recommend . . . you're giving me the two-minute sign, I'm trying to wrap this up.

(laughter)

The best thing I can trust us to do is disseminate information because the hardest thing to look at is the young people going to jail (inaudible) -- that's the hardest thing to look at. And unfortunately, our young people believe this American pie shit, dillusionist dreams, just pull yourself up by your bootstraps, that you get a nice house, with two kids and marriage and all that other crap.

It doesn't work out if you're brown or black in this country. It doesn't work out if you're queer in this country. It doesn't work out if you're a woman in this country. It

doesn't work out if you're poor in this country. Every day, all the media does is watch.

And if they try to go out and get those things by any means necessary, and then we get locked up trying to do what America sets up[?] for us to do. So I urge everybody here, who is conscious or whatnot -- disseminate the information. Because freedom is in knowledge. Thanks.

(applause)

Patricia Allard: It's almost afternoon. Thank you, Chino. It's wonderful to actually speak right after Chino because I know you guys are there with us. I want to thank The Center and the organizing committee for a wonderful, wonderful job. Now it's on us to make sure that we go out and do something about what we've been talking about this morning.

Quickly -- how I came to the work. I was in law school and I was part of an art collective that would go for PFW, Prison For Women, largest one in Ontario, in Canada for that matter. It's been dismantled. Unfortunately, women have been spread across the country.

You should read the history. There were some serious, messed-up things that happened up there. And part of what we were doing was -- faith-based initiatives let us in, a priest. And we were singing and drumming and organizing. But we had to

keep singing, otherwise the priest would come in and it would be like -- what are you up to?

(laughter)

So art is powerful and Julia is right. I think we need to keep reminding ourselves of that. That's how I came to the work. I want to start by telling you a little story, one that sort of encompasses what I'm going to be talking about -- post-conviction penalties.

How many people are familiar with post-conviction penalties or more commonly referred to as -- collateral consequences? Aha, they are not collateral. Let's call them what they are. Post-conviction penalties.

Another woman's journey through the prison industrial complex. Imagine that you're a young woman in your first year in college working as a nurse's aide part time to pay for tuition. You live at home with your parents and your five-year-old daughter. You meet a young woman who is a sophomore at your school; she is charming and caring. You fall madly in love.

Unfortunately, your parents discover your diary which details your new relationship. They disapprove and force you to choose. So you decide to move in with your new partner. Given that both of you are students who only work part time and have a five-year-old, things are tight.

But you manage. You make ends meet, barely. But you are very happy. The following fall your daughter begins school, resulting in significant and unexpected expenses -- a school uniform, books, school supplies. Nothing is no longer covered by the state.

You wonder -- where will I find the money to cover all these expenses? You cannot take on additional shifts at the hospital because of your schooling. An old friend from high school offers to help you out. By carrying some drugs for him from New York to D.C., you'll make enough money to cover your daughter's school expenses, as well as one month of child care for those evenings that you have to work late at the hospital.

Hey, a one-time trip? It's too good to be true. You don't tell your partner because you don't want her to worry. You'll be back soon. On your way to D.C., the train makes its designated stop in Philly. But since the terrorist attack in London, Homeland Security has increased its random searches of civilians traveling on trains.

You, in your Bob Marley t-shirt and your beautiful dreadlocks, are randomly selected for a search to ensure you are not carrying a bomb. The police officer searches your bag and finds the drugs. You are arrested for possession with intent to distribute.

Your one-time trip suddenly becomes one big nightmare. The prosecutor tells you -- I'll cut you a deal if you give me some names. You give him the only name you have, but the police find your friend dead with several gunshot wounds to the head.

The prosecutor asks you for more names. But you're not part of this drug ring; you've never even used drugs. You have no more names to give. So you're convicted and sentenced under mandatory minimum sentences for that state. During your prison term, your mother and father care for your daughter because your partner is rejected as a foster parent.

Three years earlier, she was charged and convicted with resisting arrest during a demonstration, making her ineligible to be a foster or a adoptive parent for your five-year-old. When you leave prison, you decide to move back in with your partner and daughter and start over.

Unfortunately, your apartment is Section A Housing, so if you move in, everyone gets evicted. All that for a drug conviction. You decide -- I'll go back to school and try to increase my chances to get a job. But unfortunately, the Higher Education Act denies you to access to federal financial aid because of your drug conviction.

You'll go back to work as a nurse's aid. But your drug conviction denies you access to this field now. Your partner

struggles on a limited income to support a family of three under two separate roofs -- because you've moved in to a shelter.

So you decide -- let me go get some welfare, temporarily to get back on my feet. But lo and behold, there's a lifetime welfare ban out there because of your drug conviction, so you can't get that either. So you figure -- I'll just go register to vote so come next election, I'll vote those stinking politicians out of office.

But you can't register to vote because of your drug conviction. So you now join the ranks of over half a million other women who have completed their felony sentence, and face taxation without representation. So welcome to the revolving door to the prison industrial complex.

Julia talked about turning people into commodity for profit. Well, what post-conviction penalties do is ensure that these commodities keep coming and coming. When we are talking about PCPs -- post-conviction penalties -- we are looking at not just people coming out of prison, but people who may not go in. So you may not go to prison and still have to deal with these.

What does that mean? It makes it even harder. The things that you struggled with before as a woman, as a black woman, as a native woman, are doubled, tripled, quadrupled with these penalties, increasing your chances to go in and feed the prison

industrial complex, and obviously the corporations that benefit from them.

The reentry movement has been at the forefront in terms of criminal justice right now. And it's an important movement to a certain extent, but we have to be careful. Because the re-entry movement is about fixing the individual. Pulling yourself up by your boot strings -- and I mean strings, because they keep snapping.

What we really need to be doing is really talking about those post-conviction penalties. It's not just about the individual. It's about what, as a society, we are doing and who we are penalizing and why we are penalizing folks. There's no accountability to the state at all. Post-conviction penalties are about holding the state accountable.

What's the problem? Well, the problem is -- everyone talks about rights. The right to vote. There are no rights in this country. We are talking about entitlements and people will yank them; the state will yank them away from us, any chance they get. And that's what's happening here.

So I think all of us have to recognize that we do not have rights and we have to be reclaiming our rights. And what does that look like? I'm not going to go into great detail about that, because I want to be able to talk more about -- what can we do?

But in Civil Penalties, Social Consequences -- that's been published by Rutledge -- there is a bunch of ways in which we can start addressing, how do we reclaim our rights? Through a human rights framework, or it can be some other framework as well.

Post-conviction policies are violence against women. It's violence against women -- women of color in particular -- because African-American, Latinas. And, I'm sorry to say, BGS[?] fails to collect proper data on First Nations people, Native American women and others.

And so, we need to tell them -- we need to get a better sense of what you're doing to our Native sisters. But African-American women and Latinas are disproportionately being incarcerated for drug offenses. And so, that is definitely documented more so than our brothers, in terms of the rate.

So it is violence against women because essentially the things that make it so difficult for us to achieve economic and social agency, are further stripped through these. And what do they do?

Well, they are forcing us to rely on re-entry programs that are faith-based. Bush asserts, 'With compassionate conservatism we will never discriminate against religious groups again.'

So what are we seeing? We are seeing, in Oklahoma, marriage promotion. Dollars taken from welfare benefits moved

to the marriage promotion initiatives. And in Oklahoma you have prisons where you have marriage promotion programs. Women go in and connect with the men and they learn about how to be a good couple.

And that's being done by local folks that generally do agriculture or religious groups. And they teach each other how to be good couples. So that's where the money is going. Why else are we doing this? Well, because we've got to slash the federal budget. Why do we need to slash the federal budget? There's a war, and the rich people need to make more money.

So, cut taxes. Cut all entitlements, feed the war, feed the rich. There's privatization, too. So you need to feed the corporations as well. Because post-conviction penalties are leading to re-entry programs increasingly being privatized. So it's not just about religious groups benefiting from this.

What I want to do in the moments I have left is just look at some particular post-conviction penalties and explore what can actually be done in terms of organizing or legislative reform -- which is essentially what I do. I will keep it short. I have five minutes left.

1996 -- Bill Clinton, our wonderful, [be]loved president, under a Democratic Congress no less, passed welfare reform. Passed the Adoption Safe Families Act. Passed One Strike,

You're Out, which is essentially the housing ban. And that's a rather scary prospect.

Lifetime welfare ban essentially imposes a ban for a felony drug conviction for anyone caught with those drugs. It can be ten dollars' worth of crack, and that's it; it's a lifetime welfare ban. That provision got two minutes of debate in Congress.

We estimated that between 1996 and 1999, 96,000 women were affected. Trust me, the number is much, much bigger now. 48 percent of them were African-American or Latina. So what can we do about this? Well, repeal the ban. Easier said than done. This is Congress.

They've extended reauthorization of welfare reform, I believe, the 11th time. They just keep extending, extending; not changing the law. But if you want to help me out, next time they do reauthorize, get your state to opt out, modify the ban. There's a possibility then, we can go back and say -- look, 40 states are not implementing what you want; it's a pointless law.

So that's one way of doing it. Some states and in Life Sentences, it explains how to -- and you can find this at the Sentencing Projects website, explains how states have opted out. I have model legislation that I'm willing to share because that's what we need to be doing. I have contacts in different

states that are able to help both figure out -- how do we move this as the state level?

One Strike You're Out. Being denied public housing. That goes beyond a conviction. It could be a suspicion; that's good enough. But unlike the lifetime welfare ban, you may be able to appeal. Public housing authorities locally can actually hear challenges to what they're doing.

So there is a possibility to organize communities to actually monitor these public housing authorities. Community groups that can actually inform each other of -- what exactly are the local policies? And also, make sure to challenge them because these public housing authorities can change their practices.

So I think it's really important to organize so that people are not feeling like -- I'm by myself, I don't want to tell anybody, I'm going to be evicted. That's a scary prospect. You don't talk about when you're being evicted, so let's create a possibility for discussion there.

The child welfare system is another really important piece where commodity is occurring; children are becoming an additional form of commodity. Under the Adoption Safe Families Act, in an effort to save our children, they accelerated the termination of parental rights.

They accelerated many ways in which families have a chance to keep the families together. They essentially put billions of dollars into foster care and adoptive services and millions in services to families. So how are we actually supposed to make any changes with respect to keeping families together?

We're very limited. When a woman is incarcerated, those times lines are very, very difficult to meet. You are expected, within 12 months, to show that you are willing and ready to care for your child and that you want to be engaged in this child's life. How are you going to do that?

You are miles away. The child's case worker won't take your calls. You have limited access to the calls. You're trying to connect with your child, but MCI is charging ridiculous amounts. So what are the hopes that you can prove to the state that you care about your child? They are very limited.

Some states are supposed to make reasonable efforts to help families. And New York is one of those states. But as one report indicates -- "When 'free' Means Losing Your Mother," recently released by the Correctional Association of New York -- some courts will allow child welfare agencies, they will overlook what child welfare agencies are doing and not recognize that reasonable efforts have not been made, and move to terminate.

And when we say terminate, that's permanent. And so, what I want to finish with is -- what are child welfare agencies at state level gaining?

For each child that's adopted above their "quota" and I use quota in quotes, \$4,000; and \$6,000 for a kid with special needs. Foster and adoptive parents also get benefits. They get monies for these children. So why is it that our families, on the front end, are not getting support?

A really important organizing piece that Sista II Sista -- this is not directly connected to the foster care system, but Sista II Sista women moved into developing a child care co-op. It's in Bushwick, it's local. And even folks like me who don't have kids, want to support them by providing child care.

And I think this is an important front-end piece. Let's try to keep people out altogether. And so, this co-op creates a community of support where you can actually be connected to other folks. So if you are in a moment of crisis, you can make sure that your kid has another community to stay with, rather than end up in the foster care system.

We don't all have grandparents to care for the children. The other thing is -- respite care. We need respite care. And so, let's try to support each other before we get to that point. Because right now, the state -- there are possibilities where they are limited.

So those are just some examples of local. And I know that you all will come up with a lot more powerful pieces later on today. Thank you.

(applause)

Janet Jakobsen: Those were powerful talks. I want to thank everybody for keeping to time. That was very impressive. And the reason that we wanted to manage to keep to time was so that we would have some opportunity for you all to ask questions, to make comments and to get involved in the conversation which will be ongoing throughout the rest of the day.

There is a lot on the table. There is a lot in terms of how it is that we've gotten to the situation that we're in. And there's a lot on the table about things that we can do to make a difference, which is what we're going to focus on from here on out.

So I invite you to raise your hand and ask your questions or make your comments. We're going to bring mikes around just so that everybody can hear, and we'll ask you to stand.

Audience Member: Thanks, ladies. This might sound silly but haven't you all known that there's a war against women? Why do you want to know why this happened? There's a war against women and if you call it, call it. Then it all makes sense.

Stop saying -- why it happened. Because somebody hates your guts and (inaudible), not just about economic profits.

But it's social profits and spiritual profits -- let's get down to it. So once you see that it's a war going on, then everything they do makes sense. Like Chino says -- you've got to find out who's zooming who, and then learn how to take the zoom out. But thanks so much for all of this and hey, just keep on (inaudible).

Janet Jakobsen: I think we need to turn the mike on.

[Voices are out of microphone range and not audible at times.]

Julia Sudbury: Yes, there's a war against women. There's a war against (inaudible). There is a war against people of color. I think that, in terms of looking at the economic piece and where is the money, it's not the only reason why this is happening. But I think it can be a useful tool of thinking about organizing. Because one of the things we've found in working with Critical Resistance is that we need to have a broad-based movement where everyone can see how they fit in.

That's not just people who are (inaudible) or women who have loved ones in jail. The prison industrial complex touches all of us. And one of the ways that it touches a lot of us is through following the money. So for example, everyone in this

room is impacted directly by the prison industrial complex, whether or not they've ever been inside a jail.

Because if they're students, they may find that their students fees are paying for jails to be built -- in terms of where the money goes. If they are trying to find resources to get access to books and so on and so forth through the college, they're going to find that the monies that have been given to universities and colleges are being cut back because of the huge billions of dollars that are going into jails.

So if we're teachers, if we're hospital workers, if we're working in women's agencies, if we are doing anything in our everyday lives that involves some kind of resources, infrastructure for our communities -- we're going to find that those resources, those infrastructures are being siphoned off.

And as Andrea mentioned, into the military and also into the prison industrial complex. So for me, it's an organizing tool. Thinking about where the money goes is a way of thinking about -- what are the coalitions we can build with teachers, with people who are interested in violence against women? With people who are interested in hospitals, health care and HIV work?

With unions, right? It's just another way of thinking about those connections.

Janet Jakobsen: Yes, right here?

Audience Member: [Out of microphone range] The military plays a major role. Our war on drugs, most women are arrested, most of the latinas here and in Latin America, they can't afford (inaudible). So I wish you could talk a little bit about that because for Latinas, the prison industrial complex is a term that is very relevant in the United States reality. But for other countries, it's very limited because it doesn't bring up the whole thing.

Andrea Ritchie: One of things that's tied to that and I think it's important to talk about is a connection between law enforcement and the military; and the militarization of law enforcement that literally also, there are people who move back and forth between the two.

So, the people at Abu Ghraib are the same cops who were beating people up in the Bronx -- really, literally, some of them. And the training that is going on between the military and the police, particularly on the Mexican-U.S. border, how much collaboration there is between border patrol, military and police.

And literally, in some women's lives, they will be grabbed up by local law enforcement, raped by local law enforcement. Passed to border patrol, raped by border patrol. And then thrown across the border to be raped by military MPs on either side. So really, if we look at the experiences of women of

color and make sure that we are representative of all communities, north and south and living in the U.S. -- we will really see those kinds of connections because they connect in women's lives. And also, in the agencies that impact them.

Kay Whitlock: There's also just been in this country an explosive growth in the detention and immigrant detention industry. Just explosive growth that's really affected states like Arizona, other places. It's also another profit center. I'll just stop there.

Janet Jakobsen: Can you stand? And then Emily?

Audience Member: Thanks very much. I just wanted to say, I worked with women in prison in Brazil and I absolutely agree with the whole question (inaudible). My question comes more from the real question of a gender perspective. In the meantime, when we deal with the prisons that we have, and the women in prison -- what I see a lot, and what I want to hear from you about, is the difference in how women handle prison.

For instance, when you see riots, specifically (inaudible) rioting in prison. When women are put in solitary confinement, men (inaudible) in their solitary confinement like this. Women, by like the third day -- I've got to get out of here. And relationships are different among the women in prison. Every prison I've experienced in Brazil, and of course I'm generalizing, but (inaudible).

Julia Sudbury: I think there are a few things we can talk about with that. I think one of the things I would want to know is -- why are we asking that question? And I ask that question because there's been a lot of feminist criminology or feminist work on prisons has focused precisely on how women do their time.

And I always was kind of, a little questioning about -- why are we asking about how women do their time? Why aren't we asking -- how can we stop women from having to do time? So I always think it's important for women to ask those questions. Of course, we know that over 70 percent . . . there's lots of different stats of women inside . . . are survivors of sexual violence, child abuse and other forms of violence.

So we know that that's going to have a direct impact on how you survive prison. Because it means that you're having an experience of state violence laid on top of a lifetime of violence probably. So that can help us make connections between the anti-violence movements and prison movements; and get people to understand that when you're doing work against violence against women, it doesn't just happen in the streets or in the bedrooms, or in the offices.

It happens in prisons too. And in fact, prisons are a form of violence. But I just want us to really kind of focus on -- what questions are we asking and why are we asking those

questions? And how do they help us to move towards change? And for myself, the questions I'm always asking are -- abolitionist questions.

So what questions help for us to, first of all, decarcerate, which means -- for less women to be sent to prison, for prisons to be shut down and ultimately to abolish prison. So that, if we understand that prisons are a form of violence against women, just the very fact of being incarcerated is a form of violence.

Then, our first priority has to be to ask those questions that help us to abolish prisons.

Janet Jakobsen: Pat wanted to respond as well?

Patricia Allard: In terms of Brazil, I know that post-conviction penalties are not an issue. But the whole issue of when women are inside, with respect to their children, if they end up in solitary confinement. And the ability to continue connecting with the case worker and connecting with the families in order to make sure that there is proof that you are willing and able to care for your child -- makes it even more difficult. Which, then again, comes back to the connection on the outside and really making sure that folks are connected so that the communication does occur.

If there is a court appearance and the mother can't make it to court, that that is made very clear. You can't rely on

attorneys. Unfortunately, not all of them will do a very good job of representation. So we need to make sure that we also develop some form of court accompaniment program, which are happening.

Court prep for mothers, so that when they do get there . . . because after being in prison and then suddenly you're in a courtroom and you have to defend yourself, it becomes very difficult. So, court prep and court accompaniment is very critical.

CLAIM - Chicago Legal Assistance for Incarcerated Mothers, LSPC - Legal Services for Prisoners with Children in California and WPA - Women in Prison Association in NYC do a lot of this support work. That being said, I believe that as we help women inside, we also need to work on keeping women out of prisons and families away from child welfare systems. These systems lead to very, very difficult and somewhat hopeless situations.

There is absolutely no need for them to be there. One of the ways in which this is happening is through diversion, and I hope everyone is sitting. And everyone is. The Patriot Act. There is a provision in there that was passed into law that says -- pregnant women, mothers convicted of meth should be diverted, through demonstration projects . . . we're not going nationwide here . . . diverted to programs where they can be with their kids.

Now, if you all know about meth -- we're not talking about the sistas. So it's important that we push to make sure that it be expanded.

The second piece of this is that in 1994 -- and I know some of you worked on this -- there was a family demonstration project that was passed under VAWA. They authorized monies for programs. Lo and behold, the money was never appropriated. So, the projects never happened. It was buried.

So let's not allow this one to be buried in the Patriot Act.