

DRAFT

REPORT ON THE  
FIFTH  
INTERNATIONAL  
CONFERENCE  
ON PENAL  
ABOLITION,

Bloomington, Indiana, USA  
May 21-25, 1991

compiled by  
Harold E. Pepinsky  
Criminal Justice Department  
Indiana University  
Bloomington, IN 47405 USA  
1991



## PART I: THE PRESENT

### Chapter 1: Introduction

...this new model prison that they've got out there in California, that's what they're going to do. Those are the priorities of the United States Government and its local agencies. That is what's going on in this country. We're hoping this ICOPA V will be able to give an international voice to these concerns, particularly of those of us who are here in Indiana and in the prisons and in the lock-up units and on the death rows who don't have a voice any other way. (Achebe Lateef, African National Prisoner Organization, Indianapolis, Indiana USA, at the opening plenary, Wednesday morning, May 25, 1991, of the Fifth International Conference on Penal Abolition--ICOPA V--in Bloomington, Indiana)

Native Americans from some ten or twenty nations across North America gathered with others from Canada, Costa Rica, Finland, the Netherlands, Poland, the Soviet Union and the United States, about 150 of us in all, gathered May 22-25, 1991, on the Indiana University campus in Bloomington, for the first of the biennial International Conferences on Penal Abolition (ICOPAs) to be held in the United States. I was chief organizer of this conference. I had a lot of wonderful help. ICOPA VI will be held June 2-5, 1993, in San Jose, Costa Rica, organized by the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, with Elias Carranza assuming responsibility as chief organizer. I'm obliged to have proceedings of ICOPA V available for distribution at ICOPA VI, to the end of "giving an international voice" to the concerns first and foremost of our prisoners, chief among them prisoners of color.

Ultimately, mine is but one voice. An editor advised me that in his experience proceedings would be unpublishable (or at least unmarketable) unless they bore the personal stamp of an author. He further advised me to keep the typescript short. As I begin this report I sit with a stack of some 500 pages of papers, commentaries, and transcripts of ICOPA V's plenary sessions. Moreover, the materials I have overrepresent the literati among us as against the front-line activists, while I picked up virtually unanimous feeling that front-line activism ought to have the primary voice of ICOPA V. I, meanwhile, am a white male highly privileged academic who has never been arrested or charged in my home country which Lateef aptly calls the world's leading colonial power. My voice is suspect to say the least. This doesn't stop me from trying to add my voice as best I can, but it does give me pause. There was such power, such talent, such experience and commitment at the conference that my burden of reporting it faithfully is very heavy.

Hence the unusual format of these proceedings. Ultimately, this book is a personal statement, of what I think was important about the conference. I learned a lot from the conference and from a follow-up return trip to a home of penal abolition--Norway--and to the site of ICOPA IV--Poland--where in both cases penal abolition is succeeding to a degree truly remarkable by U.S. standards. The glue that holds this volume together is my attempt to restate my

understanding of penal abolition--its present, its past and its future. I have divided the report into these three parts. Each part--present, past, and future--contains a large number of short chapters, each highlighting part of what the conference meant to me. I synthesize this growing understanding of mine as the chapters progress.

No one, myself included, took in the entire conference. The program appears as an appendix to this volume, and you can readily see why even the most active participant took in but a small and inevitably biased part of the proceedings. The conference was also constructed to facilitate open interaction among participants and activists in the surrounding community, and to encourage continued contact. Which is to say that as at any worthwhile conference, much of what is important happens outside formal sessions, and often anecdotally. I recognize that what I learned from the conference I learned largely in outside context. In fact, as readers will see, much of the life of the conference is generated in a larger network of outside contacts, in discussions that continue after the formal close of the conference. Hence, I freely draw on material from outside the conference to highlight the meaning of what happened at the conference itself, including anecdotal material.

Within this structure, I give the highest priority to letting ex-prisoners and their sisters and brothers of color speak for themselves. Chapter 2 is almost entirely composed of the opening plenary remarks of three ex-prisoners--Muscalero Apache Tony Nieto, Plains Cree Indian Lionel White Bird, and African-American Achebe Lateef. These remarks helped set a tone for the entire conference. I'm betting they will have the same effect on every reader that they had on diverse conference participants.

## Chapter 2: The Problem We Face in North America

The introduction to the program in the appendix indicates the priority I gave to recognizing Native Americans to be the proper hosts of this first U.S. ICOPA. We were privileged to open with a prayer of welcome by longstanding ICOPA participant Art Solomon, an Ojibwa elder whose prayers can be found in the World Council of Churches prayer book. Unfortunately, that prayer was not taped; it was a simple and powerful request that our mission to right criminal injustices be blessed by higher spirits. All of us were gathered for a first-day overview of the conference program, when Tony Nieto began:

My name is Tony Nieto, Apache Mescalero Indian. And I come to you from California. The state of California. I am here for two purposes but mainly I want to share with you an experience of what happened to my son, Angry Bear. Angry Bear was an Indian boy who learned the white man's law. And it was because of his ability to help other inmates whether they be black, white, Mexicans, or whatever they were, that the prison system murdered him. It was cut-and-dried murder.

About a year before they murdered him he was in San Quentin and I went to visit him. And he said "Dad, I'm not going to make it to the streets." And I said "Why son? Is it the prison cliques, the gangs?" He said, "No dad, I can deal with that. The prison administration is going to take me out."

I said, "But why would they do that son?" "It is because I have become a threat to them, dad." I said "I don't understand." He says, "Well dad, when I was in Solidad I filed a writ of habeas corpus against the prisons system of California for depriving the Indians of a sweat lodge. Strictly the Federal law states that American Indian cannot be institutionalized in any institution for any length of time lest they build a sweat lodge. For the sweat lodge is to the Indian what the church is to the white man. Now I'm suing San Quentin for forty thousand dollars because they took away my Indian religion, cultural artifacts, my photos, my letters, and they even took away my medication that the MA in the prison gave me."

And I said, "Son, I can't help you." I said, "but they'd better not make a mistake." And he smiled at me and he said, "Yeah dad, I know cause your a 'takin' care of business' kind of dad."

For a year I told my girlfriend, "One of these days I'm going to get a telegram saying my son is dead." And the day came and the telegram said that my son was shot through the chest and killed for failing to heed a warning shot as he was observed trying to stab another inmate.

At first I was ready to accept the prison version. I even called the prison after I made arrangements to have his body sent back to me to Riverside, California. And a woman correctional officer answered the phone and I said I would like to talk to someone who can tell me what happened in the yard this morning. I am the father of the Indian inmate that was killed. She said, "Well I can tell you what happened. Your son was shot through the chest and killed because he failed to heed a warning shot but he did accomplish the purpose he set out to do." And I said, "What purpose was that?" And she said, "He stabbed another inmate."

When I heard that after 10 1/2 months of sobriety that I had, I was going to AA meetings, I was really getting myself together, I went on a three day drunk and the reason it lasted three days is because at the end of the third day I received a letter from my son's cell partner, the Indian brother George Walker,

who told me, "Tony, the cowards shot him in the back, don't let them get away with it."

I am at this time fighting the California prison system, I am suing the killer guard, I am suing the warden of the prison and I am suing the director of the whole California prison system. (Applause)

The first article that came to my hometown paper in Riverside was exactly that, that my son had been shot through the chest and killed for failing to heed a warning shot as he was observed trying to stab another inmate. But the thing is, being an ex-convict myself, I knew that they had a no warning shot policy -- signs all over that prison -- so how could my son fail to heed a warning-shot if they had a no-warning-shot policy. Then they turned around and told the LA Times that my son failed to heed a verbal warning. See the difference? But listen, it ain't over yet. Because on the deposition that I attended of the killer guard, the killer guard said he gave no kind of warning. There were two shots fired and both were direct hits on my son, one in the back and one on the left bicep. They tried to cover it up.

They even sent me interrogatories. Listen to what the questions of the interrogatory say, I will share two questions with you. One of them is, "How much cost value do you put on the life of your son?" My answer, when I filed the law suit I demanded a jury trial, when you answer to my law suit you demanded a jury trial, nothing's changed. Let's let the jurors decide what the cost value is but the bottom line is that my son's life is irreplaceable. My son was a professional guitarist, he was a song writer, he was artistic, he was a singer, he was a boxing champ in the prison system, he had a lot going for him. A lot. Twenty-six years old. Then they had the audacity to ask me, "How much pain and suffering do you believe your son went through before he died?" And I answered ask the correctional officer who shot my son. And you know what? He got his reward. Before six months after he killed my son, he was promoted to sergeant. He did his job. Oh, they used the prison investigation simply to report "No knives or contraband found in the yard." So how could my son stab anybody? They sent me a report with a picture and in the picture there's a profile of a male and there's a hole in the chest and there's an arrow pointing to it and it says "entry wound" and there's a hole in the left biceps and there's an arrow pointing to it and it says "exit wound." Yet the gunner says he shot my son in the left biceps so as to disable him. From what? Then on the back there's a little bitsy small hole with no stipulation as to entry or exit, just a small puncture wound. What they are doing is they are using the exit wound as an entry wound and they are using the entry wound as an exit wound and they are lying. And I busted them.

They call this the United States... there is no such thing as united. This country is really in bad shape. There is no unity, not for anybody, not for the Indian, not for the black man, not for the white man, not for anybody. If there were such a thing as united then the brother Little Rock Reed and the brother Geronimo Prep would not be in the prisons held because they refuse to walk out to the free world with the stipulations of parole that they have put on them.

I just wanted to share that with you. There are other things I could share with you in regards to the sweat lodge and the things that are going on in California. Oh, I might share with you about the new model prison that has been built for this country, and guess where the first model came from? California. We're always first aren't we? So the governor of California took measure, and built this model prison called Pelican Bay State Prison. We're going back to medieval times, people. We're going back. The inmates in those places live in

a shoe in these little cells with total concrete all around them. There's a steel door that has 2-inch-round holes on it. Twenty-two-and-a-half hours a day are spent in that little hole. Then, if they want to take a shower, they have to be humiliated to do a strip in front of the man. They take their shower, come back and go through the strip again. If they want to go to the yard which is called the dog run, it's just a little bitsy yard with 18 foot walls no sunshine, no equipment to workout with, it's just the inmate and yard itself.

As far as the extraction team goes, they do a job on you....they do a good job on you. A month-and-a-half after they killed my son, I had another son in there in the same prison. They took my son and they said, "Your father's a damn liar. We didn't shoot your brother in the back. Here are the pictures." They showed him pictures of my son, Angry Bear shot through the chest. Just the front part. "How much does your father know?" And my son said, "In answer to your first statement, my father's not a liar. In answer to your second question, my father knows enough to take you people down to the dirt and knowing my father, he's going to do that." So they beat him up. They beat him up bad, I got the pictures. They gassed him, they tasered him, and then they beat him up. And then they stood him in a hot car and sent him to another prison to the hole. I called the FBI. It took the FBI 35 days to find him. Mind you, he's in a state prison, and it took 35 days for them to find my son. I have a letter from the FBI stating "blah blah blah blah blah ... not enough prosecution merit, we're closing the case. Thank you for letting us be of service to you." I've got four of those letters, people, four of them. One from the time they beat up Angry Bear in Solidad, they sent me a letter like that. Once from the time they beat up Angry Bear in Tahachi, they sent me a letter like that. And once when they killed him I sent them evidence, I sent them clippings and they sent me a letter saying "not enough prosecution merit, we're closing the case. Thank you for letting us be of service to you." And then once when they beat up my other son. Talk about justice.

I'll tell you what, justice is going to be served because I'm not settling. There ain't going to be no settlement. My son's life was not and is not for sale. I'm taking those people to the box. The gunner, the warden, and the director of the whole California prison system. I've been approached by a couple of movie agents to do a movie. I've been talking to Kevin Costner's dad who lives about fifteen miles from where I live. At this time channel 28 in California is talking to "60 Minutes" about putting me on. People ask me, "Aren't you afraid that the system is going to take you out?" Excuse me, I'm 58 years old. It makes no difference to me what the system does. They're welcome to take me out if that's what they want to do. But they're not going to take me out. Until the grandfather's promise comes to pass, that not one hair of my head will be touched until I fulfill the purpose that he put me here for. Thank you very much.

Lionel White Bird, who had driven Art and Nina Solomon down from Canada, picked up on Tony's remarks:

I want to say thank you to our brother over here who shared what happened to his son. Sitting here listening to that, to a degree I guess it brings out a lot of anger. My name is Lionel White Bird. I'm a Plains Cree Indian from Rejackasas, Saskatchewan, in Canada, but I now reside in Ontario. I'm involved with the prison system up in Canada.

I went [into the Canadian federal prison system] in '79 and came out in '84-'85. I just became a free citizen in Canada, February of '89. I restructured my priorities, I put that, as I call it, drug and alcohol spirit

away. I started seeking out the elders, traditional people, looking for a better way. And I started thinking about going back to that prison system to help my brothers and sisters. Through Grandfather Creator, today I'm back in a place that I once hated with all my heart.

At the prison for women we have so many suicides pretty well all our native women from Saskatewan where my wife and I are from. The hardest thing for me to do is go tell one of the women from Saskatewan, that her older brother shot her younger brother. Through all the suicides, as an ex-offender I'm thankful I have access to that prison for women where my wife works, to go into segregation, to go the hospital, to go wipe out their rage. I'm thankful to Grandfather Creator, today I sit in on meetings at the regional head office and they are asking me, an ex-offender, someone they always wanted to throw in the hole and beat up on in prison, for my advice on the Canadian penitentiary system. Just like you people down here, we will run into many obstacles. You bring somebody in to do the sweat and they've got to check it all out. They create problems, real hurdles. To get the drums into one of the institutions we have to write a proposal. We have to go through all this and then they are going to build a sound-proof room. I said no, you do not take that heartbeat into a sound-proof room.

It is good to be at this abolition conference. I've never been to one of these. Through Art Solomon, a couple months ago I said I would try to come down here to Bloomington. In Canada we just came from a national liaison conference in Edmondton, Alberta, of representative delegates from each province, all the native people who work from the West to East coast of Canada. We basically tried to do the same thing as here. I have to be truthful about that conference. I told Art that to a degree I was a little bit annoyed by it because in Kingston as at the one before it seemed like everybody addressed the issues and exchanged views but nobody talked about what we were going to do. It was like we'll set a date for the next conference and we'll see you all there next year and guess what happened. We talked about the same things this year. The one thing I was happy to see in Kingston was that they gave the ex-offenders a voice. Correctional Services of Canada were there for the first time. They had to sit down and listen to us where before it was the other way around. It was good, but at Edmondton, for some reason, we were not given a chance to speak.

I'm proud to be part of this conference and given the opportunity to speak. The struggle is long and it's hard and many times when I leave prison, I leave in anger. Many times when I come out of the women's penitentiary I have to put tobacco down and I say Grandfather why? My sisters are killing themselves here. They're going home in body bags. We just finished having a riot there. Most involved were native women. I go down to segregation and see them crying, they're hurting. We have the women elders, the women traditional teachers come in. Kingston is not very big but there's only a handful of us and we can't cover all of the institution. I'm thankful that I have the right to go into a lot of the prisons and talk the men and the women. There's a lot of suffering. I'm thankful that lodge is there, that pipe is there, that those elders are there. I don't call myself a spiritual advisor cause I'm still at a stage of learning, but I share what I can. I tell them that together we can find an answer, together we can make that circle strong. And when the miracle happens we make it happen together. I am in that very process right now. So it is good to be here and listen to our brothers and sisters who are involved with the American prisons down here. Maybe I can take back some of their ideas in terms of helping our brothers and sisters in the Canadian penitentiary system up there.



Not long after Lionel White Bird had spoken, Achebe Lateef brought us right back home to Indiana:

I'm an ex-prisoner and I speak for a lot of people still locked down in the prisons. On behalf of the African National Prisoner Organization primarily and CURE [Citizens United to Rehabilitate Errants], I really appreciate the opportunity to address some of our issues to an international audience. Though the audience here may be small it is international grouping right here, and our taped message may, I hope, go out all over.

We think it was appropriate that the Native Americans opened this session because we whole heartedly believe as Africans that North America actually belongs to the Native American people, that the US Government is illegal, illegally occupying this territory. It may not come across in our everyday dealings with one another but there are large groups of Africans in this country, born in America, who that actually feel like this. We understand the nature of colonialism and when we gather internationally we should recognize that the term colonialism has international significance. I think that everybody who is sitting here recognizes that. We recognize that the Native people in America, North American and African people in North America, are still living in colonial bondage. As many of you probably know, next year there will be a celebration. They're calling the Columbus Celebration and we're calling the celebration of 500 years of genocide. When they say that Columbus discovered America we say he brought genocide right onto North American shores. A lot of people don't like to hear us say that. We don't care about that though. We're going to say it because that what the situation is.

We also say that the spirit of Angry Bear lives. His father showed that this morning. We want to support his father because we understand what struggle is. There's plenty of struggle going on right here in Indiana. When you come to our workshop tomorrow morning we'll tell you about a lot of that that's going on right here in Indiana. Political prisoners and prisoners of war are being held right here in Indiana on Indiana death row.

We also second what the Native American brother's assertion that this isn't the United States. People on the inside call it the United Snakes of America and with good reason. The United Snakes of America. As you probably know from all of the history of the Native American people, even from the popular culture from T.V., that the native people have always said that the Europeans spoke with what? A forked tongue, like the snake's tongue. We were also glad that the native people mentioned some of our freedom fighters like Geronimo Pratt who is locked down right now in a California prison.

The four letters that Tony got from the F.B.I. about Angry Bear are typical. In this country we have always believed that the FBI was in fact the Ku Klux Klan. Anybody who has kept up with the history of the F.B.I., as in the "Eyes on the Prize" video on public T.V. or COINTELPRO documents obtained through the Freedom of Information Act, has found that during the civil rights era every time somebody was killed and a Klansman was accused of it, the Ku Klux Klansman turned out to be an informant for the FBI. The FBI is the Klan. A lot of people don't want to hear that but we're going to keep on saying it too to support a kind of insurgency we believe is going on right here in North America.

Our insurgent movement began we came over here in chains, and when the native people began to be treated with tremendous disrespect, and to have genocide committed on them. We're going to keep on talking about insurgency we know why the head of the Department of Correction here in Indiana is not attending these sessions. He would have to come face-to-face with the wrath of

the people, including me, a member of the African National Prison Organization, an ex-prisoner from maximum security, now a prisoner out here in minimum security.

I know what I'm talking about. I spent twelve-and-a-half years right here in Indiana prisons. Twelve-and-a-half years'. I've been out of prison now almost five years. I'm the one you never hear about. The ones that you hear about are the ones who got out of prison and went back, the ones who get out of prisons and kill somebody. There are plenty of ex-prisoners like me out here now, engaged in community activism. Prison officials don't want to see us coming, the prisons are glad that we're gone. They say Governor, Mayor, Police Chief, you can deal with them now, we ain't going to make deals with them no more.

We managed to survive and make it back out here to the outside, and we're glad we can address this international body. The statistic that's been going around the country lately, that one out of four African men is tied to the prison system, is a statistic that the African National Prison Organization has been putting out since 1979. Since 1979! I've got a couple of old journals here that I will share with you later on. We call it the criminal injustice system thanks to Instead of Prisons [1976] by Fay Honey Knopp who is sitting right over here right now on my left. She taught us when we read that book several years ago. We were leading a lot of prison struggles about dishonest and honest language about the problems we face. We'd like to thank her for giving us the courage to talk about "penitentiaries" rather than "correctional facilities". We call ourselves prisoners and not inmates, we call correctional officers guards and turnkeys because that's what they are. We found out that honest language helps empower you. If your language is not honest, if your language is confusing, then you're not going to solve the problem. But what comes out of honest language is there has to come some honest practice.

Another problem we have faced is getting inside the prisons. We haven't been able to get inside of the prisons because of what we represented when we were in the prisons: the transformation of the colonial criminal mentality. Everybody asks us now "What can we do about the prisons?" We keep saying, if you just want to know what you can do about the prisons you'll never be able to solve the problem. It didn't start in prison. It started out here in society. We became criminal out here in society. The colonial mentality is out here. You cannot look at prison in isolation from the rest of society if you're talking about solving the problem.

Once in prison we want to transform the colonial criminal mentality into a revolutionary mentality. We don't talk about revolution here in this country enough. Particularly in prisons you've got problems when you talk about revolution. But the only thing that's going to change that criminal mentality, that colonial mentality, is a revolutionary mentality. When people ask, "What can you do to change the criminal behavior?" you have got to go to the source of the problem and to tell the truth. Problems stem strictly from the fact that the African's identity was stolen, and the native people's culture was taken when they were put on reservations. What we have here in this mix that we call the United Snakes of America is white male domination, white supremacy. We'll continue to go around in circles until we address these core truths, unless deal honestly. We always tell anybody who listens to us, even today. Though as opposed to 25 years ago Africans have over 7,000 elected black officials and no telling how many of the Toms the native people have in the Bureau of Indian Affairs, the conditions of our people are getting worse and worse and worse. Go

back and read the Kerner Commission [1970] on the violence around in this country 20 years ago, and it will tell you the system hasn't changed. The neighborhoods are colonies, they're doing without, there's not enough work to go around, so what happened? what happened! We say neo-colonialism. That's what happened. The strategy became neo-colonialism.

Everybody wants to know where the gangs are coming from. We say that the government put them in place with a counter-insurgency program when they killed the freedom movement off back in the 60s. The gangs started out there in south-central Los Angeles County, in California, the home of Ronald Reagan, and Attorney General Ed Meese who subsequently became President and Attorney General of this country as a reward, just as Tony told us that the guard who killed his son, was promoted six months later. Right here in Indiana, John Nunn became second in command of the Department of Correction after he signed off on letting a man out who everybody in the world knew wanted to kill his wife as soon as he could get to her, Alan Matheney. When they elevated Nunn, they shut down work release and slammed the door everybody in prison. There are people now who would have been out of prison a long time ago if it hadn't been for John Nunn.

Alan Matheney is on death row right now. We're opposed to the death penalty, but if anyone ought to be sitting on death row right now with Alan Matheney, it is John Nunn: a boot licking, neo-colonial, African man right here in this state, second-in-command of the Department of Correction for Indiana. We think [Indiana Commissioner of Correction] Jim Aiken didn't want to show up here because he knew he was going to get hit in the face with this.

I've heard some people say earlier that people here are going to come up with concrete plans for activism. I just found out about this conference this year, I didn't know that they'd had one, two, three and four. The one thing I think we can accomplish whether we go out of here with marching orders and banners and clipboards is that this conference can be a voice. If we can begin to understand conceptually where the real crime comes from and who the real criminals are, then we can begin to patch this hole that we have in our social tire. Right now we have a continual slow leak, because we keep thinking that there will be more legislators here, or we need more money over there, or we need to have more people or we need to invent alternatives. That's not the situation. I, as a victim, continually sit with the suit-and-tie people to explain what the situation is, but they don't want to hear it. Just now the Governor's wife in this state is going around saying that they're going to be able to gauge how many prison cells they're going to need in the future by the at-risk second graders. She's talking about seven-year-old kids without no social consciousness what so ever any but they're planning cells them. "At-risk" means that the mother's working two jobs somewhere, daddy's probably already in the penitentiary somewhere, there are 3 or 4 kids in the house or somewhere unknown, and the police have already picked up the kid a few times. Instead of understanding what that situation is, what is going on, we're supposed to plan how many cells we're going to need, and to spend from 15 to 30,000 dollars, depending on what part of the country you're in, to keep a person for a year. While the family the prisoners come from manage only to make \$8,000 a year, or \$12,000 at best, before taxes. This new model prison they have out there in California, with the cells Tony talked about, that's what they're going to do. Those are the priorities of the United States government and its local agencies. That is what's going on in this country. We're hoping this ICOPA V will be able to give an international voice to these concerns, particularly of those of us here in Indiana and in the prisons and in the lock up units and on the death rows who don't have a voice any

other way.

#### A U.S. WHITE MAN REPLIES:

The reaction of ICOPA V participants--white, brown and black--to these opening remarks was overwhelmingly positive, if not downright enthusiastic. I recognize that not all readers share the premises of even as diverse a group as assembled in Bloomington. I did in fact sporadically hear a couple of criticisms of Lateef's stance in particular from conference participants. One was that it was violent, and another was that in its personal attacks on African-American men it broke the rule of black solidarity. I share neither criticism, and in fact feel liberated when Lateef speaks. Here's why.

First, I feel Lateef personifies non-violence. It is Lateef who opposes both the death penalty and prisons themselves. If I have any misgivings it is over Tony Nieto's insistence on using the violence of the U.S. courts as an instrument of justice for the death of his son. Friend and colleague Mark Hamm who was at ICOPA V has repeatedly taken me to task for referring to Oliver North or George Bush, for instance, as mass murderers. And yet I am a penal abolitionist myself. I might want to take away Bush's secure phone lines, but otherwise I don't want him sent to prison, nor anyone else for that matter. It's the sanctimony of people's belief in the greatness of these United States that gets me. That greatness rests on systematic murder, robbery and rape magnitudes greater than the combined predation of all those who have been sentenced to death in this country. Unless and until white Americans in particular gain enough modesty to know that the life of each of the 300,000 or more Arawak Christopher Columbus killed is worth no less than the lives of Ted Bundy's victims and vote accordingly, we can't stop the killing here. Lateef traces our national malady to having the mentality of the colonialist. More generally, I would say we have all too much the mentality of occupiers, rather than of people protesting occupation. We rest our faith in our power to grow and prosper as occupying forces in part on the blatant fiction that our most dangerous killers, robbers and rapists are locked safely behind bars where they belong.

As one of the founding figures in the penal abolition movement, Norwegian criminologist Nils Christie, put it to me several years ago, we stand to realize that the American victory over King George III was the greatest global tragedy of our era. I think all three of the above ex-prisoners have it more to the point: The greatest tragedy of murder, robbery and rape in modern times began when Christopher Columbus "discovered" the Americas for the Europeans. I don't feel guilty about it, for I didn't decide on it personally. I do however feel especially responsible for the situation, since much of the privilege I have inherited rests on my ancestors having gotten away with murder, robbery and rape on the grandest of scales. I didn't earn my privileges. I lack the courage to give them away wholesale. But it doesn't cost me much to add my own voice to this chorus of ex-prisoners' voices.

There is nothing violent about doing as Lateef asks and revolutionizing our mentality. It has been more than twenty years of intellectual torture for me to shed Anglo legal prejudices about who can fairly be called a criminal and have some consistent idea of what it is I'm really against if I'm against killing, robbing and raping. The realization that white men like me are on the whole infinitely more dangerous than all the black and brown men we lock away helps confirm to me the futility of using overwhelming force in order to make peace and justice. It gives me a lot more reason to believe in non-violence, as I infer it does to Lateef and his Native American brothers here.

I think Lateef has a strong point when saying that U.S. law enforcement's murderous destruction of black power centers in our big cities in the 1960s legitimized violence in the ghettos and unleashed it. Black pride stood a real chance of taking off until white-dominated forces destroyed it. We could offer gangs legitimate, non-violent authority to help build their communities, just as "Brubaker" prototype Tom Murton pacified Arkansas prisons by conferring legitimate authority on democratic prisoner self-government.

I have never met a person of color in this country who would deny the pain and injustice these three panelists describe. The division as among people of all colors is in the diagnosis of the problem. Lateef acknowledges full well that other African Americans strongly oppose his revolutionary mentality. I repeatedly hear native people discussing and arguing over who legitimately speaks for them--an issue all the more confused because the white man has worked incessantly to destroy and pervert traditional mechanisms for resolving the issue throughout the Americas, Africa, Asia and Australia. Regardless of race, I find myself most sympathetic to the social diagnoses which come from people who probe thoroughly and without a lot of rationalization through conventional social wisdom. My own conviction is that a revolutionary mentality is more honest and probing than a mentality of kissing political ass. And so I regard these three revolutionary brothers as speaking well for their people and mine, although my non-violent convictions prevent me from thinking that putting my worst criminals behind bars would solve my problems. Nor could I or they accept shoving our views down our sisters' and brothers' unwilling throats. The problem, we all agree, is that our voice is suppressed, that our opponents refuse to discuss their views and ours openly and fairly. We try to use what opportunity the Creator affords us to speak plainly.

### Chapter 3: Plenary Addresses on Racism

A National Council of Churches affiliate, the National Interreligious Task Force on Criminal Justice (NITFCJ), was actively involved in putting ICOPA V together. The NITFCJ has absorbed and assumed the mission of the National Peoples of Color Task Force on Criminal Justice, which was closely involved in ICOPAs from the outset. The Task Force remains committed to addressing racism as the central problem of U.S. criminal justice. I became the first nonsectarian member of the Task Force in the fall of 1990, and we agreed in the wake our discussions about ICOPA V that for this first ICOPA to be held in the United States, it was entirely appropriate that a thematic plenary be devoted to the problem of racism.

Because the ICOPA V program was grounded in local issues, we also decided it would be appropriate to invite the African American Indiana Commissioner of Correction, James E. Aiken, to join the plenary session. The Commissioner first said I would have to get back to him thirty days before the Conference to see whether his schedule permitted participation. Just a week before the Conference, the Commissioner told the chair of the plenary, my colleague here in the department Coramae Mann that he might be able to make the session if we rescheduled it a day earlier than it had been set, which we did. Then, the day before the Conference began, the Commissioner decided his schedule would not permit him to attend, and Coramae Mann got his assistant, Don Silas, in charge of prisoner complaints, to come in his place.

The NITFCJ revised the program and decided on a final set of co-panelists the night before the plenary. The plenary was a rainbow. It included four members of the Task Force--Michael Yasutake, coordinator of the Prisoners of Conscience Project and a Japanese American who spent World War II in a U.S. concentration camp; Porter Kirkwood, an African American professor; Ricardo Sanchez, a Chicano ex-prisoner with a Ph.D. from Antioch who is a widely published and respected poet, now a professor at Washington State University; and Delbert Tibbs, who had the bad luck to be an African American hitchhiking in the vicinity of where a police officer was killed and who mistakenly was put on Florida's death row for three years, and who works with the National Coalition to Abolish the Death Penalty out of Chicago. The session opened with a poem read by its author, Liz Barker, a white woman who had been featured on "Sixty Minutes" for the Massachusetts prison education program she established out of Boston University. Coramae Mann, the chair, is African American, as is Don Silas.

The panelists began with opening presentations. They amplify on the problems presented in the last chapter, and form a coherent overview of the ways in which racism affects the practice of criminal justice. The second part of the plenary, where the audience joined the discussion, was a historic occasion in its own right, and is presented in Chapter 4.

#### CORAMAE MANN OPENS THE PLENARY

This session is entitled The Effects of Racism on the U.S. Criminal Justice System. I'm Coramae Mann and I will be chairing this panel. And I'm glad to know this title is what it is because what the title refers to "The Effects of Racism..." thereby assuming what I've been saying for a number of years and

most of you also have been saying: that there is racism in the criminal justice system in the United States.

We have some very distinguished people on this panel. I'm honored to be sitting with them. I will introduce them now in the order that they will speak. However, I'm not going to repeat it each time before the person you've just got to recall them.

Elizabeth Barker, whom we all recently saw on "60 Minutes" and who totally awed us will be giving us a poem that I think would introduce this plenary session in a most sensitive way.

Don Silas is the Director of Offender Relations from the Department of Corrections in the state of Indiana. Porter Kirkwood is from Nassau Community College in New York, the Apple.

Ricardo Sanchez is a poet/activist, a scholar and a good person, soon to be at Washington State University.

Michael Yasutake is from The Prisoners of Conscious Project, the National Council of Churches.

Last but not least my brother, now from Chicago, whose "career" in Florida I followed when I was there for so many years, wondrous years. Delbert Tibbs is with the National Coalition to Abolish the Death Penalty and he speaks from firsthand experience at having been on death row, wrongly convicted.

ELIZABETH BARKER

Thank you. I just have to explain very quickly what this is about. As coordinator of Boston University's prison program, with its virtually zero recidivism rate and now almost 20 years old in Massachusetts, I know that the main argument we keep getting from the whole political thrust in the United States of getting tough on crime is that those people who go behind bars are not fully human beings, that they're animals, or they're things, but they're not people. They're not anxious for change or capable of it. Now, I'll tell you, it's fascinating to teach prisoners in Massachusetts on the same fields in which the Puritans fought the Indians in King Philip's war. There was a moment when there was a battle when King Philip's bunch got some and put them in a graveyard that's right next to the Norfolk maximum-security prison, our biggest class site, a part of a complex of five prisons. It occurred to me one day that in effect we do to prisoners what the early settlers did to Indians and they also a little bit later did to kidnaped blacks from Africa whom they turned into slaves.

You know how they did that? To them early Massachusetts was a theocracy, all those early colonies were. They took verses 26 to 28 out of Genesis:1, when the Lord gave "man" dominion over the creeping things, the crawling things, the swimming things, the birds of the air, the fish of the sea, everything that walks upon the earth. Which made nature non-sacred and which made anything that wasn't human an animal. The Puritans defined the "Indians" as animals and if you doubt this then read Cotton Mather's most important book about the early experience of the settlers. He's the one who defined the Indians as evening wolves and all these different things.

This poem is full of quotations from him. We are doing the same thing on the same land to prisoners, treating them like animals, treating them as if they weren't us and furthermore projecting our own sins and errors upon them. This notion that they could exorcise their sins by killing Indians still guides what we're doing to prisoners today. Here is the poem called "The Tradition Still Traduces."

In Medfield, Massachusetts,  
in a place named Norfolk now,  
King Philip's fellows put some people  
in a line of little graves  
around a road-bend from the Big One.

Now geese and gulls, whose forbears saw  
the Great Swamp Fight and Philip's fall,  
wing over walls strung out along  
the wetlands won by those who drove  
the Dragon to his Mount Hope den.  
It proved the "prison" where he met  
"God's Messengers of Death," avengers  
of those pious pioneers  
tucked away before their time  
by the Medfield "massacre"--word  
that named an Indian victory  
as "battle" did an English one.

I walk these wetlands now and wonder  
if the world we take and make with words--  
words like "massacre" or "battle,"  
"crime" or "war"--is not the same  
as that old howling wilderness  
where once New England's new Isaiah  
named the natives "Evening Wolves,"  
called them God's new "Rod of Anger"  
(not Assyrians now, but animals)  
"Generations of the Dragon,"  
"Python," "Typhon" and "Leviathon":  
monsters out of myth and Bible  
all designed by the Devine One  
to keep New Israel in line,  
press His backslid Puritans  
to beat the beast in each man's breast,  
seek and slay it in the forest  
in war upon its Indian metaphor  
So they solved it, those old settlers  
of these one-time savage suburbs--  
dressed sin in feathers and red skin  
grabbed the ground and saved their souls  
and taught us how to do it:  
Turn your problems into demons,  
your temptations into Typhons,  
fears to Furies, doubts to devils,  
evil thoughts to enemies.  
Exorcise them! Find your fiend  
in the body of the other,  
in the victim's guilty color,  
in the anger of the alien.  
Turn familiars into strangers,  
creatures of another species



you can cause to disappear  
and, without regret, forget.

Now, like monuments to men  
who cleared the consciences in clearing  
Mather's monsters off this land,  
long prison walls surround our sins,  
enclose our errors, hide our hang-ups,  
in the fields their fight bequeathed us  
beside old Medfield cemetery  
with old King Philip's trail nearby,  
now so tame and orderly:  
the forest gone, and native animals--  
save seagulls gobbling prison garbage,  
protected geese in honking passage,  
projected evils locked inside  
to keep ourselves by self unseen.  
The wilderness has never died,  
it seems, but only gone within.

#### DON SILAS

I am happy to be here. I come as a representative from the Department of Correction. Commissioner Jim Aiken sends his regrets that he cannot appear in person. He has asked me to appear not as a spokesman for him but as a representative of the Department, not only to share but also to gather some information. It has become apparent over the last few months that the Department must become more knowledgeable about issues not only that are relevant to our needs but what are traditionally considered as opposition issues. I have been involved over a period of weeks now in an issue of religious freedoms for Native Americans and I saw this as an opportunity to get firsthand information from people who were knowledgeable, who were experienced, who were in the know that I could take back to the Department and share with our managers to help them to make more intelligent and more insightful decisions on the subject of religious freedoms. [Silas had just sat through a session on local issues of Native Americans and had spoken with people there.]

I think in many ways that my presence here symbolizes a new era in correctional management. At least in Indiana, no more are the days when the management shrouds and conceals its intent when it hides in its little nook and entrenches itself and wards off all who would attempt gain knowledge or understanding of the correctional processes. Jim Aiken has said we want to be open, we want to share, we don't mind when people make inquiries. You [prisoners and their allies] are the constituency we serve and you deserve an answer. Any of you who have involved with trying to get information from the Department over the last year I think have seen a different attitude towards your inquiries, towards your questions, towards your complaints. We have come to realize that accountability is really what gives the Department credibility. I hope with my presence here to be able to learn some of what you know to take back to the Department. I just hope that we can have a really meaningful exchange without hostilities.

PORTER KIRKWOOD

One of the major problems with the criminal justice system is that everything that we learn about criminal justice or most of the information that comes about the criminal justice system comes from the system itself. It comes from the lawmakers and the judges and the DA and the cops or the people who represent them. And so we get the perception of the criminal justice system that they want us to have. That is the result of our living in an oppressive society with a top-down authority structure. No valid information goes from the bottom to the top. That's distorted. The authority structure has been historically white and male. Everybody who is not white and male has no basis in authority. People who are black, people of color, or who represent the poor, have to adopt white male ideology to share any power. The ideology has historically been racist. People of color and the poor are targeted for all social problems, and all of the anger and frustration that go with the problems.

A situation like the one we saw several weeks ago of Rodney King being beaten on the streets of Los Angeles, reflects the ideology of the top-down authority structure: People feel that here is a black man who has done something and it's all right for the police to do whatever they want to him. We are the targets for that kind of treatment. And every time we are the ones who are seen as other, the ones who are really not supposed to be here, who are not supposed to fill certain roles, the reason for all social ills, we're the dumping place for the society, the whipping boy for the society, or whatever. Situations like Rodney King's are logical in a system that is oppressive and a system that does what this system does. What is remarkable about the Rodney King situation is that it was on television and that we saw it. We saw it on television not because it was cops beating somebody, 'cause they've always known about cops beating somebody, and it was not because there was a chance to show this racism or an attack on racism, it was not that. It was because these were sexy photos. This was stuff that was going to sell. The people would watch. It got people some kind of place where you don't usually get people. Even Georgy Bush said he was appalled by the episode and some other folks were upset. The fact that that happened and that those people could feel that way was the reason it was shown over and over and over again. So most of us saw it 10, 15, 20 times if you were watching television at all.

That incident is an exact reflection of what goes on inside the criminal justice system at every single level. When I was working as a consultant for the American Friends Service Committee, I went to different places and talked to the young black kids about the criminal justice system. This young 15-year-old in Washington, D.C. told me that when he went to court over a situation on Christmas Eve where he was attacked by some other kids. He and his friends were attacked by another group of kids. The police arrested all of them, took them all to jail because they were all black so they all had to have done something wrong. He was in court on Christmas day. He went to court several times and it wasn't until the next September that he and his friends were finally released from the charges against him. He said that every time he went to it was like a cartoon that he had seen in a magazine somewhere. He said in the cartoon the judge, the jury, the DA, the court attendants, the police officers and even the defense attorney were all cats and the defendant was a mouse. And so we are always in this kind of hostile situation. It's the norm. The authority structure tells us that what we are seeing is not true, that what we are seeing is justice, that we're seeing a

system that is blind and even-handed and trying to give everybody the fairest kind of treatment possible.

That is positively, patently untrue, as we know from how people are selected for the death penalty or just by looking in the jails. Who's in the jail and the prisons? Mainly poor people and people of color, in really disproportionate numbers.

My point is that we are the victims of a system that is oppressive and that designates us as targets to blame for whatever is wrong with the system.

We are told that people of color benefit most from the drug problem. They talk about people in Columbia and people in Costa Rica and people in Cuba and black people in the United States and they don't tell us that the main people who benefit economically are white people who would never give up this multi-billion dollar business to us. The business is presented as though we run the operation. Therefore we can be arrested, we can be thrown in jail, we can be kept for years and years and years, and everybody feels better. That's what is most upsetting: Every time they put somebody who looks like me in jail everybody feels relieved. Every time they arrest somebody who looks like me everyone feels balance is being maintained. Every time they execute somebody who looks like me everyone feels everything is going to be all right. That's a really messed up situation.

#### RICARDO SANCHEZ

Buenos días. I want to talk about prison, what it meant to me, nine years that I did in California and Texas and I'd like to begin with a poem about a beast call the Texas prison system: "Say, Tush-Hog Convict:"

say, tush-hog convict,  
pick that cotton, boy, hear?  
else  
ain't gonna give you a damn thing to eat,  
git on, yo' sorry ass meshin,  
pick me a nigger high hunnerd pounds,  
else we'll kill  
yo' meskin ass, hear?

day in, day out,  
dust swirls, guts ache,  
whipped and lashed about,  
guard on horseback  
with a magnum on his side,  
sun drools and licks its chops,  
it's beyond a bitch  
doing this damn time  
will die  
before my row is picked,  
time and again,  
can't hate them anymore,  
illiterate fools,  
seethe inside,  
plotting a demise  
(theirs or mine, doesn't much matter  
any goddamn more!),  
someday, somewhere

we'll meet,  
cabrones pinches guardias,  
on equal ground--  
magnum oriented grounds--  
entonces shall we see . . .

right now you hold the whip and gun,  
i am defenseless, and though i hurt,  
you'll never see my tears  
nor hear my moans,  
you better kill me while you can . . .

I still live in a prison. In El Paso I see the border patrol, the agents of the U.S. immigration naturalization services. Patrolling the bad hills I see the U.S. Army patrolling the border and almost daily now we hear about people being gunned down by the border patrol. One of the most hated police agencies in the United States was in the was the Texas Rangers in the heart of the Chicano nation. And when I say Chicano I am talking about people who were born, raised and then lived here continuously as a people since before English was spoken on this continent.

I'm not talking about a people who came to the Americas. I'm talking about an indigenous Mestizo people whose Indian roots have always been here. We have always been here. We did not come here to be Americanized. America the notion, the genocidal notion, came to us. To pillage, to ravage, to destroy us. We see death continuously, in the Texas prison system practiced so efficiently. On those cotton fields.

What happens to people and what are the psychological effects? I drag down through the barrios where I grew up and I see a lot of my partners that were my partners when we were kids, the few who have survived. The few who are still existing, maybe not alive. I see how destroyed they are, how hopeless, how dejected. Those are the effects of racism. "Manifest Destiny," that horrid construction [of President Polk's administration during the war against Mexico, 1845-1848] that gave rise to Nazism in Germany against indigenous people, against blacks. As "Manifest Destiny." That notion that said that for some weird, absurd, off-the-wall reason white people could feel justified in destroying anything that did not resemble them, anybody who did not assimilate to their notions of what life should be.

I am asked continually in this nation, "Why do you want to be Chicano?" I do not want to be anything, I am merely what I am. I did not go to a store, or the Sears and Roebuck Catalog to buy my culture, my reality or my sense of self. It is not my underwear that I put on and take off every day. Being Chicano is my human reality. It is my means of expressing what it means to me to be human from my perspective. To be part of the human condition. To try to find a way to celebrate existence everyday. It is extremely difficult because racism will haunt you forever in this nation. You go 5, 10 years, 15, 20 years in a prison system and you will have those monsters always clawing at you at the very back of your mind. You don't forget destruction. How do you forget being in isolation for 90 days on bread and water and you have a little hole in the floor that you flush continuously because it's hot in there, sweltering hot, and forget the ugly Texas reality? And you drink out of there like a beast and you taste your own excrement because you can't flush it enough times. And you don't know what it means to take a shower for 80, 90

days and you come out and you have lost much of your hair. Your teeth are all loose because you had one slice of bread and one cup of water a day. And every four or five days they give what might pass for a meal in a ptomaine cafe in any skidrow place you can find. And you scratch yourself and blood comes off of your arms. And you're in total darkness. Except for that one brief 30-second moment when they bring your daily crust of bread and your cup of water and the sun blinds. The rest of the time you're in total darkness. You feel a multitude of all kinds of insects crawling all over your body. There are scorpions, yes. There are roaches, yes. Spiders and other vermin.

You get to the point sometimes when you just destroy yourself or you realize you're already dead. It doesn't much matter anymore. Myself, I realize I didn't give a damn anymore what they did to me. They weren't going to touch me where I go inside my mind, inside my spirit. They could kill me, my body, I don't give a damn. But I don't pick no cotton. That was my determination. I will not pick their cotton, I will not do their dirty work. That's how I feel about it. By realizing that myself, I tried to do what I wanted to do.

Prison gave me that. Not through any teaching but the determination that I would fight back at those sick animals who work for the system. Those who derive such a great pleasure from torturing others.

I think about the absurdity of living at this particular moment in history when we can feed the world's people all over. For the first time we can talk about survival as being a given and not just a possibility or a desire. We create wonderful artificial environments. We could grow food we need if we really wanted to instead of having heinous wars.

We should enter the 21st century with dignity. I see my grandchildren grow and celebrate. I see them and realize there was a time when grandchildren were not even a possible dream for a man like me.

I would like to end with a poem that I wrote just before I got out the last time. That was in 1969. I haven't been back in prison since. I did two terms of 25 years tops in California and 12 in Texas. The one thing that really helped me was that on the streets my Chicano movement spoke with dignity.

#### "Three Days to Go"

three days to go  
y luego al chante,  
to see my son,  
he's now four years  
young, not old, to me,  
for he was born  
days after i got busted.

three days to go,  
que lucas, pero  
now they say  
that Tijerina  
and Cesar Chavez  
and Abelardo  
and other batos  
are riding herd

on pinches gringos.

que rete bruto that raza now dares  
to answer back  
to those cabrones,  
to those ladrones.

i've also heard  
of movimiento,  
the shout Chicano  
Chicano POWER,  
viva la huelga  
viva la raza  
que vivan Chavez y Tijerina  
y el poeta Lalo Delgado . . .

it is good to know  
that things might now be different,  
and if so  
i will pick up a gun  
or a typewriter  
for this cosa called movimiento.  
i'm ready, raza, to join you,  
but if you're jiving,  
i'll burn you back,  
for all us pintos really want freedom,  
and not just words  
nor fancy jobs . . .

i mean it when i say  
i'm ready  
to do or die  
for a good reason;  
i also mean it when i say  
i want the time to know my son;

and i mean it  
when i say  
that serving raza  
can be one answer  
for the reason to my being;

if we have to burn  
or shout or sing  
or act or whatever  
we have to do  
to make our freedom real,  
i am ready,  
and so are other pintos,  
but if the movement is a game  
and hucksters are hustling  
all our people

just to make themselves look big  
or get more money  
by pimping off the people,  
then i'm also ready  
to just go back to criming,  
to looting and conniving,  
for a pinto has no future  
in this gringo/sordid world.

i really hope  
you batos mean it  
when you speak  
of revolution  
and you sing of righting wrongs,  
for this better be the truth;  
we've been hustled too damn long;  
ese pinche gringo has ripped, raped,  
and scavenged all of our land;  
and if you heavies  
are truly batos pesados  
and mean the beautiful words  
you have spoken,  
then i, too, shall be your man,  
i shall wed my mind and soul  
to la causa de la raza . . .  
but no need to sweat it out,  
i'll be there in three more days  
with a sackful of reasons--almost  
nine years of prison and hurts  
and stripes and hungers and loves

mean to embrace you, raza chicana,  
and tell you that it's good  
we're finally together  
to fight our common enemy.  
i'll trust you, just you trust me,  
and we'll build a new nacion . . .

In 20-odd years of writing, joining in movements and meeting people I have come the realization that the cause that I was yearning for in those prison cells, that cause was not just a Chicano cause. I have been fortunate to meet so many wonderful, giving human beings all over this world, not only in the United States and Mexico, who to speak of the human liberation all the world wants. This is our starting point.

We talk about our mutual humanity, about a human social transformation that will there is no way we can abolish this hideous symptom and symbol, this cancerous thing called prison, for even the guards are dehumanized within there. They too do time. Forever and a day, day after day. The administrator, anybody and everybody who has any kind of relationship to a prison system is being caught and hurt by relating to prison. Our basic humanity, our dignity demands the abolition of prisons in any we can abolish them as quickly as possible.

**MICHAEL YASUTAKE**

I'm a Japanese-American. My parents come from Japan and I was born and raised in Seattle Washington. My prison experience was during the Second World War when the Japanese in the United States, regardless of whether they were aliens or citizens were put in concentration camps. I spent about a year-and-a-half in Caleb, Washington and in Idaho.

During the 1960s -- I'm an Episcopal Church priest -- I was in campus ministry and I roamed around the country. I was in charge of a Midwest district but I did a lot of traveling and was very much into the movement, anti-Vietnam and so forth, identified with many of the basic issues that were raised by the students around the country. I think that affected my perspective a lot, together with my Japanese-American background in a concentration camp. Today, for the Prisoners of Conscience Project I direct under the auspices of the National Council of Churches of Christ, shockingly, I find there are political prisoners in the United States. A prisoner of conscience, political prisoner or religious prisoner is a person in prison because of his or her political, religious or social beliefs. The Prisoners of Conscience Project had identified more than 100 prisoners of conscience in the United States prisons today. These are only some of the people in prison in the United States who have been identified as political or religious for which reasons they are incarcerated, by a coalition of organization of supporting groups call Freedom Now. We have pretty conclusive documentation for each one of these prisoners. We could put several hundred others in the United States in the same category, like the Mohawk Indians having trouble with the Canadian and the U.S. government asserting treaty rights, recently, some of them in prison today. In many cases our political prisoners people have been give extraordinarily long sentences for their actions, [including members of the Puerto Rican Independence movement and Black Panthers] who gave breakfast to the poor children in the ghettos, demanded that they defend themselves when they are attacked, were indicted as terrorists and they are still in prison today. These are the people that we work to try to free in our U.S. society...

**Delbert Tibbs**

When they mentioned to me what this panel was going to be on the theme of racism in the criminal justice system, I almost balked. I mean I almost went someplace and hid. And the reason for that is because quite frankly I get tired of talking about the subject. But I have to earn my keep for three days and all that kind of stuff. The reason for my attitude is that so often when I do lectures and I go to colleges and universities and so forth people are really incredulous about what happened in my case. I see them looking at me like, "Is this guy telling me the truth?" They really don't believe that what happened to me in my encounter with the criminal justice system which was because I'm an African American. I was released from prison. The Florida Supreme Court ruled in my favor after I had served three years on death row and what they said to the lower courts was that this man shouldn't have been convicted in the first place because the weight of the evidence didn't support the verdict. They knew the reason for the conviction and I knew too but the Florida Supreme Court didn't order an end to prosecution. They left the entire procedure in some kind of gray area. They said in effect if you can come up with something better than you did the last time you tried him, go ahead and try him again. I got out of jail on \$9,000 bond, which is kind of



unusual 'cause usually you don't get bond on a murder case. They had to let me go, but they laid on the \$9,000, because they wanted the money. I call it my ransom from Florida. They said it was to make sure I show up again in case the state decided to have another trial. Of course they immediately filed papers to have another trial. It feels like double jeopardy for being African American, in a word to terrorize folks who think like me or look like me.

It tickles me how people are always talking about terrorism and that kind of stuff. I was born and raised in Chicago and generally I'm considered to be a fairly courageous guy, but if I'm driving and I look up and see that blue light I have to really steel myself not to be afraid. I'm not afraid of cops, generally speaking I'm not afraid of anybody, but I know that any time I get stopped by one it's sort of like meeting the devil. You don't know what the hell is going to happen next. Whatever happens you can bet that when it comes to getting some fairness in it, you're going to come up short. That's why I have to steel myself when I see the blue light. "Don't jump out of the car Delbert. Don't take off and go to running. I mean you probably won't get shot this time but that's because I know the nature of what we call the criminal justice system."

I tell people all the time, the criminal justice system is not a bit different from the religious establishment as Martin Luther King described it: At 11 o'clock on Sunday morning when we stand to sing and Christ Jesus there's no East or West, is the most segregated hour in America. He never lied. That's an absolute truth. If most of you remember a few years ago that Jimmy Carter had to exert his considerable influence so that they didn't drive a black worshiper out of a church in Plains. You know? It's almost an understatement to me to talk about racism in the criminal justice system.

The United States has changed very little since the Kerner Commission gave its national report on violence back in 1970. It is still basically two societies, one white and one black and poor, including some white folks who somebody said back in the 70's are like the new niggers because they don't have any money. The criminal justice system reflects our culture. It reflects our attitudes. During the Persian Gulf crisis, I saw a black congressman from upstate New York or Pennsylvania just back from there who noticed that about 30 or 35% of the front-line troops were black and Hispanic, primarily black. He remarked that President Bush, who was saying what great people they were and how they were serving their country, wouldn't sign a bill to allow quotas and hiring. These are the kinds of things we're dealing with unless we put ourselves to sleep, which we generally do because we don't like to face hard issues. They're frightening and you might have to do something about them. We just sort of forget and let it pass.

We tell ourselves that we're not a racist country. We have the Cosby Show on TV, Good Times, Arsenio Hall, the chair of the Joint Chiefs of staff is black, and so America, we've really gotten there. It's the biggest lie we've ever told ourselves. It really is. The racism has just become more subtle. It's become more labyrinth than before if that's possible. It has become harder to touch. Because white Americans are human beings just like most other human beings who don't like to think bad of themselves, they like to think they're good guys and on the side of the angels rather than on the other side, they don't confront the reason anywhere in our society. Racism stands out in criminal justice because it deals in locking up and killing people.

Generally I don't talk to folks about it. Some say he must be arrogant

or something. I'm just a pacifist who doesn't like feeling driven to fight because folks say such asinine things. Something like 50% of the people in Florida prisons are black and statewide we constitute a little over 12% of the population. On death row it's like 45%. Someplace I read that if you kill a white person in Florida you're eleven times more likely to get the death penalty than you would if you had killed a person of color. And on and on, I mean there are stacks of facts that are mountainous if you put them together that say yes, our culture still has a deep vein of racism that we don't address anymore. That fact is that don't want to deal with it. It's one of the most fascinating things I've observed as an American, because I am an American almost as much as anybody except maybe the indigenous people. We would rather think that people of non-European descent are lazy, are prone to criminality, are sexually licentious and any number of things that would excuse our history. So that's pretty much I suppose my reaction to what happens and what it happening in the criminal justice system.

Whether we live in a neighborhood that's all European or all black or all Hispanic or all Indian or one that's mixed, I'd like to see us drop our bucket where we are, as Booker T. Washington said. Just start talking with your friends about it. Just say "What do you think about this thing that happened to Angry Bear in California?" Most Americans don't believe this kind of thing happens routinely, but it does throughout every major city in the United States where there's a large non-European population down to Detroit and even in some smaller places. We know what happened in Philadelphia with MOVE. They had a military strike just like they did in Vietnam, because a couple of years before a policeman had been killed, and they presumed, perhaps correctly, that someone from the MOVE organization had been responsible for his death. But in the process they killed eleven men, women and children. And for that Mayor Goode kept his job and they patted him on the back and told him he was a good nigger and they liked the way he ran things. And he'd do it again if he had to for sure.

I don't know how many of you have seen the news, but there's a brother up in Milwaukee who has put the city council on warning. He said, "Hey, you all have five years to get it together. You've got five years to keep the police from coming down here in the ghetto, beating up on these kids any time they feel like it. You've got five years to do something about the division and distribution of economic power in this city." He said he's training brothers just like the Panthers did back in the 60s and he says in five years to put it poetically, he's going to unleash these forces. And so Milwaukee might be turning and it might not be habitable by anyone. I always urge people from the majority community to get involved because it's very obvious to me as Dr. King said, unless I'm able to get justice you ain't going to get any either in the long run. You might be all right today but look for me or somebody like me or that brother in Milwaukee to 'cause you problems ten years from now, twenty years from now.

This shows you about intelligent folks: I was in Canada recently and I had lunch with a newspaper man who was interviewing me. I was there as a guest of Amnesty International. We were talking about Canada, he asked me and I said it was a great country, I like it. I was teasing him sort of I said when I get it together I'm going to be like you. I'm going to be a great journalist. He said, "You probably could if you were here." I asked why he said that. He asked whether I'd watched TV since I'd been there. I said I had. He said, "Haven't you noticed that half the anchor people are black?" I

said, "Oh, yeah, but that doesn't mean anything." He said, "What do you mean? We've got all these laws now and the white guy has a pretty hard time." I said, "Go to one of those TV stations where the anchor person is black or a woman or an Asian and see how many people they've got working audio, see how many people they've got working the cameras, that boy that you're talking about, the anchor person, he's just somebody who is sitting by the door." He had the perception that the situation has changed which of course is the purpose of putting the anchors out in front. But unless we all get it together some kind of way, and I certainly don't know how, ain't any of us going to make it. We're going to go around and around and around again until we run out of rounds and I don't know what that'll be. But we have an opportunity to do something other than that and most of you probably all of you here are sensitive to the things that we're talking about and are dedicated to do something about it. So I encourage you and put my little energy with yours to do that.

## Chapter 4: Confronting Problems of the Indiana Prison System

Prisoner unions have been established throughout Scandinavia. The Norwegian union is called "KROM," and was formed by a founding ICOPA participant, abolitionist Thomas Mathiesen. In January 1986 it was my privilege to attend an annual KROM meeting. My wife, daughter and I got on an Oslo bus which turned out to be one of two filled with Norwegian prisoners furloughed for the event, including some of the most notorious murderers and robbers in the country. We rode to a lavish resort in the mountains. The prisoners' expenses were fully paid. The focus of this meeting was on problems at the largest maximum security prison in Norway, Ullersmo. Prisoners set the agenda, prisoners predominated on panels. The warden of Ullersmo was in the audience as were representatives of the national prison authority. They listened to prisoner grievances and responded. They agreed that deprivation of liberty was THE punishment for offenses, and that otherwise, prisoners were not to be punished or denied the rights enjoyed by free persons. It was a remarkable dialogue. It occurred to me how unthinkable it was in my home country to have prisoners speaking the the authorities in a forum controlled by prisoners instead of the other way around.

ICOPA V made U.S. history. Here it was clear that ex-prisoners and their allies were in control of the program. It was clear to Don Silas of the Indiana Department of Correction that he was the guest, and that he was at the Conference generally and at the plenary on the effects of racism particularly to listen, learn and respond rather than to dictate and preach. More remarkably, he was a guest at a public session recorded for posterity by our local community access television station, and audio taped not only by the university but by Native American prison activist Ron Leith, who held the recorder up to show it to Don Silas as he posed his questions. One major issue, the right of a native prisoner chosen by Kiowa Apache spiritual adviser OowahNah Chasing Bear to carry the sacred pipe for use in traditional religious ceremonies, was apparently settled. Other issues remained unresolved, but local prison activists seemed to gain considerable heart from confronting problems openly which otherwise prison authorities might drop or ignore. The struggle obviously continues, but the KROM-type encounter with a high prison official promised to give activists a new kind of leverage and recognition as their efforts to bring justice to prisons continues. Don Silas was the focus of attention, and the questioning began this way:

### QUESTION AND ANSWER PERIOD

Larry Pasco, AIDS activist, Indianapolis: Most prison conferences never see the Commissioner, I've been to conference all over the state, and you don't see the Commissioner. We see underlings, see secretaries, see undersecretaries, undercommissioners but where is he?

Don Silas: I think it's important for activists to understand that most heads of organizations and that includes the prison system, do not make decisions based on their own personal knowledge. Their time is stretched too short and they are about the business of heading an organization which is much different from the role that I'm playing here, to come here, gather information and make a recommendation. There are some tasks which are appropriate for the heads of an organization to do but others are much more important for that head of that organization to empower not an underling but a manager or supervisor or somebody

whom he gives the authority and resources to go and gather information to entrust that individual to be competent to make a recommendation that reflects the spirit and the truth that is gathered here and then from there the Commissioner makes his decision. It may very well be that based on recommendations that are made here at the next function the Commissioner may choose to appear by himself. Believe me, it was not haphazard that I happen to be here. There was a meeting and recommendations of his top managers and his advisors and it was decided that information should be gathered, more should be known that rather than the Commissioner being here I should represent the Department.

Question: This is an international conference, an international body of people, isn't that an important enough event for the Commissioner of the State of Indiana's Department of Correction to attend?

Coramae Mann: May I get into this? I saw the Commissioner last week and the Commissioner came to a colloquium that the Criminal Justice Department had last year and he came just for that and it wasn't international. So we do know he does come to our functions. And when I was in Indianapolis last week for the National Conference of Women in Corrections, he explained to me that he is going through, as those who read the papers know, a budget crisis in this state, this poor state, and he is on 24-hour call. He thought he could still make it and this was like Monday or Tuesday, and he was still trying to make it. This was a very last minute thing and I personally talked to him, I talked to his deputy and I said can you come if he can't come?

Question: Who was that? Don?

Coramae Mann: It was Collins or Norris. Tommy Norris. So it's not that the Commissioner didn't want to come, because I talked to him personally and he was trying to get here. So we're glad he did have somebody who represented the issues.

Question: Another question for Mr. Silas. Many of us here believe that for human dignity and growth the persons have to participate in the decisions that affect their lives. For over 25 years I have watched the people in prisons in Indiana being denied opportunities to organize. The Department of Correction always seems to be suspicious of any opportunity or any effort to organize and very often is resistant to that effort. Can you tell me what the present policy of the Department of Correction is in regard to prisoners organizing?

Don Silas: I have recently been involved with offender organizations. One of the problems that the administration is trying to overcome is that when prisoners organize, they organize in opposition to the administration as an adversary...

I'm not sure, I don't understand why I'm hearing this snickering. This administration has endeavored to understand and to gain insight into the functioning and to the purpose of organizations so that that adversarial problem does not exist and that the organizations exist within a context of goal orientation, so that ultimately their existence benefits not only the offender population but the administration as well. To my knowledge, offender organizations who want to organize can do so under the guidelines that have been established. And most offenders know that.

Frank Dunbaugh, civil rights lawyer and an organizer of ICOPAs from their inception, of Annapolis, Maryland: This is to Mr. Kirkwood. Eleven or twelve years ago we had to demonstrate to the Department of Justice that racial data could be collected on prisoners and they now publish these data. What should we be doing now in terms of trying to exact new information out of the system? What kinds of information should we be looking for?

Porter Kirkwood: I'm not clear about what you're asking me.

Frank Dunbaugh: I'm thinking that in order to get the powers that be to disseminate information we need, we have to go to them and force them to do it. In the case of the racial composition of the prisons, we had to gather the information ourselves first to show the Department of Justice that it could be done and to get them to do it. What sort of information should we now be trying to exact from the system. What new information should we be looking for?

Porter Kirkwood: I don't really know how to answer that question. What you're looking for, whatever it is that you're looking for, if you want that information then you're going to have to get that information yourself by whatever means you can because the system is not going to give you any information that is going to work to their detriment. And it's like we're hearing here, it is absurd to think that people who organize in a prison would not organize against the prisons. What other reason would you have to organize?

What needs to be understood is that if the people are organizing against the prison, how do you mediate that? You need the organization so you can mediate to find out why they're organizing against you and then work through whatever that is.

It's pretty clear that the system isn't about to do this, because anybody from the outside is in conflict with care, custody and control. Any time that you ask for that information, whatever it is, I mean it could be the most benign kind of thing but because it doesn't come from the power base, it is seen as a threat to the whole system. If you request information on let's say something vital like the number of AIDS patients, or the number of HIV positive people inside the prison, they're not going to give you that information because you're asking for it as a hostile act. Just asking for it is a hostile act. If they do respond to you, in their minds it'll be chaos. It's like school: let somebody go up the down staircase and you're going to have all kinds of problems.

Comment: I'd like to say something. I've been a prisoner. I've visited many prisoners over the years, and I know from personal observation and experience that when the administration in a prison says, "We would like to know your grievances, talk to us," that they're spotting the people who are protesting, and making plans to transfer them to another prison, put them in the hole or do something else with them. That's a fact of prison life.

Achebe Lateef (from the audience): I'd like to add to that. I'm an ex-prisoner myself. Just last year there was a group in the Indiana prison known as Prisoners Committee for Better Relations. All they wanted to do was have dialogue with the prison administrator. Don Silas was set up to run interference on them. The brothers had an economic plan: they wanted to take the commissary money that is contracted out to various individuals under the table to bring a lot of junk food into the prison. Not wholesome food. These brothers organized, calling on the National African Prison Organization to help them talk to the prison administrator. We called all over Indianapolis, but couldn't talk to anybody.

Another functionary by the name of John Nunn signed the paperwork to let Alan Matheny out, who went out and killed his wife. Two cons were made scapegoats and all the prisoners in the Indiana prison system were made scapegoats because they could not come out on work release now because of John Nunn. For two months, for two months I couldn't get an appointment with him. It just so happens a courageous reporter down in Indianapolis helped put the story out and he's sitting right here, right now.

We were trying to get the administration to understand prison organizing. Talk about prisoners wanting to organize only in opposition to the prison administration is pure bullshit. The man sitting up there, right there trying to tell us what prison organizers are probably thinking that just 'cause you want to organize you're doing something wrong, he's the same one who as consultant to the Commissioner is probably saying, "Here's what these guys are trying to do."

They keep profiles on everybody. I spent 12-1/2 years in the prison system. They've got a profile on me and just because I call myself an African they label me subversive. They label all of us as trouble-makers and subversives.

We had a literacy program down in the prison. That man right there [Don Silas] walked around in the same prison I was in. He was in recreation. He can testify to the fact that a lot of abnormal behavior would go down in there and they wouldn't do anything about it. Every time we would set a group of young brothers down at the table to teach them how to read we were put in handcuffs and sent to another prison. I have all the paperwork right here in my file. Every time I opened my mouth they called me a trouble-maker. That's a lie. They're trying to keep us down in the sewer. That's the truth.

I'm not somebody trying to make trouble. All you've got to do is pick any newspaper, go to any maximum security prison in this system in the state of Indiana. I've been out of prison five years, five years I've been working in the community, been challenging the government every step of the way. All of these brothers in prison have been looking at us out here in the street as models to give them. Stand up straight and tall and look them in the eye and deal with social redemption and deal with the problems that got us in prison in the first place. Everytime we try to do it, they interfere with you, put you in chains, ship you off over here in the dark, beat you up, deny you visits. You're always talking about how you're trying to do something for a humane purpose.

[To Don Silas] You ain't nothing but a bunch of bullshit. You're running interference. That's what you're doing. You just opened a big ole maximum security unit in Westville, Indiana. You don't have a classification process, yet you still talking about that you're going to do is put all the trouble-makers in the prison system down in there. Trouble-makers are the ones who told you that they're hungry and they're going to get something else to eat. You can write them up, send the goon squad in there to beat them up or whatever you're going to do, but they're going to get themselves something extra to eat. Send them up to State, get them out of the way so they can't talk to their folks, get them away from the telephone so they can't talk to anybody. That's what really's going on down in the prisons.

Don Silas: This is a forum and I have not taken this personally because certainly you have your perception, and some of the things that you said are accurate. One thing I want to clarify: my position is that prisoner organizations can exist for the abolition of common problems that are problems not only to the administration but also to the offenders. I do believe that such organizations can exist. I don't know about how much information you had about my involvement about with the Prisoners Committee for Better Relations. I was going to act as an advisor and support for that organization. There was one issue that kept us apart. I could not accept the Prisoners Committee for Better Relationship leadership's desire to be able to meet in secret. I had to be accountable for what was going on within that committee. And that was the reason that I discontinued my support.

Achebe Lateef: How you going to meet in secret in a prison?

Don Silas: Okay, I had to be accountable. And one more thing about the grievances. Certainly there are situations where there is an abuse of the grievance procedure. Jim Aiken has empowered me to implement a grievance procedure in the Indiana Department of Correction which is modeled after the guidelines promulgated by the Attorney General in 1980. Under the Civil Rights of Institutionalized Persons Act we will go into federal court and get this grievance procedure certified and within those guidelines the prisoners' rights will be protected and the institution will be held accountable.

Larry Pasco: That's a lie. There's a prisoner serving 30 years in this state who's dying with AIDS who was convicted of attempted murder, dying of AIDS, chained to a hospital bed and your system does nothing. Your system allows you only to die. You are committing murder.

Don Silas: I am at the present time writing the policy I just described.

Ron Leith, Honor of the Earth Prison Project, St. Paul, Minnesota: I just have one question for Mr. Silas. How do you feel since you work inside the administration how do feel about recognizing the traditional religious beliefs of Native American inmates?

Don Silas: You know, that's really the reason why I am down here. I have been working with some of the Native American religious leaders. One of the things that I have to confess is that within the administration there's a tremendous amount of ignorance about the importance of your traditions, about the pipe, about the feathers, about the mechanics of how the spiritual fulfillments take place.

Deputy Commissioner Norris has taken the attitude that we want to keep an open mind. We want to gather information from as many sources as are available. We're going to give this information to our superintendents and not only do we want to follow the federal guidelines but we want to be knowledgeable and to operate with insight into what religious freedom and the spiritual fulfillment required for all of the inmates in the system.

Ron Leith: Bingo! You said the right word, religious freedom. You sir, have denied the Native American population inside the institution a pipe.

Don Silas: The situation with the pipe, if you are speaking about Westville CIC, has been corrected.

Ron Leith: They are going to have their religious ceremonies with the sacred pipe?

Don Silas: We had a meeting last Thursday with Miss [OowahNah] Chasing Bear and the attorney for the organization and a representative from the Rethinking Prisons group. We had our superintendants there, the Deputy Commissioner, me and the chaplains from the institutions involved. After the meeting it was determined that Thad Trig who was appointed the pipe carrier should be allowed to have the pipe and to function as the pipe carrier under the guidelines that were established in a previous administration.

Ron Leith: It's my understanding that there is the pipe carrier right there but he's not ready...

Don Silas: He is the pipe carrier and provisions are being made for him to have the pipe in his possession.

Ron Leith: I have one more question about religious freedom....

Coramae Mann: Hey brother, will you let somebody else talk?

Question: I'd like to ask if he's talking about religious freedom and following federal guidelines? Last January, you cut the looks of Rastafarians in violation of the supreme law of the land. All the headlines said, "Well, take



us to court." The Department of Correction was saying that even though we know it's a violation of their religious freedom we're still going to cut their hair. I think it was said to be for sanitary reasons or something like that even though those brothers proved that their locks were clean. Even though the federal courts, and even Supreme Court said not to cut their hair, the Department of Correction did it. They forced the prison barbers to cut their hair.

Don Silas: Okay now, what is your question?

Question: How can you sit up there talking about getting ready to do something under federal guidelines when you cut their hair in violation of federal law? Federal law seems to be good if it goes along with what you want to do but bad if it doesn't go along with what you want to do.

Don Silas: I think in every situation has to be taken on its individual merits. I'm not familiar with the situation you're describing so I can't speak on it specifically. It would be my recommendation that if situations exist in the Department where information needs to be gathered to support the exercise of religious freedom, then the appropriate people within the Department, and I can make those contacts, need to be notified. With the Deputy Commissioner of programs we now have, I think we will find he has an open mind and he's going to look at each situation and examine it and if it should exist that's the way it will go. There's no prohibition on religious expression as far as he's concerned. I hope I can speak for him on this issue, that any religious tradition or ritual will be protected.

Question: So it's how you feel on that particular day?

Coramae Mann: That isn't what he said. I'll take one more question because we're over our time. You're next.

Comment by Omari Vaden, of the African National Prison Organization: I really have a statement. I served 14 years in prison and I'm still tied to the Indiana prison system on parole. I've been on parole for about three years. A lot of times we have these conferences. Particularly when we deal with prisons, if there are prisoncrats here a lot of us want to bite our tongues because we're in bed with them, or one way or another we don't want to hurt anybody's feelings or our own pocketbooks.

I went to a conference several months ago that Mr. Don Silas also attended, held down at Pine Creek in Indianapolis, Indiana. There was a statement made about a grievance procedure. I've always thought of grievance procedures as being unusable. I know how guards support what they're going to go on even if they got it made with other guards. Mr. Silas said the procedure is basically to complain to one of the guards. This particular conference was predominantly correctional officers, and so I guess you felt like you needed to say that because your colleagues were there.

I also asked you about allowing a book club to meet in Indiana Reformatory at Pendleton, whose members had asked me to be their sponsor. You said the reason why you couldn't allow it was that you believed that there was going to be some subversive activity going on. Now you say they want to meet in private. I also wanted to use the toilet in private in prison. The only thing you can do private in prison is probably in your cell. So I have to believe that what you're doing to us is playing politics with us. I know that a politician will tell each group of people based on what they want to hear. You tell other people another story. I consider that an affront to my intelligence and to the intelligence of all the prisoners in the state of Indiana whom I consider myself to represent because they can't be out here speaking for themselves.

I'm not speaking for myself per se, I'm concerned for they guys inside the

prison. We don't care about getting money. I owe nobody any favors, nobody owes me any favor and I don't want any. I get mine the rough way. But I'm not going to sit here and let somebody talk about what's going on in prison, misrepresenting everything.

Don Silas: Just a couple of points here that I need to respond because I was misquoted. I should more specifically have stated that I would not allow the organization to meet out of my presence rather than in private. That was the real issue. As to grievances, one point I want to make about the system being implemented is that each institution will have an investigator who does the investigation and reports directly to the superintendant. We will not have officers investigating other officers. This investigation will have a vested interest in finding the facts. So the current situation where officers write reports on each other, which on the surface appears to be a conflict of interest, will change...

## Chapter 5: Racism as Part of the Limited Vision of Criminal Justice

When George Bush attacked Iraq, I had been sending essays on the situation out over electronic mail around the world, notably over an activist network. I now gave the essays a new name, "World War III Diary." A number of the diary entries have concerned ICOPA V and surrounding events. The diary continues as this report is written. One of the recipients of my diaries is Leslie T. Wilkins. As I was putting together Chapters 3 and 4, I received materials from Les, which I consider a part of the larger ongoing ICOPA dialogue. My reaction to Les's materials was inspired by the transcripts I was reading of the ICOPA V plenary on the effects of racism. Excerpts follow.

### WORLD WAR III DIARY

Hal Pepinsky

September 11, 1991

#### LES WILKINS WRITES...

Today I received a letter from Leslie T. Wilkins who has "retired" to Cambridge, England. I team-taught a philosophical issues of law and social control seminar with him when we worked together at SUNY-Albany in 1972-76. In 1980 I dedicated Crime Control Strategies to him as my greatest teacher. As a Home Office researcher Les won a Royal Statistical Society award for building a model for predicting delinquency. One of the more remarkable intellectual feats in his remarkable career was that he shortly thereafter repudiated prediction research, and turned to studying and modeling criminal justice decision-making. He was the major creative force in developing the original federal parole guidelines in the United States, since monstrously perverted into federal sentencing guidelines. In his September 2 letter to me, he implicitly repudiates this work of his also: "My view is that one might be more successful with changing the direction than by seeking to change the structure." He encloses excerpts from a paper, title unknown, he is to present to a United Nations Conference, to be amplified in his latest book, Punishment, Crime and Market Forces due out from Dartmouth University Press in October.

In the excerpts I received Les pins a theory on two key findings: First, "I was somewhat surprised that the highest correlation I could find over countries was between incarceration rate (persons in prison per 100,000 population) and the proportion of income going to the upper 5%. Put simply, where the wealthy were extremely wealthy, the incarceration rate was higher." Second, "One of the most certain predictions that can be made is that individuals who favour the death penalty tend to believe, not surprisingly, in more severe punishment in general, but even more frequently to describe themselves as believers in the 'right to life'," commenting, "The juxtaposition of 'life' and 'death' in this value packaging should not be dismissed as 'merely emotional' and hence requiring no supporting logic." The theory that emerges is clear and concise: "...the concentration of power leads to extremism, and extremism finds expression in two-value logic, thus concentration of reward and punishment are expected in such cases." Two values, he argues, produce "unacceptable incompleteness and distortion" in moral matters. Human thinking has only recently "been able to encompass three-dimensional space," although even now it is hard in all manner of contexts to imagine getting along in only two dimensions, and yet "most

precepts on which our contemporary moral guardians insist [in making wars including wars on drugs and crime] were formulated when only that restricted conceptual framework was available." Values come in packages. Les contrasts the two-dimensional values package to the multi-dimensional value package as follows:

SEEK TO MOVE AWAY FROM  
Concentration of power

SEEK TO MOVE TOWARDS  
Extending participation in decisions  
by all those involved in events

Punitive, blame allocation,  
accusatorial emphasis

Negotiations, and conflict-resolution  
methods

Search for simple cause-effect models

Search for appropriate models which  
can accommodate commensurate  
complexity

Symbolic, ritual, drama, and display

Economic analyses and use of  
managerial techniques, with good  
communication

Moral posturing and punishment

Conciliation and restitution

Concentration on actions after the  
event (person based)

Concentration on actions before the  
event (situation based)

Assuming all good intent must have  
good outcomes

Considering all social policy for  
possible undesirable side-effects

In sum, we have an attitude problem. We tend to see things, as Les explicitly puts it, in black and white. Which leads me to the problem I've been working on in the ICOPA V report: racism in U.S. criminal justice.

#### ICOPA V PLENARY PANELISTS INDICT RACISM

[Following a summary of what had transpired at the racism plenary, I continued the diary entry:]

Black/white. Two-value logic. Willie Horton and Manuel Noriega, not George Bush or Oliver North. In two-value logic, the class and color of our prison populations affirms and confirms our belief that all is just when wealth and power become more concentrated in white male hands while the poor condition of people of color further deteriorates. Evil and failure neatly coincide.

#### THE NONSHAREABLE PROBLEM

I love and admire the integrity of Les's commitment to pure reason. He acts on the faith that if you give people better information, they will make better decisions. His faith has been tested repeatedly. Criminologists persist in trying to perfect his prediction model. Politicians persist in perverting his parole guidelines system. While his new theory allows for these perversions, it offers no explanation. As luck would have it, I had begun the morning today in class arguing that "nonshareable problems" prevent politicians from uncovering the depth and pervasiveness of political corruption, and had the concept in mind

as I read Les's excerpts. I think it fills an important gap in what I have thus far seen of Les's theory.

"Nonshareable problem" was coined right here at Indiana University just after World War II by Donald Cressey in his dissertation on embezzlement (which became the classic book, Other People's Money). It was his explanation of why his informants had finally turned to embezzlement. As in the case of an unpayable gambling debt, embezzlement began when those having access to company funds encountered a financial problem they felt they could not share with others. Embezzlement became a nonshareable remedy for the nonshareable problem, compounding the isolation and predation of the offender. Don Cressey was modest enough to claim there was no reason to believe that nonshareability was a general explanation of crime, too modest I think.

Here's an example I used in class. We know, as from the current commercial running through charges against the personal character of Senators Kennedy, Biden and Cranston in the matter of confirming Judge Clarence Thomas to the Supreme Court, that Republicans are quite willing to throw cast political dirt on Democratic leaders' character. They don't need proof, spreading rumors will do. Now it happens that there is a whopper of an allegation against Jimmy Carter in the matter of his October 1980 "Surprise." As I have written in the Diary earlier, Leslie Cockburn (Out of Control, Atlantic Monthly Press, 1987, pp. 190-92) fits together diverse evidence that after setting Saddam off to war against Iran, Carter agreed to give the Iranians spare military parts in return for an October hostage release. In October, an emissary of Iranian leaders Rafsanjani and Beheshti met in Washington's L'Enfant Plaza Hotel with Richard Allen, Lawrence Silberman and Robert MacFarlane and agreed to trade more weapons for delaying the hostage release. Cockburn reports that Reagan's weapons shipments to Iran continued at least through 1982, perhaps stopped in 1983, and went ahead (as well we know) in 1984. By bipartisan consensus you will recall that the Iran-Contra hearings inquired back no further than 1984, with scarcely reported howls of protest from the Christic Institute among others. In this sense Oliver North was indeed--as a student in class suggested--made the fall guy, presumably because he didn't become personally involved in the arms shipments until 1984.

What are Republicans saying about the October Surprise? They're saying it's water over the dam. And Bloomington, Indiana's own Congressman Lee Hamilton, Democratic chair of the Intelligence Committee investigating the matter, and co-chair of the Iran-Contra inquiry, agrees they are probably right. So the agreement appears to stand: We won't go into what happened before 1984.

A student who is pretty knowledgeable about corruption and state crime spoke up asking me how I respond to the argument that the people couldn't handle the truth, they wouldn't let what needs to be done be done, they couldn't face the unpleasant fact that we have to work with unpleasant people to defend ourselves in this dog-eat-dog world. I have heard people in government say much the same thing about classified information. The problem is nonshareable.

I think there is an underlying terror: that the people themselves will be unable to handle the truth, that their anger will spawn civil insurrection, that this whole castle we have going for us may crumble like the notorious Roman Empire.

And indeed it may. Time and again with friends, as in wishing we confront the very bankruptcy of the U.S. economy now rather than letting the house of debt cards mount higher and higher, people remind me for instance of post-WWI Germany, and of how terribly vicious and mean people become if they are allowed to believe they are in an economic depression, which in Les's and Ravi Batra's terms means that the growing bubble of economic concentration has not yet burst. We cannot confront the racism and impoverishment of our own people, lest we all become monsters. The problem is nonshareable.

Les and I have gone 'round and 'round over the years as to whether the same principles apply to micro- and macro-level human interaction. I argue so, he argues not. Les argues the point in the excerpts, telling me in his letter: "It is not what you would like, although I doubt that you will dislike it." I will agree that macro- and micro-change move somewhat independently, but as I see it the same principles apply at both. Indeed, in the scheme of the universe, I'm unsure as to where micro- stops and macro- begins. So on the issue of nonshareable problems I am reminded of how often parents tell each other that there are certain things can't handle, that you have to wait until they're old enough to understand to explain the facts of life.

High on the list of things children cannot handle is parental fallibility. Parents cannot show weakness, they cannot be wrong, they cannot acknowledge their children might sometimes know more than they, and if they reveal flaws in their own character, their children might be tempted to emulate them. So parents keep up a brave front, and among themselves are consumed with how to handle nonshareable problems. Otherwise the bonds of affection criminologist Travis Hirschi euphemistically calls "control theory" might dissolve into hatred, recrimination, and abject disorder.

Right now Noriega has a nonshareable problem, according to NPR reports. He cannot acknowledge that he arranged and profited from drug trafficking. My cynical side speculates that his lawyers and some third party have an understanding that Noriega will do the best he can if he leaves his drug trafficking agreements with Bush (see Rolling Stone, November 3, 1988, from p. 45 for instance; which somehow didn't sway Bush's election) alone. The fact remains that prosecution and defense have conspired not to share information publicly on this issue.

Nonshareability boils down to the spiritual terror Max Weber described in The Protestant Ethic and the Spirit of Capitalism. We cannot afford the luxury of having morally impure leaders, and hence we dare not discuss their impurity, while they themselves must agree as "gentlemen" not to discuss each other's impurity (unless they can disavow it with a straight face, the way Bush disavows the Clarence Thomas commercial; in the jargon of nonshareability, this is known as "plausible deniability" although the evil KGB called it "disinformation"). The terror is the feeling that individually and collectively, we so live on the edge that if we shared our own corruption, we would fall apart into hell. We can only live together so long as we agree to lie to each other. We are desperate that open communication be avoided. Otherwise, logic dictates that we and especially our heroes and the folks we hire and elect to hold us together deserve prison no less than the poor young men of color who typify criminality for us.

Essentially, we cannot show mercy for the folks we villify until we forgive

ourselves our own trespasses, until we acknowledge the complexity which dictates that virtue and vice struggle in souls across humanity. Only then can we do as Les asks--give up figuring who had the bad intentions and focus on how we can clean the mess up. That ain't easy, but I figure at a micro-level, in the classroom for instance, success in breaking discussion out of dualism rests on helping people feel safe from recrimination if they acknowledge responsibility for and complicity in murder, violence and injustice. Les considers matters of healing the human spirit a dangerous ground for discussion. I think commitment to two-value logic is fundamentally a problem of terror in the human spirit, and needs to be addressed as such....

#### Further Thoughts Beyond the World War III Diary Entry

Sociologists Slava Afansyev and Yakov Gilinsky came to ICOPA V from the Leningrad branch of the Soviet Academy of Sciences. Their descriptions of the remarkable reductions in incarceration and use of the death penalty which have recently occurred in the Soviet Union are excerpted later in this report under the heading of "THE FUTURE" of penal abolition. Of relevance here is that both of them predicted penal reform in their country would be limited for one major reason, which Gilinsky put this way:

...the situation in the USSR is complication by the heritage of the totalitarian regime (the state's habit of, and the people's belief in repressive and prohibitive measures for tackling social problems; the low level of mass sense of justice; firmness of the Gulag's customs and traditions in the contemporary penitentiary system, etc.). Millions of our citizens have gone through prisons and colonies and punishment in the form of imprisonment has become habitual for both criminal justice and the population.

Two-value logic can take hold of a people without incorporating racism, but in the United States (as in much of Western Europe where an increasing share of the punishment is meted out to foreign or immigrant peoples of color), racism gives visible form to what otherwise would be a more amorphous line between good and evil. U.S. wars on drugs now and before, for instance, have been focused on drugs whose cultivation or use is associated with peoples of color--the Chinese for opiates, Mexicans for marijuana and now South Americans with native ancestry for cocaine. Wars on drugs like all wars on crime are partial wars. Despite the fact that most emergency-room deaths from overdoses are from prescription drugs manufactured in the United States, for example, abuse of these white-people's drugs receive scant attention. If two-value logic is the main obstacle to penal abolition, racism is the major obstacle to thinking beyond two-value logic in our part of the world.





# APPENDIX

## **PROGRAM FOR FIFTH INTERNATIONAL CONFERENCE ON PENAL ABOLITION (ICOPA)**

Hosted by the Department of Criminal Justice, Indiana University  
Bloomington, Indiana USA  
May 22-25, 1991

<b>WELCOME</b> .....	<b>2</b>
<b>ICOPA AS A TRUST</b> .....	<b>3</b>
<b>PAPERS AND CONFERENCE PROCEEDINGS</b> .....	<b>5</b>
<b>STRUCTURE OF THE PROGRAM</b> .....	<b>5</b>
Native American Issues and Strategies .....	5
Issues and Strategies of Peoples of Color Generally .....	6
Prisoners' Perspectives .....	6
The Death Penalty .....	6
Feminist Perspectives .....	7
Mediation and Restorative Justice .....	7
Addressing Legislators .....	8
Penal Abolition Research .....	8
<b>LOCAL ISSUES</b> .....	<b>9</b>
<b>DISCUSSION AND WORK GROUPS</b> .....	<b>9</b>
<b>RESERVATIONS FOR MONROE COUNTY JAIL TOUR, THURSDAY AT 3:30</b> .....	<b>9</b>
<b>RESERVATIONS FOR THURSDAY DINNER AND SATURDAY LUNCH</b> .....	<b>10</b>
<b>THURSDAY EVENING POST-DINNER FESTIVITIES</b> .....	<b>10</b>
<b>SHUTTLE SERVICE</b> .....	<b>11</b>
<b>EXHIBITS</b> .....	<b>11</b>
<b>CONFERENCE PROGRAM</b> .....	<b>12</b>

## **WELCOME!**

It is my honor and privilege to welcome you to Bloomington, Indiana, and to the first International Conference on Penal Abolition (ICOPA) to be held in the United States. For those of you from Bloomington and the surrounding region, I hope you will make or renew many friendships and share many experiences with our guests from around the world. For those of you who have come to Bloomington from faraway places, I hope you enjoy the warmth and hospitality of my beautiful home town.

Both to keep expenses modest and to encourage Bloomingtonians and conferees to get to know one another as broadly as possible, we have scheduled only one meal and evening of organized fun together (Wednesday). You may sign on at registration for a Saturday lunch together if you have time after the conference closes. For snacks or coffee breaks, for meals and for late afternoon discussion, participants are encouraged to explore not only the numerous restaurants and coffee places in the Indiana Memorial Union, but to move freely off campus to the many good gathering spots in town. Bloomington is a college town, which means that all manner of inexpensive, multi-cultural places to meet, eat or drink are found right on the edge of the campus. Walking west from the conference headquarters at the Union and crossing the campus border at Indiana Avenue, you will find a heavy concentration of friendly places from 4th to 6th streets, west for several blocks past the Courthouse Square at the center of town. There are also some fun places along 3rd Street at the southeast corner of campus near the intersection with Jordan Avenue, and a cluster of spots along 10th Street across from Eigenmann Hall where some of you will be staying. One of the things I love about Bloomington is the friendliness of her people; don't hesitate to stop anyone on the streets if you get lost or want tips on where to go.

My greatest personal regret is that I will have little chance during the conference just to sit in and enjoy the sessions many of you have put together. I will of course be at every plenary; will be at the evening festivities on Thursday; will be at the Friday evening meetings to plan Saturday plenaries; and at the Saturday lunch. Otherwise I expect to circulate pretty freely, but I will at all times during the conference leave word as to where I am—at the registration table during registration hours, and at the reception desk in the Union lobby otherwise. My time is yours; please feel free to get hold of me when you need me; and to let me know how the conference is going for you.

Many thanks to all of you from here and abroad who have built the program for the conference, spread the word, drawn in participants, offered participants your homes, and in so many ways have contributed the energy which makes this conference be all that it is. The folks at the IU Conference Bureau have been wonderful and tireless about arranging mind-boggling logistics of as large and unconventional conference as this one. Two clusters of people have stood out in giving this first U.S. ICOPA its distinctive flavor: those in and around the National Interreligious Task Force on Criminal Justice who will highlight the problem of racism, and the many Native people and their friends from throughout North America who come to remind us of indigenous traditions of resolving conflict without resort to branding people criminal and putting them in prison, and come to cry out and ask public support in their struggle against suppression of indigenous traditions—especially in North American prisons.

The indigenous peoples of North America are our true hosts. Nothing could be a more auspicious beginning for this conference than to have a blessing invoked by a Native elder. As the conference begins on Wednesday morning, I will stand before you just long enough for you to know who I am when you see me, and introduce Ojibwa elder Art Solomon to open our meeting in the Native American manner. Thereafter I will do my utmost to disappear from the program until I facilitate the Saturday plenaries. Enjoy, and thanks for being here!

## **ICOPA AS A TRUST**

ICOPA has no formal organization. The people who gather at each ICOPA define themselves and their mission, so that for instance the participants at ICOPA II in Amsterdam in 1985 decided to change the conference name from "Prison Abolition" to the broader "Penal Abolition" beginning with the next ICOPA in Montreal two years hence. At the close of each ICOPA participants select a person or persons to see to it that the next ICOPA happens. The participants in Kazimierz Dolny, Poland in 1989 asked me to accept the responsibility for ICOPA V. (I initially tried to pass that responsibility on, but got no takers.) I see that responsibility as a public trust. Now I convey that trust to you as I see it.

My first ICOPA, four years ago in Montreal, opened new worlds to me. In my two decades or so in and around criminal justice, I had scarcely imagined that what so many people, in so many ways, believed and practiced could be more than a utopian dream. Here from many walks of life and many parts of the world were alternatives to punishment in action. At the same time, from each of many groups and circles accustomed to being marginalized, there was suspicion and anger over being disrespected and unrecognized even at the conference itself.

The last ICOPA in Poland brought home another reality--that many people who believe and live by retribution and other forms of punishment want to taste penal abolitionism and explore it without fear of rejection and humiliation.

All in all, being entrusted with carrying on a forum for penal abolitionism is no different from pursuing any other program of pacifism or democratization: the trick is to open people's minds to marginal views without trying to exclude free debate and honest consideration of opposing views.

There are those who are here to question themselves and others, and those whose mission it is to have politically and culturally marginal views and experience recognized and affirmed. I expect it to remain true that the major organizing force behind ICOPAs is from those committed to penal abolition; I hope it will also remain true that skeptics and iconoclasts among us will remain welcome in our midst to join in mutually respectful dialogue and exchange of views.

ICOPA to me is a major affirmative act. While dissenters and critics are welcome, ICOPA exists primarily to give a forum to seldom-heard perspectives on crime and criminal justice. Nurturing ICOPA tradition requires not only welcoming traditional participants to continue to active involvement in the program, but in reaching out--networking and pursuing leads and nibbles as they become available--to attract still more ideas and experiences into our midst. The mutual learning which can take place in such a gathering is awesome in itself. Beyond that, I feel obliged to offer ICOPA as a platform for legitimizing marginal views and helping bring them into the mainstream of political and academic discussion. There is an inevitable tension between tolerance of diversity and promoting abolitionism, one which has permeated the previous two ICOPAs I have attended, and which has proved most troublesome at the conclusion of the conferences when participants try to sum up and apply what they have accomplished together.

One part of my ICOPA V trust has already been fulfilled as best I can: the program is as diverse and inclusive as I could help it be. The remaining challenge for me is to help bring ICOPA V to a successful close in the Saturday plenaries. One plenary will be for participants to select a site and a person or persons responsible for ICOPA VI; the other to consider and adopt conference resolutions. I will facilitate these discussions with a sense of purpose--one I share with you now in hopes that you can discuss any problems with me between now and Saturday, and in hopes that come Saturday morning, you can respect and share with me the trust in keeping alive the spirit of ICOPA.

Site selection for ICOPA is like recruiting of faculty in a university: it brings out the worst in people, particularly at an international conference where travel funds are usually very limited, and site selection affects people's ability to participate. I entered organization of ICOPA V encountering great distrust on the part of North American peoples of color, that their longstanding desire to have an ICOPA in Central or South America had been thwarted by movements to have ICOPAs in white-dominated settings. I was also aware that for the last two ICOPAs, choice of a Central or South American meeting site was hampered by failure to have anyone there available and ready to take on organizing responsibility. Through the good offices of Ruth Morris, a founding organizer of ICOPAs in 1983 in Toronto, Elias Carranza has agreed to bring us a proposal to host ICOPA VI in 1993 in San Jose, Costa Rica. As a part of my trust I feel obliged to recommend that we accept his proposal at our Saturday plenary on site selection. Again, those who have questions about this proposal or counterproposals to offer are invited to come to raise them at the informal site selection meeting Friday evening at 9:30.

We have two hours to consider resolutions Saturday morning. If we are lucky and there is much energy at ICOPA sessions as I expect, there will be numerous resolutions, and not much time for general debate on any. On the other hand, I also expect each of various interest groups to work out their resolutions through extended debate and discussion before Saturday. The sessions on Native North American issues are an obvious example: organizers of these sessions expect to move progressively on Thursday and Friday from time slot to time slot, building a collective sense of problem and program of action. Anyone who feels invested in resolutions that emerge from these sessions is welcome to take part. Anyone with general concerns is encouraged to join discussion groups on Thursday and Friday afternoons which include participants from across a range of sessions, using these fora as a more or less direct way to convey their concerns back to the sessions on Native people's issues and strategies. You are also most welcome to come to the planning meeting for the resolutions plenary Friday evening from 7:30-9, to hear what is being proposed and to offer your questions and concerns. All that said and done, I hope that on Saturday morning resolutions that have been developed in good faith and by hard work can be respected and well received—not because each represents your own position, but because it represents a serious position which deserves support for a broader hearing in the outside world. Together, the resolutions should indicate the strength of our diversity rather than a monolithic dogma. They will represent many places we come from rather than a single position we all adopt, much as an enlightened manager adopts well-thought-through committee recommendations rather than trying to substitute his or her own will for the thinking of others. If we can carry off this spirit of accommodation, we should find that we have accomplished a great deal in many ways without having had to march to a single drummer. Please understand, therefore, if as facilitator on this occasion I discourage debate over basic premises and positions among us.

If as the conference progresses you feel I might in any way facilitate your own participation, please don't hesitate to approach me.

## **PAPERS AND CONFERENCE PROCEEDINGS**

Many presenters will have papers, many will not. Among those who do will be those who haven't extra copies to share. If you have a paper and can afford to make your own copies, please do so. There is a copying service (Copy Corner) in the Union itself for you to use. If you need copies made for you, please ask at registration: With a little lead time, the Conference Bureau will make two copies for you; you can have the original back. One copy will be left on display in the free literature room, and we will keep the other one for inclusion in a volume of proceedings of the conference I hope to persuade Indiana University Press to publish. I suggest that if you have no extra copies of your paper to distribute at your session, you pass around a sign-up list for people to request you send them your paper after the conference at your convenience. I'm sorry to say mass copying is a service we cannot afford.

I hope some of you will leave the conference interested in writing follow-up papers, comments, position statements or reflections on your experience here. Please send them to me by September 15, by which time I plan to put a package together to submit to IU Press. They have made it clear to me that a simple set of proceedings is unpublishable or at least unmarketable. I shall therefore as proceedings editor write commentary to integrate and accompany your work. Inevitably, that will mean that while your own contributions may remain intact, the overall work will reflect my personal outlook and not necessarily the consensus of conference participants. I think this a worthwhile accommodation to getting conference material out to a wider audience, but again, please let me know during the conference about any concerns you have on this matter. As a partial indication to you of how I foresee this volume, I intend to include this program in full at the beginning of the text.

## **STRUCTURE OF THE PROGRAM**

The shape of the program has evolved from my preliminary conception of ICOPA traditions to be represented, to a form which reflects major areas of current abolition activity. The organization of the program reflects the U.S. roots of this ICOPA. The series of opening plenary sessions on Wednesday reflects this structure, and is designed to provide participants with an overview of the conference so that they may make informed choices as to which sessions to follow on Thursday and Friday.

### **Native American Issues and Strategies**

Native North American activists are anticipated in large numbers for an elaborately planned series of sessions. As I understand it they see ICOPA V as a major opportunity to place Native issues on the white man's political agenda. Since attending ICOPA III in Montreal I have become aware of two major contributions Native participants have to offer.

First, while there is considerable diversity among the more than one thousand tribes in North America, one key point of convergence is rejection of criminal law as an instrument for managing human conflict, and in its place a rich array of methods of handling disputes and healing disputants. It should give those who believe it is only natural to have prisons pause to think that there was no such thing as criminal justice on this continent until the relatively recent incursion of European settlers—that penal abolition is by far the longer standing tradition in this part of the world.

Second, while prison conditions are generally appalling, and while minorities as a whole suffer more than their share of oppression by forces of criminal justice, the plight of Native North American prisoners in the United States and Canada represents the most extreme mistreatment of prisoners on this continent. A key injustice is denial of the right of Native American prisoners to worship in the traditional way. The struggles on behalf of Native prisoners bring criminal injustice into particularly sharp relief.

Organizers of these sessions plan to conclude with a reform package to deliver to legislators and administrators, a number of whom are being invited to meet with them at the conference.

## **Issues and Strategies of Peoples of Color Generally**

For some time the most active U.S. interracial group of activists dedicated to confronting racism in criminal justice was the National Peoples of Color Task Force on Criminal Justice, which was actively involved with ICOPAs from the outset. That task force has since been absorbed into the National Interreligious Task Force on Criminal Justice (NITFCJ), an affiliate of the National Council of Churches. It continues to be the view of this group (shared by me as the group's first non-sectarian member) that racism is the overriding injustice of our law enforcement and penal system. Just now as I prepare this final program, a large area of Washington, D.C. is under dusk-to-dawn martial law, in a district made no less dangerous by the fact that one of nine inhabitants of the District is spending today in jail or prison, which to my knowledge is far and away a world record for incarceration in an area heavily populated by minorities.

Apart from regular sessions on issues and strategies of peoples of color, the one thematic plenary of ICOPA V, on Thursday morning at 10:45, confronts this issue of racism. NITFCJ members are assembling in Bloomington the weekend before the conference, and will be an especially active presence in our midst.

## **Prisoners' Perspectives**

There is, as one can readily see, much overlap among sections of the program. Issues and strategies of peoples of color include those of Native Americans, and the primary concern one hears from both groups is the plight of prisoners. Beyond problems of racism, white prisoners share a number of problems, concerns and objectives with prisoners of color, and in this section of the program, prisoners as a whole get to offer us their experience and insight. Here you can learn about groups like the African National Prisoner Organization, and learn about organized prisoner activity as in writing projects like the Journal of Prisoners on Prisons. All too often we rely on prison authorities and academicians to tell us how prisons are and what needs to be done about them. In my experience, prisoners are on the whole far more knowledgeable about prison conditions, and direct and open about needed remedies. This fact is well-recognized in Scandinavia where prison authorities come to learn from and respond to strong prisoner unions. Scandinavian founding figures in ICOPA, notably Thomas Mathiessen, have been instrumental in creating and nurturing such forums for prisoner self-advocacy, and it is most appropriate to ICOPA tradition to include this section in our program.

## **The Death Penalty**

There are two primary manifestations of the punitiveness of U.S. criminal justice: that we by far incarcerate more of our population than anywhere else in the world (disproportionately so men of color), and that we lead the world in imposing the death sentence: more than 2300 of our people sit on death row today. The United States is among a minority of countries which impose capital punishment at all, and among a tiny handful which permit the death sentence for children under eighteen (including the State of Indiana). At the last ICOPA in Poland, even before the larger political changes, there was great interest in the death penalty and in the fact that the then Communist government of East Germany had abolished capital punishment. In a very real sense the world is watching our brutality. The two strongest national groups opposing capital punishment in the United States are the National Coalition to Abolish the Death Penalty (with headquarters here in Liberty Mills, Indiana), and Amnesty International. These groups and persons with profoundly personal experience of the death penalty, including two former death-row inmates, are on the program.

## **Feminist Perspectives**

Prison abolition research has only recently appeared in U.S. criminology literature, and the earliest of these works as far as I know is Instead of Prisons: A Handbook for Abolitionists, published in 1976 by the Prison Research Education Project, under the direction of Fay Honey Knopp. Honey Knopp describes herself as a "Quaker feminist and prison abolitionist," who has devoted more than fifty of her adult years to finding ways and implementing programs to control and reduce sexual violence. She argues that "the war model" we use to respond to crimes like rape not only fails to reduce offending, but importantly neglects the victims, simply using them as instruments of an adversarial process. One major perspective from which one seeks to heal victims and confront offenders without resort to punishment or domination is called "radical feminism." Radical feminism is a far greater force in Europe than in the United States, where our cultural predilection for individualism leads feminists here more generally to be "liberal"--to want their share of the pie in male culture rather than trying to change the culture itself. Honey Knopp herself has long been involved in ICOPAs, and will be among those presenting feminist perspectives at this conference.

I am of the view that radical feminism has been underrepresented at ICOPAs. Gail Kellough presented the single radical feminist paper at ICOPA III (for which I was respondent), and ICOPA IV had no radical feminist presentations at all. It is my hope that henceforth radical feminism will continue to be an established part of the ICOPA program, as it is in ICOPA V.

## **Mediation and Restorative Justice**

Perhaps anthropologists more than any other group have raised awareness that mediation in various forms is a far more traditionally embedded way of managing disputes worldwide than resort to criminal prosecution. Mediation is in fact a firmly established tradition right here in Indiana, not only in our Native American routes, but in European traditions--notably the way of life adopted by the Mennonite Church, whose national Central Committee headquarters is in Elkhart, Indiana. In criminal justice the Mennonites are widely known for introducing a number of abolitionist programs in criminal justice, notably Victim Offender Reconciliation Programs (VORPs) which have been established across North America and in many parts of Europe. A part of the Mennonite calling is to show that others can reconcile disputes as Mennonites are accustomed to doing among themselves. It so happens that Monroe County had a VORP, which the Indiana Department of Correction soon cut from its budget. This segment of the program begins on Thursday with an account of the past, present and future of victim offender reconciliation locally, and moves to wider movements to substitute mediation for punishment. Prominent among these movements is the Restorative Justice program established by the Presbyterian Church, U.S.A., out of Louisville, Kentucky, just across the Ohio River from Indiana.

The most common question I receive about penal abolition is about what we are going to do with offenders if we don't lock them up and execute them. This section addresses that issue squarely, and indicates that alternatives to punishment are well established and workable, if only we have the political will to use them more.

## **Addressing Legislators**

For all the well-deserved jokes about lawyers and legislators, no penal abolitionist can afford to ignore the possibility that the cause of penal abolition can be furthered through legislation. Indiana for example has one of only seven or eight state-legislated and funded programs to assist legal counsel for prison-bound indigent defendants in constructing alternative sentencing plans (the Indiana Sentencing Resources Center, which recently has hired field workers for Bloomington's Monroe County and neighboring Brown County). Present and former legislators have been involved over the past year in Indianapolis's Rethinking Prisons Project, one of several such projects spawned by the National Interreligious Task Force. One of the success stories of penal abolition in Indiana is the state's "juvenile holdover program," which provides safe, supervised sleeping space for young persons who otherwise would be held in jail or in juvenile detention centers. And internationally, one of the longstanding ICOPA traditions has been to explore how various cultures define and respond to what some of us may be accustomed to defining and prosecuting as crime. Consideration of local legislative issues is followed in the program by a series of workshops designed first to explore options to criminalizing and punishing behavior, and then to construct legislative proposals to bring before the Saturday plenary on resolutions.

## **Penal Abolition Research**

Research criminologists have been prominent in ICOPAs from the outset. Critical inquiry not only into criminal justice but into the practice and ideal of penal abolition itself serves a vital function in the movement. The academic character of European participation in ICOPAs is especially strong, so much so that criticism arose at ICOPA IV in Poland that activism was being slighted in the conference. It is perhaps something of a corrective that activism so thoroughly permeates the other sections of the ICOPA V program, even though many of us, me included, find it rather misleading and artificial to distinguish whether we are activists or scholars. The reality remains that virtually all ICOPA V presenters from outside Canada and the United States have fallen into this research category; it is in this section that the international character of the conference is most apparent. Conversely, some of the local or North American researchers study criminal justice and penal abolition cross-culturally. This section is particularly recommended to participants who want to explore the world at large.

It is particularly fitting that a group of Poles, hosts of ICOPA IV, return to ICOPA V to share their experience of penal reform. While in the mid-eighties Poland had an incarceration rate as high as that in the United States (400 per hundred thousand population; now 550 per 100,000 in the United States), today the Polish rate is 100 per hundred thousand habitants, a decrease of 75 percent. One of the ICOPA IV participants, University of Warsaw sociologist Pawel Moczydlowski, who gave me a book manuscript on Polish prisons now being prepared for publication by Indiana University Press, has since become Solidarity's Director-General of Polish prisons. Elias Carranza will for the first time bring news of the penal situation in Central America to ICOPA. All in all, there is a rich and varied selection of research to be reported on the program.



## **LOCAL ISSUES**

A favorite conference of mine is the annual meeting of the Association for Humanist Sociology. There it is a regular practice to feature local activists on the program who can bring participants out of abstraction and into a real-world context, right where they are, upon which discussion of sociological issues can be grounded. It occurs to me that such grounding is particularly valuable for an international conference in which people from so many places seek a common meeting ground. Having local people raise local issues also helps to fulfill a part of the public trust ICOPA represents--not to remain purely academic, but to have an effect on real and immediate problems faced by flesh-and-blood people.

To provide that grounding after Wednesday's overview of the entire program, the first set of sessions on Thursday morning is devoted to local issues in each of the areas described above. Thereafter, the program becomes "international."

## **DISCUSSION AND WORK GROUPS**

The 3:30-5:00 time slot Thursday and Friday afternoons has been reserved for discussion and work groups. The organizers of the Native American sessions plan to continue their working sessions through these time periods. On Thursday afternoon there is also at least one workshop, and an open meeting of the editorial board of the Journal of Prisoners on Prisons, and a tour of the Monroe County Jail (see below). Alternatively, you may sign up at registration to join discussion groups.

The discussion groups are a carryover from the last ICOPA. There people from various specialties and sessions got together to get a sense of what was happening across the conference. In the richness of ICOPA V one cannot attend sessions in every area, even though one might want to know what is happening there and discuss how to integrate the various conference themes. Discussion groups provide a chance to do that. There you can meet and exchange ideas and experience with people who have attended sessions you have not.

We have meeting rooms available for these groups, but I also encourage you to wander off campus to meet out in town. Note that these are the last sessions on Thursday and Friday, and so there is no urgency to return to the campus if you find a spot you like and want to linger there.

## **RESERVATIONS FOR MONROE COUNTY JAIL TOUR, THURSDAY AT 3:30**

Jack Harlow, the Monroe County Jail Commander, who is on the conference program, has invited a maximum of twenty ICOPA V participants to visit the Monroe County Jail on Thursday, May 23, at 3:30 p.m. Visitors will be shown through the jail and invited to talk with an inmate trustee. Opened in 1986 to replace a jail with a capacity of 67, the new jail rapidly filled to over its capacity of 124, and now has an average daily population of about 140, including both people awaiting trial and people whose sentences now extend well over a year, as the state prison system struggles to handle its own even more severe overcrowding problem.

Reservations will be accepted on a first-come, first-served basis until the maximum of twenty is reached. To get your place, please sign up at your first opportunity at the registration desk.

If you are on the tour, please meet me at the East Lounge of the Union just after the Thursday afternoon sessions ending at 3:00 p.m. I will leave promptly at 3:10 p.m. to walk with you to the jail, which is seven blocks west on 7th Street from the Union, at the northwest corner of College and 7th, in what is called the Justice Building. Those who cannot walk should let the registrar know when they sign up for the tour, and will be taken to the jail in the shuttle van (see below).

## **RESERVATIONS FOR THURSDAY DINNER AND SATURDAY LUNCH**

We expect a wave of participants to come to ICOPA V, but have no way of estimating how many dinners or lunches to provide. The Thursday dinner at Harmony School is included with registration; Saturday lunch is yours to buy. Please make sure you tell the person working at the registration desk in the East Lounge either Tuesday evening or during the day Wednesday if you plan to be at either function. Harmony School has been good and flexible enough to let us give them but one day's notice of how many meals to prepare, and we will also need to give numbers to the restaurant for Saturday. Tentatively, this vegetarian meal will include spanikopita (spinach and cheese in Greek filo pastry) and a Greek salad. Please join us, but please let us know you are coming.

Harmony School is a nationally renowned alternative school just two blocks south of the university campus, where I teach all of my smaller college classes. If as Nils Christie, Ivan Illich, Paolo Freire and others have suggested, conventional schooling is like prison, then Harmony School is a living example of prison abolition. You will be most welcome to meet students and teachers at the school, and to look around the school, while you eat and socialize. The middle school (equivalent of sixth to eighth grades) is serving this meal as our "banquet" to raise funds for a new stage curtain in the school gym. I know you and the Harmony people will enjoy getting acquainted on this occasion.

Saturday lunch will be at a casual and wonderful French Restaurant, Le Petit Cafe, 608 W. 6th St. at the railroad tracks a block west of the Courthouse Square. They can feed up to a hundred people, or a smaller group depending on how many of you sign up on Wednesday. The cost of the meal, including tax and gratuities, will be \$8.00 for a pasta dish with vegetarian sauce, a salad bar, coffee or tea, and chocolate mousse. Wine may be ordered extra at reasonable cost.

## **THURSDAY EVENING POST-DINNER FESTIVITIES**

A large group of peace activists who had a peace encampment on the campus free speech area--Dunn Meadow next to the Union--from December to March as an anti-war protest, have rented space in a building on Washington Street, just south of Third Street across from the Third Street Park, just ten minutes walk from Harmony School, as a Peace Center. As luck would have it, the Peace Center is having its grand opening with a concert, poetry reading and jam session beginning at 9:00 the evening of Thursday, May 23. Dakota Sid, an activist singer and songwriter, is the featured concert artist, and our own Ricardo Sanchez is the featured poet. Ricardo is the most published of Chicano poets--a Chicano activist and abolitionist who has spent time in Folsom Prison in California and in prison in Texas, with a Ph.D. from Antioch College, who is a member of the National Interreligious Task Force on Criminal Justice and an established ICOPA participant. His poetry and his reading are powerful, and will be a highlight of the conference.

Please bring instruments and voices for the jam that begins after Dakota Sid and Ricardo have done their stuff (I'm bringing my guitar). As we discovered at ICOPA IV in Poland, making music together is a powerful force for bringing us closer together. Weather permitting, people can also spread across the street into the park to chat and frolic.

## **SHUTTLE SERVICE**

Kip and Karen Schlegel have been good enough to lend ICOPA V their van so that we may provide a local shuttle service for participants. Nick Helmer, Brian Smith, Belinda Shelton, and Craig Laker have volunteered to serve as drivers.

The shuttle may be ordered or reserved at the reservation desk, especially to pick participants up in the morning to arrive at the Union by 8:45, and to take them to where they are staying in the evening. In case you need a ride during the day, the driver will have a page and may be called from the registration desk to help you. The registration desk in the East Lounge of the Union will be open 5:00-9:00 p.m. Tuesday night, all day Wednesday, and 8:00-9:00 a.m. and 12Noon to 1:30 p.m. on Thursday and Friday. The shuttle service will end on Saturday morning as the closing plenaries begin, so if you are relying on the shuttle for transportation, please bring your gear with you then.

## **EXHIBITS**

Exhibits, including books, prints and other materials for sale will be open for you to see and buy in the East Lounge of the IMU from 8:00-4:00 p.m. on Thursday and Friday. Free literature will be available at the registration desk.

Monika Platek has given ICOPA V copies of the proceedings of ICOPA IV, and Fay honey Knopp has donated copies of her classic abolitionist work, Instead of Prisons. Proceeds of the sale of these works will help pay for ICOPA V. The exhibit room also has a VCR for participants to play video tapes. Check it out!

May you enjoy your time at the conference!

Love and peace,

Hal Pepinsky



## CONFERENCE PROGRAM

**Note: Affiliations and homes of panelists are listed only the first time each panelist appears on the program.**

### **Wednesday, May 22**

- 8:30-5:00      **PLENARY SESSION IN WHITTENBERGER AUDITORIUM, INDIANA MEMORIAL UNION**
- 8:30-8:50      *Welcoming prayer* by Art Solomon, Ojibwa elder and Board member of the World Council of Churches, Alba, Ontario CANADA
- 9:00-9:45      Overview of Sessions on Native American Issues and Strategies  
*Chair*--Art Solomon  
*Panelists*--Frank Dreaver, Leonard Peltier Defense Committee, Toronto, Ontario CANADA; Len Foster, spiritual adviser and Director, Navajo Corrections Project, Window Rock, Arizona USA; Bob Gaucher, Criminology, University of Ottawa CANADA; Art Montour, Akwesasne (Mohawk) Reservation, New York State USA; Trish Montour, Dalhousie Law School, Halifax, Nova Scotia CANADA; Oowah Nah Chasing Bear, Kiowa Apache Spiritual Adviser and President of the Red Hawk Native American Support Group, Bainbridge, Indiana USA; Tony Nieto, prison critic, Muscalero Apache Indian rights activist, and father of Angry Bear Nieto, recently assassinated by the California prison administration
- 9:50-10:35      Overview of Sessions on Issues and Strategies of Peoples of Color Generally  
*Chair*--Matthew Stephens, Chair, National Interreligious Task Force on Criminal Justice (NITFCJ), and a prison chaplain at Ohio's Lebanon Correctional Center outside his home in Cincinnati USA  
*Panelists*--Charisse Coston, Criminal Justice, Indiana University, Bloomington USA
- 10:40-11:25      Overview of Sessions on Other Perspectives on Imprisonment, and Activism and Reform There  
*Chair*--Achebe Lateef, African National Prisoner Organization, Indianapolis, Indiana USA  
*Panelist*--Bob Gaucher
- 11:30-12:15      Overview of Sessions on the Death Penalty  
*Chair*--Sue Caulfield, Sociology, Western Michigan University, Kalamazoo USA
- 12:15-1:30      Lunch Break
- 1:30-2:15      Overview of Sessions Presenting Feminist Perspectives on Penal Abolition  
*Chair*--Fay Honey Knopp, Safer Society Program, Orwell, Vermont USA  
*Panelists*--Carol Hostetter, family therapist teaching sociology and social work at Indiana University, Bloomington USA; Barbara Carson, Criminal Justice and Criminology, Ball State University, Muncie, Indiana USA; Laura Fishman, Sociology, University of Vermont, Burlington USA; Sister Mary Nerney, Steps to End Family Violence and Incarcerated Mothers Program, New York City USA
- 2:20-3:05      Overview of Sessions on Mediation and Restorative Justice  
*Chair*--Wayne Northey, Victim Offender Ministries Office, Mennonite Central Committee of Canada, Clearbrook, British Columbia CANADA  
*Panelists*--Nan Witcher, director of the former Monroe County Victim Offender Reconciliation Program, now of Community Mediation Services, Bloomington, Indiana USA

- 3:05-3:20      Coffee Break
- 3:20-4:05      Overview of Sessions on Addressing Legislators  
*Chair*--Frank Dunbaugh, civil rights lawyer and an ICOPA founder, Baltimore, Maryland, USA  
*Panelist*--Larry Vellani, Director, Indiana Sentencing Resources Center, Indianapolis USA
- 4:10-4:55      Overview of Sessions for Presentation of Penal Abolition Research  
*Chair*--Ruth Morris, co-founder and chief organizer of ICOPA I, Quaker Committee on Jails and Justice, Toronto, Ontario, CANADA  
*Panelists*--Ed McGarrell, Criminal Justice, Indiana University, Bloomington USA; and Howard Davidson, Journal of Prisoners on Prisons, Edmonton, Alberta CANADA

**Thursday, May 23, 1991**

9:00-10:30      Sessions on Local Penal Abolition Issues and Activities

**Native North American Issues and Strategies: Religious Freedom Struggles in Indiana Prisons--A Native American Focus**  
**ALUMNI HALL, Indiana Memorial Union**

**Note: Native participants will join freely in sessions on Native North American Issues and Strategies throughout the conference**

*Chair*--Oowah Nah Chasing Bear

*Panelists*--Gerald "Red Horse" Center, Seattle, Washington USA; Carol Jones, Vice President of the Red Hawk Native American Support Group and Indiana coordinator for CURE (Citizens United for Rehabilitation of Errants), Indianapolis USA; and Richard Morales, American Indians and the Death Penalty (California based) and Director, North American Indian Culture Center, Cleveland, Ohio USA

**Issues and Strategies of Peoples of Color Generally**  
**FRANGIPANI, Indiana Memorial Union**

*Chair*--Charisse Coston

*Panelists*--Diane Baker, Director, Monroe Cy. Dept. of Public Welfare, Bloomington, Indiana USA, "Child Abuse and Neglect as Causes of Criminality and Incarceration"; Loren Donica, Monroe Cy. Educational Association (teachers' union) Bloomington, Indiana USA "Educating for Responsible Citizenship"; Jack Harlow, former local state parole officer (for 28 years) and Monroe County Jail Commander, Bloomington, Indiana USA, "The Monroe County Jail as a Correctional Facility: More Than Just a Jail--Developing Programs"; Norman Merrifield, Administrator, Bloomington Parks and Recreation Dept., Bloomington, Indiana USA, "Recreation and the Quality of Life for Minorities in Bloomington"; Chuck Rogers, Former member of Bloomington Free South Africa Coalition, Bloomington, Indiana USA, "The Bloomington/South Africa Connection: Past and Present"

*Discussant*--Rev. Ernest C. Butler, Second Baptist Church, Bloomington, Indiana USA

**Perspectives of Local Prisoners**

**300A, Indiana Memorial Union**

*Chair--Achebe Lateef*

*Panelists--All ex-prisoners, including Omari Vaden, African National Prisoner Organization, Indianapolis, Indiana USA; Mike Massey, Criminal Justice, Criminal Justice, Indiana University, Bloomington USA; two women and perhaps one other man*

Will show and discuss the video: "Modern Prison Torture" (concerning women political prisoners at the federal institution in Lexington, Kentucky USA)

**The Death Penalty in the Indiana Region**

**300B, Indiana Memorial Union**

*Chair--Sue Caulfield*

*Panelists--Bill Pelke, grandson of the murder victim of then fifteen-year-old Paula Cooper whose death sentence has been overturned, Gary, Indiana USA; and Robert Domer, former Ohio death row inmate, Chair of Ohioans to Stop Executions, and member of the National Coalition to Abolish the Death Penalty and the National Interreligious Task Force on Criminal Justice, Canton, Ohio USA*

**Local Feminist Perspectives**

**GEORGIAN ROOM, Indiana Memorial Union**

*Chair--Carol Hostetter*

*Panelists--Tacey Boucher, Volunteer at Middle Way House (the local women's shelter), and May graduate in Criminal Justice, Indiana University, Bloomington USA; D.L. Poer, Attorney at Law, and provider of mediation services, Bloomington, Indiana USA; Meenakshi Saxena, Volunteer in rape peer awareness program Office of Women's Affairs, and May graduate in Criminal Justice Indiana University, Bloomington USA; and Stephanie Valadez, Legal Advocate, Middle Way House, Bloomington, Indiana USA*

**The Rise, Fall, and Resurrection of Victim Offender Reconciliation in Monroe County, Indiana**

**400A, Indiana Memorial Union**

*Chair--Nan Witcher*

*Panelists--Haines Turner, co-founder of Citizens for Jail Improvement, who initiated bringing the former Victim Offender Reconciliation Program to Monroe County, Bloomington, Indiana USA, "The Rise"; Nan Witcher, "The Fall"; and David Welch, Judge, Monroe County Superior Court, Bloomington, "The Resurrection"*

**Addressing Legislators in Indiana: The "Rethinking Prisons" Project**

**BALLANTINE HALL 237**

*Chair--Larry Vellani*

*Panelists--Jerry Cunningham, Nat. Dir., Hum. Rts. & Crim. Jus., Christian Church (Disciples of Christ), organizer of "Rethinking Prisons" in Indianapolis and member of the National Interreligious Task Force on Criminal Justice, Indianapolis, Indiana USA; Leslie Duvall, former Indiana legislator, now with the Justice Fellowship and "Rethinking Prisons," Indianapolis USA; Evelyn Kellum, Ind. Coord. American Friends Serv. Comm. and member of "Rethinking Prisons," Indianapolis USA; Craig Laker, former Monroe County Probation Officer (and in IU Crim. Jus. M.A. program), Bloomington, Indiana USA "Reforming Management of the Monroe Cy. Probation Dept."; and Jim Patton, Juvenile Prog. Dir., Indiana Crim. Jus. Institute (and IU Crim. Jus. M.A.), "Jail Removal and Detention Alternatives for Juveniles," Indianapolis USA*

**Abolitionist Research in Indiana  
BALLANTINE HALL 238**

*Chair*--Ed McGarrell, Criminal Justice, Indiana University, Bloomington USA

*Panelists*--Mark S. Hamm, Criminal Justice, Indiana State University, Terre Haute USA, "The Myth of Humane Imprisonment: A Critical Analysis of Severe Discipline in Maximum Security Prisons"; Ed McGarrell, "Bail Reform in Monroe County, Indiana"; and Phil Parnell, Criminal Justice, Indiana University, Bloomington USA, "Healing Powers of Social Ties: Examples from Mexican and Philippine Communities"

**10:45-12:15 Plenary Session on the Effects of Racism on the U.S. Criminal Justice System,  
WHITTENBERGER AUDITORIUM, Indiana Memorial Union**

*Chair*--Coramae Mann, Criminal Justice, Indiana University, Bloomington USA

*Panelists*--James E. Aiken, Commissioner, Indiana Department of Correction, Indianapolis USA; Matthew Stephens; Linda Thurston, American Friends Service Committee and member NITFCJ, Philadelphia, Pennsylvania USA; Ricardo Sanchez, Chicano activist and poet, ex-prisoner, and member of NITFCJ

**12:15-1:30 Lunch Break**

**1:30-3:00 International Sessions**

**Canadian and U.S. Jurisdiction Over Indigenous Peoples, a Jury of Peers, and Other Myths and Fairy Tales  
ALUMNI HALL**

*Chair*--Trish Montour

*Panelists*--Frank Dreaver, Richard Morales, Art Solomon, and Fran Sugar, former prisoner at the federal women's prison in CANADA

**Two Hundred Years of the U.S. Prison System: Time for a New Vision--Findings of the American Friends Service Committee's 200 Years of the Penitentiary Project  
300A, Indiana Memorial Union**

*Presenter*--Linda Thurston, American Friends Service Committee, Philadelphia, Pennsylvania USA, chief organizer of the series of programs held around the country to commemorate the 200th anniversary of the establishment of the Philadelphia Jail by the Quakers, and to study the current state of U.S. prisons

**AIDS and HIV Infection in Prisons  
300B, Indiana Memorial Union**

*Panelist* (others may be added)--Laura Fishman, "To Die In the Belly of the Beast: Prisoners with AIDS/HIV--Responses to the Crisis of Imprisonment"

**Addressing Legislators Internationally I: Considering International Variations in Offense Categories**

**FRANGIPANI ROOM, Indiana Memorial Union**

*Chair*--Frank Dunbaugh, civil rights attorney in Baltimore, Maryland USA, and one of the early organizers of ICOPAs, will chair this set of sessions, to include a set of international panelists



**Research on Motivating Morality: Beyond the Punishment Ethic**  
**GEORGIAN ROOM, Indiana Memorial Union**

*Chair*--Ruth Morris

*Panelists*--Peter Cordella, Criminal Justice, Northeastern University, Boston, Massachusetts USA, "Beyond Justice: Freedom, Morality and Persons in Community"; V. Afanasyev, Soviet Academy of Sciences, Leningrad USSR, "Problems of Resocialization of Persons Who Have Committed Crime;" and Art Hirronen, Criminal Law, University of Helsinki, FINLAND, "Strategies of Abolitionism in the Post-Modern Condition"

**3:30-5:00** Discussion and Work Groups (register at ICOPA V registration table in East Lounge, IMU)

There will be a number of discussion and work groups to join. Among these will be the continuing Native American gathering in Alumni Hall, and the following:

**Activism and Reform in Prisons--A Workshop on Bringing the Outside Community Into Prisons**  
**FRANGIPANI ROOM, Indiana Memorial Union**

Russell Loewen, Winnipeg, Manitoba CANADA, an activist and reformer who among other things has introduced Victim Offender Reconciliation into a Canadian prison, and was co-editor of the ICOPA-associated journal The Prison Abolitionist, will conduct the workshop.

**Meeting of the Editorial Board of The Journal of Prisoners on Prisons**  
**300C, Indiana Memorial Union**

This is as far as I know the only referred scholarly journal devoted to publishing the work of prisoners. The editorial board meeting is open to participants to attend.

**Monroe County Jail Tour**

Please sign up at the registration desk for this tour limited to a maximum of twenty visitors.

**6:30-8:30** Vegetarian dinner served by Harmony Middle School at Harmony School, located between Second Street and Hunter Avenue, and Woodlawn and Hawthorne (free to registrants; please sign up at the Registration Desk in the East Lounge of the Union by 5 p.m. on Wednesday, May 22)

**9:00-whenever** Bloomington Peace Center's grand opening, on Washington Street just south of Third Street across from the Third Street Park, featuring activist songwriter and performer Dakota Sid, and a poetry reading by Ricardo Sanchez, followed by a jam session

**Friday, May 24, 1991**

**9:00-10:30 International Sessions (continued)**

**Native American Issues and Strategies: Glimpses of Prison Struggles--I**  
**ALUMNI HALL, Indiana Memorial Union**

*Chair--Art Solomon*

*Panelists--Oowah Nah Chasing Bear and Bedeaux Wesaw, Shoshone spiritual adviser and Director, Native Prisoners Rights Committee, Chico, California USA, "The Administrative Persecution of Native American Spiritual Leaders in the Prisons of North America"; Tony Nieto and Bedeaux Wesaw, "Glimpses of Oppression and Cultural and Religious Discrimination in North American Prisons, With a Sprinkling of Judicial Ineptitude"; Bob Gaucher, "Substance Abuse and Prisoner Rehabilitation: Contrasting Cultural Perspectives from an American Indian Standpoint"*

**Experiences of Peoples of Color**  
**STATE ROOM EAST, Indiana Memorial Union**

*Chair--Matthew Stephens*

*Panelists--Linda Thurston, "Abolition Movement 1991: The Black Perspective"; Porter Kirkwood, Oyster Bay, New York USA, topic to be announced; Ricardo Sanchez, "A Pinto's View of Abolition"*

**Inside Prisons: Empowerment as Abolition**  
**300B, Indiana Memorial Union**

*Chair--Howard Davidson*

*Panelists--Liz Barker, Boston University, Boston, Massachusetts USA, "How Liberal Arts Education of Prisoners Creates an Argument in Favor of Penal Abolition"; Howard Davidson, "Abolition From Below: The Case of the Journal of Prisoners on Prisons"; Edward Sbarbaro, Regis College, Denver, and Robert Keller, University of Southern Colorado, Pueblo, Colorado USA, "Political Activism as a Mechanism of Struggle for Social Justice"*

**Mediation: Models of Intervention for Civil Peace**  
**300A, Indiana Memorial Union**

*Chair--Nabil Oudeh, Director, Victim Offender Reconciliation Programs, Center for Community Justice, Elkhart, Indiana USA*

*Panelists--Nabil Oudeh; and Gert Jan Slump and Mieke Emmen, Workgroup on Pedagogical Science, Amsterdam, "Dading: A Civil Law Alternative to the Dutch Penal System?"*

**Addressing Legislators II: Examination of Alternative Approaches to Criminalization**  
**FRANGIPANI ROOM, Indiana Memorial Union**

*Chair--Frank Dunbaugh will solicit international panelists to discuss options in such areas as dispute resolution, drug decriminalization, healing victims of rape, protecting mental patients, environmental responsibility, and civil rights*

**Research on the State and Power**  
**GEORGIAN ROOM, Indiana Memorial Union**

*Chair*--Ruth Morris

*Panelists*--Sue Caulfield Bob Gross, Director, National Coalition to Abolish the Death Penalty, Liberty Mills, Indiana USA, "State Interest in the Abolition of Prisons: The Ideological Role of the Death Penalty"; Ya. Gilinsky, Soviet Academy of Sciences, Leningrad, USSR, "Social Control: Strategies and Tactics"; Mike Hallett, Social Justice Studies, Arizona State University, Tempe, Arizona USA, "Nurturing the Seeds of Prison Reform: Community Corrections and Assets-Seizure/ Forfeiture Legislation"; George Knox, Chicago State University, Chicago, Illinois USA, "Juvenile Corrections: America's Worst Fear is True"; Irena Rzeplinska, Institute of Legal Studies, Polish Academy of Sciences, Warsaw, POLAND, "The History of Abolishing the Confiscation of Property Sanction in Polish Penal Law"

10:45-12:15    International Sessions (continued)

**The Prison and Totalitarianism**  
**GEORGIAN ROOM, Indiana Memorial Union**

*Chair*--Bob Gaucher

*Panelists*--Jean-Claude Bernheim, Prisoners Rights Office, Montreal, Quebec CANADA, "The Prison as a Totalitarian Institution"; Pawel Moczydlowski, Director-General of Polish prisons, "Reform of Totalitarian Polish Prisons"; Warsaw, POLAND; Monika Platek, Institute of Penal Law, University of Warsaw, POLAND, "The Social Context of Abolitionism"; and Halina Wantula, Academy of Economics, Department of Sociology, University of Krakow, POLAND, "The Prison and the New Democratic State of Poland: The Need to Abolish Totalitarian Institutions"

**Feminist Abolitionist Perspectives**  
**FRANGIPANI ROOM, Indiana Memorial Union**

*Chair*--Fay Honey Knopp

*Panelists*--Barbara Carson, "Analysis of the U.S. Policy of Incarcerating Drug-Abusing Women on Charges of Child Abuse"; Laura Fishman, "Good Girls; Bad Girls: Inequities in the Criminal Justice System"; Fay Honey Knopp, The Safer Society Program, Orwell, Vermont USA, "Notions of Restorative Justice in Sexual Assault"; Sister Mary Nerney, "Advocacy of Battered Women Defendants in the Criminal Justice System"

**Restorative Justice: A Paradigm for Civil Peace**  
**ALUMNI HALL, Indiana Memorial Union**

*Chair*--Virginia Mackey, Presbyterian Criminal Justice Program, Louisville, Kentucky USA, and member of the NITFCJ

*Panelists*--Nils Christie, Institute for Criminology and Penology, Faculty of Law, University of Oslo, NORWAY; Peter Cordella, Criminal Justice, Northeastern University, Boston, Massachusetts USA; Dante Germanotta, Curry College, Milton, Massachusetts USA; Wayne Northey; Larry Tift, Sociology, Central Michigan University, Mt. Pleasant USA University, Mt. Pleasant USA

**Research on Alternative Forms of Government and Abolition**

**STATE ROOM EAST, Indiana Memorial Union**

*Chair--Ruth Morris*

*Panelists--Elias Carranza, United Nations Crime Research Institute, San Jose, COSTA RICA, "Alternatives to Prisons in Latin America"; Zbigniew Lasocik, Institute of Penal Law, Warsaw University, POLAND, "Swedish Penal Abolition from a Polish Perspective"; Panu Minkkinen, University of Helsinki, FINLAND, "Abolition and the Welfare State"; Femi Odekunle, United Nations Crime Research Institute, Kampala, UGANDA, "Justification and Pathways to the Abolition of Prisons and Imprisonment in the African Region"*

**12:15-1:30**      **Lunch Break**

**1:30-3:00**      **International Sessions (continued)**

**Native American Issues and Strategies: Glimpses of Prison Struggles--II**

**ALUMNI HALL, Indiana Memorial Union**

*Chair--Art Solomon*

*Panelists--Fran Sugar, "The Administratively Imposed Disintegration of Immediate and Extended Indian Families in the North American Prison Systems, and Other Issues Confronted by Native Women Prisoners"; Tony Nieto, "Administrative Brutality and Murder of American Indian Prisoners who Assert Rights of Human Dignity"; Len Foster, "Parole Prospects Shattered for a People"; Ted Means, Director, Prison Project, Heart of the Earth Survival School, Minneapolis, Minnesota USA, "The Creation of the National Indian Prisoner Support Network"*

**Discussion Session on Gayraud Wilmore's Black Men in Prison: The Response of the Black Church**

**300A, Indiana Memorial Union**

*Facilitator--Matthew Stephens*

**Prison Resistance Writing**

**GEORGIAN ROOM, Indiana Memorial Union**

*Chair--Howard Davidson*

*Panelists--Bob Gaucher, "Organizing Inside: Prison Justice Day--A Non-Violent Response to Penal Repression"; Ioan Davies, "Prison Writers and the Collapse of Meta-Narratives"; Ricardo Sanchez on prison resistance through poetry*

**The Death Penalty**

**300B, Indiana Memorial Union**

*Chair--Sue Caulfield*

*Panelists--Bob Gross for the National Coalition to Abolish the Death Penalty; Clare Regan, publisher of Justicia and Director, Genessee Ecumenical Ministries Judicial Process Commission, Rochester, New York USA, for Amnesty International; and Delbert Tibbs, National Coalition to Abolish the Death Penalty--Chicago member of the National Interreligious Task Force on Criminal Justice, formerly on death row in Florida*

**Mediation and Empowerment for the Incarcerated**

**STATE ROOM EAST, Indiana Memorial Union**

*Chair--Al Wengerd*

*Panelists--Al Wengerd, Center for Community Justice, Elkhart, Indiana USA, "Sentence Modification Plans;" Larry Vellani, "Restorative Justice One Case At a Time"*

**Addressing Legislators III: Preparation of Resolutions and Proposals for ICOPA V**  
**FRANGIPANI ROOM, Indiana Memorial Union**  
*Chair--Frank Dunbaugh*

- 3:30-5:00** Discussion and Work Groups, including working session in Alumni Hall by Native Americans on "Native American Issues: Some Relatively Simple Solutions," to consider and work on implementing the Canadian Bar Association recommendations for legal protection of Native prisoners' rights, the Minnesota American Indian Counseling Act, the New Mexico Native American Counseling Act, and the Model Consent Decree of the Native American Rights Fund, which representatives of the American Correctional Association, the Senate Select Committee on Indian Affairs, and the U.S. Federal Bureau of Prisons are expected to attend, chaired by Len Foster with panelists Trish Montour, Art Solomon and Ted Means.
- 5:00-7:30** Dinner Break
- 7:30-9:00** Meeting for those planning reports and proposal of resolutions at the Closing Plenary 300A, Indiana Memorial Union
- 9:00-10:30** Meeting for those wanting input into selection process for site and organizers of ICOPA VI  
300A, Indiana Memorial Union

**Saturday, May 25**

- 9:00-10:00** Plenary on site selection and planning for ICOPA VI  
**WHITTENBERGER AUDITORIUM**
- 10:15-12:15** Plenary to consider and adopt resolutions for ICOPA V  
**WHITTENBERGER AUDITORIUM**
- 1:00-2:30** Celebratory lunch at **Le Petit Cafe**, 308 West 6th Street (at the railroad tracks one block west of the Courthouse Square). Eight dollars is the charge, including tax and gratuities, for a lunch of pasta with vegetarian sauce, salad bar, chocolate mousse, and coffee or iced tea. Wine may be purchased extra. **Please sign up for this lunch by 5 p.m. on Wednesday, May 22, at the Registration Table in the East Lounge of the Union.**



**IBULLETINI**  
**TWO ICOPA V ORGANIZERS BARRED FROM ATTENDING THE CONFERENCE**  
Hal Pepinsky, May 15, 1991

With the considerable assistance of Ginger Wright of the Native American Prisoners Rehabilitation Research Project in Cincinnati, and Bob Gaucher of the Department of Criminology at the University of Ottawa, Little Rock Reed, a prisoner at Ohio's Lucasville Correctional Center, has organized ICOPA V sessions on Native American Issues and Strategies. Bob Gaucher has organized the international sessions on prisoners' issues. In two more instances of U.S. injustice, Little Rock and Bob have been prevented from attending the conference.

Under Ohio parole guidelines, Little Rock was scheduled for release December 21. He was given an unconstitutional consent form to sign. He modified it to make it constitutional and signed it. The modifications were that he be required only to obey lawful orders of a parole officer rather than all orders, that his residence be subject to search only upon reasonable suspicion that he was violating his parole conditions, and that he did not consent to wholesale search and inspection of his private records. The parole board rescinded his parole, and waited until after a change of governors to hold a rescission hearing in February. After a stormy hearing at which the board tried to prevent Little Rock from reading a memorandum in support of his release, further consideration of his parole was delayed first until August, and then until next February. As grounds for excepting him from the parole guidelines, the board wrote that he "talks about his constitutional rights." Citing a case they lost in the U.S. Supreme Court, holding that the Ohio Parole Board has the right to rescind parole either without a hearing or for constitutionally permissible reasons, the Ohio ACLU declined to come to his assistance. Little Rock prepared a habeas corpus petition which Vic Streib of Cleveland-Marshall Law School filed on his behalf the end of March. The state failed to file a reply within the allotted thirty days, and now Little Rock, via Vic Streib, has filed a motion for default judgment in his favor. A number of amicus briefs and letters have been filed on Little Rock's behalf, including a letter from Bob Gaucher. Meanwhile, the judge originally assigned the case has recused himself because he once prosecuted Little Rock. The Scioto County Court of Common Pleas has received informal notice that a new judge has been assigned, but he has not yet taken up the case. Little Rock is known as one of the most eloquent and outspoken of Native American prison writers. After he filed his petition, the Ohio system managed to lose his visitors list for weeks, further isolating him from outside contact. In cases of political prisoners like him, no matter how clear the violation of his rights, it is anyone's guess as to whether the court will rule in his favor. Meanwhile, it is clear that the proceedings have dragged on long enough to prevent his coming to Bloomington for ICOPA V.

Last night I received a call from Bob Gaucher, who told me that U.S. Immigration had just stopped him at the border and had warned him that his car would be confiscated and he would be arrested if he tried to enter the country again. Bob is an ex-prisoner who has been out of trouble for years, and has since distinguished himself as a criminology professor. This is not the first time radical criminologists with long-ago prison records have been denied entry at the U.S./Canadian border. These decisions are arbitrary; just last fall I met Bob at the Humanist Sociology Meeting in Cincinnati. Since a number of U.S. officials have been invited to attend the Native American sessions at ICOPA V, and given the notoriety of Little Rock's case, I strongly suspect (but of course cannot prove) that this bar to Bob's entry is politically motivated. Such political machinations are one of the reasons ICOPA participants have been reluctant all along to hold an ICOPA in the United States. I know you join me in decrying these twin tragedies.

