

THE FUNAMBULIST

Politics of Space and Bodies



JAPANESE AMERICAN PRISON CITIES / Lynne Horiuchi

THE CAMP PILGRIMAGE / Desirée Valadares

ABORIGENE PRISON IN PERTH / Michelle Bui

WWII ROMANI CONCENTRATION CAMP / Suzannah Henty

IMMIGRATION DETENTION IN CANADA / S.K. Hussan

PALESTINIAN REFUGEE CAMP IN LEBANON / Mohamad-Ali Nayel

PRISON UPRISINGS IN NEW YORK STATE / Orisanmi Burton

+ Sarover Zaidi, Nicolás Vidal, Stella Ioannidou, Zachary White, & Léopold Lambert

12 /// July-August 2017

RACIALIZED INCARCERATION

PODCAST TRANSCRIPTS

RACIALIZED CRIMINALIZATION AND PRISON UPRISINGS IN THE UNITED STATES

A CONVERSATION WITH ORISANMI BURTON



Green Haven Prison in New York State. / Photograph by Orisanmi Burton (2015).

This conversation recorded on June 7, 2017, with Orisanmi Burton, Assistant Professor of Anthropology at American University in Washington DC, addresses the U.S. criminalization system and its prison industrial complex, as the continuity of the structures that have capitalized and maintained the enslavement of Black bodies. The second part of the conversation revolves around Orisanmi's research on prison uprisings in New York State in the 1960-1970s, in particular the 1971 Attica Rebellion that Angela Davis once compared to the 1871 Paris Commune in the emancipated geography it temporarily created.

LÉOPOLD LAMBERT: There are currently 2.3 million people incarcerated in the United States today. It is impossible not to address this massive carceral system without talking about the processes of racialization that forms its cogs. For instance, we know that one of seventeen white men will go to prison in his life, while one of three Black men will. Could you tell us how the carceral system is fundamentally part of the history of the United States' structural racism?

ORISANMI BURTON: So I think a lot of people by now are familiar with some of the statistics but I'm going to recite them anyway,

because I think we are required to constantly remind people about the sheer scale and scope of what we call the carceral state. As you mentioned, they are 2.3 million people in jails and prisons in the United States. The U.S. Empire incarcerates 20% of the global prison population. And this can also be slightly misleading because there are another 4.5 million people under explicit carceral surveillance and management through parole and probation. So, if we extend our view, we see that there are nearly 7 million people living under carceral management. We can extend our view even further and look at some of the estimates that say that there are 65 million people — and this is a very conservative estimation — that have passed through this carceral system at some point, such that they have a criminal record and are therefore subjected to different forms of exclusion based on their passage through this system. **An even broader view would account for the carceral dimensions of daily life, which increasingly infiltrate the "freeworld": things like border militarization, pervasive surveillance, broken windows policing, police violence, xenophobic legislation, gentrification, deportation, checkpoints, the school-to-prison nexus, and on and on.** There is a long tradition of radical Black radical intellectual thought that analyzes the United States as a racial prison. And this is because throughout history, in different ways, these state-sanctioned systems of confinement and exploitation have targeted Black men and women specifically, but also other racialized populations, as well as people who are cash poor and gender queer. Well over half the population of people who are formally incarcerated in the United States are non-white. However, Marie Gottschalk, a political scientist, has done some really important research showing that for white people in the United States, the rate of incarceration in formal, brick and mortar prison institutions is more than twice the total incarceration rate of England and Wales, the most punitive countries in Western Europe. So even if we wanted to ignore race for the moment, the United States would still be the leading prison nation. This is something that white people in the United States and elsewhere would do well to remember. The forms of violence, control and dehumanization that are historically improvised on non-white people, tend over time to exceed the color line and impact white people as well.

But to answer your question about history, we can't think historically about the emergence of the United States without thinking about the long history of racial criminalization and incarceration. Crime itself is an instrument of state power, which is to say, that the state has the sole power to define particular acts as crimes and to enforce laws against those acts. Historically, we can see the use of this power as a means of nation building and as a means of securing hegemony over the population. I think that's an important thing to keep in mind. A large portion of the white, or soon-to-be-white labor force in colonial

North America came to this country because they had been convicted of crimes in England and were given a "choice" between hanging and indentured servitude. At the same time that England was trying to bolster its workforce in its North American colony and purge its Irish population and other proto-racial undesirables, the list of crimes for which one could be hanged or "transported" to North America expand drastically. Though not to the same degree as a place like Australia, the United States emerged as a penal colony. Criminalization was central to this nation-building project. Modern prison institutions emerged toward the end of the 18th century. Initially, the primary targets of the prison were these not-yet-white European immigrants and the prison becomes a way to try to reform them and socialize them and discipline them into liberal subjects for the emerging American project.

At that time, there are very few phenotypically Black people incarcerated in prisons because most of them were being super exploited on plantations. It is not until the partial abolition of slavery in 1865 that you begin to see the functional unity between plantations and the prisons. The exception clause in the 13th amendment reformed the prison into a racist mode containment and labor exploitation. Because of racism, Black prisoners were (and still are) treated as irredeemable, as beyond the pale, where as white prisoners were worthy and capable of redemption and rehabilitation. So after formal chattel slavery, and especially after Reconstruction, new forms of Black labor exploitation expand — convict leasing, chain gangs and sharecropping. They thrive all the way up to the 1930s. Black populations were ensnared via new laws, Black Codes, which emerged in various states across the south. They instituted stiff criminal penalties for mundane behaviors such as public drunkenness, vagrancy, disorderly conduct, pig theft, etc. These were strategies to criminalize blackness in order to continue to enslave the Black population.



Clinton Prison in New York State. / Photograph by Orisanmi Burton (2015).

Imprisoned intellectuals, going back to the sixties and before then, have long examined the relationship between prisons and slavery. This mode of analysis has started to gain purchase with the release of Ava DuVernay's documentary *13th*, which is on Netflix and looks at the passage of the 13th amendment and its role in shaping the modern prison. But I think it's important to recognize one of the weaknesses of that documentary, it doesn't pay homage to the incarcerated intellectuals that were some of the first to actually elaborate the ways in which prisons are a contemporary manifestation of slavery. As an aside, it's important to emphasize that contemporary prison slavery is not primary about exploiting the labor of incarcerated people, although that does take place: contemporary prison slavery is defined by the condition of dehumanization. It's about the continuance of the property relation, the master/slave relation between the state and its captives. Incarcerated people are effectively owned by the state, which can choose to exploit their labor, lease them to private corporations, or as is commonly the case, simply warehouse them. **Prison slavery is about the attempt by prison administrators and by the carceral structure in general to eliminate dignity, to make people disposable, to render them totally obsolete in terms of their potential for human development, capacity, sociality, resistance.** This is what is different between the prison as a reformatory for wayward white people and the racial slavery of contemporary incarceration. So that's what I would say about that.

LL: Could you address the key moments of the last fifty years that created mass incarceration, perhaps insisting that it may be easy to attribute the sole responsibility to Republican administrations, when a scholar like Naomi Mukarawa showed well "how the Liberals built Prison America," using the subtitle of her book, *The First Civil Right* (2014)?

OB: Yes it's interesting. The carceral state in the 20th century really does evolve in response to the so-called race question. Naomi Mukarawa's book is essential. She goes all the way back to the Truman administration and

looks at how liberals believed that giving more money to the police would eliminate "racial bias," and protect Blacks from racism. During the 1960s, in response to a lot of the urban uprisings across the country, we have the emergence of the war on crime, which was Democratic President Lyndon Baines Johnson's key domestic policy and one of the main parts of that project was the establishment of the Law Enforcement Assistance Administration in 1968, which was a federal project that pumped millions of dollars into local law enforcement. So even though the official investigations into the causes of the uprisings acknowledged the impact of racism and economic exclusion, the war on crime bolstered the repressive capacity of the state. This happened at the same time that the state began its long retreat from New Deal liberalism. This is the era of law and order tactics, which emerged largely in response to the rising tide of grassroots organization and resistance in the 1960s.

LL: We can see how it is now relatively well-known that the so-called "Drug on War," triggered by the Nixon administration and fully implemented by the Reagan one, has implemented a system of criminalization that is fundamentally and structurally detrimental to Black folks. Could you tell us about it?

OB: Yes, I think it's important to recognize that Native, Black, and Latino people, who are also radical intellectuals, will maintain that our people have been in a state of war for centuries. The drug war is really a rebranding of same war that has been waged against us for centuries. It's a way to legitimize that war. Michelle Alexander's work has been useful in this regard because she really clearly shows, how, prior to the war on drugs, that drugs were not really a concern

for the majority of people in the country. The branding of the war on drugs was essential to building public consent for the activities that were carried out in the name of that war. The war created a moral panic; it preceded the actual problem that it was supposed to be responding to. In the 1970s we saw the proliferation of lengthy sentences of 10 years and more, "mandatory-minimums," for the possession of small amounts of narcotics. **These laws eliminated judicial discretion, meaning they removed the power of judges to lessen sentences based on any number of factors, including the life circumstances of the accused. This shifted the power to prosecutors, who can charge and overcharge people with crimes and pressure them into making plea deals.** Law and order fear mongering in the media encouraged voters to select and reward law and order prosecutors across the country.

It's also important to remember though, it's a misconception, that the majority of people in prison right now are in prison for non-violent drug offenses. If we freed all the people who are currently in prison right now, for drugs, we would still have the largest prison population in the world. The system has gotten more punitive and more draconian at every stage. Compared to 40 years ago, people in the "free world" are more likely to be arrested, charged, and convicted. Once convicted, we are more likely to receive long sentences. Once incarcerated, we are less likely to be released on parole. So the war on drugs is a problem, especially now that the U.S. Department of Justice is trying to intensify it, but it is a misconception that the solution to racial mass incarceration is to get rid of the war on drugs. I think that is why I emphasize the fact that Black intellectuals have talked about living in a state of war for the past four hundred years. If you keep that analysis foremost in your mind, it helps you recognize that dismantling any one particular policy or practice is not actually going to solve the problem, though it may provide much needed relief.

LL: One of the things that this issue, as well as the fourth issue (*Carceral Environments*) of the magazine regrettably fails to do is to give a platform for incarcerated people themselves. There are political organizers, relatives of incarcerated people writing, and very concerned scholars but no one who is currently experiencing what we're talking about. Your work on the Attica uprising however definitely provides a perspective that come from people who were captive of this prison. Could you tell us about this specific situation?

OB: A radical scholar named Joy James has edited *Imprisoned Intellectuals and The New Abolitionists* [SUNY Press, 2005], two indispensable collections of writings by imprisoned people. There is a lot of other work by incarcerated and formally incarcerated people, but it does not circulate as widely as it should, and that is for a number of reasons, one of which is that incarceration has been successful as a means of dehumanizing people such that many do not consider their ideas worthy of engagement.

I am hesitant to attempt to claim to speak from the perspective of incarcerated people, and describe the conditions in these prisons. First, because incarcerated people are constantly being spoken for. What I try to do is highlight their analysis and put it in a broader context. When you really look at and engage with the archive of incarcerated people's descriptions of the prison, what you always come up against is the fact that, incarceration is an incommunicable condition and experience. **So I could tell you the statistics, I could describe to you how terrible the food is, and tell you about the racial violence, the isolation from family and community, and the lack of education programs. I can go through it all, and I have to do that, it's my responsibility since I am a scholar of the prison, but ultimately what it comes down to is that it is an incommunicable experience.** A scholar named Dylan Rodriguez talks about this. So in the archive of incarcerated people's descriptions, you always find them struggling to describe the phenomenology of slavery, which is really what they are dealing with. I think the closest intellectual to get to that is really Frantz Fanon, who talks about non-existence, inexistence; that to walk around in a Black body is to already be incarcerated and that experience is one of inexistence. And that's why Fanon resorts to such an unconventional mode of prose in *Black Skin, White Mask* (1952). He is trying to speak as an object.

LL: Yes, and I realize how my previous question was unfortunate for this matter. Something that Attica allows us to do is to insist on the agency of the captives, rather than on the statistics we were talking about at the beginning of this conversation. Can you talk more about your research in relation to the Attica Rebellion?

OB: Sure. I am working on a book manuscript that examines the ideas, tactics, and strategies articulated and enacted by imprisoned people over the last 50 years as part of their ongoing struggle to free themselves from the jails and prisons in New York State. Key moments in this struggle include but are not limited to the Harlem Rebellion of 1964, the Panther 21 trial of 1969-1970, the 1970 New York City jail rebellions, the 1970 Auburn rebellion, and the Attica rebellion of 1971. I also look at the various strategies deployed by prison authorities in New York State to contain, co-opt and violently eliminate Black and Third World political consciousness and rebellion.

A wave of prison rebellions occurred in the United States between 1968 and 1973. Attica is the most famous one. This is for many reasons, one of which is that much of it was televised. The rebels demanded this, so that the public would be able to actually see how it unfolded. This is part of why we know so much about Attica. But in terms of the strategies, the tactics, and the discourses that rebellious captives used, it really is part of a larger continuity of carceral struggle. The formal rebellion was preceded by a protracted period of organization, solidarity building, and the improvisation of various other tactics to get their demands met. So you had a strike in the Attica metal shop around working conditions. You had the formation of

various study groups, who literally developed means of investigating how the prison was run so that they could try to figure out what were the points of weakness that they could actually attack. You had the use of petitions, the formation of the Attica Liberation Faction, who wrote a petition that explicitly appealed to a sense of liberal justice saying, "Look, we would like our demands met and we are explicitly submitting these demands without the use of violence." And that's not because they believed that non-violence was inherently more just or more morally pure tactic than the application of violence. The reason why they were initially focused on not using violence was strategic. They knew they were captives, surrounded, disarmed, and they had a very minimal chance of successfully deploying violence to achieve what they wanted. So you have the coordinated organization of these various strategies to try to get their demands met, but they were not met.

The formal period of the Attica rebellion takes place from September 9 through September 13. It was not a planned rebellion although the jail rebellions of the previous year were. The Attica rebellion emerges in a way similar to how Frantz Fanon describes the unfolding of movements for national liberation, "an event of total disorder." They basically burst open the prison in a sort of explosion of ecstatic violence and rebellion, and they destroyed the infrastructure of the prison. Fanon talks about how the only move available to a non-existent people is to appear, to suddenly become. **That's what the Attica rebellion actually was. It was the violent appearance of all of these people, who had previously been sequestered, erased, denied and dehumanized.** This was the moment in which they suddenly appeared on the world stage through their own ingenious forms of praxis, rebellion, writing, and political organization.

They began to gather in D-Yard, in one of the four quadrants of the prison. Then, out of total disorder, a whole collection of leaders emerge to sort of discipline the rebellion and organize the rebellion into a longer term occupation of space, an occupation of the prison. This period of organization is quite remarkable in the degree and scope of all they were able to accomplish. You see all of this interracial solidarity, which is essential for any kind of prison organizing because the prison survives through a divide-and-rule strategy. They overcame this, and they organized themselves and established different sections of the prison to meet their needs. There was a medical area, an area for the negotiating committee, an area for food preparation, and an area for medical care. So this is really a remarkable achievement.

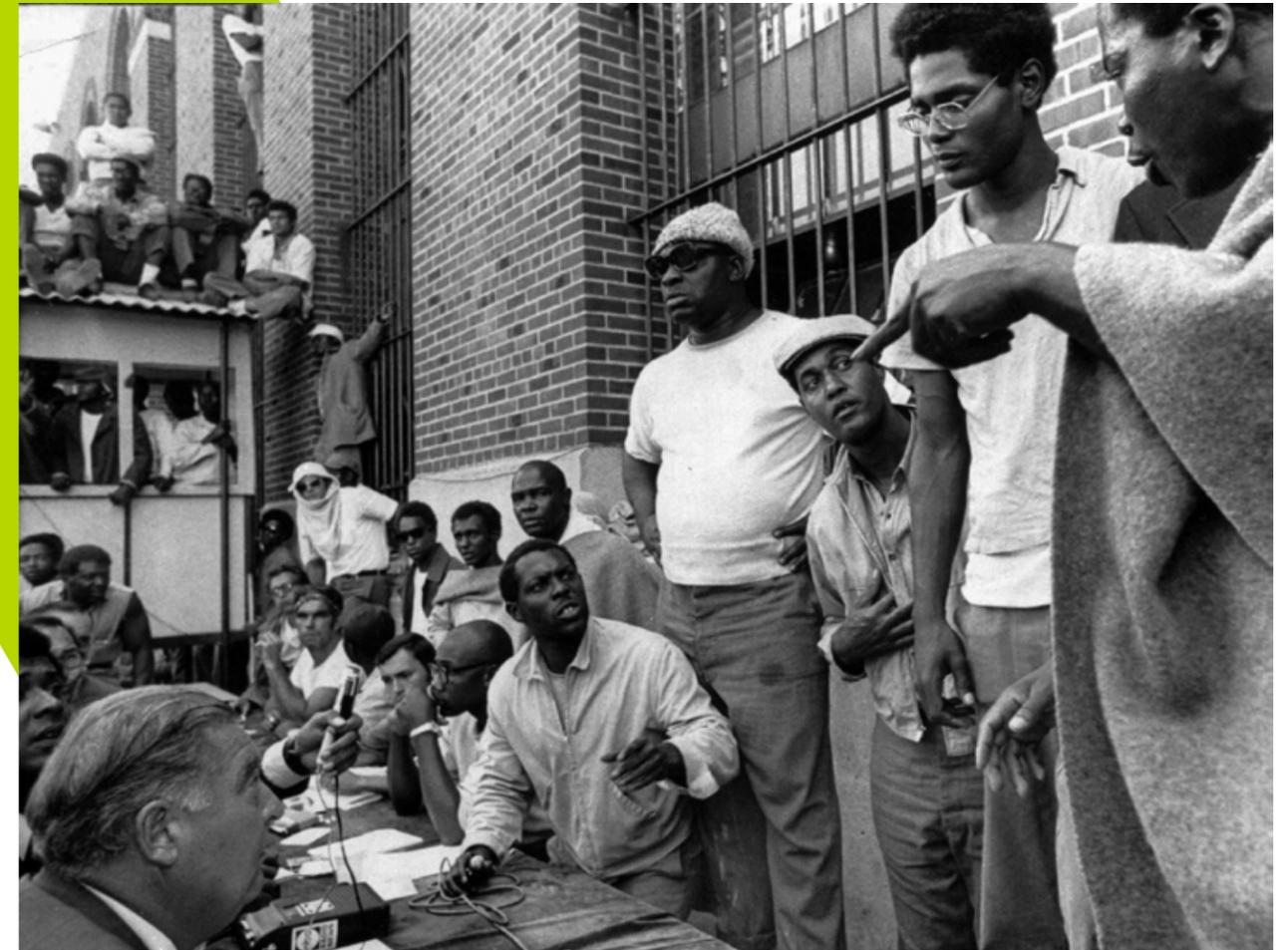
Once they organized, the Attica rebels really began to discuss "but what do we want?" Because under conditions of non-existence, the only thing at that moment you want, is to exist, to get the oppressors off of you. That initial moment of disorder is when they were able to actually create enough space within this regime of domination, to actually exist collectively and begin to talk about what it is that they wanted, how it is that they wanted to move forward. So this is when the actual politics begins to happen in Attica. They wanted access to more reading materials, they wanted better food, they wanted the doctors at Attica, who were abusive and negligent to be fired. They wanted

expanded religious freedoms, especially for incarcerated Muslims. They wanted the opportunity to express their political beliefs and be politically active without repression. They wanted Spanish-speaking guards. These were extremely important and extremely real demands that they wanted but those were not the only demands that they had.

They were operating on multiple levels of political activity. At one level, they very much wanted to achieve some quantifiable rational and achievable demands for reforms that would make their lives as incarcerated people a little bit more livable. **But at the other end of the spectrum, at another level of engagement, they wanted the prison, as such, to end.** Some of the demands that they had, they did not even fully articulate them on paper. Some of the demands that they had, they only talked about amongst each other. It is important to think about those demands and honor those demands, and to theorize the significance of those demands, which were momentous. Some of them were impractical and, oftentimes, they get dismissed as fringe demands because of their impracticality. It's a mistake and, in fact, we have to actually take seriously, even the most outlandish demands. Some of them wanted the Black Panther Party to fly a helicopter into D-yard and take those who wanted to go away to a non-imperialist country. That did not happen but the fact that it did not happen or that it was impractical does not mean that it was not important. Safiya Bukhari, who was a leader in the Black Panther Party, was actively trying to figure out how to make that happen. It was impractical and that's exactly why it was important. It was what Robyn D.G. Kelly calls a "freedom dream." It was the Black radical imagination.

LL: This issue, just like the fourth one, would make no sense editorially speaking, if it was not fundamentally thought through the scope of prison abolitionism. Could you describe your relation to it?

OB: Sure, I mean, abolition is fundamentally about creation. The word "abolition" is a negative word, it implies the removal of something but abolitionists, particularly Angela Davis, have emphasized that the concept grows out of W.E.B Du Bois' articulation of abolition democracy in his magnum opus *Black Reconstruction* [1935]. For Du Bois, abolition democracy is what he saw emerging in the United States, following the abolition of slavery and the emergence of reconstruction. He saw the emergence of these positive institutions, which were actually meeting people's needs and creating a new society, in which all of its inhabitants could live as dignified human beings. That's the basis for the concept of abolition. Prison abolition is about the creation of a world in which prisons are no longer necessary, a world where we do not lock people up in cages and punish them because we don't like them, or because we are mad at them.



In this file photo of Sept. 10, 1971, inmates of Attica state prison, right, negotiate with state prisons Commissioner Russell Oswald, lower left, at the facility in Attica, N.Y. during the Rebellion. / Associated Press

This is obviously a long-term project, it's an impractical project, and some would say it's an impossible project. But I always wonder what it was like in the 1850s when abolitionists were talking about the end of slavery. It must have seemed impossible, and then it happened. It did not happen in the way that we wanted. Abolition democracy did not flourish. Something just as bad or quite possibly worse came after it, but it happened and where we are now was not inevitable. Abolition democracy could have happened, just like it can happen now. We have to believe that and fight for that for the sake of our children. We have to study the past, honor the past, and carry on that legacy of struggle. We see it happening now, the emergence of a new abolitionist movement, where a lot of people, are exploring this concept of abolition for the first time. We need a fundamental reimagining of all our institutions. We need to invest in human being, the environment, education, and processes that sustain life. We need to divest from these death-dealing institutions.

We have to fundamentally transform ourselves and get the prison and these repressive, punitive impulses out of our own minds and out of our own spirits, which I think is probably some of the most challenging work that we have ahead of us. This is what I think is the most important about the Attica rebellion. They actually did this. When you read the archive of the people who were in the rebellion, people like Frank "Big Black" Smith, you encounter things like "I feel like I was born again. I felt like I was finally free." Just within that four-day period, they felt like they created something, which exceeded the bounds of rational political activity. Through their own collective political praxis, they suspended the prison; the regime of domination

that controlled them, which created a space for them to improvise new ways of being, abolitionist ways being that multiplied human capacity and sociality. Richard X. Clark, another Attica leader, wrote about how, on the first night of the rebellion, some of the men walked through the prison yard, just looking up at the stars, talking, holding hands. That would have been an impossible or inconceivable thing just 24 hours prior. **Big Black and others expelled the prison from themselves. They achieved what I am calling a "partial abolition," a temporally and geographically discrete abolition.** In some ways, this partial abolition was confined to Attica's D-Yard and in other ways it spread far beyond it. That is why, to this day, in prisons all over the country, men's prisons and women's prisons, Attica continues to be the point of departure for imprisoned activists. We can see this with the national prisoners' strike of 2016. They looked to Attica as a source of inspiration, not because of the repression, which is what people talk about a lot, but because of the actual political achievements of the rebellion itself. I think it's really important to understand that. There are people in prisons right now, and beyond, who continue to be inspired by Attica and the other slave revolts of the 1970s. In that sense, they were not defeated. It's an amazing thing to ponder.

Transcription by Flora Hergon for The Funambulist (2017).