



**CRIMINAL JUSTICE
PROGRAM**
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A New Justice Paradigm

Restorative Justice Forum
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When Ken Schorr invited me to speak at this conference, we had a dialogue as to my appropriateness. For the past 26 years, I have served as a human rights advocate for the American Friends Service Committee, which is a Quaker based organization. Although I haven't had direct experience with restorative justice, I've had the good fortune to work with other AFSC staff who have. Many in AFSC are beginning to call the concept Healing Justice or Justice that Liberates. Each concept has at its core the requirement of community involvement. Part of the difficulty with restorative justice ideas is that many of us propelling the ideas aren't from either the community of victims or the community of perpetrators. Many poor communities and communities of color see restorative justice as one more thing that middle class whites are pushing upon them. They feel that restorative justice solutions cannot be supplementary to a bankrupt US criminal justice system. The framework of restorative justice has to lay in understanding the violence of arrest practices, in seeing the racism in the courts and in current sentencing practices, in feeling the brutality of the prison system and the death penalty. We have a system that tortures people and holds a legacy of hate-driven violence that targets those who are seen as expendable or unworthy.

I work with Black and Latino youth in Newark and the young people say the police feel like an occupation army as if inner cities were militarized zones. They feel that the courts are used as a feeder system to filter young blacks and Latinos into prisons where those bodies are suddenly worth a fortune. I've heard people say that the criminal justice system doesn't work. I've come to believe exactly the opposite - that it works perfectly as a matter of both economic and political policy.

I don't believe it is an accident that people who are perceived as economic liabilities have been suddenly turned into a major economic asset. That the young male of color who the country labels worthless to the economy suddenly generates between 30 and 60 thousand dollars a year once trapped in the criminal justice system. The expansion of prisons, parole, probation, the court and police systems has resulted in an enormous bureaucracy which has been a boon to everyone from architects, plumbers, and electricians to food and medical vendors - all with one thing in common - a pay check earned by keeping human beings in cages. The criminalization of poverty is a lucrative business and we've replaced the social safety net with a dragnet. I doubt that this would be tolerated if we were talking about mostly white folks or mostly rich folks.

I want to share with you some of the voices that I hear in my day.

This is from a letter by a social worker at Utah State prison who writes, "John was directed to leave the strip cell and a urine soaked pillow case was placed over his head like a hood. He was walked, shackled and hooded to a different cell where he was placed in a device called "the chair"... He was kept in the chair for over 30 hours resulting in extreme physical and emotional suffering."

Another writer in Arizona describes a man being placed in a restraint chair. He was stripped naked and placed in the chair with his buttocks several inches below his knees. His arms and legs were then cuffed and shackled to the legs of the chair to prevent him from moving. He was left uncovered and unprotected in pain for over 24 hours. Mobility was non-existent. He couldn't relieve himself without soiling himself...

From Florida, 'during the struggle jailers shocked Norberg multiple times with stun guns. Inmates who witnessed his death estimate that he was shocked between eight and twenty times. The medical examiner put it at 22 times....

From Colorado, "I was sprayed with pepper spray and it was 10 hours before I was allowed to wash. This resulted in burns and blisters to my arms, face, chest and feet. For the entire 10 hours I felt like I was being boiled alive. When you are forced to stand in the sun with no shelter, the sweat from your body continues to reactivate this chemical agent so that you remain in extreme pain."

A woman in Texas writes "the guard sprayed me with pepper spray because I wouldn't take my clothes off in front of five male guards. Then they carried me to a cell, laid me down on a steel bed and took my clothes off. They left me in that cell with that pepper spray in my face and nothing to wash my face with. I didn't give them any reason to do that. I just didn't want to take my clothes off. Other women report use of restraints on pregnant and sick prisoners. Some have reported giving birth while being handcuffed and shackled.



These past years have been full of thousands of calls and complaints of an increasingly disturbing nature from prisoners and their families throughout the United States. Most describe inhumane conditions including cold, filth, callous medical care, extended isolation sometimes lasting over a decade, use of devices of torture, racial harassment and brutality.

I have received vivid descriptions of four point restraints, restraint hoods, restraint beds, stun grenades, stun guns, stun belts, tethers, waist and leg chains and air tasers. The use of extended isolation has also been a growing concern for many prison activists, both inside and outside the walls. The reports coming in about the use of devices of torture have largely been from isolation units, which are called control units or supermax prisons, where there are few witnesses. In New Jersey, the AFSC monitored and advocated in the case of prisoner Ojore Lutalo who was held in the Management Control Unit in total isolation from February

4,1986 until his release to the general population in January of 2002 - 16 years of enforced sensory deprivation.

Some of the most poignant letters I get are from prisoners writing on behalf of mentally ill prisoners - like the man in California who spread feces over his body. The guards' response to this was to put him in a bath so hot it boiled 30% of the skin off his body. Article I of the United Nations Convention Against Torture prohibits "physical or mental pain and suffering, inflicted to punish, coerce or discriminate for any reason". Practices such as the indefinite use of shackles and other mechanical restraints, and the administration of dangerous chemical treatments, or the practice of extended isolation cannot be justified. These practices put the US in violation of dozens of United Nations Treaties and Covenants, which it has signed. Human rights groups such as the AFSC, Amnesty International, the World Organization Against Torture, Human Rights Watch and Prison Watch Internationale have all reported on the persistent and widespread pattern of human rights violations in the US.

Couple all of this with sexual abuse, the use of prison labor, people dying under privatized medical care and shocking treatment of people being held in INS detention centers and you have a growing picture of US violations to United Nations Treaties and Covenants. Add the UN Treaty positions on the racially biased death penalty, the physical abuse of women in prisons, abuse of the mentally ill, violation of children's rights and your picture of US violations continues. All of those practices go on daily and they fly in the face of the United Nations Convention Against Torture, the UN Convention on Elimination of all Forms of Racial Discrimination, the UN Minimum Rules for Treatment of Prisoners, the UN Convention on the Rights of the Child and a dozen other international laws and standards.

It is within this context of my daily life that I approach the restorative justice paradigm. To me, work on restorative justice means that we need to understand that there are two million mostly poor and people of color in our prisons and juvenile detention facilities, not because of any rise in crime, but because of the legislation of mandatory minimum sentences, and drug and 3 strikes laws. We have a system of apartheid in the US, which gives whites using cocaine probation, while imprisoning youth of color who use crack. I think those working on restorative justice need to know these issues as well as the mother of any African or Latino son or daughter. Restorative justice issues also need to be closely connected with issues concerning reparations to the descendants of slaves. The parallels between slavery and the prison system cannot be denied. The 13th Amendment of the US Constitution continues to mandate prison slavery.

If we dig deeper into the US practices, the political function that they serve is inescapable. Police, the courts, the prison system and the death penalty all serve as social control mechanisms. The economic function they serve is equally as chilling. Many people with whom I work believe that prisons are a form of neo-slavery.

The Service Committee has always recognized the existence and continued expansion of the penal system as a profound spiritual crisis, and, as a faith-based organization, it is our job to address it as such. It is a crisis that allows fellow human beings to be demonized. It is a crisis that legitimizes torture, total isolation of individuals, sometimes for a lifetime, sensory deprivation, and abuse of power. It is a crises that extends

beyond prisons themselves into judicial systems, parole and probation, law enforcement, and the families of both victims and offenders. And as the system becomes more and more dependent on profit-making companies, the “public mission” of the system is lost behind the self-interests of everyone from the unions representing the guard on the tier, to the corporate medical companies, construction firms, and for-profit detention corporations.

I know that each day I face a system that doesn't understand that sending a child to bed hungry is violence. That wealth concentrated in the hands of a few at the expense of many is violence, that the denial of dignity based on race or class is violence. I know that creating a climate for a sustaining, nourishing, restorative justice practice cannot take place in a world where what I have described exists.

The wall of silence that has been built around prisons and prisoners has got to be broken down. The important work of inventing a system of restorative justice has to take place in the context of all that I've spoken about. From cradle to grave, racial as well as class profiling exists for the poor and people of color. Oppression in this country is real, which means that a healing justice can only happen if arrest and sentencing practices are forced to change. It can only happen when brutality and torture cease. The reach for restorative justice is a process, which can only take root in a political reality very different from what we now have. Changing that political reality is up to us. We need to stand with communities of color, we need to stand with the imprisoned as well as with the victims of crime. We have to fight the hate-driven violence which targets those within a community who are seen as expendable or unworthy and say not in our name will this continue

One of the things that September 11th made clear is the need for communities to bridge gaps. In order to do this, the middle class, particularly Caucasian communities need to learn about the other America. There is one, 15 miles away in Newark, where the police aren't peace keepers but the occupation army. When my white son was 14, he got a job mixing tuna at a local deli. The 15-year-old in Newark doesn't even have access to the kinds of public transportation, which would take him 5 miles up Rte. 22 where the jobs are. If restorative justice needs to take place within a community context, then we need to become part of that community. We need to learn from the children and their parents. We need to weave their experiences into our own.

The AFSC has become so concerned that we have archived prisoner testimonies of torture State-by-State. We've developed a pamphlet of these testimonies in order to be able to put human faces on what is happening. We've asked prisoners to draw what they are seeing and experiencing. Some of these drawings have been used by newspapers, which find they often can't get into the prisons to photograph. We've produced a “**Survivor's Manual**” written by people living in extended isolation for people living in extended isolation. Prisoners tell us that the pamphlet has saved lives. We've also produced a pamphlet called “**Our Children's House**” which contains the testimonies of the very young who have been sentenced to county youth detention facilities. These African and Latino children describe being held in isolation and used sexually. They talk of seeing and hearing things, about enduring treatment that is inappropriate for anyone, let alone children. As we interviewed the young people, it was clear that it was the adults around them who

were the lawless.

I believe that restorative justice is about understanding oppression, which is a condition common to all of us who are without the power to make decisions that govern the political, economic and social life of this country. I've come to believe that we are victims of an ideology of inhumanity on which this country was built. If you had interviewed me twenty-six years ago I would have fought any implication of torture in the United States. I would have fought the notion of a prison system that looks suspiciously like the system of slavery. I have been part of the struggle against oppressive policies in this country for over 40 years beginning in the Civil rights era. I have seen the horror and havoc that US policies often create with people's lives. I've spent time with people who have endured torture in US prisons. I've treated hundreds of ex-prisoners who have returned to our communities with symptoms of Post-Traumatic Stress. My soul is shaken by what I read in my daily mail. What is going on in the name of all of us needs to be stopped. Poverty and prisons to me are state-manifested violence. I think that whites have to consciously wash off the racism that infects us daily in a society where we are privileged in relation to peoples of color. I think people of color have to become specifically involved in fighting the bottom line expression of racism and oppression that the penal system represents. In a genuinely multi-cultural society, the current criminal justice system would not survive.

Conferences like these encourage the kind of lifetime commitment that social change requires from us. I believe that a transition toward restorative justice would be meaningful and enduring social change. I speak all over the country on US human rights violations in our prisons and wider criminal justice issues. I have received the gift of working with many prisoners and their families who lend me their experience, their intelligence and their wisdom. I have also had the privilege of working with members of Murder Victims Families for Reconciliation. Until we each begin opposition on a more serious level, neither prison administrators nor local, state or federal government has to respond. Each of us needs to understand deeply and speak loudly about the connections between slavery and the criminal justice system, between US domestic policies towards people of color and US international policies towards countries of color. There are many reasons to get involved in these issues - human decency being one of the most compelling.

Thank you.

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