



**CRIMINAL JUSTICE
PROGRAM**
972 Broad Street, 6th Floor
Newark, New Jersey 07102
973-643-3079 FAX 972-643-8924

Uhuru Tribunal on Reparations

November 14-15 2003
Testimony by Bonnie Kerness

Since 1975, I have been a human rights advocate on behalf of prisoners throughout the country. I coordinate the Prison Watch Project for the American Friends Service Committee. Having been an activist, a community organizer and a human rights advocate for over 40 years, I see a glaring connection between the broken promise of reparations and prison cages filled to bursting with young people of color who are denied the kind of start in life that youngsters of other nationalities have.

I work with Black and Latino youth in Newark who tell me that the police feel like an occupation army as if inner cities were militarized zones. They speak about the school system being the feeder to filter young people of color into youth detention, jails and prisons where those bodies are suddenly worth a fortune. People say that the criminal justice system doesn't work. I've come to believe exactly the opposite - that it works perfectly, just as slavery did, as a matter of economic and political policy.

I don't believe that it is an accident that people who are perceived of as economic liabilities have suddenly been turned into a major economic asset. That young child of color who the country's labels worthless to the economy suddenly generates 30 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 criminal justice system is a lucrative business with a large and growing middle class of all colors being paid a lot of money for containing mostly folks of color in cages in human warehouses. Not unlike the era of chattel slavery, there is a class of people completely dependent on bodies of color as a source for

income.

In the US criminal justice system, the politics of the police, the politics of the courts, the politics of the prison system and the politics of the death penalty are a manifestation of the racism and classism which governs the lives of all of us in this country. Every part of the United States criminal justice system falls most heavily on the poor and people of color, including the fact that slavery is mandated in prisons by the 13th Amendment of the US constitution. Prison slavery in the form of involuntary labor is real. Any discussion of reparations has to include revision of that Amendment.

I'd like to share with you some of the voices that I hear during my day. The first two are from youngsters who have spent time in juvenile detention. These babies describe a system in which parents have no say so over what happens to their children and a system which prepares them for a future of imprisonment.

"I went in when I was 14. They have what they call an MCU there, and it's like the "hole" in a regular prison. Kids that fight go in there. If you refuse they come and get you. You get a shower once a week and they even bring the food to you. It was so cold."

"I heard people scream, yell and holler. I saw boys get strung out on meds. The food is mostly Sloppy Joe's and one cup of water. They make you take sleeping stuff in the needles. They used pepper spray on this girl who was fighting one time. They sprayed her directly in her mouth and she couldn't breathe. They kept hitting her. We kept telling them that she had asthma, but they wouldn't listen".

On Mothers Day in Elizabeth, NJ, Eddie Sinclair, Jr. hung himself in the Union County Youth detention facility; Eddie was 17 and had stolen a bicycle. He had missed an appointment with his parole officer, was picked up and locked in isolation. It is not irrelevant that Eddie's father is African and his mother is a Latina.

The treatment of imprisoned juveniles in this country violates international human rights law. The US has been cited by the World Organization Against Torture as violating UN Convention on the Elimination of Racial Discrimination and the UN Convention Against Torture. Any discussion of reparations has to include the reversal of youth being tried and punished as adults. We must also reverse "zero tolerance" policies where children are concerned. Children often learn by making mistakes. If their mistakes are punished with permanent sanctions - no room is left for them to change or grow. We can't escape the similarities with chattel slavery here as well. Not only are these children taken from their families, they lose their chance at an education and an equitable future.

I also want to share the voices of adult prisoners, which are haunting testimonies

of torture being committed in US prisons:

From Utah State Prison: "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."

From Florida, "during the struggle jailers shocked the prisoner 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...."

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.

From another woman who says "I'm tired of being gynaecologically examined every time I'm searched". Other women report use of restraints on pregnant and sick prisoners. Some have reported giving birth while being handcuffed and shackled.

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 him. 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 puts the US in violation of United Nations Treaties and Covenants. These past years have been full of thousands of calls and complaints of an increasingly disturbing nature from prisoners and their families. Most describe inhumane conditions including cold, filth, callous medical care, extended isolation sometimes lasting over a decade, use of devices of torture, harassment, brutality and racism. I have received vivid descriptions of four point restraints, restraint hoods, restraint belts, restraint beds, stun grenades, stun guns, stun belts, tethers, waist and leg chains.

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, prisoner Ojore Lutalo was held in the Management Control Unit at New Jersey State Prison in total isolation from February 1986 through January 2000. One of the first people placed in that Management Control Unit was Sundiata Acoli. Ruchel Magee has lived under these conditions in California for more than 30 years. Both Russell Shoats and Mumia have been living in Pennsylvania isolation

units for over 20 years. There are thousands of others as well.

Many of us trace the development of control units to the tumultuous years of the civil rights movement when many activists found themselves in US prisons. Sensory deprivation was used extensively with imprisoned members of the Black Panther Party, Black Liberation Army formations, Puerto Rican independentistas, member of the American Indian Movement (AIM), and white radicals. In later years we found jailhouse lawyers, Islamic militants and prisoner activists placed in extended isolation. In 1978, Andrew Young who was the US Ambassador to the United Nations noted the existence of US political prisoners. Too many of those elders are still in prisons throughout the country over 25 years later and their release is imperative as part of reparations.

Right now, the latest explosion filling the isolation cages include youth of color imprisoned as a result of the racist crack-cocaine laws. Current efforts to expand the solitary confinement population involve the alleged spread of gang problems in US prisons. This trend is being repeated throughout the country, resulting in the increased building of supermax prisons. In these gang prisons called. Security Threat Gang Management Units, prisoners are called upon to renounce their "gang" membership - which is reminiscent of the witch-hunts during the McCarthy investigations in the 1950's and FBI Counter Intelligence Program.

Add to all of this the UN Treaty positions on the racially biased death penalty, physical and sexual abuse of women in prisons, abuse of the mentally ill, abuse of prison labor, people dying under privatized medical care, violation of children's rights and shocking treatment of people being held in INS detention centers and the picture of US human rights violations continues.

If you are a youngster of color in this country, and you are poor, should you get arrested which is a likely occurrence, bail will be set so high you become an economic hostage and the "phrase innocent until proven guilty" has no meaning. You will certainly not get a trial by a jury of your peers. You will be defended by a public defender who has a caseload so vast you cannot possibly be a priority. And finally, you will serve a sentence which is 30 per cent longer than a Caucasian would receive for the same crime. If you have seen the same thing happen to your father, your uncles, your cousins - if you look around at the broader picture of what is happening to men, women, youth and children of your nationality, it is not hard to conclude that an economic and physical genocide is being committed.

The United Nations definition of genocide is a) the killing of members of a racial or religious group b) the causing of serious bodily harm to members of a particular group c) deliberately inflicting on a group conditions of life calculated to bring about its physical destruction d) imposing measures intended to prevent births within that group and e) forcibly transferring children of that group to

another group.

If we use this definition, isn't hard to see how the mass imprisonment that is occurring fits that definition. Coupled with data on high infant mortality, early death of the elderly of color, lack of the same medical treatment, opportunities and education that is afforded to whites, and the realization becomes even more compelling.

Oppression is a condition common to all of us who are without the power to make the decisions that govern the political, economic and social life of this country. We are victims of an ideology of inhumanity on which this country was built. If we dig deeper into the US practices that I've talked about, 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 and economic slavery. The US prison system echoes the dynamics of chattel slavery with economic gain and social control being a priority.

There is no question in my mind that reparations are due to peoples of Native and African decent. Our move forward with reparations will take many forms and address many levels of what is due African people, and how this should be delivered. As we succeed in gaining money and land reparations, there remains a need for social change that is revolutionary in nature. We have to alter the core of every system that slavery, racism and poverty gave birth to, particularly the criminal justice system.

We must stop violating the human rights of children. We must alter the 13th Amendment. We have to place a moratorium on prison construction and change the racial and economic profiling of arrest and sentencing practices. Reparations have to include a focus on penal abolition which challenges the violence of the entire legal apparatus. We need to decriminalize poverty and mental illness. We must eliminate solitary confinement, torture and the use of devices of torture. We must support a vigorous monitoring of the police, court and prison systems with a citizen review process. We need to ensure voting rights for prisoners and ex-prisoners, and enhanced use of international law. Part of the dialogue on reparations has to include opposition to all of this on a more serious level. Until this happens, nether prison administrators nor local, state or government officials has to respond. Each of us needs to understand deeply and speak loudly about the connections between slavery and the criminal justice system.

No real racial healing can take place until the US government takes responsibility for what it owes people of African decent. Reparations are not only about paying decedents of slaves for damage done but also a way for the country to humble itself before a great people whose sweat, blood, flesh and tears gave birth to so

much of the wealth that exists in this country today.

This material may be copied, as long as credit is given.

CRIMINAL JUSTICE PROGRAM

AFSC New York Metropolitan Region (NYMRO)

972 Broad St., 6th Floor

Newark, NJ 07102

Phone: 973-643-3079

FAX: 973-643-8924