

# Slavery and the Gospel of Liberation



## Slavery and the Gospel of Liberation

"Kurt Greenhalgh bursts forth like a Christian Ralph Nader in exposing the "state slavery" of the American prison system. His writing is like a bucket of cold water on the head: bracing, invigorating, and impossible to ignore. Many may not want to hear the ugly truth of our tax-paid institutions of legalized slavery, but one cannot easily argue with the sheer truth force of Greenhalgh's case. For anyone seeking to take seriously Jesus' call to "set the captives free," this book is strong inspiration. Dorothy Day would be proud that this book has emerged from someone deeply formed in the Catholic Worker tradition of embodied faith seeking radical justice and peace, right here and now."

Was Howard-Brook, educator and author whose new book (Orbis, 2010) is "Come Out My People: God's Call Out of Empire From the Beginning to the End"

"As a human rights attorney, I have experienced my mentally ill clients rotting in jails and some incarcerated for life on evidence only believable by a prosecutor. I have seen the permanent harm done this culture by far-right Christians who believe war and death are the answers, while hypocritically distracting our attention to only the "right to life" of American fetuses. As I wrote in *God as Nalisco* Christians are in complicity with what Greenhalgh describes as state slavery...I recommend this book to all who would consider another way than the conditions complicitous Christians have accepted as just or unchanging but which are in reality unconscionable."

Bill Durland, human rights attorney, founder of The Community for Creative Nonviolence, and author of many books.

"What is the Way the Truth and the Life of the Pacifist Messiah and his revolutionary blood-soaked band? What is the central nerve system of the American Empire as it enslaves its subjects while dying of heart disease? Provocative, radical, critical unto a nonviolent revolution, Kurt Greenhalgh has written a clarion call for the radical disciples of Jesus the Messiah. His analyses are so sharp that they cut like the sword which is the Word of God. His reconstruction is so filled with faith and courage only those of low degree will grasp the meaning after one read. Please put this book in your hands, hold it close to your heart, read it with the power of love and the hunger for justice."

Ed Loring, Open Door Community, Atlanta. Ed is the author of "I Hear Hope Banging at my Back Door," "The Festival of Shelters," and the forthcoming "The Cry of the Poor: Cracking White Male Supremacy - An Incendiary and Militant Proposal."

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and the  
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The front cover photo, by an unknown photographer, was on a card from Bolivia. A caption on the card read:

“In this photo, Aymara children of Amachuma share the burden of Christ’s cross. Like other impoverished peoples of Latin America, the Aymara identify strongly with the suffering Christ. For centuries they have shared Jesus’ experience of the passion of the cross, from the brutality of colonial slavery, in which millions of people were worked to death in silver mines, to modern day political violence, like the 2003 massacre of 80 people in the Bolivian city of El Alto. Despite Bolivia’s great wealth in minerals, gas and oil, agricultural products, tropical wood, and fresh water, most children in Bolivia suffer from malnutrition, contaminated water, lack of health and dental care, and poor educational opportunities. Just as it was the powerful and corrupt who sent Jesus to the cross, it is the powerful nations and corporations of the modern world who sacrifice the children of Bolivia for the sake of profits and political control.”

This book is dedicated to children everywhere - in hope for progressing toward a future of liberation and freedom for all.

# Slavery and the Gospel of Liberation

By Kurt Greenhalgh

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Unless otherwise noted, the Bible used in this book is the NRSV: New Revised Standard Version, Thomas Nelson Publishers, Nashville, TN, 1990. Also used occasionally is the RSV: Revised Standard Version, Zondervan Bible Publishers, Grand Rapids, Michigan.

## TABLE OF CONTENTS

<u>Chapter</u>	<u>Page</u>
1. Introduction	1
2. Liberation History - A Revolutionary Biblical Reading And Political Theory	14
3. The Criminal State And Its Criminal Foundations	35
4. The Criminal Legal System And Slavery	46
5. The Process Of Enslavement	57
6. Slavery And Its Abuses	92
7. Christian Complicity In State Slavery	147
8. To The Imprisoned: A Gospel Of Liberation	166





# CHAPTER 1

## Introduction

This book is about slavery and Jesus' gospel of liberation. Both topics have an enduring relevance. Slavery is a theme that runs throughout history - a fact that is worth paying attention to. When examining the issue of slavery today, the focus will be on "the state" and its role in "penal slavery." The particular state this book focuses on is the United States of America.

"The state" is short for "the nation-state." Since the U.S.A. consists of a union of fifty individual states there are a few times in this book when "the state" (or "states") will mean one (or more) of the fifty individual states. The context of its usage should make it clear when it refers to individual states in the U.S.A.

In this book "the state" basically means "the government" (which includes all levels of government in a nation). It means the government, all its agencies, and all its employees (or agents). The state is a human-devised political organization. The state is a power structure that rules over the population in a well-defined territory. The world is divided up into many nation-states. In different states the government takes different forms. But all states are human-devised, human-operated, political organizations.

In this book the state will be viewed critically. Despite its many valuable social services the state will be viewed as an *oppressive institution*. This book presents the view that the oppressive nature of the state transcends social services, individual politicians, political parties, or any particular administration. The state is essentially an oppressive organization regardless of who is in office, who are the state's employees, and how many valuable social services it provides.

This oppressive nature of the state will be developed in each chapter and will be related to the theme of slavery.

There are less critical and more positive ways to view the state. One understanding of “the state” believes that all the people that the state designates as “citizens” are also part of the state. In this view, the state consists not only of government institutions and employees - but also includes all its non-governmental “citizens.” A common view of a so-called “democratic state” is that the state is relatively progressive, beneficial, and participatory - and should represent all citizens. It is believed that all citizens have some “ownership” in the state. It is believed that there are many meaningful ways for citizens to “plug-in” and participate in the state. In fact, some people believe that citizens have a moral responsibility to actively participate in the state. The state is viewed as inclusive, encompassing all citizens, and integral to one’s identity.

Another positive understanding of “the state” believes that the land mass is part of “the state.” The boundaries of the land claimed by the state are believed to be real and legitimate (rather than artificial and illegitimate). The claimed territory of the state is believed to be part of the state, i.e., the government along with its claimed territory is believed to be one entity - unified and indivisible. Patriotism, under this view, is loyalty and allegiance to both country (land mass) and government. In some places the state may be viewed emotionally as “the motherland” or “the fatherland.” The state is viewed as physically all-encompassing, long-lasting, and integral to one’s identity.

The viewpoint presented in this book does not include *all citizens or land mass* as integral parts of “the state.” \*1 The state projects its authority over its claimed land mass and over its defined citizens. But it essentially consists of government structures, agencies, and employees. This chapter and chapter two will develop a Christian perspective of the state in which the state tries to supercede God’s position and to co-opt a Christian’s identity.

Let us look next at some of the context for the state's role in "penal slavery."

### Strengthening The National Security State

Important developments of the U.S. "National Security State" occurred during World War II with the militarization of industry and society and the building of a massive war machine - and then, in 1947, with the creation of the National Security Council and the Central Intelligence Agency. Recent decades have seen the strengthening of the "National Security State," where military, police, and security forces and intelligence agencies play a major political role in society.

Since at least 1981 much of the ruling class has been driving a very reactionary movement, building more powerful police and military forces, concentrating more power in the executive branch of government, and shifting even more wealth and power into the hands of the upper class. The reactionary movement has tried, with varying degrees of success, to roll back progressive reforms in labor, welfare, women's rights, gay rights, minority rights, environmental protections, and civil liberties. This movement was given a huge boost by the 9-11-2001 terrorist attacks. \*2 The ruling class, in a bipartisan manner, manipulated and exploited Americans' emotional responses to 9/11 to further build a "National Security State," further increasing the repressive power of the state.

The 9/11 attacks provided the latest justification for an aggressive foreign policy. Aggressive foreign wars and military strikes are now accepted parts of a so-called perpetual "war on terrorism." The U.S.-orchestrated invasion of Iraq in March 2003 was based on false pretexts. A propaganda campaign was used to mislead Americans and to justify the naked aggression of the so-called "pre-emptive" invasion. Iraq was falsely accused of having weapons of mass destruction and being involved with al-Qaeda in the 9/11 attacks. Also, former U.S.-ally Saddam Hussein was demonized. The war was really about securing U.S. energy interests and increasing U.S.-state-power domestically, in the Middle East, and throughout the world.

"Maintaining a hold on political power and enhancing US control of the world's primary energy sources are major steps

toward the twin goals that have been declared with considerable clarity: to institutionalize a radical restructuring of domestic society that will roll back the progressive reforms of a century, and to establish an imperial grand strategy of permanent world domination.” \*3 (Noam Chomsky)

The U.S.-led invasions of Afghanistan and Iraq are the latest wars to bolster the American empire. The U.S. maintains military bases in over 100 foreign nations. Since World War II, the U.S. has launched dozens of military actions in foreign nations including Korea, Vietnam, Cambodia, Laos, Haiti, Dominican Republic, Panama, Grenada, Cuba, Honduras, Lebanon, Libya, Somalia, Sudan, Iran, Pakistan, Bosnia, Iraq, and Afghanistan.

Foreigners who resisted the U.S. invasions of Iraq and Afghanistan were treated as having essentially no rights.

“An enemy combatant can be anyone that the US chooses to attack, with no credible evidence, as Washington concedes.”

\*4 (Noam Chomsky)

Abuses of foreigners included seizing individuals without charging them, clandestinely moving them to other countries or to secret prisons, employing torturous interrogation techniques, and imprisoning them indefinitely without fundamental rights. \*5

Since 9/11, the U.S. has become even more militarized and authoritarian. The military budget and war expenses have reached enormous levels. And new programs and bipartisan legislation have given the military a larger role in the state’s domestic policies of social control and repression.

Domestically, the U.S. is traveling further down the road of becoming an authoritarian police state where nearly all citizens are suspects. State- and privately-operated surveillance and security measures are expanding everywhere.

“The surveillance component of social control is changing radically. The rationalization of crime control, which began in the nineteenth century, has crossed a critical threshold as a result of broad changes in technology and social organization. Surveillance has become penetrating and intrusive in ways that previously were imagined only in fiction....The new softer forms of control are helping to create a society in which people are permanently under suspicion and surveillance.” \*6 (Gary T. Marx)

More cities are becoming saturated with surveillance cameras and are using ever-more sophisticated listening devices. Police forces and the FBI are rapidly expanding their DNA databases by taking more samples from people convicted of minor crimes or simply detained. Privacy protections are violated and the demographics of the databases expand a racist bias in the legal system. And regardless of which political party is in power, the President “heads a secret government - 4 million Americans with security clearances generating 250 million pages of classified documents a year, and a ‘black budget’ of as much as \$60 billion.” \*7

The state has increased its power of repression and power to spy on Americans through the USA PATRIOT Act, the Pentagon’s Total Information Awareness project, the establishment of the Department of Homeland Security, the National Security Agency’s warrantless eavesdropping on Americans’ international phone calls and e-mails, the Military Commissions Act of 2006, and other bipartisan laws. \*8

“The Total Information Awareness program will be...the most extensive electronic surveillance system in history....it would link a huge number of commercial and governmental databases, both in America and overseas.” \*9 (ACLU)

Electronically-recorded data to be collected and “mined” by the Pentagon can include bank account, credit card, and other financial records, educational records, motor vehicle records, criminal records, medical records, travel records, Internet usage, phone records, library records, e-mail records, and commercial databases.

The oppressive power of the state is being extended further over ordinary citizens.

“National security letters are a little-known FBI tool originally used in foreign intelligence surveillance to obtain phone, financial, and electronic records without court approval. Rarely employed until 2001, they exploded in number after the Patriot Act drastically eased restrictions on their use, allowing NSLs to be served by FBI agents on anyone - whether or not they were the subject of a criminal investigation.” \*10 (Amy Goodman and David Goodman)

The Military Commissions Act of 2006 (MCA) attempts to legalize repressive, totalitarian power of the state. Foreigners whom the state, via the President, identifies as “unlawful enemy combatants” may be imprisoned indefinitely without charges (one of various practices that constitutes torture), denied the right of habeas corpus appeals and other legal rights, tried secretly by a military tribunal which may use so-called “evidence” gained through torture or hearsay, and be executed. The MCA lists offenses that can apply to foreigners, legal resident aliens in the U.S., and even U.S. citizens - essentially anyone.

“In other words, a wide variety of alleged crimes, including some specifically targeted at citizens with ‘an allegiance or duty to the United States,’ would be transferred from civilian courts to military tribunals, where *habeas corpus* and other constitutional rights would not apply.” \*11 (Robert Parry)

The increased repressive powers of the state since 9-11-2001 have been added onto decades of repressive policies of mass incarceration. Since 1980 there has been a massive expansion of the state’s penal system.

“In this one year alone [1995], 150 new prisons were built in the United States and 171 existing prisons were expanded. This was the year the crime bill was passed, mandating that 100,000 additional police officers be added to the already enormous law enforcement establishment. In California, this was the first year that the state budget allocated more money for prisons than higher education....The significance of this movement towards mass incarceration must be seen in a historical context....Examining how the prison system was developed and how it operates today, it is clear that this form of social control has been deeply linked to the institutionalization of racism, working-class oppression, and labor exploitation.” \*12 (Julie Browne)

Since 1980, the number of people incarcerated in the U.S. has more than quadrupled. Today, 2.4 million people are locked up in U.S. juvenile facilities, detention centers, jails, and prisons - and five million more are on parole and/or probation. Reliance on larger police forces and mass incarceration represents a heavy-handed form of the state’s domestic social control policies.

## Legacy Of Imperial Christianity

These are challenging times and the future is foreboding - for many reasons - economic crises, high unemployment and underemployment, increased homelessness, wars, maintaining an extensive, resource-depleting military empire, repressive domestic security forces, nuclear weapons proliferation, spreading radioactive contamination, declining global food reserves, loss of topsoil, shortages of clean drinking water and groundwater, loss of wetlands, desertification, dust storms, forest fires and deforestation, acid rain, acidification of lakes and oceans, endangered coral reefs, overfishing, global warming / climate change, increased burning of fossil fuels, melting of permafrost, melting of glaciers and ice sheets, warmer oceans, rising ocean levels, overpopulation, suburban sprawl, habitat loss, species extinctions, and threats of pandemics. Hope for peace and justice on earth can be hard to sustain. Yet, for people of Christian faith, there are reasons to be hopeful. This hope stems not from any political leader or party but rather from faith in Jesus. It is the revolutionary Way of Jesus that offers a lot of hope for the future. However, due to a long history of imperial Christianity, which united Christianity with the state, the Way of Jesus has largely been shoved aside and ignored. Imperial Christianity, and its enduring legacy, have greatly distorted and perverted Jesus' gospel of liberation.

Imperial Christianity, sometimes referred to as "Christendom," began back in the 4<sup>th</sup> century after Roman emperor Constantine legalized the Christian faith. The terrible alliance of the Roman Empire and Christianity began not long thereafter. The Roman Empire came to be pseudo-Christian and Christianity became Roman. Christianity turned into a religious movement backed by empire - backed by the military power of the empire. The spread of Christianity to the Americas was backed by the violent power of several Western European states that were engaged in empire-building.

There is a long-lasting legacy from many centuries of imperial Christianity. Four items that are part of this legacy will be mentioned here.

*First*, Christians in the U.S. have inherited a legacy of bad theology of the state.

“If the story of Jesus does not immediately cause us to be skeptical of all worldly authorities, it is because we have been brainwashed by almost two thousand years of bad theology to read the Gospels through the lens of church authorities, who since the time of Constantine, have benefited from the power of the state. ‘Christianity,’ says [Jacques] Ellul, ‘is the state religion, and the combination of Christian truth and political power led to the creation of the complex that we know so well....The emperor endows the church handsomely, helps it in all that it does, aids it in its ‘mission.’ The church supports the emperor’s legitimacy and assures that he is God’s representative on earth.’” \*13 (Jeff Dietrich)

Since the time of Constantine, the weight of church doctrine and leadership has, in large part, strongly supported state power. For many centuries Popes and other Roman Catholic officials sanctified rulers and were influential in the governing of European nations. Despite the formal separation of church and state in the United States, most churches in the U.S. are very patriotic and nationalistic. Most churches fly the U.S. flag either inside or outside their buildings and confer strong religious legitimization upon state power.

*Second*, most Christians in the U.S. closely identify with the state. Jesus taught,

“No one can serve two masters. For a slave will either hate the one and love the other, or be devoted to the one and despise the other.” (Matthew 6:24)

Most Christians, however, do not seem to have a problem with serving both God and the state. Most Christians believe in “church and state” (or “God and country”) and they believe that service to the state often is service to God. Most Christians believe in the basic legitimacy of the state, have a strong allegiance to the state, and will patriotically pledge allegiance to the flag of the state.

*Third*, Christians in the U.S. often focus their efforts for social change on reforming the government. Some Christians’ hopes for a better future depend upon reforming the state. Most Christians believe the state will be, can be, or is a major agent



in moving society towards social justice. Christians often seek to change governmental leaders and/or laws. Christians' reformist efforts are, in part, a result of their *identifying strongly* with state power, with governing or ruling power, and with the upper or ruling class. Many Christians today, particularly white Christians, are used to having some power and privilege, being backed by state power, and pontificating on what government should do. Many Christians want to be "influential" and to help direct state power towards some of their goals.

*Fourth*, another legacy of imperial Christianity is the negation of Jesus' gospel of liberation. Jesus began a liberation movement - a peace-and-justice movement that is *in conflict with all forms of oppression*. But imperial Christianity, because of its support for the Roman Empire and the Roman legions, had to distort, pervert, and gut the gospel message.

Jesus came to spread the "kingdom of God" on earth - a revolutionary alternative to the oppressive social order and institutions of the nations. But due to its accommodation to Roman power, imperial Christianity had to distort, interiorize, spiritualize, or project as heavenly the "kingdom of God." So the "kingdom of God" has lost most of its original, powerful political meanings. Some terms synonymous with the "kingdom of God," and which try to reclaim some of its original meaning, are the kingdom of God, the beloved community, God's house or family, the reign of God, or, as often used in this book, God's commonwealth on earth. "God's commonwealth on earth" emphasizes the here-on-earth dimensions of God's kingdom, as well as connoting the egalitarian sharing of economic and political power among followers of Jesus. God's commonwealth on earth is much different from the state since it has no fixed territory, compulsory laws, armed forces, or human power structure.

Consistent with God's revolutionary alternative to the nations is the fact that God sent Jesus as a "pacifist Messiah" to reveal a new way to liberation. The terms "Christ" and "Messiah" both mean "the anointed" - the one who is designated and empowered by God to provide leadership for God's liberation movement. As the Messiah, Jesus rejected the use of violence and modeled a nonviolent or "pacifist" way of changing the

world. In this book the term “pacifist Messiah” will be used often and the quotation marks simply indicate that this is only one of many ways to describe Jesus. But it is a very important description.

God sent Jesus, the “pacifist Messiah,” to Israel in fulfillment of prophecies made by various prophets. But the “pacifist Messiah” wasn’t what most Jewish people wanted or expected. Most Jewish people wanted a “warrior Messiah” who would help to overthrow their Roman oppressors and restore to Israel the independence, power, and glory it had under King David. Despite some false expectations, Jesus began a discipleship / liberation movement among the Jewish people. The movement was rooted in the Jews’ historical relationship with the God of creation, liberation, and justice. Jesus, however, rejected resort to violence and a violent insurrection. Instead, Jesus preached nonviolence and love for all people - including love for enemies. Jesus became well-known and highly-regarded and was viewed as a threat to the privileged and affluent Jewish religious establishment. The Jewish religious leaders collaborated with the Roman authorities to arrest, torture, and crucify Jesus. Right after Jesus was crucified his followers lost hope that Jesus was really the Messiah. They were afraid and depressed. At that time they did not comprehend the meanings and implications of a “pacifist Messiah.” But after the unexpected resurrection of Jesus, the discipleship / liberation movement was revived - and was filled with new hope.

The reality of a “pacifist Messiah” was extremely important to the early movement. The “scandal,” or outrageous belief, of the early discipleship movement was that it believed in a “pacifist Messiah” who was crucified by the Romans. And then resurrected. The evangelist Paul wrote,

“For Jews demand signs and Greeks desire wisdom, but we proclaim Christ crucified, a stumbling block to Jews and foolishness to Gentiles, but to those who are called, both Jews and Greeks, Christ the power of God and the wisdom of God.” (1 Corinthians 1:22-24)

Conversion to “Christ crucified” meant for Paul a conversion to a life of nonviolence. Proclamation of “Christ crucified” brought about a schism that led followers of Jesus to break away from the Jewish establishment. Proclamation of “Christ crucified”

also didn't make much sense to most Gentiles. "Christ crucified" was a "scandalous" belief/reality that was a consequence of the shocking revelation that God had sent a "pacifist Messiah."

For nearly three hundred years the Christian movement was a pacifist movement. The movement continued to grow despite periods of severe persecution from the Roman authorities. Christians were uniformly committed to nonviolence as a discipleship practice. Christians were committed to following the "pacifist Messiah" - up until the time of Roman emperor Constantine. Then imperial Christianity started to come into being - and replaced liberation with church-state oppression.

God sent Jesus, the "pacifist Messiah," to begin a new liberation movement. It wasn't what most Jewish people wanted. And it wasn't what the world wanted. But it's what God sent. Jesus represents a startling revelation. Jesus is a revelation of "the mystery that has been hidden throughout the ages and generations." (Colossians 1:26) Yet today, because of imperial Christianity and its enduring legacy, most Christians do not comprehend the meanings and implications of the "pacifist Messiah." The mystery hidden for ages still remains a mystery to most Christians and to most of the world.

Christians' and the world's understanding of God needs to be revolutionized - or the trajectory of human history will never improve. Understanding God better and linking up with God's liberation movement can be beneficial to suffering humanity. The Messiah sent by God 2000 years ago is still quite relevant to humanity's plight today. The Messiah is particularly relevant for all who are oppressed and who hunger and thirst for the justice and righteousness of God on earth.

### Footnotes

1. When speaking about issues related to the state, many people use the inclusive, democratic "we" - which includes listeners in the topic discussed. But the democratic "we" falsely implies a common national identity, an inclusive government,

and a unity of all citizens with the state and its ruling class. Some people find objectionable this construction of a false national unity and identity. Followers of Jesus, and others, may want to forge their own identity apart from and in opposition to oppressive state power.

Similarly, the geographic borders of nations are really “fictions” - although they are supported by the political power and military might of nation-states. Laws, custom agents, border patrols, immigration raids, visas, passports, and other state documentation of identity reinforce the state’s artificial boundaries and artificial construction of a “national identity.” But people who believe in a God who created the universe can understand nations’ borders as “fictions” - as artificial divisions of the land.

2. Despite any number of bogus conspiracy theories, there remain legitimate questions about state foreknowledge of the 9/11 terrorist attacks and, consequently, complicity in the attacks. If the official 9/11 Commission Report was a government whitewash, then what exactly did it cover up?
3. Noam Chomsky, Hegemony or Survival: America’s Quest for Global Dominance, Henry Holt and Company, New York, 2003, 2004, p. 125.
4. Ibid. p. 27.
5. “In February [2006], five UN experts, including the Special Rapporteur on torture, issued a report of their investigation into conditions at Guantanamo, calling for the facility to be closed. They found that some of the alleged treatment of detainees, including the use of solitary confinement, excessive force and the brutal manner of force-feeding during a hunger strike, amounted to torture. In May [2006] the UN Committee Against Torture also called for the closure of Guantanamo, noting that holding people indefinitely without charge constituted a violation of the UN Convention against Torture.” Amnesty International Report 2007: the state of the world’s human rights, “United States of America,” from amnesty.org. “Reports indicate that the treatment of detainees since their arrests, and the conditions of their confinement have had profound effects on the mental health of many of them. The treatment and conditions include the capture and transfer of detainees to an undisclosed overseas location, sensory deprivation and other abusive treatment during transfer; detention in cages

without proper sanitation and exposure to extreme temperatures; minimal exercise and hygiene; systematic use of coercive interrogation techniques; long periods of solitary confinement; cultural and religious harassment; denial of or severely delayed communication with family; and the uncertainty generated by the indeterminate nature of confinement and denial of access to independent tribunals.” 2006 report of five United Nations experts on situation of detainees at Guantanamo Bay, quoted by Amnesty International in Cruel and Inhuman: Conditions of Isolation for detainees at Guantanamo Bay, April 5, 2007, from [amnesty.org](http://amnesty.org). The prospective closing of Guantanamo’s detention center and prison does not include freeing the detainees or holding any state official accountable for the systemic torture of detainees.

6. Gary T. Marx, “The New Surveillance,” States of Confinement: Policing, Detention, and Prisons, Joy James, editor, Palgrave, New York, 2002, pp. 258, 266.
7. Dave Gibson, review of Blank Spots on the Map: The Dark Geography of the Pentagon’s Secret World, by Trevor Paglen, Dutton, in Mother Jones, March/April 2009, p. 75.
8. Federal courts have declared parts of this mass of repressive laws illegal and/or unconstitutional. However, there remains a very significant shift in the direction of greater state power and less civil liberties.
9. American Civil Liberties Union, “ACLU Calls on President Bush to Disavow New Cyber-Spying Scheme That Seeks to Put Every American Under Scrutiny,” News Release, Washington D.C., 11-14-2002, from [aclu.org](http://aclu.org).
10. Amy Goodman and David Goodman, “America’s Most Dangerous Librarians,” Mother Jones, September/October 2008, Illinois, p. 43.
11. Robert Parry, “Shame on Us All,” 10-18-2006, from [consortiumnews.com](http://consortiumnews.com).
12. Julie Browne, “The Labor of Doing Time: Prison Labor in the U.S.,” senior thesis at the University of California, Santa Cruz, 1995, from [prisonactivist.org](http://prisonactivist.org).
13. Jeff Dietrich, “Biblical Anarchism and the Catholic Worker,” Catholic Agitator, Los Angeles Catholic Worker, Los Angeles, April 2007, p. 2.

## CHAPTER 2

### **Liberation History - A Revolutionary Biblical Reading And Political Theory**

Christians' understanding of God needs to be revolutionized. Part of the problem lies with how Christians read the Bible. Christians often read much of the Bible as if Jesus never happened. But the revelation of Jesus must greatly alter how Christians read the Bible. Jesus reveals who God truly is. Jesus reveals who God is through all of time - past, present, and future. Jesus' revelation of God differs in some important ways from most biblical authors' understanding of God, particularly in the Old Testament. During Jesus' time in Israel, there were lots of strong scriptural reasons why the religious leaders and scriptural scholars rejected the Messiahship of Jesus. If there had been no scriptural misconceptions of God, then Jesus wouldn't have been much of a revelation, and many more people would have accepted the Messiahship of Jesus. The fact that Jesus was a startling revelation of God shows that human cultural biases and misunderstandings of God play a prominent role in many biblical authors' writings.

Here are five suggested *Christian* principles for reading the Bible:

- A personal relationship with Jesus is primary over so-called "biblical authority."
- Adherence to a believer's inner spirit/conscience/faith is primary over the so-called "authority" of biblical scholars, church leaders, or church doctrine.
- Bible study's highest purpose is assisting real discipleship to Jesus.
- Bible study is a cross-cultural experience, calling for openness to another's worldview, symbolic expressions, and literary style. Trying to understand the biblical writer's historical context, the Bible passage's historical context, the historical editorial process, human cultural biases, and different possible translations can be very

helpful. The Bible is best read and understood in the context of history and in the context of historical struggle for truth, justice, and liberation. But the bottom line is: more important than scholarly input on a text is a deep commitment to Jesus and guidance by the Spirit.

- The Bible is to be read through “the light of Jesus.” Jesus is the greatest revelation of God, is “the living Word,” and Jesus has authority over all scripture. When reading the Bible nothing has greater authority than the teachings, practices, and life of Jesus found in the four gospels. Profoundly powerful is Jesus’ revelation of a God of love and nonviolence, and of freedom and liberation. (It is through this lens that the following reading is made.)

### Historical Biblical Roots

“In the beginning,” God creates the universe and the earth and the living creatures. God creates man and woman in the image of God. For humanity there is freedom, equality, and peace. In the mythical Garden of Eden this harmony is shattered. Temptation arises. The serpent says, “You will not die. For God knows that when you eat of it your eyes will be opened and you will be like God, knowing good and evil.” (Genesis 3:4-5) Adam and Eve have two choices or two routes “to become like God.” (One route is a true one while the other is an illusion.) One route is “to become like God the servant.” It is to accept being *children* of God and to slowly grow and mature to become more like God. It is the route of obedience to and dependency upon God. It is the route that leads to freedom and liberation. The other route is “to become like God the master.” It is to seek to be an *adult* - equal with God and with mastery and power now. It is the route that leads to hierarchy, oppression, and slavery. Adam and Eve choose disobedience, bringing alienation (or separation) from God and banishment from the Garden of Eden.

Independence from God comes with a “curse.” God’s leadership is displaced. Human leadership gains ascendancy. God’s will for equality is replaced by human hierarchy. A patriarchal hierarchy ensues where men are in positions of

dominance and women are in positions of subordination. “Your husband...shall rule over you.” (Genesis 3:16) Husbands ruling over wives in the intimacy of marriage relationships are part of the “curse” of disobedience to God. Also, harmony with nature is replaced with human domination over the land through agricultural and economic exploitation. “Cursed is the ground because of you; in toil you shall eat of it.” (Genesis 3:17)

Human independence and autonomy from God fill the earth with violence. (Genesis 6:11,13) Patriarchal civilization brings hierarchy, oppression, and slavery. God seeks to liberate humanity from its self-destructiveness. God calls Abraham and Sarah to break away from their heritage of country and family. Abraham and Sarah choose to leave their homeland and to become sojourners. Liberation history has begun in earnest. The path to liberation is based on obedience to and dependency upon God. God’s leadership and humankind’s obedience will eventually culminate in *universal liberation*. God promises, “By your descendants shall all the nations of the earth bless themselves, because you have obeyed my voice.” (Genesis 22:18)

It is not helpful to the cause of justice and liberation to idealize the so-called “saints” of the past. God represents the ideal and followers need to keep their focus on God - and not on anyone else. All “saints” are sinners - with faults and blind spots. The journey to universal liberation is a long journey - full of wrong turns - that provides many opportunities to learn from mistakes. During their journey the politically weak clan of Abraham and Sarah acquires some slaves. This is a major contradiction and very harmful to the cause of liberation. When the slave woman Hagar and her son Ishmael are expelled from the clan, God helps and blesses them. (Genesis 21) God is perfect - but the internal contradictions within the liberation movement are continually dragging it down.

The path to liberation quickly becomes very convoluted and the internal contradiction of support for slavery plays a big role. The patriarch Jacob, grandson of Abraham and Sarah, has twelve sons from his two wives, Leah and Rachel, and two “concubines” (or slaves), Bilhah and Zilpah. Then, Jacob’s sons sell their brother Joseph into slavery. Consequently, the clan is led to



enter Egypt where their descendants become slaves of Pharaoh. Liberation turns into slavery - with enough culpability for everyone to have a share.

Despite the multitude of sins of the Hebrews, God remains steadfast in commitment to liberation. One amazing thing about God is that God identifies, not with the rich and powerful, but with the slaves.

“I have seen the affliction of my people who are in Egypt, and have heard their cry because of their taskmasters; I know their sufferings, and I have come down to deliver them out of the hand of the Egyptians.” (Exodus 3:7-8)

This God who identifies with the slaves is named “Yahweh” (derived from “I am who I am”). (Exodus 3:14) Yahweh (or “I am”) sends Moses to Egypt as an unarmed prophetic messenger who confronts mighty Pharaoh with God’s call to release the Israelites. Moses relies on God’s word and God’s power and through obedience to God the Hebrew slaves are liberated from Egypt.

After liberation from Egypt, the freed Hebrew slaves have a very limited understanding of who God is. In the wilderness the Hebrews are dependent upon God and not always happy about it. They struggle to better understand God’s ways. It is difficult and, as the saying goes, “it is easier to get the people out of Egypt than it is to get ‘Egypt’ out of the people.” Nevertheless, the people’s struggles culminate when they enter into a covenant relationship with God. A covenant is a formal, mutual commitment between two (or more) parties. At Mt. Sinai, in the wilderness, God’s leadership and relationship with the Hebrews are strengthened as the people commit themselves to Yahweh, the God of liberation, and to the ten commandments. The Hebrews commit themselves to Yahweh only - for Yahweh is the only God who enters into history on the side of the slaves and works for liberation of the oppressed.

The ten commandments, also known as the covenant law, can help people better understand who Yahweh is. The covenant law is a basis for upholding Yahweh’s leadership, maintaining social harmony, and continuing on the path of liberation. What will be emphasized here is the pacific nature of the covenant

law and how this differentiates Yahweh from the ways of the nations.

The covenants of city-states, kingdoms, or nation-states may require military service of their subjects. The nations view men, in particular, as potential soldiers who can be required to fight for their nation. In contrast to this, the covenant law at Sinai contains no martial obligations. No one is obligated to fight for Yahweh. Furthermore, the sixth commandment explicitly forbids killing. (Exodus 20:13) This covenant reflects the Hebrews' experience in their liberation from Egypt. An unarmed Moses confronts Pharaoh with God's word. The Hebrew slaves are not asked or expected to take up arms and fight for their liberation. Liberation from Egypt comes through following and obeying God without resorting to any human violence. With God as leader there is no need for any political and military hierarchy and apparatus. The pacific Sinai covenant reflects God's will, based on who God is.

The covenant law is good - but not complete. It does not address all the internal contradictions of the people. Inequalities within a household are not corrected. The tenth commandment reads,

“You shall not covet your neighbor's house; you shall not covet your neighbor's wife, or his manservant, or his maidservant, or his ox, or his ass, or anything that is your neighbor's.” (Exodus 20:17)

The commandment assumes that a social hierarchy exists. It describes a patriarchal household. The patriarch rules over his “house,” including his wife, servants, and work animals. Besides male dominance in the household, the inclusion of “servants” in the list also indicates a labor hierarchy. “Servants” can be slaves - and this indicates how deeply the institution of slavery is embedded in the culture - and among the freed Hebrew slaves. The fourth commandment, to remember the sabbath day, is similar but provides labor-rest protections for those at the bottom of the social hierarchy. (Exodus 20:8-11)

The covenant law is good - but by itself it is just a code and cannot establish a just society. The Hebrew people run into trouble with respect to the *leadership* and *means* to establish social justice. While still in the wilderness the Hebrew people

begin going down the long, slippery slope of moving away from God's leadership and towards the leadership and methods of government used by the nations. The Hebrews begin moving towards *human rule* and *law enforcement* - following the idolatrous path of all the nations that do not know Yahweh.

The overburdened, prophetic leader Moses is influenced by a "priest of Midian." (Exodus 18:1) This foreign priest tells Moses, "Listen now to my voice." (Exodus 18:19) The voice of a foreign priest temporarily replaces "the voice of God." The priest counsels Moses to establish a patriarchal, political hierarchy.

"Choose able men from all the people...and place such men over the people as rulers of thousands, of hundreds, of fifties, and of tens. And let them judge the people at all times."  
(Exodus 18:21-22 RSV)

The establishment of a political class and a priestly class further divides and stratifies the Hebrew people.

Human rule becomes more established and laws, statutes, and ordinances gradually increase into a large body of legal codes. These are later referred to as "the law of Moses" (or an expanded version of the "covenant law"). The expansion of laws occurs over a long time and coincides with the expansion of human rule. The original covenant law, that is, the ten commandments, becomes only a small part of the whole body of laws. Human rule and law-making are accompanied with some law enforcement and violent punishments.

In the promised land, the Hebrews' faith continues to backslide, moving further away from Yahweh's leadership and ways. This process evolves over time, beginning with the relatively egalitarian and decentralized tribal commonwealth and moving towards the more highly stratified and hierarchical kingdoms of Israel.

In the tribal commonwealth law enforcement is at a "low level." There are no police forces and the people are dependent more upon voluntary compliance, peer pressure, household and tribal disciplines, and local elders, priests, and judges. The Hebrews do, however, employ some very violent means. Israel occasionally resorts to warfare, and for resisting cities in Canaan there is the threat of ethnic cleansing and genocide. (Exodus

23:23-33; Deuteronomy 7:1-2,16, 20:16-17; Joshua 6:17,21)  
Israel's approach to warfare differs from other nations (but not in its brutality). Israel relies on a militia of male volunteers and has no standing, professional army and no permanent position for a military leader.

Israel's faith degenerates further into idolatry when the people cry out, "Now appoint for us a king to govern us like all the nations." (1 Samuel 8:5) The decentralized tribal commonwealth of Israel under Yahweh's leadership was intended to be radically different from the imperial rule of all other nations and kingdoms. *But it is Israel that keeps conforming more and more to the ways of the nations.* Israel asks for more powerful human rule with greater centralization of power in the hands of a king and royal class. Samuel, the priest and judge, solemnly warns Israel:

"These will be the ways of the king who will reign over you: he will take your sons and appoint them to his chariots and to be his horsemen, and to run before his chariots; and he will appoint for himself commanders of thousands and commanders of fifties, and some to plow his ground and to reap his harvest, and to make his implements of war and the equipment of his chariots. He will take your daughters to be perfumers and cooks and bakers. He will take the best of your fields and vineyards and olive orchards and give them to his courtiers. He will take one-tenth of your grain and of your vineyards and give it to his officers and courtiers. He will take your male and female slaves and the best of your cattle and donkeys, and put them to his work. He will take one-tenth of your flocks, and you shall be his slaves. And in that day you will cry out because of your king, whom you have chosen for yourselves; but (Yahweh) will not answer you in that day." (1 Samuel 8:11-18 RSV)

More powerful human rule results in greater hierarchy, oppression, and violence. Ultimately, God's liberation movement will succumb to internal contradictions and Israel will return to captivity and slavery.

Israel's time of monarchy, and division into two kingdoms, is a drawn-out exercise in idolatry, oppression, and futility. Centralized power under a king results in greater oppression, economic inequalities, and class divisions. King Solomon builds

his royal palace and the temple adjacent to it with slave labor. (1 Kings 9:15) The temple in Jerusalem functions to centralize religious worship under a priestly class loyal to a ruling class. Yet, the time of monarchy is also a “time of the prophets” - a time when various prophets call the people to learn lessons from history, to repent, and to return to Yahweh’s leadership and liberating ways. But, Israel’s internal contradictions are so deeply established that partial repentance cannot save them. Half-way measures avail nothing. Too few people can really hear and understand the calls for repentance. For the compromised and divided kingdoms there is no escaping being conquered by Assyria or Babylonia.

Israel’s move away from God’s leadership and pacific covenant represents a major internal contradiction in God’s liberation movement. It results in a huge failure. From covenanting at Mt. Sinai to captivity in Babylon - it is one long descent. Israel’s *human rule* and *law enforcement* conforms more and more to the ways of the nations. Consequently, Israel fails to implement covenant law and establish social justice. In fact, Israel regresses and goes backwards, moving towards greater inequality, oppression, and violence. Why was this failure inevitable? Why do major internal contradictions result in failure? What lessons can be learned from this history?

### Political Theory

There are some simple concepts that may help explain Israel’s and other nations’ failure to achieve peace and justice. Why aren’t the ways of the nations better than God’s ways? The following four simple concepts form a political theory to help explain the basic nature of human rule.

*First, all territorial human rule is based on dominative power.* Territorial human rule consists of a system of government where some people claim authority to rule or govern over all the people in some geographical area. This includes the governments of all the nations of the world. Human governance that is not mandatory and not territorial, e.g., a clan or tribe that is nomadic or migratory or some egalitarian intentional communities, can be based on something other than dominative power. Dominative power is “power over others.” It is the

power to rule over, govern, control, or dominate other people. A relationship based on dominative power places someone in a position of dominance and authority and someone in a position of subordination. People who govern, rule, judge, or police have dominative power over other people. Human rule is based on dominative power by intent and purposeful design. Governments differ on who gets to use this power, by what process people obtain power, how this power is exercised, and what limits are placed on this power. But it is universally accepted that dominative power is a foundation for government.

*Second, the backbone of relationships based on dominative power is violence.* In relationships based on dominative power an issue faced by those in positions of dominance is how to maintain their dominance. Or, to put it another way, the issue is how to keep people who are in positions of subordination “in their place.” If people in subordinate positions *believe* in the legitimacy of the relationships *and receive some benefits*, then this makes maintenance of the relationships much easier. Beliefs in the legitimacy of relationships based on dominative power can be enhanced by religion, myths, cultural traditions, educational systems, and propaganda. Also helpful are beliefs in the values of “superiority” and “inferiority” inherent in such relationships. But if dominance is challenged, then maintaining it may require intimidation, threats, coercion, fear-raising, or, if all else fails, violence. Violence, the power used to physically harm another person, is the underlying power required to maintain relationships based on dominative power. If violence was not an option, people in subordinate positions could simply “walk away” from these relationships or alter them to relationships of equality. Violence prevents this and maintains relationships based on dominative power.

The governments of all nations are based on dominative power and violence. Modern governments rule by laws or decrees - and by so-called “law enforcement” - which provides the backbone for all governmental laws or decrees. If laws were optional then there would be no need for “law enforcement.” Also, human rule would lose its authority to govern. But since governmental laws are compulsory, the state employs police (and sometimes military) forces to act in the role of “law and order enforcers.” Weapons and fighting skills are essential to

maintaining the authority of police officers. The bottom line for police forces is reliance on superior force and violence. This becomes the backbone for human rule.

*Third, relationships based on dominative power and violence are the basis for an unjust social order.* Relationships based on dominative power are a defining characteristic of an unjust social order. Relationships based on dominative power are antithetical to relationships based on equality. Relationships based on dominative power result in social hierarchies. Social hierarchies are based on inequality. Some people are in positions of dominance and are at the top of a social hierarchy. Other people are in subordinate positions and are at the bottom of a social hierarchy. Social hierarchies skew the distribution of resources in a society. Social hierarchies result in gross inequities in the distribution of power, wealth, and privilege. Superior force and violence are the necessary means to support and maintain social hierarchies and social injustices. This helps to describe an important function of government in society.

Human rule is itself a strong political force in establishing an unjust social order. Human rule centralizes and concentrates dominative power and the right to use violence. Human rule helps to form class divisions by lifting some people into a ruling or governing class. Human governments represent inequalities of power among the people - with a smaller ruling class controlling most political decision-making power and governing a larger class of disempowered people. Government agencies, including law enforcement agencies and the armed forces, represent powerful social hierarchies in a society. Human rule is always accompanied by class divisions, social hierarchies, and social injustices. In general, the greater the concentration of power and wealth in a society, the more likely that some of the people at the bottom of social hierarchies will be relegated into slavery.

*Fourth, all laws, when combined with human rule and law enforcement, become instruments of oppression.* This concept runs contrary to many popular myths about laws and how they are a means to achieve social justice. There is a myth about the United States being a “nation of laws” and how this makes the United States superior to some other nations. There are myths about how the U.S. is under “the rule of law,” how no one is

above the law, and that there is equal protection for everyone under the law. There is a myth that what is needed to reform government and society and establish social justice are new and improved laws. There are problems with these myths, however, not the least of which is that they are all false. These myths are well-disguised illusions that have little to do with reality - except that people's *faith* in them serves the ruling class immensely. What do these myths conceal?

A major problem with these myths is that laws, by themselves, have no power. Laws are not created and enforced "in a vacuum," i.e., in some magical wonderland. Rather, laws are created and enforced in the context of the existing social order. Governments and law enforcement agencies are wedded to dominative power, violence, and social hierarchies. Therefore, governmental laws also become wedded to dominative power, violence, and social hierarchies. An equation can be constructed: laws plus dominative power plus violence plus social hierarchies equals oppression. Oppression, and not justice, is the result. It doesn't matter how "good" or "just" a law is. When it is thrown into the equation it becomes tainted and becomes part of the power structure, part of the system of domination. Laws are subject to the ruling authorities. The ruling authorities control lawmaking and law enforcement. Laws are tools that are used by the ruling class (if and when they want to use them). Laws, therefore, become instruments of oppression controlled by the ruling class. The so-called "rule of law" is really the rule of organized dominative power and organized violence. Support for "the rule of law" is support for "*the domination system.*"

It is important to see that the "quality" of a nation's laws will never result in justice. New laws can result in adjustments in an unjust social order and can benefit a segment of the population. Reformist laws can be a moderating influence on the concentration of power and wealth in a society. A new law may (or may not) decrease or stop some particular abuse. But so-called "just laws" do not alter the fundamental nature of the beast. They do not get to the roots of problems or alter the foundations of government. On the contrary, a reformist movement for a "just law" *attempts to use the building blocks of oppression* (e.g., dominative power, violence, social



hierarchies, human rule, and law enforcement) to pressure the ruling class to move towards some desired goal. Reforms try to change the ruling class - but do not try to change the fact that there is a ruling class. The ruling class may occasionally accommodate reforms if they are backed by popular support. It is a way to co-opt popular, grassroots movements. It is a way to maintain the appearance of legitimacy for the government's leaders. Reforms strengthen people's *faith* in an unjust political system and social order. But reforms can never bring justice because the fundamental basis for social hierarchies and an unjust order remains intact.

How do "just laws" become instruments of oppression? Let us look at a couple of examples.

Israel's ten commandments represent just laws. But even a code of just laws cannot establish social justice. Israel's development of human rule and law enforcement sought to bring about justice by putting some "teeth" into the law. Some examples:

"Whoever sacrifices to any god, save to (Yahweh) only, shall be utterly destroyed." (Exodus 2:20 RSV)

"One who blasphemes the name of (Yahweh) shall be put to death; the whole congregation shall stone the blasphemer. Aliens as well as citizens, when they blaspheme the Name, shall be put to death." (Leviticus 24:16)

"You shall keep the sabbath, because it is holy for you; every one who profanes it shall be put to death....Whoever does any work on the sabbath shall be put to death." (Exodus 31:14-15 RSV)

"Whoever strikes father or mother shall be put to death....Whoever curses father or mother shall be put to death." (Exodus 21:15,17)

"Whoever strikes a person mortally shall be put to death. (Exodus 21:12)

"If a man commits adultery with the wife of his neighbor, both the adulterer and the adulteress shall be put to death." (Leviticus 20:10)

A pattern may be detected in these laws. (Read them again if you like.) In each instance a violent punishment is added to the original commandment. The punishment is severe: capital punishment. Despite the sixth commandment not to kill, killing

people is prescribed for all the violations. In their attempt to bring about social justice through human rule and law enforcement, Israel repeatedly violates the sixth commandment and teaches killing as a way to rectify wrongs.

Israel's development of human rule helps establish a social hierarchy. Those at the top of the social hierarchy have a distinct advantage over others when it comes to violating laws. For example, Aaron, Moses' brother and the chief priest, makes a golden calf (an idol) for the Hebrew people in the wilderness. Aaron builds an altar and (presumably) officiates over worship and burnt offerings to this false god. (Exodus 32:1-8; Deuteronomy 9:19-20) According to the account in Exodus, the story unfolds:

“When Moses saw that the people were running wild (for Aaron had let them run wild, to the derision of their enemies), then Moses stood in the gate of the camp, and said, ‘Who is on (Yahweh’s) side? Come to me!’ And all the sons of Levi gathered around him. He said to them, ‘Thus says (Yahweh), the God of Israel, ‘Put your sword on your side, each of you! Go back and forth from gate to gate throughout the camp, and each of you kill your brother, your friend, and your neighbor.’” The sons of Levi did as Moses commanded, and about three thousand of the people fell on that day. Moses said, ‘Today you have ordained yourselves for the services of (Yahweh), each one at the cost of a son or a brother.’” (Exodus 32:25-29)

An echo of this story occurs in Deuteronomy where Moses is said to bless the priestly tribe of Levi -

“who said of his father and mother, ‘I regard them not’; he ignored his kin, and did not acknowledge his children. For they observed your word, and kept your covenant.” (Deuteronomy 33:9)

In this story it is possible to see leadership and justice gone awry. Moses and Aaron are both from the tribe of Levi - which provides Israel's top leadership while in the wilderness. Aaron helps to lead the people into idolatry. But Moses gathers their clan and commands the male Levites to commit an indiscriminate massacre. About three thousand people are killed. Then Moses commends the male Levites as deserving to be priests and religious leaders of the people. The male Levites “ordained themselves” by disregarding father, mother, and

children, and murdering brothers, friends, and neighbors. Could God, or humans, ask for any better leaders than that? The massacre was perversely done in so-called service to Yahweh and covenant justice. And what “justice” was meted out to Aaron? Aaron gets off lighter than the 3,000 who were slain. In fact, Aaron escapes this incident without any penalty whatsoever. He simply continues as leader of the Levitical priesthood.

This example of privileged leadership and violent “law enforcement” does not reflect the justice of the original ten commandments. Rather, it is an example of how “just laws” are turned into instruments of oppression and how lawbreakers at the top of social hierarchies fare better than those at the bottom.

Another example, more recent, comes from the body of international law. After World War II the victorious Allied powers created new international laws to prosecute war criminals. The Nuremberg Principles defined several types of heinous crimes with individuals bearing responsibility. On the one hand, the Nuremberg Principles and other international laws may represent “just laws” and a new and higher consciousness of humankind. They can make illegal various abuses of power. And, like the ten commandments, international laws can have value for moral guidance and educational purposes. On the other hand, in the world of real politics, international laws are similar to all other governmental laws. When combined with human rule and law enforcement, international laws become instruments of oppression.

In World War 2 both the Axis powers and the Allied powers committed innumerable atrocities and war crimes. Both sides murdered millions of civilians, although the Axis killed many more millions than the Allies. The Nuremberg trials, however, were completely one-sided. The trials were a showcase for the victorious Allies. The victors used dominative power and violence, including executions, to punish the losers. The losers were stigmatized and scapegoated as the worst possible human beings. In the process, all the atrocities committed by the Allies were white-washed.

“Victors do not investigate their own crimes, so that little is known about them, a principle that brooks few exceptions:

the death toll of the US wars in Indochina, for example, is not known within a range of millions. The same principle underlay the war crimes trials after World War II. The operational definition of *crimes of war* and *crimes against humanity* was straightforward: crimes qualified as crimes if they were carried out by the enemy, not by the Allies. Destruction of urban civilian concentrations, for example, was excluded. The principle has been applied in subsequent tribunals, but only to defeated enemies or others who can be safely despised.” \*1 (Noam Chomsky)

Making new international laws after a war has a function of putting a “moral face” on the conduct of war. It functions to justify the victors not only as militarily supreme but also as morally supreme. After WWII, the war criminals on the Allied side emerged as righteous and heroic. Nuremberg’s “just laws” became a means to violently punish the losers while exalting those of similar character on the side of the winners. Far from improving world justice, the Nuremberg trials again emphasized the importance of being on the winning side of a war.

The Nuremberg trials have had a very deadly legacy. World War II was completely justified from the Allied side as a “just war.” All the heinous crimes of the Allies were legitimized. The U.S. war machine and weapons of mass destruction were “sanctified.” Nuclear weapons became the bedrock of U.S. military power. Foreign military bases and a permanent war economy became a cornerstone for global U.S. economic and military hegemony. Unchecked national hubris has contributed to U.S. military attacks on foreign nations.

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The four simple concepts presented above form a political theory that can help explain why human rule and law enforcement can never bring social justice. The contradictions between human rule and social justice are inherent in all governments. Dominative power, violence, and social hierarchies are the foundations of all states. These foundations are inimical to social justice.

*Human rule and law enforcement are antithetical to social justice, equality, and nonviolent, peaceful co-existence.* Hierarchical institutions of dominative power and violence can never build grassroots communities of peace, justice, and equality. In fact, they build and support another type of social order.

All governments represent organized dominative power and violence in support of unjust social orders. Unjust social orders mainly benefit those at the top of social hierarchies, i.e., the rich and powerful. Governments, then, may be understood as being “partners in crime” with the rich and powerful. The crimes of the state are legion but one crime will be highlighted here. It is the “crime of oppression,” i.e., using dominative power and violence to oppress those at the bottom of social hierarchies. The people who suffer the most from governmental oppression are poor and disenfranchised people, e.g., minorities, poor foreigners, homeless, unemployed, mentally or physically disabled, prisoners, and women in these various categories. All nations, then, may be understood as being “criminal states” - perpetually engaged in the crime of oppression.

All legal systems, the *real embodiment* of a nation’s laws, represent organized dominative power and violence in support of unjust social orders. Lawmakers, the privileged servants of the upper class, write and pass laws that represent a paper façade for justice. Courts of law represent the mystique and illusion of the ruling powers working for justice. But the *true nature* of the legal system is best represented by the crude, physical violence of police forces and the crushing oppression of jails and prisons (see chapters 5 and 6). All legal systems may be understood as being “criminal legal systems” - an essential component of the organized crime of nation-states.

A conclusion of this political theory is that a very bad model for seeking justice and liberation is through so-called “good governmental leaders, just laws, and the protection of law enforcement.” This naïve, myopic paradigm represents the folly and futility of much of humanity today. Or, to put it another way, this paradigm represents the folly of many people seeking social justice and the genius of the ruling class. It is a treadmill upon which history repeats itself, perpetuating oppression and

human misery. Putting hope in criminal states to establish social justice is a matter of blindness and historical amnesia.

### Biblical Review Continued

What would be a good paradigm for achieving social justice? What type of *leadership* and *means* can work to accomplish real peace and social justice on earth? Let us return to biblical liberation history.

Israel went down the path of *human rule and law enforcement* “like all the nations” and came to ruin. Israel’s divided kingdoms are conquered by Assyria and Babylonia. Despite the multitude of sins of Israel, God remains steadfast in commitment to liberation. God promises liberation from Babylon. Babylon falls to Persia. The Hebrew exiles return to Jerusalem. But there is no new social order based on Yahweh’s liberating ways. Israel does not learn from all its mistakes. Its major internal contradictions remain. God must intervene in a new and decisive way in order to revive and renew God’s liberation movement.

God promises to send to Israel a Messiah who will lead the way to justice and liberation. Israel’s prophets reveal glimpses of the coming Messiah.

“The days are surely coming, says (Yahweh), when I will make a new covenant with the house of Israel and the house of Judah. It will not be like the covenant that I made with their ancestors....But this is the covenant that I will make with the house of Israel after those days, says (Yahweh): I will put my law within them, and I will write it on their hearts; and I will be their God, and they shall be my people.” (Jeremiah 31:31-33)

“Lo, your king comes to you; triumphant and victorious is he, humble and riding on a donkey, on a colt, the foal of a donkey. He will cut off the chariot from Ephraim and the war horse from Jerusalem; and the battle bow shall be cut off, and he shall command peace to the nations; his dominion shall be from sea to sea, and from the River to the ends of the earth.” (Zechariah 9:9-10)

“A shoot shall come out from the stump of Jesse, and a branch shall grow out of his roots. The spirit of (Yahweh)

shall rest on him, the spirit of wisdom and understanding, the spirit of counsel and might, the spirit of knowledge and the fear of (Yahweh)...With righteousness he shall judge the poor, and decide with equity for the meek of the earth....They will not hurt or destroy on all my holy mountain; for the earth will be full of the knowledge of (Yahweh) as the waters cover the sea. (Isaiah 11:1-2,4,9)

While awaiting a Messiah, Israel remains under foreign domination. Around 167 B.C., under Antiochus IV Epiphanes, Israel's temple is plundered and "profaned," idol worship is decreed, and Jewish religious practices forbidden under penalty of death. Under the leadership of Judas "Maccabeus" a violent revolution begins. The revolutionary Maccabees achieve some victories and around 164 B.C. the temple is "cleansed" and dedicated. (And thus Jews every year celebrate the eight-day Feast of Hanukkah (Dedication) or Festival of Lights.) A modicum of independence is achieved. The violent revolution against the Seleucids serves as a precedent for later violent attempts at overthrowing the Romans - and fuels the hope for a "warrior Messiah."

Around 63 B.C. Israel is taken over by the Romans. Roman rule brings demands on the Jews for paying tribute and homage to foreign rulers. Under the oppressive rule of the Roman empire, Jesus is born in an animal stable in Bethlehem.

The arrival of the Messiah marks a decisive turning point in liberation history. Jesus, the Messiah, the incarnation of God, reveals definitively who God is. Jesus reveals who God is through all of time - past, present, and future. Jesus provides clarity for all of eternity, revealing God's will and how to live according to God's will.

Through *Jesus' leadership* and through *the means of God's Spirit* a revolutionary alternative to the futile ways of the nations is revealed to the world. Jesus reveals a nonviolent Way of liberation that will eventually succeed in bringing salvation, justice, and liberation to the whole world. Jesus' leadership is far superior to human rule and political hierarchies. God's indwelling Spirit empowers disciples of Jesus to join and

participate in a revolutionary discipleship movement - a far superior means for doing justice than law enforcement. \*2

Jesus calls people to repent, to join his discipleship movement, and to become part of God's commonwealth on earth. By joining Jesus' revolutionary movement people contribute to the undermining of a nation's power structures. They become part of the solution. The large crowds following Jesus make Jesus a formidable rival leader of the people.

“The chief priests and the Pharisees called a meeting of the council, and said, ‘What are we to do? This man is performing many signs. If we let him go on like this, everyone will believe in him, and the Romans will come and destroy both our holy place and our nation.’ But one of them, Caiaphas, who was high priest that year, said to them, ‘You know nothing at all! You do not understand that it is better for you to have one man die for the people than to have the whole nation destroyed.’” (John 11:47-50)

The Jewish leaders view Jesus as a threat to bring down the wrath of the Romans upon the whole nation. To prevent this from happening the Jewish leaders conspire with the Roman authorities to arrest, torture, and execute Jesus.

“The kings of the earth took their stand, and the rulers have gathered together against the Lord and against (the) Messiah.’ For in this city, in fact, both Herod and Pontius Pilate, with the Gentiles and the peoples of Israel, gathered together against your holy servant Jesus, whom you anointed.” (Acts 4:26-27)

The conflict between Yahweh and the nations is fully revealed. The powers and the authorities of the nations are revealed to be illegitimate and evil. They rule by the power of violence. They kill Jesus. But the resurrection of Jesus reveals that, ultimately, God's power will prevail over the nations.

The resurrection inspires the revolutionary discipleship movement to continue, assured of Jesus' permanent spiritual presence and leadership. But the Jewish people are divided. Some join the movement. Many do not. The Jewish leaders stir up persecution against the movement. Some of the people join the Zealots, violent revolutionaries, in a popular uprising against the Romans. The Zealots reject Jesus' leadership. They expect a “warrior Messiah” and hope for a more decisive, apocalyptic



form of intervention from God. They have a nationalist focus and seek to restore the independence and power of Israel. This time the violent revolution is crushed. Around the year 70 the Zealots are defeated, Jerusalem is pillaged, and the temple destroyed. Meanwhile, Jesus' liberation movement gradually develops an internationalist focus that is non-racial, not related by bloodlines, and not tied to any ethnic group or nation (until it is co-opted by Constantine).

At times the revolutionary discipleship movement is heavily persecuted - but it continues to grow. However, it is hampered by internal contradictions and conflicts. Jesus' leadership is weakened by old religious legalisms, male dominance and authority, apostolic hierarchy, church-office positions, and economic inequalities. Temptations arise to collaborate with the state.

“The temptation to economic power came in 305 AD as the Empire recognized Christians who, in return for economic protection of their possessions and property, swore allegiance to the state.” \*3 (William Durland)

The movement's internal contradictions set it up to be co-opted by the state. Instead of continuing on the path of liberation, the movement becomes more conformist. The movement is co-opted by Roman authorities *and conforms to the ways of the nations*. Early in the 4<sup>th</sup> century, Roman Emperor Constantine legalizes Christianity. Christianity eventually becomes the official religion of the state.

“After the toleration and legitimization of the Roman church between 313 and 330 AD, the emperor Theodosius, in 382 AD, declared it the only religion of Rome.”

“The religious temptation finally triumphed in 382 AD, when Pope Damasus added the word ‘Roman’ to the word ‘Catholic’ and then assumed the Roman title *Pontifex Maximus*.” \*4 (William Durland)

Christianity becomes Roman and identifies closely with human rule and law enforcement. Christianity becomes part of “the domination system.”

The movement turns into staid, institutionalized religion. With the backing of state power and protection the Roman Catholic Church begins accumulating wealth, land, and buildings.

Church and state replace Jesus' gospel of liberation and begin to spread around the world corrupt, imperial Christianity.

Despite the multitude of sins of Christians, God remains steadfast in commitment to liberation. Jesus continues to provide leadership and show the Way to liberation. But Christians need to repent, learn from history, form discipleship communities without major internal contradictions, and stop repeating the mistakes of the past.

### Footnotes

1. Noam Chomsky, Hegemony or Survival: America's Quest for Global Dominance, Henry Holt and Company, LLC, New York, 2003,2004, pp. 20-21.
2. Mohandas Gandhi and Martin Luther King, Jr., provided leadership for two great justice movements of the 20<sup>th</sup> century. Their movements were exemplary for overcoming various forms of oppression because of the *means* they employed. Both movements were spiritually-rooted and practiced love and nonviolence in very confrontational and courageous ways. What made their movements great were the *means* that were employed against oppressive forces - and not necessarily their ends. Besides being nonviolent activists, the leaders were great visionaries. But some parts of their vision were very reformist. The movements are model justice movements - except for the reformist parts of the movements' vision and ends.
3. William Durland, God or Nations: Radical Theology for the Religious Peace Movement, Fortkamp, Baltimore, Maryland, 1989, p. 98.
4. William Durland, pp. 118,99.

## CHAPTER 3

### The Criminal State And Its Criminal Foundations

There is an aura of sacredness surrounding the birth of the United States of America. Many Christians have believed that the new state came into being through divine guidance, was imbued with Christian values, and was blessed with a God-given “manifest destiny.”

The glorified beginnings of the new nation-state are taught as important historical facts that all Americans can be proud of. The birth of the nation is to be celebrated and its early leaders are to be remembered as heroes. The architects of the new nation often are reverently referred to as “our founding fathers.” Americans are taught to identify with the state’s “founding fathers,” to view ourselves as their descendants and beneficiaries, cherish their ground-breaking work and legacy, and patriotically support the state’s “public institutions.” And so myths are born and illusions are taught as actual history.

If the nation’s beginnings are mythologized, then what is done about the nation’s foundational flaws? Flaws of the “founding fathers” or of the new state may be admitted - but then immediately are excused or dismissed. The flaws belong to a different time and age - and it wouldn’t be “fair” to judge them based on “today’s standards.” The flaws are regretted, somewhat, and then whitewashed. The flaws, apparently, do not tarnish the myths of the nation’s “great” beginnings.

Followers of the “pacifist Messiah” are called to develop a radically different mindset than that of mainstream society. Disciples of Jesus have good reasons not to accept all the patriotic myths and propaganda concerning the state’s beginnings. It is important to look critically at the foundations of the state in order to put the state into its proper historical context. Most Christians’ understanding of the state is woefully

inadequate - inadequate, that is, for a nonviolent revolutionary movement rooted in solidarity with the poor and the oppressed.

What were some of the foundational flaws that the United States was built upon? Do these foundational flaws constitute a criminal state? Can a criminal state, built upon criminal foundations, ever “change its colors”?

The United States of America is a byproduct of empire-building by white, Western European nations which for centuries displaced Native Americans. Seeking greater wealth and power, Spain, Portugal, England, and France began competing to lay claim to and conquer the Americas. This competition unleashed greed, covetousness, theft, enslavement, and murder. England laid claim to and established colonies on the Atlantic coast of North America. The British colonies established a particularly patriarchal, white, racist, Western-European culture and lifestyle. At that time, in what was later to become the continental United States, there were well over a hundred different Indian tribes with distinctive cultures and languages and with a population in the millions. A key to colonial land expansion, and later to the United States’ land expansion, was superior military power and the will to employ it again and again against the Native Americans. The indigenous native tribes were continually displaced from their traditional lands.

The English colonies had a strong relationship with a form of Christianity that associated itself closely with the power of the state. Before the American Revolution, most of the colonies had state-churches. In most of the colonies, participation in government was limited to affluent white men who were members of the official church. After the American Revolution, traditional Christian theology and practices of sanctifying state authority resulted in strong religious support for the new state.

Two written documents, the Declaration of Independence and the Constitution, were cornerstones for the formation of the new nation-state. These two documents speak in lofty terms about freedom, security, equality, and justice. But what form of *leadership* and *means* were these documents endorsing? What sort of social order did these documents establish and uphold?

## Flaws In The Declaration Of Independence

The Declaration of Independence authorized the Revolutionary War and laid the basis for justifying future revolutionary wars. The Declaration of Independence proclaimed on July 4, 1776:

“We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government.” \*1

Some illusions are contained in this short excerpt. Political equality of all people was not self-evident, or the intention, of the Declaration’s author and supporters. The Declaration was originally written by Thomas Jefferson, a lifelong slaveholder, who never freed his Black slaves. Excluded from “equality” were a majority of Americans - women, poor white men, Blacks, and Native Americans. Prejudices against Native Americans can be found in one of the grievances listed against England.

“[The king of Great Britain] has excited domestic insurrection among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.” \*2

The colonies and new immigrants were the aggressors in dislocating Native Americans from their homelands and permanently taking (stealing) their lands. Native Americans, described above as “merciless Indian savages,” were not regarded as political equals with white Europeans. Thus, the Declaration’s statement “that all men are created equal” was certainly rhetorical and not substantive.

Although “the Creator” endows people with “unalienable rights,” the Declaration implies that the rule and authority of God is insufficient. God must be replaced (or supplemented) with human rule. Security, it is stated, comes through human

governments. This is a subtle declaration of independence from God.

The Declaration helps to promote the myth of a benevolent government with “just powers.” But no nation-state exercises its power only over the people who “consent to be governed.” The state exercises dominative power over all people in its claimed territory, regardless of “consent.”

The Declaration recognizes oppressive foreign rule, describing Great Britain’s goal as “the establishment of an absolute tyranny over these states.” After failing to reform the oppressive government, the Declaration endorses abolishing it: “it is their duty, to throw off such government, and to provide new guards for their future security.” This is, of course, a reference to the right of people to employ the means of violent revolution as a response to tyranny. It is also a clear rejection of the leadership of the “pacifist Messiah” and Jesus’ nonviolent revolutionary path to liberation. The Declaration implicitly rejects God’s undivided leadership and following the path of Jesus. Thus, for followers of Jesus, it should be quite obvious that the Declaration is anti-Christ and anti-Yahweh.

After overthrowing British rule, the Declaration envisions the new nation-state will become like all the nations. (1 Sam. 8:5) It will “assume, among the powers of the earth, the separate and equal station” it deserves. Also, “as free and independent states, they have full power to levy war...and do all other acts and things which independent states may of right do.” The new state will be similar and equal to the other nations. It will have the right to wage war and do other normal activities that states do.

The beginning of the United States, as a new nation, was thoroughly violent. The United States was formed after a revolutionary war against England. The main goal of the violent revolution was to gain control of the power to govern and rule the colonies. Great Britain had this power and the leaders of the American Revolution staked the lives of their poor, white countrymen (and some Indians) to gain it. Victory for the Americans reinforced the value of military power. It resulted in the typical post-war glorification of men with weapons who

conquered their enemies. Military hero, General George Washington, became the nation's first President and Commander-in-Chief of the Armed Forces. The top political and military positions in the new state hierarchy were tied together by the Constitution.

### Flaws In The Constitution

The Constitution of the United States authorized a political framework for the rule of governmental leaders and their written, legal codes. The Constitution divided up the dominative power of the state into congressional, executive, and judicial branches of government. It helped to set up the basis for various political hierarchies and a sprawling state bureaucracy that would rule over ever more facets of people's lives.

Neither the Revolutionary War nor the new Constitution revolutionized the status and social position of most Americans. Before and after the Revolutionary War, and before and after the ratification of the Constitution, America was a class society with various social hierarchies. There were deep divisions between rich and poor, male and female, white people and people of color, free and slave. Neither the Revolutionary War nor the Constitution changed these divisions. Oppression of people at the bottom of social hierarchies remained the norm.

The new nation-state was classist in character. The Constitution was written by and for, and thus granted power to, *privileged* white men. A majority of white men were poor. Many toiled in a state of bondage in the colonies and in the new nation-state as "indentured servants." They were akin to slaves, only they were white.

"About one third of the immigrants to the English colonies came as indentured servants. The terms of the indenture were harsh, and the servant little better off than a slave....Some indentured servants came from English prisons....Those sent to America had to serve masters in the colonies for a term of years, usually seven, and were then given their liberty. Some 50,000 prisoners were brought to the American colonies." \*3 (Ruth Gavian & William Hamm)

Many poor white men couldn't meet state property qualifications for voting or holding office. They were effectively discriminated against and oppressed by both the British colonial government and the new government.

The new nation-state was patriarchal in character. Women were kept in a subordinate position to men. Women were taught to accept their subordinate but so-called "special role" in society.

"Societies based on private property and competition, in which monogamous families became practical units for work and socialization, found it especially useful to establish this special status of women, something akin to a house slave in the matter of intimacy and oppression....

The 'cult of true womanhood' could not completely erase what was visible as evidence of woman's subordinate status: she could not vote, could not own property; when she did work, her wages were one-fourth to one-half what men earned in the same job. Women were excluded from the professions of law and medicine, from colleges, from the ministry." \*4 (Howard Zinn)

Women were discriminated against and oppressed before and after the birth of the new state.

The new nation-state was racist in character. At the time of the Revolutionary War, the vast majority of Blacks in the colonies were slaves.

"In America by the date of the Declaration of Independence (1776) about one fifth of the population was enslaved....At the outbreak of the Revolution, the United States contained about half a million slaves." \*5 (Peter Kolchin)

Black slaves represented a large proportion of the population. What did the Revolutionary War and the Constitution do for all these enslaved people? Former slave, and abolitionist leader, Frederick Douglass spoke out about the relevance to slaves of the July 4<sup>th</sup>, 1776 Declaration of Independence and subsequent establishment of a new state:

"What, to the American slave, is your 4<sup>th</sup> of July? I answer; a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling



vanity; your sounds of rejoicing are empty and heartless; your denunciation of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade and solemnity, are to him, mere bombast, fraud, deception, impiety, and hypocrisy - a thin veil to cover up crimes which would disgrace a nation of savages. There is not a nation on the earth guilty of practices more shocking and bloody than are the people of the United States.” \*6  
Black slaves were cruelly oppressed and exploited both before and after the birth of the new state.

The new nation-state strongly affirmed slavery. The Constitution, the highest law of the land, affirmed slavery’s legality and (subtly) incorporated it into its articles. For purposes of determining the number of a state’s congressmen in the House of Representatives, each state could count Black slaves as three-fifths persons.

“Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.” \*7 (Article 1, Section 2)

Different categories of people and liberty are mentioned. The races are neatly separated - although “Blacks” are not specifically identified. Black slaves were fractionally counted as part of the human population - but they were not citizens and had no legal rights. They were the property of their white owners.

The Constitution legally protected the slave trade and the importation of Black slaves.

“The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding \$10 for each person.” \*8 (Article 1, Section 9)

Importing Black slaves legally was guaranteed for twenty years, although, once again, “Blacks” and “slaves” were not mentioned. The state, through taxes, was allowed its cut of the

business. Of course, this affirmation of the Black slave trade, benignly described as “importation of such persons,” implies legal and moral support for the horrors inflicted: the violent raids upon African tribes; the kidnapping of Africans and tearing them from family, culture, and homeland; the deprivations, torture, and physical and sexual abuse in Atlantic Ocean crossings; the enormous toll of slaves who died in transit; the dehumanization of turning human beings into economic commodities to be bought and sold on the auction block; and the economic, social, and sexual exploitation of slaves under the totalitarian institution of slavery.

Furthermore, the Constitution required all the individual states to use their power to keep certain people in a state of bondage.

“No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.” \*9 (Article 4, Section 2)

Keeping certain unspecified people in bondage was legal. The crime, according to the state, was when the servants and slaves sought their freedom. Runaway “indentured servants” and Black slaves, according to the law, had to be returned to their masters and owners throughout the entire United States. (The somewhat coded language was made more explicit with the passage of Fugitive Slave Acts, the first coming in 1793 and the second in 1850.)

Ratification of the Constitution meant that all the individual states had to affirm their partnership in the *morally heinous “crime”* of Black slavery. This consensus approval of slavery reveals the shallowness, deceit, and hypocrisy of the new nation’s rhetorical proclamations of liberty. The authors of the Constitution were not innocent or naïve. Many of the nation’s white “forefathers,” who authored the Constitution, were wealthy slaveholders, i.e., *heinous criminals*. Black slavery was a part of their lifestyles, economic livelihoods, and accumulated fortunes. Ratification of the Constitution helped to unify slavery with the highest law of the land. Ratification certainly did not unify the people or bring liberation. Deeply entrenched social

hierarchies were part of the “new governmental order” of the newly formed *criminal state*.

### A New Slave-Based Nation

The newly formed criminal state, like many ancient empires before it, exploited slave labor in building campaigns.

“In 1999, pay stubs dating from the 1790’s were discovered which authorized the Department of Treasury to pay slave owners for the hire of their slaves to work at the Capitol. The slave owners were awarded \$5 per month for each laborer. According to additional documents kept by the Architect of the Capitol, 400 or more slaves helped construct the Capitol building from 1792 to 1800. It is likely that even more slaves worked on the building after 1800, until emancipation in 1865.” \*10 (Blanche Lincoln)

White slave-owners were paid for the labor of their Black slaves during the construction of the Capitol and for other building projects. The Capitol, the seat of Congress and a state symbol for “freedom,” was built on the backs of Black slaves. The reality was that the new criminal state was based on slavery and not on freedom.

All the hoopla and nationalistic myths that surround the United States’ “founding fathers” and foundational documents serve to whitewash some ugly realities. Nationalistic myths clothe the criminal state in a cloak of legitimacy. *Behind the cloak are the real foundations of the state: dominative power, violence, and social hierarchies.*

The new nation-state affirmed the most extreme form of dominative power - which is slavery. From its inception, the United States has been a slave-based nation. Slavery was incorporated into its highest legal document - the Constitution. Approximately one fifth of the population was enslaved both before and after the birth of the new state.

The new nation-state was also based on the most extreme form of violence - which is war. The new criminal state was birthed through a violent revolutionary war. And, like a foreign invasive species, the new criminal state was violently implanted on indigenous lands. The state expanded through periodic

warfare. The United States' land boundaries are not natural boundaries or long-standing boundaries (in terms of historical age) for any homogeneous group of people. The world is divided into nationalist states with artificial and transient land boundaries demarcated by past wars. The United States fits into the same mold, into the same pattern of violence and aggression.

The new nation-state was based on multiple social hierarchies. Classist, racist, and patriarchal social hierarchies prevailed both before and after the birth of the new state. The various social hierarchies provide evidence of widespread oppression. The new criminal state, like the colonial government, was continually engaged in the "crime" of oppression.

The profound, but simple, implications of this analysis are that the real foundations of the United States were the same as those of the European colonial powers. There was no breakthrough here with respect to liberation history. There were no glorious beginnings of a new state based on social justice. With some new looks, the new state appears as a different type of "governmental house." But its foundations are the same as other nations. It is yet another historical mutation of organized dominative power and organized violence. These criminal foundations constitute a criminal state. These foundations can only prop up and support an unjust social order. They can never bring justice or liberation. They can only perpetuate oppression and human misery.

Foundational flaws are very important. It is insidious to gloss over, excuse, or dismiss them. Foundational flaws have long-lasting consequences. Throughout the history of a nation-state, reform movements can modify particular social hierarchies - but cannot change the state's foundations. The foundations remain the same. Despite the best efforts at governmental reform, the criminal state, inherently, always, supports social hierarchies and social injustices. The ruling class usually fights against reforms but occasionally accedes to them as a concession to organized popular support. Then the ruling class likes to take credit for reforms and uses them to cover up the state's permanent flaws and ongoing crimes. Despite innumerable

reforms, social injustice and widespread oppression have always prevailed in the United States - and among all the nations. It need not be a mystery - if one looks carefully at the state's foundations - and at the kind of social order they support.

### Footnotes

1. The Declaration of Independence.
2. Ibid.
3. Ruth Gavian & William Hamm, revised by Frank Freidel, United States History, D.C. Heath and Company, 1965, p.76.
4. Howard Zinn, A People's History of the United States, Harper & Row, New York, 1980, pp. 102,113.
5. Peter Kolchin, Houghton Mifflin Company, Columbia University Press, from [answers.com/topic/slavery](http://answers.com/topic/slavery).
6. Frederick Douglass, Fourth of July Oration, 1852.
7. The Constitution.
8. Ibid.
9. Ibid.
10. Blanche Lincoln, U.S. Senator, Arkansas - Democrat, "Lincoln Effort to Study Slave Labor at U.S. Capitol Becomes Reality," press release, June 2, 2005, at [senate.gov/member/ar/lincoln](http://senate.gov/member/ar/lincoln).

## CHAPTER 4

### The Criminal Legal System And Slavery

All states are based on dominative power, violence, and social hierarchies. These are the foundations for a criminal state. All legal systems are criminal legal systems - an essential component of the organized crime of nation-states. One perpetual crime of the state and its legal system is oppression of people at the bottom of social hierarchies.

Let us look briefly at some examples of legal oppression and probe the deep connections between the legal system and slavery.

The criminal legal system was an important tool in the United States' westward land expansion and in the oppression of Native Americans. The criminal legal system was used frequently to defraud Native Americans, steal their lands, and destroy Native cultures. The United States adopted policies toward the Native Americans of "divide and conquer," military battles, treaty-making, relocating tribes to distant "worthless" lands, taking possession of vacated or ceded lands, assimilating Indians into white society, and destroying tribal cultures. But the state's policies were primarily about "land acquisition," i.e., land theft.

There were inherent land conflicts in the U.S.'s westward expansion since Native American tribes had lived in America for thousands of years before the massive white invasion. Indian tribes were continually forced to move westward to make room for white settlers. One example of the use of the criminal legal system in relocating Indian tribes is the forced removal of the Cherokee Nation from Georgia.

"Even as Georgia leaders pressed for federal legislation to remove the Cherokee, the new State of Georgia passed a series of anti-Cherokee measures - including one that nullified all Cherokee laws, confiscated Cherokee property and gold, and prohibited Native people from testifying in court. In

anticipation of the federal removal legislation, Georgia leaders also provided for a survey of Cherokee land and a lottery to distribute that land to white Georgians.” \*1 (Wilma Mankiller)

Congress passed the Indian Removal Act in 1830 to relocate some Eastern Indian tribes to west of the Mississippi river. The so-called “removal policy” was a euphemism for “ethnic cleansing” - forcing Native Americans to abandon their homelands and move far away. In 1838-1839 the U.S. military forcibly moved the Cherokee out of Georgia in what became known as the Trail of Tears. Approximately one-fourth of the Cherokees perished on the journey.

The criminal legal system was used in attempts to destroy native cultures and assimilate Native Americans. Beginning in 1879, the U.S. government began forcibly taking Native American children to off-reservation boarding schools. It was a form of state slavery (and institutionalized child abuse) for Native children - taking them against their will from home, family, and culture and forcing them to live at distant, oppressive, white-supremacist boarding schools.

“At these boarding schools, administrators, teachers, disciplinarians, and others worked to destroy Indian languages, religions, and ways of life. The government used the boarding schools as a means of physically separating children from their parents, grandparents, and communities and sought to use the school experience to supplant traditional Native values and culture with those of the dominant, American society....Indian communities did not readily embrace the system of compulsory education forced on them by the federal government. Among the Hopi, for example, some parents hid their children from government agents, soldiers, and missionaries in remote areas, far from their homes on the mesa tops. Rather than surrender Hopi children to government schools, Chief Lomahongewma and eighteen Hopi men chose incarceration in the federal penitentiary at Alcatraz Island near San Francisco, California, in 1895. Hopis have never forgotten this transgression against their sovereignty or the theft of their children by the United States.” \*2 (Brenda J. Child)

In 1887, Congress passed the General Allotment Act or the Dawes Act. The law helped to break down communal Native

landownership traditions and facilitated another land grab of Indian lands. Many Indian reservations were divided up into individual allotments, so-called “excess land” was put up for sale, and the future sell-off of individual allotments was allowed.

The main legal mechanism, however, for taking ownership of land away from Native Americans, were coercive treaties.

“The U.S. government ratified 371 treaties with these Indian nations between 1776 and 1871....Throughout the following century and to the present day all 371 treaties have been violated, broken, ignored, or otherwise abrogated by the United States. The government of the United States of America has not kept faith with a single treaty made with Indian nations....Chief Red Cloud of the Lakota said: ‘They made many promises to us, but they only kept one: they promised to take our land, and they took it.’” \*3 (Rex Weyler)

The U.S. benefited from making treaties with Indian tribes because the treaties usually required tribes to cede large tracts of their land. And the U.S. benefited from breaking the treaties as it allowed the U.S. to gain even more Indian land.

So - why did Native American tribes agree to 371 treaties with such a corrupt and treacherous state like the U.S.? 371 broken treaties! Obviously, there is a pattern here. One might ask: How many treaties must be broken before the state and the legal system lose all credibility? The crime of the U.S. breaking treaties was ignored by the legal system as it gave its stamp of approval to each new treaty. Certainly this was a sham perpetrated by a very powerful criminal organization. There was a great power imbalance that allowed the U.S. to take advantage of weaker Native American tribes. Superior military power was essential in forcing Native Americans to permanently cede their traditional homelands.

The imbalance of power continues today. After centuries of exerting state dominance over Native people, the criminal state is more powerful than ever. There is no hope of justice through the criminal legal system for rectifying the crimes of the past. There remains today ongoing struggles of oppressed Native Americans to prevent more crimes, to prevent further erosion of



treaty rights, to limit the corrupt theft and misuse of tribal trust funds, and to lessen the corporate and the state's economic exploitation of tribal lands.

From its beginning, the United States' legal system has been patriarchal and has supported the oppression of women.

“Every married man, no matter how poor, owned one slave - his wife....And every man, married or not, had a gender class consciousness of his right to domination over women, to brutal and absolute authority over the bodies of women....A man owned his wife and all that she produced....He also owned any personal property she might have....He also, of course, had the right to her labor as a domestic, and owned all that she made with her hands - food, clothing, textiles, etc. A man had the right of corporal punishment, or ‘chastisement’ as it was then called. Wives were whipped and beaten for disobedience, or on whim, with the full sanction of law and custom.” \*4 (Andrea Dworkin)

Through long hard struggles of feminists, society's consciousness of the oppression of women was raised. Some gains were codified into law - modifying oppressive patriarchal hierarchies but not eliminating them. Legal reforms, while benefiting women, also have the unfortunate consequence of bolstering the shaky credibility of the oppressive patriarchal legal system. Many women continue to invest themselves on the never-ending treadmill of governmental reform.

“I have since come to believe, however, that legislators are perhaps the least likely of all men to have something noble left to appeal to. And...even if this weren't true, such ‘appealing’...demeans and humiliates women....It perpetuates the God/worm paradigmatic thinking that is the basis of patriarchy, slaves lobbying their masters for freedom has always been a deeply lamentable, dangerous waste of time....I said that what I had learned - again - was that women cannot trust men to represent us. We cannot work through men. ‘It's like trusting the slave-holders to represent the slaves.’” \*5 (Sonia Johnson)

Today, patriarchal hierarchies still predominate throughout society and most of its institutions. Political and social oppression and economic and sexual exploitation of women continues. The patriarchal family, which is part of the

domination system, still has strong roots in society. Oppression also continues through so-called “law enforcement” and in jails and prisons.

The legal oppression of Blacks under the slavery of private owners was not an aberration of the Constitution or the legal system. Slavery is on the extreme end of a continuum of oppression - but the oppression itself is normative for criminal states based on dominative power, violence, and social hierarchies. Slavery, in one form or another, has always been constitutionally protected in the United States.

Some national myths have been built up around Abraham Lincoln and the Civil War that serve to partially cleanse the United States from the terrible crime of state-supported slavery. Contrary to popular belief the Civil War was not fought to free slaves or end slavery. The Southern states did feel a threat to the long-term survival of Black slavery. But both President Lincoln and his Republican Party pledged not to interfere with slavery in slave states. When the Confederacy was formed, four slave states - Maryland, Delaware, Kentucky, and Missouri - remained in the Union. President Lincoln was careful not to offend white slave-owners in those states. Lincoln’s purpose in initiating the war was “to save the Union,” i.e., to save the nation-state from dividing into two nations. Hundreds of thousands of lives were sacrificed - not to free slaves - but to preserve the territory and power of the criminal state. During the course of the war it became tactically beneficial for Lincoln to issue the Emancipation Proclamation. Lincoln initially issued the Proclamation in September 1862 and it gave the Confederate States until January 1, 1863 to return to the Union. If they returned to the Union by that date, then they could keep their Black slaves. But if they didn’t, then their slaves would be declared free. Thus on January 1, 1863 the Emancipation Proclamation declared free only those slaves held in states *not under Union control*. All Black slaves in Union states remained slaves.

“As [Richard] Hofstadter put it, the Emancipation Proclamation ‘had all the moral grandeur of a bill of lading.’ The London Spectator wrote concisely: ‘The principle is not that a human being cannot justly own another, but that he

cannot own him unless he is loyal to the United States.” \*6  
(Howard Zinn)

The Proclamation, despite its moral cowardice and hypocrisy and lack of legal standing, proved to be an effective war-time tactic. It bolstered European support for the Union and weakened foreign support for the Confederacy. It also helped to speed the disintegration of the Confederacy. Many Black slaves fled southern plantations, many who remained did less work, and many joined the racially segregated Union army to fight against the Confederacy.

The Civil War did not bring a complete end to slavery. That was never one of its goals. And it certainly did not end legal discrimination against and oppression of African-Americans. African-Americans have always been deeply oppressed in the U.S. Throughout American history oppression has been a constant through the law and the courts, on the slave ships, on the plantations, through the white supremacist Ku Klux Klan and other mob violence and lynchings, in the ghettos, on the streets, and in the jails and prisons. But let us return to the institution of slavery.

A couple of misconceptions concerning slavery are: 1. there is only one form of slavery; and 2. the 13<sup>th</sup> Amendment abolished slavery in the U.S. Neither is true. Two important forms of slavery are: 1. private ownership of slaves by individuals or families; and 2. slaves under the jurisdiction of the state. Both forms have been longstanding historical realities. Yet, the institution of *state slavery* is often forgotten. But it is of great importance today in the United States and throughout the world.

State slavery has been a hallmark of human rule throughout history.

“Bound labor has not always been associated with the fully developed chattel slavery oriented toward market production that gave the antebellum American South, for example, a distinctive character. In various guises this form of labor has both preceded and followed in the wake of chattel slavery...Consistent features of this form of labor have included the collusion of the state, penal servitude as an enforcer of work, and intensification and expansion during periods of rapid economic development or

transformation....(W)hen not controlled by individuals, forced labor has frequently been concentrated by the state on public works - pyramids, waterworks, and roadways....Everywhere, as the criminologist Thorsten Sellin has argued, slavery and punishment have been an inseparable dyad, in advanced as well as primitive societies.” \*7 (Alex Lichtenstein)

History is full of examples of slaves of “crown and temple.” An important part of the “booty or spoils of war” has been turning defeated enemies into slaves of the state. Slaves of the state can also come from oppressed people within a state. Pharaohs, kingdoms, empires, and states have exploited slaves of the state. Empire-building by Spain and Portugal in the Americas included state slavery. Christopher Columbus, sailing under the crown of Spain, immediately captured and enslaved some Native Americans upon his arrival in the Americas in 1492. At his base on Hispaniola (Haiti & the Dominican Republic) Columbus instituted a type of state slavery that was genocidal. Of an estimated 250,000 Arawak Indians residing on Hispaniola when Columbus arrived, none were left by 1650. Particularly devastating was slave labor in the mines.

“After each six or eight months’ work in the mines, which was the time required of each crew to dig enough gold for melting, up to a third of the men died.” \*8 (Howard Zinn)

Notable examples of state slavery in the 20<sup>th</sup> century occurred in the Soviet Union, Nazi Germany, Japan, and communist China. And what about the United States?

The 13<sup>th</sup> Amendment to the Constitution was ratified in 1865 and it sought to accomplish what the Civil War did not: it made illegal one of the abominable forms of slavery in the U.S. The 13<sup>th</sup> Amendment reads:

“Neither slavery nor involuntary servitude, *except* as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

The 13<sup>th</sup> Amendment did not make all slavery illegal. It included an important exception. The Amendment prohibited private (and corporate) ownership of slaves while leaving the state as the sole entity that could still legally be a slaveholder. State slavery was limited, in law if not in real practice, to punishment of people after being convicted in a court of law. Of primary

importance in the rest of this book is the pervasive reality of state slavery in the United States.

Most Americans today don't recognize state slavery when they see it or hear about it. But that wasn't always the case. Back in the days when "slavery" didn't necessarily carry negative connotations, prisoners were commonly understood to be slaves of the state. One court ruling in 1871 put it this way:

"A convicted felon is one whom the law in its humanity punishes by confinement in the penitentiary instead of death....For the time being, during his term of service in the penitentiary, he is a slave of penal servitude to the State." \*9 (Virginia Supreme Court)

The 13<sup>th</sup> Amendment's exception for state slavery was very deliberate. The white ruling class recognized its importance.

"The former slave states, led by Mississippi in late 1865, immediately devised legislation defining virtually every former slave as a criminal. Known as the Black Codes, these laws specified that many vaguely defined acts - such as 'mischief' and 'insulting gestures' - were crimes, but only if committed by a 'free Negro.' Inter-marriage was a crime to be punished by 'confinement in the State penitentiary for life.' Mississippi's Vagrancy Act defined 'all free Negroes and mulattoes over the age of eighteen' as criminals unless they could furnish written proof of a job at the beginning of every year. In other states 'having no visible means of support' was a crime being committed by almost all the freed slaves. So was 'loitering' (staying in the same place) and 'vagrancy' (wandering). 'Disturbing the peace,' 'creating a public nuisance,' 'lewd and lascivious conduct,' 'using profane language,' 'drunkenness' - all provided highly subjective and convenient definitions of crime. \*10 (H. Bruce Franklin)

The abolition of private ownership of Black slaves increased the role and importance of state slavery for the southern white ruling class. Through manipulation of the legal system it was easy to criminalize Blacks and turn them into slaves of the state. One can see a parallel between the criminalization of freed Black slaves in the post-bellum period and the criminalization of homeless people today. With carefully crafted laws against "loitering, vagrancy, panhandling, unlawful camping, trespassing, public urination, disorderly conduct," etc., the legal

system can criminalize and oppress target groups such as homeless people or undocumented Latino immigrants.

Most Americans today still think only of slavery in terms of private ownership of slaves. Most Americans don't think of detainees, inmates, and prisoners as being slaves of the criminal state. Most would favor a kinder description that views prisoners not as slaves of the state but as "wards of the state," i.e., prisoners are held in captivity under the supposedly benevolent guardianship, protection, and supervision of the state. *Imprisonment* by the criminal state is commonly thought of as "natural" and "right." Isn't it true that without imprisonment, surely chaos, anarchy, and your worst nightmares would come about? \*11 Who could ever imagine a civilization without imprisonment? How could Native Americans and other indigenous people ever survive without filling their lands with jails and prisons?

Most people also think that slavery consists mainly of slave labor. But slavery is more than the exploitation of labor. Labor exploitation is only one aspect of slavery. *Slavery is a totalitarian institution.* Slavery is the near total subjection and control over one person by another person or by the state. It is controlling someone who is in a condition of captivity. It is all about slaveholders having dominative power and control over nearly every aspect of someone else's life.

Some of the best examples of slavery as a totalitarian institution come from state detention centers, concentration camps, jails, and prisons. Penal institutions take complete control over prisoners' lives. When one is imprisoned in a detention center, jail, or prison one becomes a slave of the state. A prisoner is completely under the jurisdiction and control of the state. The prison authorities make decisions concerning all essential areas of one's life: what space one must live in, where one must sleep, what clothing one wears, what possessions one can have, what food one can eat and when, what work one must do, when one can exercise, when one can shower, when one can have contact with the outside world, when one is counted or locked-down, when one must undergo strip searches, and when one must be handcuffed or shackled. There are also petty rules to govern just about everything. And

there are guards who issue orders and boss prisoners around. Based upon objective conditions, state slavery in the form of penal slavery is the most obvious form of slavery.

The *highest values* embodied in penal institutions are dominative power and ultimate control. Prisoners must be under the general control and supervision of prison authorities all the time. A hierarchy of dominance and subordination must be maintained in all matters - with prison authorities in positions of dominance and prisoners in positions of subordination. Prisoners are treated as an inferior category of people. They are a class of people targeted by the state for punishments. They are essentially and literally slaves.

Imprisonment by the state is a constitutionally legal form of enslavement. Detainees, inmates, and prisoners are slaves of the criminal state. They are slaves regardless of their willingness or unwillingness to follow orders. They are slaves regardless of the degree of severity of their jails or the amount of work they are required to do. In the Old South under private ownership, Black slaves were slaves regardless of whether they were subject to cruel slave-owners or “kinder and gentler” slave-owners. They were slaves regardless of whether their owners were harsh slave-drivers or “compassionate conservatives.” They were slaves regardless of whether they were downtrodden “field slaves” or privileged “house slaves.” *Slavery is slavery*. Similarly, prisoners today are slaves regardless of whether they are in maximum-security prisons or in more lenient prison camps. The amount of privileges that the state authorities grant to prisoners, or the amount of work they are required to do, does not change the overarching institution of state slavery. *All* prisoners are slaves of the criminal state.

\*12

## Footnotes

1. Wilma Mankiller, Native Universe: Voices of Indian America, Gerald McMaster & Clifford E. Trafzer, editors, National

- Museum of the American Indian, Smithsonian Institution, National Geographic Society, Washington D.C., 2004, p. 254.
2. Brenda J. Child, Native Universe, pp. 164-165. The Hopi men “chose incarceration” only in the sense that they knew their steadfast refusal to cooperate with state agents in “the theft of their children” would result in incarceration - and yet they refused to submit to state authorities.
  3. Rex Weyler, Blood of the Land: The Government and Corporate War Against the American Indian Movement, Everett House, N.Y., 1982, pp. 21-22,65.
  4. Andrea Dworkin, Our Blood: Prophecies and Discourses on Sexual Politics, Harper & Row, 1976, pp. 80,82.
  5. Sonia Johnson, Going Out of Our Minds: The Metaphysics of Liberation, The Crossing Press, Freedom, CA, 1987, pp. 81,94.
  6. Howard Zinn, A People’s History of the United States, Harper & Row, New York, 1980, p. 187.
  7. Alex Lichtenstein, Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South, Verso, New York, 1996, pp. 186-187.
  8. Howard Zinn, p. 6.
  9. Virginia Supreme Court, *Ruffin v. Commonwealth*, 62 Va. 790, 796, 1871; quoted in No Escape: Male Rape in U.S. Prisons, Human Rights Watch, 2001, p. 93.
  10. H. Bruce Franklin, prison writing in 20<sup>th</sup>-century america, H. Bruce Franklin, editor, Penguin Books, New York, 1998, p.4.
  11. The real issue here is not one of worrying about personal threats if state slavery magically disappeared. The criminal state is deeply invested in state slavery - and the ruling class isn’t about to end it. The real issue here is one of recognizing and naming state slavery for what it is. (See chapters 7 & 8 for further development of a *Christian* perspective on state slavery.)
  12. Prisoners do not like being called slaves. Prisoners’ self-identification can take different nomenclature - resisters, freedom fighters, prisoners of war, political prisoners, prisoners of conscience, or simply inmates or prisoners. Regardless of prisoners’ self-identification, the objective conditions of their captivity in state-authorized, totalitarian institutions renders them slaves of the state.



## CHAPTER 5

### The Process Of Enslavement

How does a person become a slave of the state? How does a person end up in a detention center, jail, or prison? What biases exist in the process of enslavement?

The process of enslavement is thoroughly biased. The criminal state and its criminal legal system support the various social hierarchies of society and oppress those at the bottom of the hierarchies. Economics plays a prominent role in the state's biases.

#### Bias For The Rich And Powerful

Some common wisdom provides a simple, but profound, understanding of the biases of the state and its legal system. A well-known expression of the logic of how society operates is that society follows the golden rule: those with the gold rule. This simple truism is evident throughout much of history. Common wisdom is also expressed in a Spanish proverb: "Laws, like the spider's web, catch the fly but let the hawk go free." There is much truth in this proverb. Just as a spider's web is designed to catch the small insect but not the large one, so the criminal legal system functions according to the design of the ruling class to catch the poor and lowly while safeguarding the privileges of the wealthy.

How the state's various biases play out in policies and laws is often complex. Biases are often interwoven or hidden. Divisions within the ruling class further complicate the matter. Despite the complexity, there is a definite logic in the workings of the state.

"The lax regulation that allowed Enron to bilk investors, consumers, taxpayers, and employees out of well over \$100 billion stands in a stark contrast to the current law-and-order approach to street crime. In 2001, federal regulators spent

only \$18 billion to fight corporate crimes that cost the economy \$1 to \$2.4 trillion a year and killed hundreds of thousands of people each year, while law enforcement agencies spent [tens of billions more]...to fight street crimes. The Food and Drug Administration had an annual budget of only \$1.4 billion in 2000 to regulate pharmaceutical drugs that produce 50,000 to 100,000 deaths each year from overdoses and improper use, while government agencies spend \$30 to \$40 billion a year to fight the illegal drug trade, which produces 8,000 to 10,000 deaths from drug overdoses. A young man who tries to sell 10 pounds of pot worth maybe \$16,000 can be sent to jail for life while a top executive at the Bank of New York who pleads guilty to laundering billions of dollars for Russian mobsters in 1999 is never sentenced and her employer never charged. Banks that laundered billions in heroin money during the civil war in Afghanistan in the 1980s and provided financial services for the Saudis and other U.S. allies who funded the Taliban remain happily in business. Yet, under California's 'three-strikes-you're-out' law that sentences people convicted of three felonies to life in prison, a man who tried to run out of a store with a few golf clubs faces life behind bars." \*1 (George Winslow)

The recent state and Federal Reserve mega-bailouts for banks, financial institutions, and other large corporations help to reveal more clearly the state's bias for the upper class. While many Americans are sinking in debt and facing foreclosures, the enormous "bad debts" of large corporations are treated as a national crisis worthy of essentially unlimited state aid.

The United States government and its legal system are strongly biased in favor of the wealthy. One way this bias is shown is by the state's overwhelming support for a *capitalist* economic system. A capitalist economic system is not a "neutral" system providing equal opportunity for all. Rather, a capitalist system is part of the domination system and creates oppressive economic hierarchies. A capitalist system separates "capital" from "labor" and elevates the importance of capital and private property. It institutionalizes oppressive hierarchies of capital owners / managerial & professional workers / wage workers / unemployed. A capitalist economic system organizes capital, labor, and resources to enhance profit-making for capital owners. That is, the economic system is organized to

enrich the people at the top of economic hierarchies. The exploitation of human labor and natural resources by capital owners are essential parts in the maximization of profits. Great economic inequalities result.

State support for capitalism and large corporations strengthens oppressive economic hierarchies. Aided by the power of the state, wealthy capital-owners can acquire land, gain access to natural resources, move capital to places abundant in so-called “cheap labor,” and exploit labor and resources for economic gain. In the process, many rural people are displaced from their livelihood on the land, rural communities decline, people become individuals competing against each other for a limited number of jobs, many workers are eventually laid off from their jobs, and many workers endure periods of underemployment or unemployment. As the capitalist system expands, more people become economically dependent upon the rich, upon capitalist corporations, and upon the state.

The criminal state is far more of a “welfare state” for the rich and for capitalist corporations than for poor people. Corporations may receive either direct or indirect state subsidies. Individual states and cities compete to give large subsidies to attract corporations to invest in their territory. Corporations can receive significant state subsidies when mining or exploiting natural resources on state lands. Many corporations get tax breaks. Many corporations get away with tax evasion. Many corporations benefit enormously from low interest state loans or loan guarantees. Expensive state-funded infrastructure is built to cater to corporate needs. The state can use its power of “eminent domain” to appropriate property to enhance private capitalist development. Some corporations are subsidized through technology gains coming from state-funded research and development. The criminal legal system, biased as it is towards wealth and private property, gives preferential treatment to corporations. Through the legal fiction of “corporate personhood,” corporations are granted the rights of real persons - and much more. Corporations and their capital owners are safeguarded with limited liabilities. Corporations can go bankrupt and the private wealth of stockholders is protected. Corporations can go into bankruptcy court and shed liabilities and break contracts. Some corporate liabilities are

limited through government insurance - a huge subsidy. Corporations can do many harmful things to society - and avoid liability. Some enormous "costs" and "externalities" of corporations are passed off as the public's responsibility: environmental degradation, air and water and soil pollution, numerous health problems (from industrial pollution, diseases, and injuries), and social and community problems (from social and economic deterioration due to globalization and economic restructuring). In general, government contracts are a "grave train" for corporations. In particular, enormous amounts of state funds go to corporations with military contracts that contain large, built-in profit margins. Some lucrative government contracts are awarded to corporations without competitive bidding. The state's projection of U.S. military power around the world represents a huge state subsidy to corporations in the form of protection of trade, pressure on foreign governments, and keeping foreign resources and labor markets open for exploitation. Domestically, various police forces protect business zones for businesses to operate to maximize their sales and profits - another significant state subsidy.

State subsidies also go to corporations that exploit slaves of the state.

"In Washington the state offers a lot of incentives for private businesses to employ prison slaves. Class 1 venture industries pay no rent, electricity, water, or similar costs. They are exempt from state and federal workplace safety standards, pay no medical, unemployment or vacation/sick leave to slaves who have no right to collective organizing or bargaining. In a case like this we are seeing welfare capitalism where private business is getting a handout from the state at taxpayer expense." \*2 (Paul Wright)

Understanding the state's bias for the upper class is very helpful when looking at the process of enslavement. The criminal state is a partner in crime with the rich and powerful. Or, to put it another way, factions in the upper class compete to control the state in order to enhance their economic, political, and social interests. The state and its legal system primarily support and protect the wealth, power, and privilege of the people at the top of social hierarchies. People with the most

wealth, power, and privilege are the least likely to be enslaved. Prominent characteristics of many people whom the state enslaves are low-income, race, gender, low educational attainment, and chemical dependency (on alcohol or drugs). \*3 The class bias stands out. While wealth and power breed large-scale crimes, poverty and discrimination breed small-scale crimes - but it is overwhelmingly the poor who are enslaved.

Besides the class bias, the criminal legal system's racial bias is also very prominent. Many white people today believe, and especially after the election of an African-American President, that racism is a thing of the past. This belief reflects a great deal of ignorance about the workings of the criminal legal system in particular. The criminal legal system is thoroughly racist. The criminal legal system is a very powerful force that both supports and strengthens white racism throughout society. The following analysis of the legal system will show that white racism is still alive, well, and growing.

The criminal state and its legal system, with all their biases, are perpetually engaged in the "crime of oppression." The criminal legal system plays a crucial role in the state's mechanisms for control and oppression. Some of the most important functions of the criminal legal system are to: 1. build faith in and dependency upon the system; 2. legitimize or whitewash some of the greatest crimes of the rich and powerful; 3. control racial populations; 4. divide and conquer poor communities; 5. criminalize and stigmatize many people of color and poor people; and 6. punish and enslave individual scapegoats.

How well do we see the criminal nature of the legal system?

### The Police

The criminal legal system represents organized dominative power and violence in support of an unjust social order. The "muscle" of the legal system begins with police forces. In general, various police forces, including the Border Patrol and immigration agents, are the physical guardians and enforcers of the existing social order. They are empowered to capture and arrest people by force.

The criminal state's police forces have surprisingly strong support among the general public. This may be due in part to the immensity of the nation's wealth and to the large, affluent middle-class identifying closely with the interests of the upper class. Also, a part of the lower class - afflicted with poverty, street crime, and gang activity - still turns to the police for help. Most people in society become ingrained with the belief that the way to respond to crime is by calling the police. Calling the police may seem to offer a "quick fix" to a problem - or it may seem as the most responsible response to a crime. But for people who are oppressed, this remedy is part of a larger problem.

While oppressed people often develop skepticism and mistrust towards the police, some still turn to them for help. But how much good does it do? And, perhaps more importantly, how much harm does it do?

"The lower classes are less likely to report [property] crimes to the police because they are skeptical that the police will do anything about their victimization....Even if a conviction is obtained, it is rare that the victim has his or her property returned. *The end of a successful prosecution means that the state and its legal code is upheld.* Frequently, treatment by legal authorities of poor and Third-world victims is abusive and degrading.

A similar contradiction occurs in the case of violent crimes. The state's actions against the violent offender have little or no benefits for the victim. The loss of life, the trauma of violent crime, the medical costs, and the fears of future attacks are all borne by the victim, who is likely to be Third-world and poor. The vindication and glory of conviction belongs to the state and its agents. In this light one can see that the state offers almost no protection to victims or future victims of criminal acts. Rather, by publicly espousing its role as public protector, the state seeks to make the citizenry dependent upon its agents for their security." \*4 (Barry Krisberg)

All services that police officers provide to the community they do under the banner of the criminal state, with the backing of state violence, and their primary role remains control and oppression of the lower classes. The benefits and "quick fixes"

of police services are circumscribed by police forces' larger role as enforcers of an unjust social order and by their use of coercion and violence. The police are part of a criminal legal system that cannot deliver justice to the oppressed or provide real security. The legal system can intervene, oppress, and punish. It can inflict vengeance. But it is not possible for it to be a true ally of people who are at the bottom of social hierarchies. For oppressed people, dependency upon the police, courts, and jails means being stuck in a condition and cycle of oppression and disempowerment.

The contradiction of oppressed people turning to an oppressive system for help reflects disempowerment and a lack of vision. The interests of oppressed people for justice are in conflict with the interests of the ruling class. Each part of the criminal legal system is connected to another part - and all parts are based on dominative power and violence and are embedded with the ruling class. A poor person may seek to use the coercive power of the criminal state for personal benefit - but such usage contributes to the greater problem of collective oppression. Turning to the police and the courts doesn't change one's subordinate position in the social order - but it does lend legitimacy and give power to the criminal state.

“Sue Osthoff of the National Clearinghouse for the Defense of Battered Women argues emphatically that ‘unintended consequences are surfacing from over-reliance on the criminal legal system. Twenty-five years ago, women of color were saying that we should not turn to the criminal legal system. But we put all our eggs in one basket without seeking other creative ways of community intervention. The battered women’s movement has contributed to the increase in the police state and the increase of men in prisons. We are telling battered women to turn to a system that is classist, sexist, homophobic, arbitrary, and not unlike the batterer.’ She asserts that it is impossible to create a just society in a climate of hatred of defendants and with a spirit of vengeance.” \*5 (Anannya Bhattacharjee)

The contradiction of strengthening the structural violence of the state and its legal system is a significant oversight.

It should be noted that this essay is not intended to minimize the harm done by all kinds of criminal behavior. Some

individuals commit horrendous crimes resulting in much harm, suffering, and loss of life. Everyday some individuals commit terrible crimes, and the victims must endure painful consequences for a long time. The harm done is very real, it affects many people, and its consequences can be long-term. Also, this essay is not intended to absolve any individual from their violent and very harmful behavior. Perpetrators need to be held accountable and to take personal responsibility for their actions. The perspective presented here does not support silence and passivity as a response to crime, or reliance on the police. The point being emphasized here is that when victims of crime or oppressed people turn to the state and its police forces for help, they are turning to the most powerful, violent, and oppressive criminal organization.

### Police Brutality

The process of enslavement by the state usually begins with an arrest. Arrests occur under the threat of force and violence. Many arrests occur without violence, with the persons arrested not physically resisting the police and with the police not resorting to physical force. Many other arrests do involve force and violence. Many times the force used by police is “excessive,” i.e., beyond that necessary to take a person into custody.

Police brutality will always be a part of police work. To those who experience it, it is easy to direct one’s anger and hatred at the police. But it is helpful to try to see the “big picture” and not to stereotype and demonize police officers. Followers of Jesus can see the humanity of police officers (and all state employees), recognize that there is one Creator and one human family, and view officers as “wayward brothers and sisters” who are caught up in the domination system.

Police forces are not the instigators of oppression. Rather, police forces are intermediaries who serve the ruling class and do their “dirty work.”

“The police are the armed guardians of the social order. The blacks are the chief domestic victims of the American social order. A conflict of interest exists, therefore, between the blacks and the police. It is not solely a matter of trigger-



happy cops, or brutal cops who love to crack black heads. Mostly it's a job to them. It pays good. And there are numerous fringe benefits. The real problem is a trigger-happy social order." \*6 (Eldridge Cleaver)

Police forces are racist, sexist, homophobic, and classist because the ruling class is racist, sexist, homophobic, and classist. Police forces reflect the interests of the ruling class. Organized and controlled violence is the state's medium for street-level social control - and various police forces fill that role. Of course it is an oppressive role and those at the bottom of social hierarchies feel the brunt of that physical oppression.

Police forces represent organized violence on a large scale. Police forces are empowered to use violence and to aggressively engage in so-called "law enforcement." Since the 1960s, police forces across the nation have become more sophisticated and powerful. With updated training and equipment, police forces have become paramilitary organizations.

"The Law Enforcement Assistance Administration (LEAA), spent billions of dollars in an effort to reshape, retool, and rationalize American policing. Along with money, the federal government doled out military weaponry, communications technology, and special training." \*7 (Christian Parenti)

Cities throughout the nation developed SWAT teams (Special Weapons and Tactics units) for military-style ventures in domestic policing.

"As tactical raids and paramilitary sweeps become more common, the common police take on more paramilitary attributes. In other words, paramilitary policing units militarize the regular police by osmosis as the weaponry, training, and tactics of the special police forces are gradually passed on to the regular police." \*8 (Christian Parenti)

The ongoing modernization and militarization of police forces are characterized by: improved command and control structures; improved communication technologies; improved surveillance; improved intelligence gathering; increased police autonomy and power; multiple inter-agency communication and cooperation with sharing of information and training; increased access to identity markers such as photographs, fingerprints, DNA, and drivers' licenses; increased police penetration into communities and community events with attempts at collaboration with and co-optation of citizen organizations; improved weaponry; and

the development of specialized police units capable of military-style sweeps, attacks, and sieges - as well as crowd control and dispersion and mass arrests. As the repressive power of police forces grows, there is also an increase in the harassment and victimization of innocent people and lawbreakers alike. In general, paramilitarization results in an increase in "excessive force," i.e., police brutality.

Police forces can use their power to engage in illegal covert activities, usually with few, if any, legal repercussions. In the 1960s the FBI instituted their repressive and often violent "counterintelligence program" (COINTELPRO). It aimed at disrupting activist social-change organizations that represented some people of color and poor people.

"The FBI organized a vast network of political spies who infiltrated thousands of organizations, and trained and coordinated similar operations by other law enforcement agencies at every level of government. The information gathered by informants was augmented by illegal wiretaps, letter openings, burglaries of homes and offices, secret examination of bank records, physical surveillance, and arranged murders." \*9 (Nkechi Taifa)

Historically, at various times, police forces have forcibly and criminally repressed union organizing and strikes, protests and demonstrations, activists and radical organizations, and whole populations. At this time the repressive power of the state is strong, organized, and sophisticated. And the usual protection of police forces from legal repercussions allows police forces to engage in many illegal activities with virtual impunity.

The state's police forces often target people of color. Racism as a part of police forces has deep historical roots.

"Both the police and the [Ku Klux] Klan were adaptations of an earlier and deeply entrenched Southern institution - the slave patrols....The slave patrols helped form the character of both the police and the Klan....As a part of this same tradition, minorities (especially Black people) became the objects of police control, the targets of brutality, and the victims of neglect. Perhaps the clearest inheritance from this tradition is the racial characterization of criminality - the criminalizing of people of color, and Black people especially. Presently understood in terms of 'profiling,' the practice is

much older than the current controversy....The only thing new about racial profiling is the term, which makes prejudicial harassment seem procedural, technical, and even scientific.”

\*10 (Kristian Williams)

Racial profiling is a widespread racist feature of police operations. People of color become common police targets for harassment, stops, searches, assaults, and arrests.

The Border Patrol and immigration agents are the guardians of the state’s artificial land boundaries. (They might be described as the state’s front-line anti-hospitality workers.) They particularly target Hispanics. Poor Latinos who do not go through the state’s screening processes and who cross the artificial line into U.S. territory are designated as “illegal aliens.” While in God’s eyes no human being is illegal, the criminal state sees things differently. Undocumented immigrants are treated as if they were convicted criminals. They are prey to be hunted down, captured, abused, held in captivity for various lengths of time, and usually deported.

The state invests large amounts of resources targeting boundary crossers. Around 18,000 Border Patrol agents are employed to police the U.S. - Mexico border. The number of annual arrests fluctuates widely - with 1.6 million in 2000 and 705,000 in fiscal year 2008. Many abuses occur during these never-ending hunts that target Latino immigrants.

“Roberto [Martinez] staffs an office (AFSC) in San Diego that documents Border Patrol abuses....He sees hundreds of violations by immigration authorities each year, from the small (verbal abuse, illegal confiscation of documents, deportation of legal residents) to the large (maimings, rapes, and deaths in pursuit of custody).” \*11 (Ched Myers)

As the U.S.-Mexico border has become more militarized, more migrants have died in their desperate attempts to evade capture.

Along with the Border Patrol, the Immigration and Customs Enforcement (ICE) and regular police forces contribute to an oppressive climate in the U.S. for many Latinos. Poor Latinos, in particular, are targeted by the Border Patrol and ICE (formerly the INS). \*12

“It is important to note that both border control operations and [ICE] raids invariably target legal residents and citizens as well as undocumented people, with agents using racial profiling.” \*13 (Anannya Bhattacharjee)

Gestapo-type ICE raids into homes or businesses target poor Latinos and sometimes abduct legal citizens as well as undocumented people.

“The sum total of the new zero tolerance immigration laws, the militarized border, the massively expanded system of electronic surveillance, and increasing collusion between police and the [ICE] is the de facto criminalization and political marginalization of documented and undocumented immigrants alike.

Whether by design or default, the state’s increasingly hostile stance towards immigrants is politically useful because it bolsters racial and class hierarchies. Also, border militarization and interior enforcement, like so much of the post-sixties criminal justice buildup, serve as pre-emptive counterinsurgency.” \*14 (Christian Parenti)

The criminal state’s dehumanization and oppression of Latino immigrants serves a dual purpose: it helps to control a racial minority population and it helps upper class economic interests. Immigrants have always provided valuable, low-wage labor for U.S. businesses and have been a factor in keeping wages low for some other workers. Oppression of immigrants keeps them politically disenfranchised, prevents them from organizing, controls their numbers, and makes them vulnerable for economic exploitation.

Actual levels of police violence and brutality cannot be determined. Official Justice Department statistics represent only a small fraction of actual instances. Oftentimes abuses are not uncovered or investigated until long after they occurred. Chicago is but one example.

“Chicago police beat, kicked, shocked or otherwise tortured scores of black suspects in the 1970s and 1980s to try to extract confessions from them, prosecutors reported Wednesday [July 19, 2006] ....Prosecutors...found evidence that police abused at least half of the 148 suspects whose cases were reviewed. Nearly all of the suspects were black.”

\*15 (Don Babwin)

No Chicago police officers were prosecuted for this abuse and torture of “suspects” - nearly all of whom were Black. This is typical. The Justice Department (sic) reports that few police officers accused of abuse are prosecuted.

“At least 96% of all law enforcement cases referred to the Justice Department’s Civil Rights Division in each of the past seven years by investigative agencies did not result in prosecutions.” \*16 (Kevin Johnson)

And most police brutality goes unreported.

Of growing concern is the frequent use of tasers, particularly on “suspects” already in police custody.

“Amnesty International remains concerned that tasers continue to be used in jails and in booking areas in police stations. By definition, suspects in these places have already been restrained and are in the custody of police officers. Amnesty International believes that taser use in these situations is an inherently excessive use of force.” \*17 (Amnesty International USA)

Tasers are often a contributing factor in the deaths of people zapped by police forces.

“Fifty-nine people died after being shocked with Tasers [in 2008], bringing to 346 the number of such deaths since 2001....Many of those who died were subjected to multiple or prolonged shocks, were under the influence of drugs and/or had health problems which could have made them more susceptible to the adverse effects of such devices. Tasers were also frequently used against people who did not pose a serious threat.” \*18 (Amnesty International)

Police brutality is often defended as “justifiable assault” or “justifiable homicide.” Falsely charging victims of police brutality with “assault” or with “resisting arrest” is a common police tactic in defending police violence. Police brutality most often happens to individuals who have the lowest standing in the social order. This is not surprising since the vast majority of the people the police capture and arrest come from the lower class. Victims of police brutality usually have little credibility or no voice among the general public - thus keeping much abuse hidden from mainstream society.

The buildup of a police state results in more police oppression and brutality. The divide between state agents with police powers and the general population increases as surveillance and suspicion fall upon ever greater numbers of people. Yet the hammer of the state strikes most frequently at those on the bottom of social hierarchies.

Many people who are arrested are quickly released after a court arraignment or after a court appearance is scheduled. But for others this is not the case. For many people, enslavement begins with an arrest by any of the state's police forces. Many poor people cannot post bail or otherwise gain their release. Many ICE detainees are imprisoned for a long time under abusive conditions.

“If the detention continues for ninety days after the alien has been ordered removed, the prisoner becomes a ‘post-order detainee.’ Long-term detainees whom the agency has been unable to deport were known as ‘lifers.’” \*19 (Mark Dow)

Many of the Cubans who came to the U.S. from Mariel, Cuba in 1980 have been “detained,” i.e. enslaved, for extraordinarily long times.

“In 2001 at least 160 Mariel Cubans had been detained by the INS for a decade or more.” \*20 (Mark Dow)

The state takes complete custody over detainees and holds them in captivity. They are imprisoned even while they wait for deportation or to appear in one of the state's criminal courts. They experience forced separation from their families and face loss of jobs, housing, possessions, and freedom. They are enslaved before the formal court process has unfolded.

### Bringing Criminal Charges

The criminal legal system tries hard to maintain its public image of legitimacy. Thus one of its characteristics is the practice of deception. This is a practice of hiding various biases and crimes of the state and attempting to maintain a formal appearance of fairness and justice. Behind this gross deception is the real legal process that is completely biased. The ruling class makes the laws, the police forces target the lower class, the courts are heavily-weighted in favor of the rich, and penal institutions are filled with people of color and poor people.

After people are arrested, criminal charges are usually entered against them. Then they must appear in court to face the charges. By the time poor defendants appear in court the process of “criminalization” is under way. They are funneled through the courts. Various court mechanisms - setting bail, access to lawyers, quality legal representation, plea-bargaining, trials, the appeals process, and parole and probation - all favor the rich and powerful. Poor defendants are the fodder that the court system thrives on.

Prosecuting individual defendants helps to deflect attention from and hide crimes of the state. Is there not more than a little hypocrisy involved when the state prosecutes and criminalizes individual defendants? Who is the greatest thief? Who is the greatest sexual predator? Who is the greatest perpetrator of violent assaults? Who is the greatest murderer? Who is the greatest child abuser? Who convicts individuals of crimes while committing similar crimes on a far larger scale? Could it be the criminal state - and its agents?

- *Theft?* The nation-state is founded on theft of Native American lands, theft of Black slave labor, and unfair appropriation or theft of foreign resources.
- *Sexual violence?* State security forces and the armed forces have victimized innumerable women. Of course female prostitutes, undocumented female immigrants, and female prisoners are especially vulnerable to state agents’ coercion and sexual assaults. But the military can’t even prevent its women soldiers from being sexually harassed or raped by male comrades. A survey provides some statistics about sexual assaults at U.S military academies.  
“More than 50 percent of female respondents and 11 percent of male respondents indicated experiencing some type of sexual harassment since entering the schools....Last year [2004], nearly 150 women came forward with accusations that they had been sexually assaulted by fellow cadets between 1993 and 2003. Many alleged they were punished, ignored or ostracized by commanders for speaking out.” \*21 (Liz Sidoti)
- *Violent assault?* Police brutality and military strikes into foreign nations are so numerous that if each instance were

recorded it would fill volumes of books. CIA covert actions all over the world, state training schools for foreign military personnel teaching them counterinsurgency repression and torture, unsurpassed global arms sales, military aid, and aggressive wars are the past (and present) context for statements like that of Martin Luther King, Jr.:

“As I have walked among the desperate, rejected and angry young men, I have told them that Molotov cocktails and rifles would not solve their problems....They asked if our own nation wasn’t using massive doses of violence to solve its problems, to bring about the changes it wanted. Their questions hit home, and I knew that I could never again raise my voice against the violence of the oppressed in the ghettos without having first spoken clearly to the greatest purveyor of violence in the world today - my own government.” \*22

- *Murder?* Again, the instances, both domestically and internationally, are innumerable. One noteworthy example, because of its magnitude, was when the state, in a matter of four days, dropped nuclear bombs on the civilian populations in Hiroshima and Nagasaki, instantly murdering over 150,000 innocent people. The Vietnam War consisted of ongoing war crimes, atrocities, and murder of innocent people.

“Large areas of South Vietnam were declared ‘free fire zones,’ which meant that all persons remaining within them - civilians, old people, children - were considered an enemy, and bombs were dropped at will. Villages suspected of harboring Viet Cong were subject to ‘search and destroy’ missions - men of military age in the villages were killed, the homes were burned, the women, children, and old people were sent off to refugee camps... The CIA in Vietnam, in a program called ‘Operation Phoenix,’ secretly, without trial, executed at least twenty thousand civilians in South Vietnam.” \*23 (Howard Zinn)

- *Terrorism?* There is no terrorism so great and terrible as state-sponsored terrorism. U.S. history is replete with U.S. support for terrorism in its foreign policy.

“Torture, death squads and freedom of investment are related parts of the approved model sponsored and supported by the leader of the Free World. Terror in



these states is functional, improving the ‘investment climate,’ at least in the short run....It turns out, therefore, that if we cut through the propaganda barrage, Washington has become the torture and political murder capitol of the world....The United States is the power center whose quite calculated and deliberate policy and strategy choices have brought about a system of clients who consistently practice torture and murder on a terrifying scale.” \*24 (Noam Chomsky and Edward S. Herman)

Tens of thousands of innocent civilians, termed “collateral damage” in military double-speak, have been murdered as a result of U.S. invasions and occupations of Iraq and Afghanistan. U.S. missile strikes continue to injure and massacre innocent civilians.

- *Drug Trafficking?* For the state, drug trafficking is like a strategic game wherein the state can play both sides for advantages. Thus, in general and for strategic reasons, the state *supports* the worldwide drug trade.

In support of drug trafficking, the CIA has for over six decades made numerous alliances with drug traffickers and drug lords all over the world. In furtherance of its criminal activities and covert operations, the CIA has had extensive complicity in global drug trafficking, providing valuable support and protection for major drug traffickers.

“In Laos during the Vietnam War, the CIA’s secret army of opium-growing Hmong tribesmen and its alliances with Laotian generals active in the traffic facilitated logistics that shipped heroin to U.S. forces fighting in South Vietnam. As the Vietnam War wound down, the heroin laboratories that the CIA’s covert-action allies had opened to supply American troops later serviced the U.S. domestic market. Through its covert action alliances with the region’s opium warlords, the CIA played a catalytic role in the Golden Triangle’s emergence as the world’s leading opium and heroin producer. During the 1980s, the CIA’s covert wars were again interwoven with the global narcotics trade. The agency’s support for Afghan guerrillas coincided with the emergence of Central Asia as the major heroin supplier for European and American markets....Simultaneously, during the covert war against

Nicaragua, CIA operations curtailed DEA [Drug Enforcement Agency] enforcement in Central America while the agency allied with one of the most powerful players in the Caribbean cocaine trade....Respecting the priority of CIA operations, the DEA kept its distance from agency assets, whether in Afghanistan, Laos, or Honduras. Such implicit tolerance allowed covert war zones to become enforcement-free areas where drug trafficking could expand without limit.” \*25 (Alfred W. McCoy) *In purported support of “global drug prohibition,”* the U.S.’s DEA and military forces find justification for their involvement and intervention in foreign nations around the world. State aid to foreign nations to selectively “fight” the supply side of the drug trade actually supports foreign states’ repressive counterinsurgency practices. U.S. aid supports foreign nations’ repression of the poor (in order to enhance economic capitalistic interests and military ties). U.S. aid helps to further militarize so-called “democratic states.” In nations receiving U.S. aid, a part of the ruling class is often financially benefiting from drug trafficking and is only interested in selectively repressing their competitors in the drug trade. “In ‘war-on-drugs’ lingo, the terms ‘narcodemocracy’ and ‘narcostate’ imply that drug interests rule a nation behind a façade of democracy or, at least, that they’ve penetrated strategic political institutions.” \*26 (Jorge Rodriguez Beruff)

Afghanistan, a narcostate, was producing more than 70% of the world’s opium until the Taliban reversed their policy of supporting poppy cultivation and imposed a total ban in 2000. Production plummeted over 90%. But after the U.S. invasion in late 2001, the new U.S.-supported government, consisting of a coalition of regional warlords, restored poppy cultivation. Afghanistan is once again the world’s leader in opium production and the U.S. is both supporting drug-trafficking allies and selectively trying to repress poppy production that benefits the Taliban guerrilla fighters.

*In purported support of “domestic drug prohibition,”* draconian drug laws have been selectively enforced primarily against poor people of color. Police forces have reaped significant economic benefits from the drug trade

by seizing and appropriating for themselves large amounts of money and properties from drug dealers. Many police forces would hate to lose this source of revenues - which is their cut in the drug trade. \*27

- *Arson?* The incendiary firebombings of German and Japanese cities in World War II killed as many innocent civilians as the two atomic bombs. During the Vietnam War heavy use of incendiary napalm bombs started fires but were also intended for burning human flesh.
- *Child abuse?* During the Vietnam War the U.S. dropped hundreds of thousands of cluster bombs in Laos, Cambodia, and Vietnam. For decades, and to the present time, those monstrous weapons have continued to explode when an innocent child (or adult) picks one up or steps on it. In Iraq, the destruction of civilian infrastructure by the U.S. and allies in the first Gulf War, followed by economic sanctions, caused enormous suffering among the poorest and most vulnerable Iraqis. As a result of the war and the sanctions, 500,000 children under the age of five suffered and died preventable deaths. \*28 Much culpability for this unconscionable child neglect or child abuse lies with the U.S. In addition, the U.S., in both the first and second Gulf Wars, used hundreds of tons of munitions containing “depleted uranium,” or U-238. Depleted uranium is a highly radioactive substance that lasts for millions of years and can cause cancers, birth defects, and deaths. Children and babies will continue to be some of the victims far into the future.
- *Extortion?* Taxes, taxes, taxes (not to mention fines, fees, tolls, surcharges). Compulsory taxes, under the threat of punishment, pay for the largest and most violent criminal organization in existence. Tax cuts for the rich make the tax system more regressive and increase the tax burden for the lower classes.
- *Other crimes?* Unlimited and endless - and beyond the scope of this book.

In general, whatever the crime, the state is guilty of it on a massively larger scale than any individual. Yet the criminal state is almost never held accountable for any of its crimes. It essentially commits crimes on a massive scale with impunity.

The state's power of deception is quite remarkable. The criminal legal system seems to operate with complete disregard for the massive criminal nature of the state. Most people seem to be oblivious to the intrinsic hypocrisy of the legal system. The criminal legal system's role in the crimes of *oppression* and *slavery*, not cited in the above list of the state's crimes, largely go unchecked and unimpeded.

One legal tool that the state can abuse when bringing criminal charges is the grand jury. Ostensibly, use of a grand jury is a means for the state to investigate serious criminal activity and bring charges substantiated by evidence. However, the prosecutors' power to compel testimony about everything or jail people adds to the repressive power of the state.

"Grand juries often are used as weapons to repress political movements that organize for social change. They were used against the labor movement in the 1900s, the Communists in the 1950s, antiwar activists, Irish nationalists, and Black Panthers in the 1960s and 1970s, and Puerto Rican Independistas for the last seventy years. Thousands of activists have been subpoenaed and had their lives ruined and their movements weakened....Prosecutors, knowing that many of the witnesses they sought would not talk, used their subpoenas as a simplified way of jailing protest leaders....Dozens of activists who have insisted on their constitutional right to remain silent have been jailed without any charges or trials." \*29 (Margaret Ratner and Michael Ratner)

The criminal state can jail people who refuse to testify before a grand jury without bringing any charges against them.

The state prefers quick and efficient "criminalization" of poor defendants. Most defendants do not go to trial. Most go through "plea bargaining" with a state attorney. They agree to plead "guilty" to one or more charges against them.

The plea-bargaining process is very coercive. The criminal state offers defendants incentives to plead guilty - and avoid a worse fate. The state may offer to drop other charges in exchange for a plea of "guilty" to one charge. The state will often bring extra, bogus charges against defendants in order to pressure them to plea bargain. Sentencing guidelines,

mandatory minimum sentences, and “truth-in-sentencing” laws further increase the coercive power of prosecutors.

“One by-product of mandatory minimums is that federal prosecutors have acquired enormous power....(B)y picking the offense with which a defendant...is charged, the prosecutor, in effect, also picks the sentence he will receive; the judge has little to do with it. In most cases, the mandatory sentence is so steep that defendants literally cannot risk going to trial. And so most of them agree to plead guilty to a lesser charge. For this reason, 90 percent of federal defendants charged with drug crimes never go to trial.” \*30 (Joseph T. Hallinan)

The state may offer to recommend to the judge a more lenient sentence than could be expected if the defendant went to trial and was convicted. Most poor defendants, and more so people of color, know that if they go to trial the “deck is stacked” against them. For poor people who are locked up while awaiting trial, plea bargaining may be the quickest way for them to get out of jail. Also, for most people, courts are intimidating and a source of anxiety. Plea bargaining brings some resolution to their cases and removes the specter of uncertainty. Thus, many defendants will plead “guilty” to a charge even though they are innocent.

“Thousands of suspects unable to afford lawyers are wrongly convicted each year because they are pressured to accept guilty pleas or have incompetent attorneys, the American Bar Association (ABA) says....The study says that legal representation of indigents is in ‘a state of crisis.’” \*31 (Star Tribune)

After a defendant pleads “guilty,” the judge will perfunctorily ask the defendant if she or he is truly guilty and has knowingly and freely entered a plea of “guilty.” The defendant, who knows the script, will affirm it to be so. Thus, all the coercion that is inherently a part of plea bargaining is covered up. The official record of the proceedings will show that no coercion was involved.

### Criminal Trials

One of the myths that the criminal state perpetuates is that at the beginning of a trial “the defendant is presumed innocent until proven guilty.” That myth is a real farce. \*32 When

persons who are at the bottom of social hierarchies are brought to trial, the *real starting point* is the presumed innocence of the state (and not the defendant). The presumed innocence of the state is apparent since only the state can bring criminal charges and prosecute cases. The criminal state and its criminal courts are presumed to represent the best arbiters of justice. The real starting point for the individual defendant is that she or he is on the chopping block. She or he is caught in the snare of society's most powerful criminal organization. The defendant is in the dock - facing charges pressed by the state's prosecuting attorney in a court presided over by a judge who also represents the state. Without quality legal representation and a vigorous defense, the defendant who is poor and/or a person of color stands little chance.

One bulwark of the criminal legal system's façade of justice is the use of juries. The myth of a fair "trial by a jury of one's peers" helps to hide the state's control and manipulation of the legal process. Like all other legal proceedings, jury selection is quite biased. The jury pool has a class bias that favors the middle- and upper-class. Poor people are more likely to be excluded from jury pool rolls. Poor people without a valid state-issued I.D., or without an address or phone number in their name, or who have moved recently, or who don't have a permanent residence, are excluded. A disproportionate number of poor people and people of color have been "criminalized" by the legal system (and have a criminal record) and are more likely to be eliminated from a jury during jury selection. And many, whose jobs are tenuous or who cannot arrange for childcare, simply do not respond to a jury pool summons. People of conscience, who are most aware of social injustices, are often eliminated during jury selection. As a result, juries are usually made up of mainstream people with a middle- or upper-class bias who believe in the criminal state and its deceptive court rituals.

Throughout a trial the judge carefully controls the jury. Jurors must swear to uphold the state's laws, the judge instructs the jury on what particular laws to follow and apply, and the judge restricts the evidence presented to a jury. The restrictions on evidence and testimony often favor the state and hurt defendants' defenses. The judge makes rulings to focus the

trial on the individual defendant and on minutiae - the details of a specific charge. Powerful social, political, and economic forces that provide the context from which individuals live and act are not allowed into testimony. Larger issues of social justice, class bias, historical context, and the multitudinous crimes of the state are usually censored and prohibited during trials.

“Western colonialism may speak of an American history. Native People speak of an American holocaust....The testimony of Native People to this genocide is rarely heard because Native People have been trivialized by Western propaganda.” \*33 (Steve Charleston)

“Many imprisoned Native women struggle with the importance of Native traditions, the destruction of Native cultures, and the criminalization process. Therefore, any discussion of the value of Native traditions for women prisoners must begin with the criminalization of Native cultures by the federal government....Euro-American prisons always have operated to keep Native people in a colonial situation. As in the past...Native people encounter overwhelming odds at every stage of the Euro-American criminal justice system.” \*34 (Luana Ross)

“They have always institutionalized our young people, first in boarding schools where they were abused for being Indians, then in prisons. We consider all the young Indians in jail to be political prisoners.” \*35 (Vernon Bellecourt)

Denying juries the right to hear testimony and evidence concerning the crimes of the state helps to skew trials in favor of the criminal state.

During a trial, most poor people have deficient legal representation. Relying upon state-appointed lawyers is usually self-defeating.

“(M)any state and local governments make no pretense of complying with the constitutional requirement of providing lawyers to poor people accused of crimes. They are unwilling to allocate adequate resources for the representatives of indigent criminal defendants. Yet it is the defendant who pays with his or her life or liberty for the lawyer’s ignorance of the law or failure to present critical evidence....

(S)tates have no incentive to provide adequate representation to poor people. By assigning the indigent accused inadequate

counsel, the state increases its chances of obtaining a conviction and reduces the scope of appellate and post-conviction review.” \*36 (Stephen B. Bright)

The state’s prosecuting attorney has great power to skew “the evidence.” It is to prosecuting attorneys’ advantage, despite laws to the contrary, to conceal evidence that is favorable to defendants. As a result of prosecutors’ abuses, many innocent defendants are framed.

“The *Chicago Tribune* published a five-part series on the plague of prosecutorial misconduct in homicide cases. The Tribune reporters conducted a nationwide survey of homicide cases since 1963, when the U.S. Supreme Court ruled that prosecutors are required to disclose exculpatory evidence and evidence otherwise favorable to the defense in criminal cases. The reporters concluded that ‘at least 381 defendants nationally have had a homicide conviction thrown out because prosecutors concealed evidence suggesting innocence or presented evidence they knew to be false.’ Of those 381 cases, 67 defendants had been sentenced to death. Nearly 30 of those 67 death row inmates were subsequently freed.

The five-part series delves into the culture of the district attorney’s office, exposing prosecutors’ abandonment of their duty to seek out the truth, as well as the win-at-all-costs mentality that has resulted in egregious misconduct - often with lethal consequences.” \*37 (Brian Kammer)

There have been 139 death row exonerations since 1973 (as of December 2009). \*38 How many more should there have been? Since very few defendants can afford to investigate prosecutorial misconduct, the instances where it is discovered must represent just the tip of the iceberg.

The criminal state has other ways to skew “the evidence.” The Innocence Project, which uses old DNA evidence to free wrongly-convicted people, studied various ways that the state uses to frame innocent people.

“In 2000, the Innocence Project reconstructed seventy-four cases in the United States of the seventy-nine exonerations in North America to determine what factors had been prevalent in the wrongful convictions. Mistaken eyewitnesses were a factor in 82 percent of the convictions; snitches or informants in 19 percent; false confessions in 22 percent. Defense



lawyers fell down on the job in 32 percent; prosecutorial misconduct played a part in 45 percent, and police misconduct in 50 percent. A third involved tainted or fraudulent science. Among the more troubling findings is that several of these factors are more pronounced in the conviction of innocent black men. These numbers provide but a glimpse of an unexplored, undocumented, and challenging world.” \*39 (Barry Scheck, Peter Neufeld, Jim Dwyer)

The small number of old cases that still have DNA evidence to overturn convictions represents just the tip of the iceberg. The overriding goal of convicting defendants can lead prosecuting attorneys, police officers, crime labs, and the state’s witnesses and informants to tell lies or to manipulate the evidence. As the criminal state uses its immense powers to wrongfully gain convictions, many innocent people are sacrificed and their lives destroyed.

Maintaining the illusion of legitimacy in the eyes of the public is important to the state. The courts try hard to deceive the public into believing that trials are objectively neutral and fair. The legal process and trial (if there is one) is a showcase for the state, playing over and over again the state’s so-called “commitment” to laws, legal rituals, and “justice.” But, from a clearer perspective, trials are renditions that whitewash the state, effectively label most defendants as “criminals,” and propel mostly people of color and poor people towards short or long-term enslavement by the state. The legal process moves “arrestees” to “defendants” to “convicts” to “slaves” of the state. Many defendants are convicted of a single misdeed - but the end result is their being placed into the 24-hour-a-day totalitarian institution of state slavery.

It is beneficial to the state when people who are convicted of a crime are stigmatized. Once defendants are convicted they can be described as “criminals.” They carry an official “criminal record.” They are part of “the problem,” i.e., part of the “criminal element” in society that causes society’s problems. They become second-class citizens - inferior people, a step below so-called “good, law-abiding citizens.” They are morally defective - and deserve to be punished and enslaved by the state. This is the line of logic used to stigmatize defendants and legitimize state slavery. As long as convicts are viewed as

defective, inferior, or sick human beings, and as long as the horrendous criminality of the state is ignored, then millions of Americans can be shipped off into slavery, into the “American gulag” of jails and prisons - thus perpetuating an oppressive, slave-based social order.

### Criminal Sentences

After defendants are convicted they are sentenced.

Since at least 1981, much of the ruling class has been promoting policies of mass incarceration. Many politicians have exploited Americans’ fears about crime with self-serving “law and order” campaigns. The hidden message of so-called “law and order” or “get tough on crime” campaigns is that *state slavery is the answer* to the problem of crime. The heinous crime of state slavery is popularized and hailed as the essential countercheck to criminal activity. Increasing police and state power is promoted as a remedy for the problem of crime. But it’s really just fighting fire with fire - except that a “big-time” criminal organization (the state) is given more and more firepower to fight “small-time” crime.

Since 1980, sentencing biases for enslavement and for longer sentences (rather than fines, probation, or community service) have resulted in the quadrupling of the jail and prison population. Mandatory sentences, “three-strikes” laws, and the elimination of parole on some sentences have contributed to the increase of the prison population. The U.S. has become number one in the world with the highest incarceration rate of any nation. The United States imprisons around 754 per one hundred thousand residents. \*40 Around 2.4 million Americans are enslaved in state juvenile facilities, detention centers, jails, and prisons, and another 5 million are on parole or probation.

Harsher sentencing laws have accentuated biases against people of color, poor people, and juveniles. More people convicted of nonviolent offenses are receiving jail sentences. More people are receiving longer sentences. More youth, under the age of 18, are being tried as adults and are receiving prison sentences. Some youth are being condemned to a “life” of state slavery.

“There are currently at least 2,225 people incarcerated in the United States who have been sentenced to spend the rest of their lives in prison for crimes they committed as children.... An estimated 59 percent received the sentence for their first-ever criminal conviction....An estimated 26 percent were convicted of felony murder in which the teen participated in a robbery or burglary during which a co-participant committed murder, without the knowledge or intent of the teen. Racial disparities are marked. Nationwide, the estimated rate at which black youth receive life without parole sentences (6.6 per 10,000) is ten times greater than the rate for white youth (0.6 per 10,000).” \*41 (Human Rights Watch & Amnesty International)

Sentencing biases compound the racist biases found throughout the criminal legal system. An example comes from the so-called “war on drugs” (an egregious misnomer concealing the state’s racist and oppressive methods of population control). The sentencing laws are biased to punish more harshly small-time crack dealers and users than cocaine distributors and users. This bias - combined with police operations focused on street crime and minority drug dealing and court operations which heavily favor affluent people - results in people of color being much more likely to be arrested, convicted, and sentenced to a long prison term.

“From a figure of about 40,000 people incarcerated in prison or jail for a drug offense in 1980, there has since been an 1100% increase, to a total of 500,000 today....Overall, two-thirds of persons incarcerated for a drug offense in state prison are African American or Latino. These figures are far out of proportion to the degree that these groups use or sell drugs.” \*42 (Marc Mauer)

The racist nature of the system is quite obvious since a majority of drug users and sellers are white. A recent study of new admissions for drug offenses to 34 state prisons revealed that:

“A black man was 11.8 times more likely than a white man to enter prison for drug offenses; A black woman was 4.8 times more likely than a white woman to enter prison for drug offenses.” \*43 (Human Rights Watch)

Sentencing for drug offenses is significantly increasing the racist nature of the legal system. The number of Blacks who have been “criminalized” is astounding. One in ten Black males

(10.4%) aged 25-29 was incarcerated in 2008 compared with one in twenty-six Hispanic males (3.8%) and one in sixty-three white males (1.6%). \*44 Although around 93% of prisoners are male, the number of female prisoners has been steadily rising. A significant increase has come from African American women, many of whom are convicted for being nonviolent accomplices in the drug trade.

More severe punishments for people with prior criminal records adds an additional racial bias to the criminal legal system. Relying on a convict's prior criminal record entrenches past racist biases of the legal system, increases the severity of sentences, and thus serves to compound the racist nature of the system.

Sentencing puts the final seal on the criminal state's public performance of criminalizing and stigmatizing individuals. After sentencing, the state can move the convicts slated for slavery to the next step: disappearing them from society.

After sentencing, convicts "disappear" from society - disappearing into the penal world of jails and prisons. The criminal state, in partnership with many corporations, has invested very deeply both in building a monolithic penal system and, in large part, making it invisible to the public. This near invisibility is beneficial for maintaining popular support for institutions of state slavery and for maintaining the appearance of legitimacy.

The walls of jails and prisons have dual functions: 1. securely confining prisoners/slaves in totalitarian institutions; and 2. making the institutions very inaccessible to the public. The more inaccessible the jails are to the public the more they are inscrutable and unaccountable. Prisoners largely drop out-of-sight and out-of-mind. Convicts entering jails lose most of their rights and most of their support system (family, friends, etc.). The slaves are largely left by society in the hands of the front-line slaveholders (i.e., prison administrators and guards).

Some convicts sidestep jail by being placed on probation. And most prisoners will eventually be released - with many placed on probation. Of the 5 million Americans on parole

and/or probation, many can expect to be sent to jail or prison. Probation is a system of control, with few restraints, that helps to extend the oppressive and punitive power of the state over millions of Americans. Probation Officers (P.O.'s) have great power (with little accountability) to immediately send convicts under their scrutiny to jail. Some P.O.'s are like slavehounds, dogging selected clients and occasionally snatching them up and enslaving them on a moment's notice.

"In Anaheim, California...probation officers, coordinating their efforts with the District Attorney, ride with police, not to preempt gangbanging, but to catch and bust youth who violate the rules of their virtual house arrest probation. One of the Anaheim prosecutors summed up the policy thus: 'If active gang members come out on probation and they sneeze, they're going back to jail.' Here too, it is the rhetoric of zero tolerance and quality of life that justifies such heavyhanded control." \*45 (Christian Parenti)

For many on probation, state slavery is just one little misstep away.

The thoroughly racist criminal legal system is a powerful engine driving and reinforcing white racism throughout society. Released prisoners, most of whom are racial minorities, carry with them "criminal records." These records, a form of "permanent punishment," help to stigmatize ex-prisoners, politically disenfranchise them, and economically weigh them down. These records result in legal discrimination in critical areas such as housing, education, and jobs. This discrimination is added to already existing discrimination and oppression. Thus, the racist social system keeps building upon itself.

"Incarceration deepens a job-skill deficit that is a leading factor explaining 'criminal' behavior among disadvantaged people in the first place....The 'war on drugs' that contributes so strongly to minority incarceration also inflates the price of underground substances, combining with ex-offenders' shortage of marketable skills in the legal economy to create irresistible incentives for the sort of income-generating conduct that leads back to prison. The lost potential earnings, savings, consumer demand, and human and social capital that results from mass incarceration cost black communities untold millions of dollars in potential economic development, worsening an inner-city political economy

already crippled by decades of capital flight and de-industrialization. The dazed and embittered graduates of the prison-industrial complex are released back into a small number of predominantly black and high poverty zip codes and census tracts, deepening the concentration of poverty, crime, and despair that is the hallmark of modern American ‘hyper-segregation’ by race and class.” \*46 (Paul Street)

Quite understandably, recidivism rates for released racial minorities are very high. For many prisoners, release from prison turns into a revolving door, and they are soon caught up again in the racist process of enslavement. \*47

The process of enslavement expands the power of the criminal state as it disempowers arrestees / defendants / convicts / slaves. The criminal legal system is not about truth and justice. It is about the heinous crimes of state oppression and slavery.

State slavery is veiled by legal rituals, myths, self-righteous rhetoric, propaganda, state agents in uniforms, and prison walls. It is perpetrated mostly on people from the lower class - the anonymous members of the poor and minorities who are abused by the state in every era of human history. Their lives are torn asunder. Their names are forgotten.

## Footnotes

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economic rights. Since women were largely denied public status as rights-bearing individuals, they could not be easily punished by the deprivation of such rights through imprisonment. This was especially true of married women, who had no standing before the law. According to English common law, marriage resulted in a state of ‘civil death,’ as symbolized by the wife’s assumption of the husband’s name. Consequently, she tended to be punished for revolting against her domestic duties rather than for failure in her meager public responsibilities....The persistence of domestic violence painfully attests to these historical modes of gendered punishment.” Angela Y. Davis, Are Prisons Obsolete?, Seven Stories Press, New York, 2003, p. 45. Patriarchal structures, gender roles, and the persistence of male dominance, coercion, and violence continue to result in far more males incarcerated than females.

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27. “But the buildup really took off with the Federal Crime Bill of 1984. This created the assets forfeiture laws enabling police to keep as much as 90 percent of all the ‘drug tainted’ property they could seize. Nationwide, the total amount of all seizures grew from about \$100 million in 1981 to over \$1 billion by fiscal year 1987. Thus did the feds entice local police into their plans for total war at home.” Christian Parenti, “The ‘New’ Criminal Justice System: State Repression from 1968 to 2001,” States of Confinement, Joy James, editor, p. 308. The state’s oppressive drug policies



serve the white ruling class well - particularly in oppressing racial minorities and deflecting opposition to economic injustices. Drug policies serve to “divide and conquer” minorities. The illicit drug trade keeps gangs of racial minorities robbing, fighting, and killing each other - and going to jail - and breaks up families and communities. The decriminalization of drugs would, to some extent, disrupt inner-city black market economies and criminal activity - and could again lead to militant racial movements against the state. Thus a large segment of the ruling class will likely continue to support “domestic drug prohibition” and mass incarceration of people of color.

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  44. The Sentencing Project, from [sentencingproject.org](http://sentencingproject.org), accessed in July 2009.
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## CHAPTER 6

### Slavery And Its Abuses

“Over the course of a year, 13.5 million people spend time in jail or prison....On any given day, 2.2 million people are incarcerated in the United States.” \*1 (Commission on Safety and Abuse in America’s Prisons)

What happens to the millions of Americans who are incarcerated in detention centers, jails, and prisons? What does happen is very important. The penal system is a major part of the legal system - which is the *real embodiment* of a state’s laws. The penal system reveals a lot about how the so-called “rule of law” is applied. An examination of the penal system can provide a “reality-check” for all who only advocate for “working within the domination system.”

What will an examination of the penal system reveal?  
“Hundreds of thousands of men, women, and children in the United States cannot control their own labor. They are slaves....Prisoners are, by mandate of the U.S Constitution, slaves....They have no rights to control where they are, with whom, or how they spend their time - in forced labor or forced idleness. They are given over to the prison system presumably to be ‘corrected’ or ‘rehabilitated.’ In fact, they are in the system to accomplish only one goal: punishment.”

\*2 (Murphy Davis)

The penal system is a longstanding form of state slavery. An examination of the penal system will reveal truths about this popular form of slavery.

The penal system tries to justify itself as being part of the “justice system.” But what sort of “justice” does it deliver to those it enslaves? And what sort of society does penal slavery help to create and support?

The myth that the penal system can deliver “justice” to society as a whole or to individuals needs to be discredited.

“After one concedes that racism is stamped unalterably into the present nature of American sociopolitical and economic life in general (the definition of fascism is: a police state wherein the political ascendancy is tied into and protects the interests of the upper class - characterized by militarism, *racism*, and imperialism), and concedes further that criminals and crime arise from material, economic, sociopolitical causes, we can then burn *all* of the criminology and penology libraries and direct our attention where it will do some good....

The textbooks on criminology like to advance the idea that prisoners are mentally defective. There is only the merest suggestion that the system itself is at fault. Penologists regard prisons as asylums. Most policy is formulated in a bureau that operates under the heading Department of Corrections. But what can we say about these asylums since *none* of the inmates are ever cured. Since in every instance they are sent out of the prison more damaged physically and mentally than when they entered. Because that is the reality. Do you continue to investigate the inmate? Where does administrative responsibility begin? Perhaps the administration of the prison cannot be held accountable for every individual act of their charges, but when things fly apart along racial lines, when the breakdown can be traced so clearly to circumstances even beyond the control of the guards and administration, investigation of anything outside the tenets of the fascist system itself is futile.” \*3 (George Jackson)

The penal system is the creation of the criminal state and, hence, is tied into and protects the interests of the ruling class. The crimes of prisoners need to be viewed in relationship to the crimes of the state and the crimes of the rich and powerful. Many crimes of prisoners are terrible - but the crimes of the state and the ruling class far surpass them. How can there be “justice” when the criminal class at the top of society is protected and the people being punished are mainly people of color and poor people?

Jackson points out that most prison bureaus are deceptively called the “Department of Corrections.” The state used to

propagate the illusion that jails and prisons served the purpose of “rehabilitation of criminals.” According to the rehabilitation myth, now widely discredited, the slaveholders were the “good guys” who had skills and techniques to re-form prisoners. This myth casts a positive light on institutions of state slavery. Supposedly, the means of state slavery could achieve the ends of reforming prisoners. But what could the criminal state and its institutions of slavery reform prisoners into? A simple question must be asked: What good can come from slavery? Or, more pointedly: What part of *slavery* don’t you understand?

Slavery is the most extreme relationship based on dominative power. Slavery is completely imbued with totalitarian control and authority. Relationships of masters and slaves are inherently oppressive and dehumanizing. Additionally, the purpose of penal institutions is to intentionally inflict punishment, and hence pain and suffering, in various degrees, upon prisoners. Unacceptable behavior by prisoners is dealt with by further punishments. Greater punishment means intentionally inflicting greater pain and suffering. In practice, no distinction between “normal dehumanizing treatment and punishments” and “abuses” can be long maintained. “Power corrupts and absolute power corrupts absolutely.” \*4 Abuses are pervasive throughout the penal system - heaping even more pain and suffering upon prisoners. In this context, the penal system of state slavery can be viewed as being *inherently sadistic*. Essentially, slavery is a system of tyranny, i.e., the best-suited system for abuses to flourish.

The penal system of state slavery breeds corruption and abuses of power and responsibility. Corruption and abuses flourish from the top administrators and private contractors down to the lowest paid guards. The front-line slaveholders - the administrators and guards who run the state’s detention centers, jails, and prisons - have a great deal of power. The slaves are dependent upon the slaveholders for almost everything. On an ethical level, slaveholders have a lot of responsibilities to care for the slaves. Of course, it may be difficult to think of the ethics of slaveholders because slavery is inherently unethical and immoral. *And that is the point*. There is an obvious contradiction between slaveholders acting ethically and also working for an institution based on extreme dominative

power, dehumanization, and violence. There is an obvious “conflict of interest” between prison employees supporting a totalitarian institution and also caring for the welfare of the slaves. The welfare of the slaves is subordinated to the top priorities of maintaining institutional power and control, enforcing rules and regimens, and supporting the livelihoods of the slaveholders. The welfare of the slaves is always compromised. But that’s just the starting point.

In totalitarian institutions, which are characterized by their invisibility to the public, abuses of power occur. Regularly. Abuses really are not aberrations. Rather, they are pervasive, and hence, quite normal. The very nature of the system of total control, with numerous punishments, breeds abuses.

What are some of the common abuses of state slavery? The first abuse to be looked at is perhaps a little surprising. It is so normal and subtle, hardly extraordinary. But because its harmfulness is pervasive and often ignored it calls for attention.

### 1. Indoctrination

Detention centers, jails, and prisons are unique institutions of indoctrination because most of those who are indoctrinated are captives confined in totalitarian institutions.

The indoctrination of slaves of the state does not occur in an educational format. It does not take place in a classroom setting where ideological doctrines are drilled into the minds of the captives. Detention centers, jails, and prisons are teaching institutions - regardless of any programs or educational courses they might offer to prisoners. Any programs that are offered are just a sidelight to the main teaching that occurs during incarceration. Even in sterile, overcrowded county jails, rife with boredom, indoctrination is occurring. Indoctrination occurs without being either intentional or primarily verbal. What guards or administrators say is only a small portion of what prisoners “hear” and learn. Actions speak louder than words. Practices convey values and meanings. Indoctrination is experiential - with prisoners learning through their real experiences of living in subjugation and captivity.

The totalitarian world of penal institutions influences all slaves of the state. The influence differs from prisoner to prisoner among the nearly 5000 adult prisons and jails in the U.S. As with all the abuses discussed in this chapter there are lots of variances from county to state to federal facilities, from state to state, and from minimum to supermaximum security. (In general, juvenile facilities tend to be worse than adult facilities - with even more abuses inflicted upon a more vulnerable population.)

A prisoner shares some insights into the process of indoctrination based upon his or her particular experiences:

“What happens is that the person who enters prison is emotionally, psychologically, spiritually, and sometimes physically attacked. You are humiliated and dehumanized. Everything is taken from you - your dignity, your thought processes, even your sense of right and wrong....Literally every aspect of a prisoner’s life is controlled and monitored....Countless thousands of men and women come to prison guilty of having made a few bad choices. After years, if not decades, of mentally and morally crushing treatment from prison officials, they leave filled with bitter hatred toward society....Many people in prison are dead spiritually and mentally. The system encourages this spiritual death, so much so that prison officials are called ‘soul stealers.’” \*5 (anonymous prisoner - Georgia)

Oppression is omnipresent and wears on prisoners day after day.

What do penal institutions teach to slaves of the state? Much of what prisoners learn has to do with the *nature* of penal institutions. A college professor offers a helpful perspective:

“When I teach Social Psychology class, I spend a week or so going over the social/learned causes of aggression (e.g., provocation, modeling, punishment, extreme frustration, roles and social norms calling for aggression, physical discomfort, crowding, the presence of guns and other objects associated with aggression, etc.). After the students have digested that, I ask them to imagine a horrible fantasy world which would put together all of these known social/environmental causes of aggression. What would it be? A typical prison.” \*6 (Dr. Meredith Bombar)



Jails and prisons teach or convey to prisoners the primary values and practices of the institutions. Slaves are taught values of authoritarianism, dominative power, aggression, and violence. These values are inculcated into slaves day after day, month after month, and year after year. Of course, most prisoners had internalized these values before being incarcerated. The penal institutions simply reinforce them in a totalitarian way - by *modeling* the most extreme relationship based on dominative power: slavery.

Slaves of the state are indoctrinated into *closely associating "authority" with dominative power*. The authority of guards is backed by dominative power - by "superior force," the threat of punishment, and violence. Slaves of the state are taught to obey the commands of guards - or face punishment. This lesson occurs over and over again. Some slaves may be building up anger, resentment, hatred, and rage. Or, some may become docile and willingly accept state authority. But regardless of what prisoners think of the guards, the penal system is teaching that authority and dominative power go together.

Slaves of the state are also indoctrinated into *closely associating so-called "justice" with violence*. Penal institutions represent an extension of the state's versions of "the law" and "justice." Penal institutions model a form of self-righteousness where what is "good" and "right" is always determined by prison administrators and guards. The prison guards use force and administer punishments, many of them violent, in the guise of "justice." On the one hand, many prisoners are building up resentments against guards and administrators and are supporting an anti-authorities ethos and code. On the other hand, many prisoners are absorbing lessons about the connection between "justice" and violence, and how to use violent punishments as a matter of "prison justice." (The contradiction is that while most prisoners are developing some nebulous unity in disliking penal oppression, they are at the same time internalizing the values of their oppressors. "The most potent weapon in the hands of the oppressor is the mind of the oppressed." (Steve Biko))

Another thing that slaves of the state are indoctrinated in is: *how "social order" and "social status" are established through*

*hierarchy*. The “law and order” of penal institutions is always based on hierarchy. Penal administrators and officers are part of a penal hierarchy - with prisoners at the bottom of the hierarchy. Using the age-old strategy of “divide and conquer,” penal authorities also seek to divide and stratify prisoners. Penal institutions classify prisoners and grant them varying degrees of privileges or punishments. The most privileged of prisoners are trustees who receive special privileges for performing various services for the penal institution.

“At the most benign level, trustees help to process new prisoners, deliver meals to cells, organize supplies, and supervise other prisoners in cooking and cleaning and daily chores. In some jails and prisons, the system is far less benign. Many prisoners have reason to believe that some trustees serve as spies for guards, and there are instances in which trustees have been known to administer beatings at the behest of guards. Prison officials are conveniently insulated from the consequences of any illegal disciplinary measures that might be employed by trustees.” \*7 (Lee Griffith)

A penal hierarchy’s rewards and punishments are meant, in part, to direct prisoners’ anger, aggression, and violence “horizontally and downwards” in the hierarchy (towards other prisoners and not “upwards” toward prison guards and administrators). Thus, penal authorities strongly repress any prisoners’ political opposition and protests to their rule while generally tolerating and sometimes supporting divisions and in-fighting among prisoners. (Part of prisoners’ unwitting cooperation with penal oppression occurs through in-fighting and prisoners establishing their own cliques, gangs, and hierarchies. Prisoners’ hierarchies generally do little to challenge the overall penal hierarchy and conditions of penal slavery.)

Prisoners’ own hierarchies, which vary from institution to institution, help to divide and stratify prisoners. Male prisoners’ hierarchies exemplify patriarchal machismo. Highly valued are physical strength, aggressiveness, violence, heterosexual virility, misogyny, and prison experience. Male prisoners are expected to aggressively counter “disrespect” and defend their “manhood” and “manliness.”

“Prisoners soon learn that their psychological and physical survival depends on emotional control, heightened guardedness, resistance to or modeling of violence and

aggression, and an ability to negotiate the deceptive behaviors of others.” \*8 (Human Rights Watch & Amnesty International)

Prisoners’ hierarchies and behaviors vary and bear a relationship to penal administration.

“He [Virginia prisoner] explained that he had noticed that ‘the more oppressive the system the higher the incidents of assaultive behavior in general....Fair and objective treatment seems to create a less-assaultive environment.’ Indeed, if prisoners’ quest for dominance over others is to some extent a consequence of their lack of power in every other area of life, then it stands to reason that a harsher and more arbitrary prison regime would exacerbate the tendency.” \*9 (Human Rights Watch)

Male prisoners’ gangs, which are viewed by prison staff as a security threat, also assist the penal strategy of “divide and conquer.” Gangs divide prisoners along racial lines and organize a “subterranean prisoners’ world.”

“Prison gangs organize much of the prostitution, drug-dealing, rape, extortion, and general *sub rosa* business activity that goes on inside....Their primary impact is to promulgate racism, fear, and hatred among prisoners....Prison gangs are both a survival strategy for convicts and the organized expression of the predatory and parasitic class of prisoners....(P)risons are political suicide. They are a form of organic, decentralized, self-fueling social control, a cultural system of indirect rule that simultaneously oppresses from the inside while justifying repression from the outside.” \*10 (Christian Parenti)

While any prisoners’ organization is a potential threat to penal administration, prison gangs basically deepen divisions among prisoners and help maintain a cauldron of oppression, fear, and violence among prisoners.

At the bottom of male prisoners’ hierarchies are some prisoners who are small, weak, nonviolent, young, first-timers, homosexuals, transsexuals, snitches (or informers), child molesters, sex offenders, and prisoners with mental or physical disabilities. Weak prisoners are often stigmatized and exploited and treated as a subclass of prisoners. Some prisoners are “owned,” bought, and sold as slaves and are exploited for labor

and sex. The victims at the bottom of prisoners' hierarchies sometimes turn their aggression and violence inwards - engaging in self-mutilation and suicide attempts. Thus, prisoners, through their own hierarchies, contribute to the numerous abuses that occur under state slavery.

Indoctrination has many repercussions. Most prisoners will eventually be released back into society. More than 600,000 prisoners are released annually. \*11

“What happens inside jails and prisons does not stay inside jails and prisons. It comes home with prisoners after they are released and with corrections officers at the end of each day's shift. When people live and work in facilities that are unsafe, unhealthy, unproductive, or inhumane, they carry the effects home with them.” \*12 (Commission on Safety and Abuse in America's Prisons)

“There's no question that prisoners are subjected to harsh and often violent conditions....Small wonder, then, that so many ex-convicts seem to be made worse, not better, by their time in the lockup....Studies over the last three decades have repeatedly found that being sent to prison actually seems to make inmates more likely to commit crimes....As prominent criminologist Alfred Blumstein writes, 'Incarceration can move the prisoner to a more serious level of criminal activity...as a result of association with other more serious offenders.' In effect, prison serves as what many experts describe as a 'graduate school for crime.'” \*13 (Sasha Abramsky)

Penal institutions do not *reform* prisoners as much as they *harden* them. Part of the “hardening process” is emotional and psychological.

“This thing I related above about emotions is the hidden, dark side of state-raised convicts. The foul underbelly everyone hides from everyone else....The model we emulate is a fanatically defiant and alienated individual who cannot imagine what forgiveness is, or mercy or tolerance, because he has no *experience* of such values. His emotions do not know what such values are, but he *imagines* them as so many 'weaknesses.’” \*14 (Jack Henry Abbott)

Many prisoners will leave prison as hardened graduates of a sadistic penal system.

The indoctrination prisoners receive affects their relationships and activities when they get out. Many prisoners' primary support person or caregiver on the outside is a woman. Released male prisoners can bring back to their personal, intimate relationships and family (if they have children) harmful attitudes and behavior patterns.

The indoctrination prisoners receive often strengthens and hardens racial prejudices. The thoroughly racist penal system fuels racial hatred - behind bars and in the free world when prisoners are released.

When prisoners are released, some of the prison culture is brought into their communities.

“(G)ang or crime group affiliations on the outside may be reinforced within the prison only to emerge stronger as the individuals are released back to the community. Listen to a rap record these days, especially gangsta rap - the subgenre that focuses on life in the underground economy made possible and profitable by the war on drugs - and you will find that most of the slang is based on prison vernacular....The baggy-jeans style of dress was born in the prisons of southern California. In fact, hip-hop culture offers us an extraordinary glimpse into the shared expectations and aspirations of urban black youth, and it is a culture saturated with jail signifiers....(T)here are few males in these inner city neighborhoods with stable ties to the labor market, so ex-inmates (and the culture they represent) tend to serve as role models for community youth.” \*15 (Salim Muwakkil)

Stigmatism, prejudice, and discrimination against released convicts in society, particularly in the areas of housing, education, and jobs, helps to ensure very high recidivism rates. Penal indoctrination combined with society's prejudices and lack of opportunities practically ensures an endless cycle of crime and violence. *State slavery is itself a gargantuan criminal enterprise that fosters more crime in society.*

## 2. Medical Health Abuse, Etc.

Almost any aspect of life in captivity can become an area for abuse. Routine aspects of prison - such as surveillance, lack of privacy, noise levels, overcrowding, sensory deprivation, water supply, sanitation, air ventilation, temperature controls, and pests - can become part of an extremely oppressive living situation. Many prisoners have been forced to live in unsanitary and barbaric conditions. Under miserable living conditions, prolonged discomfort can become agonizingly painful and debilitating. While state slavery is always dehumanizing, the lack of humane living conditions can contribute greatly to the degradation and suffering of prisoners.

Mass incarceration increases the oppressive conditions of penal institutions. Overcrowding makes everything about incarceration worse. Already cut off from nature and confined indoors in small “cages,” overcrowding increases the levels of stress and dehumanization.

“Professor Craig Haney testified that when he began studying prisons 30 years ago, double-celling was regarded by academics and corrections administrators as an ‘unmitigated evil.’ ‘Nothing has changed except for the numbers of people that we have in prison to shift that judgment. Nothing has changed in academia to suggest that crowding is not harmful,’ he said.” \*16 (Commission on Safety and Abuse in America’s Prisons)

Confining two (and sometimes many more) prisoners in a tiny cell is both normal and inhumane. Overcrowding has also led to stacking prisoners in triple-bunk beds, using gyms, day rooms, and store rooms for sleeping areas, placing mattresses very close together on floors, and keeping detainees packed in holding cells without any sleeping accommodations. Illinois’ Cook County Jail started “hot-bunking” some prisoners in December 2007: some prisoners share the same bed - but sleep in shifts - which is not a particularly sanitary, medically prescribed, and humane practice. Basically, overcrowding increases the level of oppression, hardship, and abuses.

Food is an area that deserves mention here. Food is quintessentially related to human welfare, dignity, and community cohesiveness. Providing food to the hungry is a fundamental starting point for social justice and is intrinsically related to one’s relationship with God. In penal institutions, the

food provided is a fundamental starting point in compromising the welfare of prisoners.

“Besides inhumane personal treatment, the greatest schism between prison and the free world is the ‘mess’ that is served in the mess hall. Although ‘mess hall’ may be an idiomatic expression, only an idiot would classify the victuals (vittles) served therein as food. I have been incarcerated for 14 years, and I haven’t seen or eaten a real egg (with a shell) in that time...” \*17 (anonymous Georgia prisoner)

The food provided to slaves of the state is usually low-fare and can be quite bad. A jailhouse saying concerning the quantity and quality of inmates’ food is: “There’s never enough and thank God there’s not more.” In those jails and prisons that do not provide sufficient quantity of food, inmates experience near-constant hunger, weight loss, physical weakening, and ill temper. In a state-designed environment of food scarcity, desirable food items or sweets can take on great value and lead to quarrels, theft, extortion, and fights among prisoners. The slaveholders sometimes use food as a method of punishment. A reduced food diet, or some other manipulation of food, is an easy way to inflict more pain and suffering.

Food quality is also very important - and penal food often negatively impacts the health of prisoners. Too little variety, too few fruits and vegetables, and too much overcooked, highly processed, low nutrition, high-sugar, high-salt, and high-fat foods are unhealthy. Many commissaries only sell junk snacks - and only to prisoners with sufficient funds who are not under disciplinary restrictions. In addition, the American food supply, in general, is compromised by genetically-engineered crops, hormones, antibiotics, pesticides, and artificial additives. The food that is meant to nourish the body often contributes to prisoners’ health problems. And many penal institutions do not provide medically-approved diets for prisoners with various and serious health problems.

Penal institutions are interested in cutting their costs - and prisoners’ food is an area where many institutions are trying to “save money.” But reducing the food budget invariably means reducing the quality and/or quantity of food. Some institutions have cut meals to two-a-day on weekends and holidays - a comfortable and arbitrary decision of slaveholders who care

little about the suffering of prisoners. Many institutions have privatized food services by having for-profit private corporations bid for providing meals. Oftentimes, privatization of penal services makes those services worse. Corporations that provide meals are seeking to increase their profits - and will compromise on food quality and quantity - to the detriment of prisoners' health.

Health care is another very important area. When locked up in totalitarian institutions, gaining access to quality healthcare services is nearly impossible. Many prisoners' healthcare problems and requests for services are simply ignored. When gaining access to health care, the services provided are often inadequate or inappropriate. Since health problems can be life threatening, the lack of quality care can cost prisoners their lives. For some, a prison sentence turns into a death sentence.

“Across the country, medical and mental health care in prisons ranges from mediocre to terrible. Correctional systems lack adequate funds to hire and retain qualified personnel and fail to institute procedures to ensure proper treatment of inmates. In California, a federal judge placed the entire state prison healthcare system under a receivership after determining that the state killed one inmate per week through medical incompetence or neglect.” \*18 (Human Rights Watch)

The California Department of Corrections and Rehabilitation (CDCR) controls 170,000 prisoners - more than any other state in the nation. Federal Judge Thelton Henderson personally visited San Quentin prison.

“He was ‘horrified’ and angry with what he saw. His observations noted a dentist, without washing his hands, using the same glove when moving from one patient’s mouth to the next. Clinical treatment rooms had no running water where staff could wash up between patients. Hospital rooms were dank and filthy. Sewage water leaked from one floor to the next. Many hundreds of Reception Center technical parole violators were ‘housed’ on bunks on the floors of the cell blocks only 12” apart.” \*19 (Marvin Mentor)

Substandard care characterizes CDCR’s entire healthcare system.

“It is a disaster,” admitted the doctor’s union executive director Gary Robinson. Michael Pickett, former deputy



director of CDCR who oversaw healthcare, called CDCR healthcare 'a wreck,' adding, 'I wouldn't go to a CDC doc for nothing.' Dr. Michael Puisis, court-appointed expert, testified on his findings for four hours in a May 2005 court hearing, calling the system 'anarchy' in which doctors do what they want, without supervision. He described an absence of record keeping, incompetent doctors, filthy conditions and a lack of equipment and supplies." \*20 (Marvin Mentor)

On October 3, 2005, Judge Henderson put the entire CDCR healthcare system into receivership because of the longstanding prevalence of healthcare abuses. The first court-appointed Receiver, Bob Sillen, reported in July 2006 that the CDCR medical services were "broken beyond repair....Almost every necessary element of a working medical care system either does not exist, or functions in a state of abject disrepair." Sillen called CDCR's medical care system "a waste of taxpayer resources." \*21 (Of course, shifting overall healthcare responsibility from one state hierarchy (CDCR) to another state hierarchy (federal - judiciary) is not going to solve massive, systemic problems.)

The concept of "providing quality health care to slaves of the state" is riddled with contradictions. The criminal state's actual goals for prisoners' health care are very low.

"From the most ordinary of maladies to the most lethal, prisoners are only constitutionally entitled to adequate, or minimal, medical care. This standard translates as such: prisoners must pile up in a body count before anyone on the outside takes notice, which usually occurs in the form of a lawsuit, and only after so many prisoners have suffered or died. The problem is due to dismal care from shady doctors and health care staff often barred from practice in the free world. It is not uncommon for prison doctors to come to their positions after their medical licenses have been revoked in other states, or even after being convicted of violent crimes....The vast majority of prisoners are at the whim of health care staff who too often are simply not qualified to treat them, and a prison culture suspicious of prisoner requests for care as 'attention' or 'drug-seeking' manipulations." \*22 (Tara Herivel)

Slaves of the state are in no position to compete successfully for state funds. Good health care is very expensive and slaves of the state have always been expendable. As long as state slavery and mass incarceration exist, this is not going to change. Health care for prisoners will always be underfunded.

The penal system's priorities are control, security, and imposing disciplinary punishments. Training for prison guards puts a low priority on responding to health problems. Prisoners often receive poor responses from guards for health needs and in times of health crises. Medical staff are subordinate to prison guards. Medical staff can prescribe treatments and medications - but prison regimens abort treatments and there are many breakdowns in the supply and distribution of prescription drugs.

Overcrowded, violent, and often unsanitary prison environments are conducive to the spread of communicable diseases. And poor health care in prisons and jails does not stay within prison walls.

“High rates of disease and illness among prisoners, coupled with inadequate funding for correctional health care, endanger prisoners, staff, and the public....Left untreated, staph infections and diseases such as tuberculosis, hepatitis C, and HIV directly affect our families, neighborhoods, and communities....Every year, more than 1.5 million people are released from jail and prison carrying a life-threatening contagious disease.” \*23 (Commission on Safety and Abuse in America's Prisons)

Poor health care in prisons contributes to the spread of diseases in the free world.

Poor communication by medical staff can contribute to medical health abuses.

“Few bilingual staff members could be called upon for medical emergencies or could understand prisoners' descriptions of symptoms and medical histories. Confidentiality was compromised when nonmedical personnel and/or other prisoners were asked to translate. Moreover, a significant number of Latina prisoners were not properly informed of their diagnoses, provided instructions for proper use of medication, and/or provided appropriate follow-up treatment. As a result, 50 percent of the prisoners who died

at Bedford Hills [New York] for medical reasons between 1977 and 1985 were Latinas. During that time, Latinas comprised less than 25 percent of the prisoner population.” \*24 (Juanita Diaz-Cotto)

Women prisoners face some gender-related medical health abuses. Male health care providers sometimes sexually abuse women prisoners. Some pregnant prisoners do not receive important prenatal care. Harsh and dehumanizing prison environments can increase miscarriages. The birthing environment is degrading and humiliating.

“Twenty-three states...allowed women prisoners to be shackled during labour, a practice AI considers to be inhuman and degrading as well as potentially dangerous for the health of the mother or her baby.” \*25 (Amnesty International)

Harsh treatment continues after birth.

“In at least 40 states, babies are taken from their imprisoned mothers almost immediately after birth or at the time the mother is discharged from (the) hospital.” \*26 (Amnesty International)

The kidnapping of babies by the criminal state adds another layer of emotional abuse upon enslaved mothers.

Prisoners with physical disabilities often experience a higher level of suffering from imprisonment than able-bodied prisoners.

“[T]he conditions that many disabled prisoners endure on a daily basis are truly horrific. Wheelchair users whose chairs break down may wait for months or years before repairs are made....Prisoners with back injuries are sometimes given top-bunk assignments. Prisoners who spend most or all of their time in bed develop pressure sores....Pressure sores...easily become infected in a prison setting.” \*27 (Laura Magnani & Harmon L. Wray)

Healthcare services are another area where penal institutions try to “save money.” Most states require prisoners to make medical co-payments. These payments, while very small, can significantly reduce prisoner requests for health care. Medical co-payments are, however, poor fiscal policy and poor healthcare policy.

“While co-payments seem reasonable on the surface, they cost more in the long run by discouraging sick prisoners from

seeking care early on, when treatment is less expensive and more effective and before disease spreads.” \*28 (Commission on Safety and Abuse in America’s Prisons)

Many states have tried to save money through privatization. “By 2000, 34 states contracted for some medical services and 24 states’ corrections systems were run completely by private contractors. By then private medical correctional services in the United States had developed into a \$7.2 billion a year enterprise.” \*29 (David M. Reutter)

Through privatization, many states have given much of their healthcare responsibilities to corporations - without improving healthcare services. There are inherent conflicts of interest when for-profit corporations provide healthcare services to slaves of the state. There is economic incentive for the state and for healthcare corporations to simply deny prisoners essential and/or expensive medical services.

“I have been in many settings where I have seen medical vendors rewarded for not providing care,’ says Dr. [Robert] Cohen. ‘When care is tied to the profit of these companies, there will be serious problems on care in specific sensitive areas: specialty consultation and hospitalization. Delaying or denying services will make a lot of money for the company.’” \*30 (David M. Reutter)

Privatization may nominally benefit the criminal state - but it is hard to see any benefits for prisoners.

“The increasing privatization of prisoner health care is, indeed, playing with the lives of prisoners. And in an increasing number of instances, this setup is resulting in prisoners literally dying for profits. Following the death of Diane Nelson, 46, a mother of three and a prisoner at the Pinellas County Jail in Florida, nurse Diane Jackson quipped, ‘We save money because we skip the ambulance and bring them right to the morgue.’” \*31 (Ronald Young)

### 3. Mental Health Abuse

In the United States poor people with mental illness (or mental disabilities) can experience a great deal of oppression. In particular, many poor people with mental disabilities are oppressed when they are homeless or through the state’s processes of criminalization and incarceration.

The criminal state used to warehouse large numbers of people with mental disabilities in their notorious system of state mental hospitals. But because of egregious abuses, many state mental institutions closed down in the 1960s and 70s. State mental hospital beds nationwide declined from 535,000 in 1960 to less than 80,000 in 2003. The state discharged hundreds of thousands from their mental institutions without an adequate alternative support system of counseling, health care, and housing services. In addition, because of a declining number of low-income housing units, many people with mental disabilities have ended up homeless and living on the streets. The alienating, oppressive, and inhumane life of homelessness does additional harm to people's mental health.

Many homeless people with mental illness have been criminalized by the state and sent to jails and prisons.

“The Los Angeles County jail system, where over 3,000 of the more than 20,000 inmates were receiving psychiatric services, is now said to be the largest mental institution in the United States - and also, according to some accounts, the largest homeless shelter.” \*32 (Elliot Currie)

A 1992 study of city and county jails (but not state and federal prisons) highlights how jails have become one of the state's dumping grounds for people with mental disabilities.

“The nation's jails are becoming holding pens for the mentally ill, says a study released...by the Public Health Research Group and the National Alliance for the Mentally Ill. Based on a survey of 1,391 jails around the country, the report estimated that about 30,000 seriously mentally ill patients are imprisoned in jails, where the causes of their illness often go untreated and where they face physical abuse and rape. The study found that many of them were being held on trivial charges and that 29 percent have no charges against them at all but are jailed because there are no psychiatric facilities available to take them....‘The criminalization of the seriously mentally ill is a national disgrace,’ said E. Fuller Torrey, a Washington psychiatrist who was senior author of the study. ‘It is a remarkable return to conditions which existed 200 years ago. It mocks our pretense of being a civilized nation.’” \*33 (Washington Post)

The state is warehousing more and more poor people with mental disabilities in jails and prisons.

“Somewhere between 200,000 and 300,000 people currently live behind bars with a serious mental illness, including schizophrenia, bipolar disease and major depression. Tens of thousands of these men and women are actively psychotic on any given day. The rate of mental illness among the incarcerated population is as much as three times higher than the rate among the general population.” \*34 (Jamie Fellner and Sasha Abramsky)

What happens to people who already have mental health problems when they enter jails and prisons and become slaves of the state? What does state slavery do for their mental health?

Penal institutions are not “service institutions.” They are punitive institutions. They punish whoever enters them.

Prisoners with mental illness experience a disproportionate amount of punishments.

“(W)hen inmates are seriously mentally ill and not adequately treated, they become increasingly incapable of conforming to institutional rules of conduct and, as a result, often are charged with disciplinary infractions.” \*35 (Dr. Dennis Koson) Instead of treatment, prisoners are punished - for behavior that stems from mental illness - and the lack of treatment. Prisoners with mental disabilities receive more punishments than other prisoners, serve longer sentences due to poor disciplinary records and loss of good-time credits, and are more likely to “max out” their full sentences. Prisoners with mental disabilities are also more likely to be abused by prison guards.

“Our research uncovered numerous allegations of correctional officers working with the seriously mentally ill who have taunted them, deliberately provoked them, physically mistreated them, used force maliciously against them, turned a blind eye to abuses against them by others, or responded with indifference to their needs.” \*36 (Human Rights Watch) Prisoners with mental disabilities are often picked on and abused by other prisoners - and have nowhere to turn for help.

The criminal state’s provision of mental health care for slaves is generally grossly inadequate and ineffective. Mental health

care is underfunded and most mental health staff are underqualified. Mental health staff often must work in undesirable locations (wherever prisons are situated), they must work in a nasty prison environment, work for lower pay than in private practice, carry an impossible workload, operate with very few treatment options, see their treatments undermined by prison regimens, and often deal with untreated, abused, crisis-stage prisoners. Many states privatize mental health care by paying for-profit corporations - but the resulting care remains dismal.

Provision of mental health care is often thwarted through long delays after prisoners request help. Either through guards ignoring prisoners' requests, or through bureaucratic delays, or through a lack of available mental health staff, prisoners with serious mental health problems may have to wait weeks or months before seeing a mental health staff person. Oftentimes, the provision of mental health care amounts only to provision of prescription drugs.

Penal institutions do not provide adequate housing units for prisoners with mental disabilities. Most prisoners with mental illnesses are mingled with other prisoners in the general population - where they are inadequately treated by mental health staff - and often mistreated by guards and other prisoners. Generally, there are only a small number of beds available in acute-care facilities or in psychiatric hospitals. Specialized housing and meaningful mental health treatment are very expensive and the state greatly limits their availability. And then the effectiveness of these special treatment "beds" is negated because prisoners stay in them for only a short time before they are sent back into a much more oppressive prison environment.

Either through administrative classification decisions or through punishments meted out to them, many prisoners with mental disabilities end up being housed in segregation units. Segregation units (also referred to as "special" or "secure" housing units - or solitary confinement) are notoriously bad for all prisoners' mental health. Solitary confinement can be especially bad for prisoners with mental illness.

“Security staff typically view mentally ill prisoners as difficult and disruptive, and place them in barren high security solitary confinement units. The lack of human interaction and the limited mental stimulus of twenty-four-hour-a-day life in small, sometimes windowless segregation cells, coupled with the absence of adequate mental health services, dramatically aggravates the suffering of the mentally ill. Some deteriorate so severely that they must be removed to hospitals for acute psychiatric care. But after being stabilized, they are then returned to the same segregation conditions where the cycle of decompensation begins again. The penal network is thus not only serving as a warehouse for the mentally ill, but, by relying on extremely restrictive housing for mentally ill prisoners, it is acting as an *incubator* for worse illness and psychiatric breakdowns.” \*37 (Human Rights Watch)

Long stints in solitary confinement are abusive of all prisoners - not just those with mental illness.

“Even if they have no prior history of mental illness, prisoners subjected to prolonged isolation may experience depression, despair, anxiety, rage, claustrophobia, hallucinations, problems with impulse control, and/or an impaired ability to think, concentrate, or remember.” \*38 (Human Rights Watch)

“It’s a standard psychiatric concept, if you put people in isolation, they will go insane....It’s a big problem in the California system, putting large numbers in the [secured housing units, California’s supermax confinement facilities]...Most people in isolation fall apart.” \*39 (Sandra Schank)

“Under international standards for human rights, extended isolation is banned as a form of torture. In May 2000, the United Nations (UN) Committee Against Torture cited the ‘excessively harsh regime’ of supermax prisons as violations of the Convention Against Torture, adding that such violations are widespread in the United States....The United States was the first country in the world to operate entire prisons under a regime of permanent isolation and lockdown.” \*40 (Rachel Kamel and Bonnie Kerness)

Long stints in solitary confinement are harmful and that harm does not remain in prisons.



“The increasing use of high-security segregation is counter-productive, often causing violence inside facilities and contributing to recidivism after release....In some places, the environment is so severe that people end up completely isolated, confined in constantly bright or constantly dim spaces without any meaningful human contact - torturous conditions that are proven to cause mental deterioration. Prisoners often are released directly from solitary confinement and other high-security units directly to the streets, despite the clear dangers of doing so....There is troubling evidence that the distress of living and working in this environment actually causes violence between staff and prisoners....Housing a prisoner in segregation can be twice as costly as other forms of confinement, and the misuse of segregation works against the process of rehabilitating people, thereby threatening public safety.” \*41 (Commission on Safety and Abuse in America’s Prisons)

The mental health of prisoners is constantly under the stress of the inhumane and abusive institution of state slavery. It is not surprising, then, that suicide rates in jails and prisons are higher than in society. \*42 Ostensibly, state agents in jails and prisons try to prevent suicides. Actually, however, penal conditions and the actions of guards increase the likelihood of suicides.

“The confinement of mentally ill prisoners in segregation also heightens the risk of their suicide, indeed, it heightens the risk of suicide for all prisoners....It is a tragic irony that many of the mentally ill who attempt or commit suicide were originally placed in segregation because of acts of self-harm. Segregation is, however, perhaps the worst possible setting for suicidal prisoners.” \*43 (Human Rights Watch)

Prisoners who harm themselves or attempt suicide are often placed in segregation in “observation cells.” Instead of treatment, prisoners are often placed naked and without bedding in cold cells where they can be “observed” by prison guards.

“To have your body that exposed, it’s an invasion of your privacy and it causes a great deal of psychological distress. In addition, you’re in an environment where you can’t get out. You’re trapped. You’re already feeling pretty horrible. You feel like you want to die and you’re at the mercy of people

with a lot of power and control. It's a terrible situation, being alone, for someone who's already suicidal. They already feel very isolated, alienated." \*44 (Dr. Janet Schaeffer)

Who could devise such a "treatment"? Surely it is a callous and sadistic practice, the fruit of an institution warped by total dominance, total power, and total control.

#### 4. Sexual Abuse

Slavery, whether state slavery or private ownership of slaves, is an institution ideally suited for sexual abuse. The penal world of state slavery bears that out.

The criminal state has created a vast gulag where sexual abuse runs rampant. The slaveholders have created a physical infrastructure, a physical environment, and a social system that are conducive to sexual predation.

Official state statistics on sexual assaults in the penal system seldom bear resemblance to reality. Assaults are greatly underreported and most of the crimes covered up. The best statistics come from independent studies and confidential surveys of prisoners. Some studies report startlingly high rates of sexual abuse.

"Approximately one in five male inmates in the United States has faced forced or pressured sexual contact in custody, according to studies on the subject by researchers such as Cindy Struckman-Johnson at the University of South Dakota. One in 10 has been raped. For women, whose abusers are often corrections officers, the rates of sexual assault are as high as one in four in some facilities....We need to recognize that none of the more than 2 million people now held in U.S. jails and prisons was sentenced to be raped." \*45 (Lara Stemple, Wendy Patten, Benjamin Jealous)

Juvenile facilities have some of the highest rates of sexual abuse - as even a new state survey revealed.

"According to the first National Survey of Youth in Custody, released today [January, 7, 2010] by the federal Bureau of Justice [sic] Statistics, 1 in 10 youth in state juvenile facilities and large non-state facilities reported sexual victimization by staff in the previous twelve months. Another 2.6 percent

reported sexual victimization at the hands of other youth.”  
\*46 (Human Rights Watch)

In all jails and prisons sex between guards and prisoners is a criminal offense, i.e., there is no such thing as consensual sex that would absolve guards of criminal responsibility. Also, both the state and its agents can be held financially liable in civil lawsuits brought by abused prisoners. Sexual abuse of prisoners by those with power and authority over them is widely recognized as a very serious crime.

“Under international human rights law, the sexual assault of prisoners, whether perpetrated by corrections officials or by prisoners with the acquiescence of corrections staff, is recognized as torture.” \*47 (Stop Prisoner Rape)

Strip-searches, while always dehumanizing and sometimes humiliating, can also be a form of sexual abuse. Strip-searches are ostensibly based upon individualized suspicion of hidden drugs, weapons, other contraband, or threat of suicide - but are often used more routinely. Prison staff often use strip-searches to intentionally humiliate and abuse prisoners.

“Sexual abuse is surreptitiously incorporated into one of the most habitual aspects of women’s imprisonment, the strip search. As activists and prisoners themselves have pointed out, the state itself is directly implicated in this routinization of sexual abuse, both in permitting such conditions that render women vulnerable to explicit sexual coercion carried out by guards and other prison staff and by incorporating into routine policy such practices as the strip search and body cavity search.” \*48 (Angela Davis)

Strip-searches, with humiliating cavity searches, on demand of prison staff, reinforce the authority of the guards and the powerlessness and vulnerability of the slaves. If a prisoner refuses to strip it can lead to guard-inflicted injuries. Forced strip searches, much like “cell extractions,” are opportunities for guard brutality.

Sexual abuse was one part of the gross abuses of foreign slaves at military prison compounds at Abu Ghraib in Iraq, at Guantanamo Bay in Cuba, and elsewhere. Both male and female guards have exploited foreign cultural standards and sexually humiliated prisoners in various ways. Prisoners have been

chained naked for long periods, tormented while naked with aggressive guard dogs, forced to masturbate or do other acts while naked, and, at least once, one male prisoner had fake menstrual blood smeared on him by a female guard.

In the American gulag there is a high incidence of sexual abuse and rape of male prisoners. Although the sexual abuse of male prisoners often is committed by other male prisoners the criminal state bears most of the responsibility for these abuses. These abuses flourish only in the penal world designed and managed by the state. And many male and female guards are implicated in these abuses.

The criminal state benefits from the politics of rape in male prisons.

“(T)he rape epidemic in prison bolsters the power of guards and administrators....One point worth emphasizing is that the rape factory is politically docile: if inmates fear, hate, kill, and rape one another, the chance of a Spartacus arising from their ranks is almost nil. Politicized prisoners in the seventies knew this and therefore put the fight against sexual terror at the forefront of their organizing agendas.” \*49 (Christian Parenti)

Rape and sexual abuse help to divide prisoners against each other. Under the politics of rape no prisoner unity is possible - except the limited unity that comes through various violent, racially-divided gangs.

“The main reason why sexual assaults occur is because prison officials and staff promote them. It’s their method of sacrificing the weak inmates to achieve and maintain control of the stronger aggressive or violent inmates.” \*50 (anonymous Missouri prisoner)

“The unwritten policy for the DOC here is to allow the gangs the opportunity to rape and extort the weaker inmates in return for not rioting and hurting the staff....If you are not in a gang then you are eligible for rape.” \*51 (anonymous Illinois prisoner)

Sexual abuse among prisoners helps to deflect prisoner aggression and violence away from prison guards. It rewards those at the top of prisoner hierarchies.

“While I was being uncuffed at the rec door by Officer W. he made the comment that faggots are sickening and

disgusting....Inmates see this type of behavior as approval to beat, rape, and extort gay men in prison because of the animosity and hateful attitudes displayed by the state.” \*52 (anonymous Indiana prisoner)

Prison guards can take advantage of the prejudices and abusive climate among prisoners. Guards can threaten a prisoner with abuse. Guards can place a prisoner in a cell with another prisoner who is likely to abuse him. Guards can unlock a cell door to allow a sexual predator to enter someone else’s cell and abuse him.

“Whether as a purposeful act or through mere negligence prisoners are all too often placed together with cellmates who rape them.” \*53 (Human Rights Watch)

Guards, or other prisoners can “hang a jacket” on a prisoner through negative labeling of the prisoner or by spreading false rumors. A political activist and protester had a horrible experience.

“In the county jail, a rumor was spread that he was a child molester. In the over-crowded ‘gorilla cage’ of the jail, he was repeatedly raped, beaten and tortured for 24 hours until an ex-con friend got word through the jail grapevines that he was not, in fact, a child molester.” \*54 (The Nuclear Resister)

The criminal state places most prisoners who are especially vulnerable to victimization into the general population of prisoners where they are most likely to be abused. Because of limited space, only a small percentage are isolated in administrative segregation or protective custody. When youth are placed in adult prisons they are often victimized. Gays are often targeted for abuse.

“I am a free-world homosexual....All open Homosexuals are preyed upon and if they don’t choose up they get chosen.” \*55 (anonymous Arkansas prisoner)

In prison, the sexual abusers of gays and other men are usually not viewed by other prisoners as “homosexual predators.”

“In prison, male on male sexual relations are viewed differently than those of free-society. The aggressive person (male role) isn’t considered a homosexual, or bisexual. He’s thought of as heterosexual. Only the passive (female role) is considered homosexual or bisexual.” \*56 (anonymous Mississippi prisoner)

Many of the sexual predators proliferating in prisons will return to heterosexual sex when they re-enter the free world.

Prisoners who are sexually victimized suffer in several ways. Victims are outcasts among prisoners. They experience shame and humiliation. There often is long-lasting emotional and psychological trauma which can affect eating, sleeping, and physical well-being. There are often physical injuries and the spread of sexually-transmitted diseases - which are not limited to prisons.

“Black humor on Chicago’s South Side quips that ‘the only thing prison cures is heterosexuality.’ A connection probably exists between rampant sexual assault and sexual segregation behind prison bars and the disturbing fact that AIDS is now the leading cause of death among blacks between the ages of 25 and 44.” \*57 (Paul Street)

Victimization may occur repeatedly over a long period of time. Victims may remain confined and trapped with their abusers and tormentors.

Victims of sexual abuse cannot rely on the slaveholders for protection. The slaveholders bear the most responsibility for the sexual abuses that occur in their penal system. And, for the most part, they are not interested in intervention.

“It must be emphasized that rape and other sexual abuses occur in prison because correctional officials, to a surprising extent, do little to stop them from occurring....An absolutely central problem with regard to sexual abuse in prison, emphasized by inmate after inmate, is the inadequate - and, in many instances, callous and irresponsible - response of correctional staff to complaints of rape.” \*58 (Human Rights Watch)

Guards often respond in negative ways to reports of sexual abuse.

“Over the years it has become evident that if a man reports that he has been raped he naively sets himself up for additional victimization, this time by the prison administration.” \*59 (anonymous Virginia prisoner)

Guards may ignore the victim’s complaints, ridicule the victim, advise the victim to fight back, write up a disciplinary report on the victim for either having sex in prison or for fighting back, accuse the victim of being homosexual and thus “inviting and

engaging in consensual sex,” ship the victim to another prison, lock up the victim in 23-hour-a-day segregation, or put the victim back into the same environment where the abuse occurred. By reporting sexual abuse to guards, the male victim sets himself up to be labeled a “snitch” and for violent retaliation. In some instances, a medical kit may be used to collect evidence from the victim (if the victim has not showered or used the toilet). But the evidence is almost never used in court. District Attorneys don’t want to invest their time and bring to the public’s attention what goes on in penal institutions (and increase the liability of the state). Sexual predators in prison commit their abuses with virtual legal impunity.

Of course, many women prisoners are preyed upon by male guards. In many women’s prisons, male guards are either the majority or the near majority of guards. \*60 Male guards in women’s prisons often use their power and authority to coerce women prisoners into having sex. A multi-state study by Human Rights Watch revealed pervasive sexual abuses.

“The custodial sexual misconduct documented in this report takes many forms. We found that male correctional employees have vaginally, anally, and orally raped female prisoners and sexually assaulted and abused them. We found that in the course of committing such gross misconduct, male officers have not only used actual or threatened physical force, but have also used their near total authority to provide or deny goods and privileges to female prisoners to compel them to have sex or, in other cases, to reward them for having done so. In other cases, male officers have violated their most basic professional duty and engaged in sexual conduct with female prisoners absent the use or threat of force or any material exchange. In addition to engaging in sexual relations with prisoners, male officers have used mandatory pat-frisks or room searches to grope women’s breasts, buttocks, and vaginal areas and to view them inappropriately while in a state of undress in the housing or bathroom areas. Male correctional officers and staff have also engaged in regular verbal degradation and harassment of female prisoners, thus contributing to a custodial environment in the state prisons for women which is often highly sexualized and excessively hostile.” \*61 (Human Rights Watch)

In a follow-up report, Human Rights Watch reported on retaliation against female prisoners in Michigan who provided information.

“The widespread abuse of female prisoners...is fueled by institutional cultures...in which sexual abuse of incarcerated women is routinely tolerated or even condoned....By failing to monitor vigorously for retaliatory behavior and to discipline guards and employees who participate in retaliatory behavior, the corrections department sends a message to both the women and the guards that corrections employees may abuse, harass, threaten, and harm women with impunity.” \*62 (Human Rights Watch)

In the remoteness and secrecy of prisons, most sexual abuse goes unreported. When it is reported, the victims face the risk of retaliation. Yet, the courageous testimony of victims of sexual abuse keeps surfacing nationwide. One example is the abuse of women prisoners in Georgia in the 1990s.

“It has been a seemingly endless horror story of sexual assault of prisoners by prison staff, coerced abortion, forced prostitution, and mental health ‘treatment’ tantamount to torture....We are hearing from hundreds of women prisoners that large numbers of women have been raped by prison staff; that prison employees have offered special favors and even favorable parole recommendations in exchange for sexual contact; that mental health ‘treatment’ has regularly included stripping, hog-tying, chaining, and isolation of mentally ill and suicidal prisoners; that drug and prostitution rings have been operated to the benefit of prison staff....When it became clear that a deputy commissioner knew about, but did not stop, the stripping and hog-tying of mental health patients who were prisoners, the department spokesperson shrugged: ‘We didn’t feel it was inappropriate because it was in line with standard operating procedures of the [prison] system.’ Then, to add insult to injury, Terry Coleman, chair of the Appropriations Committee of the Georgia House of Representatives said that the women who had taken the risk of reporting their victimization should themselves be investigated and punished.” \*63 (Murphy Davis)



A higher percentage of female prisoners than male prisoners are identified with mental illness (24% to 16%). And more than half of women prisoners with mental illness report a history of physical and sexual abuse - making them especially vulnerable to further sexual abuse by guards. \*64

The criminal state has a strong vested interest in not prosecuting all of its agents for all of their crimes. Obviously, the state doesn't want to fill up their prisons by incarcerating their agents. Almost all prison staff who commit abuses do so with legal impunity. When abuses come to light, usually very little is done about it - except for internal disciplinary hearings, and efforts to cover it up or to do "damage control." Very few corrections staff are prosecuted, the courts treat state agents with leniency, and only a small number do any time in jail or prison. The criminal state wants to keep the public's focus on the misdeeds of the lower class and not on the multitudinous crimes of the state.

"Day in and day out, in all 50 states prisoners are being sexually assaulted by their keepers....As legislators campaign for office on the backs of sex offenders they are silent about the sex offenders in their employ or what they have done to give them de facto impunity." \*65 (Paul Wright)

The state's penal system does not reduce sex crimes. The state's penal system propagates sex offenders - from the ranks of both the prison staff and the prisoners. Sexual crimes are committed with near legal impunity. And, eventually, most of the sexual predators (and the traumatized victims) are sent out into the free world.

## 5. Economic Exploitation Of Slaves

It is good to remember a little history because it can help one see more clearly "the big picture." When it comes to *slavery*, the big picture reveals a constant stream of crimes and abuses committed by slaveholders upon their slaves. State slavery in the United States has been a perpetual crime wave, perpetrated by the state, decade after decade, and century after century.

One of the primary benefits of being a slaveholder has been the economic exploitation of slaves. In the Old South it was very

profitable for white plantation owners, particularly cotton growers, to exploit the labor of Black slaves. The criminal state has had only modest economic success exploiting their slaves. Some of that economic success has come through the state partnering with private individuals and corporations. Many corporations have found ways to make big profits off of state slavery.

In the first half of the nineteenth century, slaves of the state were relatively few and the large majority of them were white. A major emphasis in many prisons was *hard labor*. Slaves of the state were forced to labor in solitary cells, in prison compounds, in prison factories, on prison farms, and a few were leased out to work outside the prison. After the Civil War, significant changes occurred, particularly in the South.

“In a perverse way, emancipation had made the black population more vulnerable than before. It now faced threats from two directions: white mobs and white courts. Like the Ku Klux Klan, the criminal justice system would become a dragnet for the Negro. The local jails and state prisons would grow darker by the year. And a new American gulag, known as convict leasing, would soon disgrace Mississippi, and the larger South, for decades to come.” \*66 (David M. Oshinsky)

The state’s criminal legal system was an important tool for maintaining white supremacy and continuing the exploitation of Black labor. Many southern states passed “black codes” which applied only to Blacks.

Thirteen states, mostly in the South, developed the convict lease system. \*67 Prisoners, the vast majority of them Black, were leased out by the state to a third party to be economically exploited. Many of the first prisoners to be leased out worked on building railroads. They were worked mercilessly under cruel conditions.

“On many railroads, convicts were moved from job to job in a rolling iron cage, which also provided their lodging at the site. The cage - eight feet wide, fifteen feet long, and eight feet high - housed upwards of twenty men....The prisoners slept side by side, shackled together, on narrow wooden slabs. They relieved themselves in a single bucket and bathed in the same filthy tub of water. With no screens on the cages, insects swarmed everywhere. It was like a small piece of

hell, an observer noted - the stench, the chains, the sickness, and the heat. 'They lie on their beds, their faces almost touching the bed above them....On hot days...the sun streams down...and makes an oven of the place, and the human beings in it roast.'" \*68 (David M. Oshinsky)

Slaves of the state played an important role in the postbellum industrialization and modernization of the South. Besides railroad construction, other slaves of the state were leased out to work in brickyards, on plantations, in lumber camps, in turpentine forests, and for coal or iron mining. Leasing prisoners to work in Alabama's coal mines proved to be profitable for corporations and the state - with the only "downside" being the welfare of the prisoners.

"Prisoners were whipped for failing to meet their daily quotas and tortured for various infractions, a practice that would continue well into the twentieth century. They were hung from makeshift crucifixes, stretched on wooden racks, and placed in coffin-sized sweatboxes for hours at a time. 'Generally made of wood or tin,' explained a student of the Alabama prisons, the sweatbox 'is completely closed except for a [small] hole at nose level. When placed under the blistering Southern sun the temperature inside becomes unbearable. In a few hours a man's body swells and occasionally bleeds.'

In 1870, Alabama prison officials reported that more than 40 percent of their convicts had died....By 1890, the convict lease in Alabama had become a huge operation, supplying bodies like the slave trade of old....Convict leasing generated about 6 percent of the state's total revenue in these years, giving Alabama the most profitable prison system in the country." \*69 (David M. Oshinsky)

The human toll of convict leasing by the criminal state was very high.

"In the 1880s, the annual mortality rate for Mississippi's convict population ranged from 9 to 16 percent. Blacks suffered far more than whites, who rarely left the penitentiary walls. In 1882, for example, 126 of 735 black state convicts perished, as opposed to 2 of 83 whites. Not a single leased convict ever lived long enough to serve a sentence of ten years or more." \*70 (David M. Oshinsky)

Many prisoners were worked, whipped, and punished to death. Those who survived also suffered immensely. But despite the high attrition rate from convict leasing, more Black men could be readily rounded up and arrested to maintain the supply of convicts.

The criminal state was principally responsible for how their slaves were treated. Leasing them out to corporations did not absolve the state of responsibility. The state had primary jurisdiction over their prisoners, had knowledge of how the prisoners were faring, continued convict lease operations for decades, and profited greatly from the relationship. Just about anything could be done to slaves of the state with legal impunity. In the eyes of the criminal state, the slaves were the real criminals and the profiteers were business partners with the state operating within the law.

Under the pressure of prison reformers, and as the image of the legal system took some hits, states began to ban convict leasing. By 1930 it was abolished and other forms of penal slavery began to flourish.

“In the southwestern states (Texas, Mississippi, Louisiana, Arkansas) state penal farms were the preferred ‘Progressive’ alternative to leasing, while some border states shifted to the industrial factory contract-labor model of the penitentiary recently abandoned in the North. But road work prevailed in the southeast, where it was most appropriate to that region’s emerging political economy.” \*71 (Alex Lichtenstein)

Some southern states organized their prisoners to work in “chain gangs” on road construction. Good roads were essential for economic growth and slaves of the state provided the cheapest, most reliable, and hardest working laborers. The chain gangs were not leased out to private corporations but instead worked under state and county officials.

“With such an overwhelming emphasis on the economic benefits of forced labor it should come as no surprise that for the convicts themselves the difference between the chain gang and the convict lease proved negligible....Convicts labored, ate, and slept with chains riveted around their ankles. Work was done ‘under the gun’ from sun-up to sundown, shoveling dirt at fourteen shovelfuls a minute.

Food was bug-infested, rotten, and unvarying; ‘rest’ was taken in unwashed bedding, often in wheeled cages nine feet wide by twenty feet long containing eighteen beds. Medical treatment and bathing facilities were unsanitary, if available at all. And, above all, corporal punishment and outright torture - casual blows from rifle butts or clubs, whipping with a leather strap, confinement in a ‘sweat-box’ under the southern sun, and hanging from stocks or bars - was meted out for the most insignificant transgressions, particularly to African-Americans who remained the majority of chain gang prisoners.” \*72 (Alex Lichtenstein)

For decades, chain gangs improved the transportation infrastructure of many states, helping to spur slave-based economic growth. Eventually, too much negative publicity about abuses of prisoners led states to abolish chain gangs.

Some states preferred to work their slaves on state penal farms. These farms often became self-sufficient and profitable. Parchman Farm in Mississippi began in 1904 and, “in 1905, less than one year later, Parchman had turned a profit of \$185,000.” \*73 As elsewhere, slaves of the state paid a steep price for the state’s profit-making. To extract the most labor from slaves, much sadistic brutality was required. After a lawsuit, federal judge William C. Keady investigated Parchman Farm and released his findings on October 20, 1972.

“Keady described the living quarters at Parchman as ‘unfit for human habitation’ and the medical facilities as primitive and unsafe. He noted that the failure to classify prisoners by personality and criminal background had encouraged ‘physical assaults, abuses, indignities, and cruelties.’ In daylight, he wrote, the inmates were guarded by poorly trained trustees; in darkness, they were left to themselves. According to Parchman’s own statistics, trustees had shot thirty men in the previous two years and had beaten dozens more. Rapes and stabbings were nightly affairs. ‘When the lights go out,’ the superintendent admitted, ‘there is no way that anyone can guard the safety of an inmate in the Parchman situation.’ Keady also focused on conditions at the maximum security unit [MSU], which contained the gas chamber, death row, and the so-called black hole, a windowless compartment six by six feet, without a sink, a bed, a light, or a toilet. Before entering solitary confinement, the convict had his head

shaved with heavy-duty clippers. He was given minimal food and water, denied soap and toilet paper, and kept there without clothing for up to seventy-two hours. 'The record is replete with innumerable instances of physical brutality and abuse in disciplining inmates who are sent to MSU,' Keady declared. 'They include...handcuffing inmates to the fence and to cells for long periods of time, shooting at and around inmates [in the yard] and using a cattle prod to keep [them] standing or moving.'" \*74 (David M. Oshinsky)

Since the 1970s there has been a huge expansion of the penal system of state slavery. Economic exploitation of slaves continues but is not currently a top priority for most penal institutions. But that could change at any time. The criminal state has prioritized other matters - such as control and repression of racial minorities, strengthening the national security state, lowering of economic expectations and political liberties for the lower classes, and smoothing the way for greater accumulation of wealth for the upper class.

"As capitalism has entered its advanced, or postindustrial, stage many African-Americans have essentially been shunted out of the labor market altogether. This recently created enormous surplus labor pool is no longer the object of exploitation, but simply of social control; prisons can keep young unemployed blacks 'permanently out of the labor market,' and those lucky enough to hold minimum-wage jobs can be thankful they are not in prison....(S)tructural unemployment, deindustrialization, and social dislocation have their most dramatic impact on the African-American community." \*75 (Alex Lichtenstein)

Economics, of course, is still a major factor in the operations of the criminal legal system - and economic exploitation of slaves is still a vital part of the system. The costs of the entire legal system are enormous. In fiscal year 2006 federal, state, and local governments spent over \$214 billion for police operations, judicial and legal activities, and the penal system. Expenditures on the penal system were over \$68 billion. \*76 In times of economic depression, economic recession, or even long-term economic stagnation, economic pressures will only increase.

“The equation is a simple one: sentencing laws have led to a steep increase in the prison population; it’s expensive to maintain prisoners; but in a climate of fiscal restraint it is impossible to raise taxes in order to fund this expansion. Within these constraints, elected officials have only two options: either they allow the prison system to consume a huge share of the state budget - forcing deep cuts in public services - or they find a way to make incarceration cheaper.” \*77 (Gordon Lafer)

There continues to be a lot of economic pressure to extract more “value” from prisoners. This economic pressure is likely to increase. Economic exploitation continues in many ways. Many prisoners, under threat of punishment, are required to work for the state. The state can save some money if work programs are a substitute for drug treatment, literacy programs, counseling, and other educational and vocational programs. Many prisoners do prison-upkeep work such as kitchen, laundry, janitorial, garden, or maintenance work. Their labor saves the state the costs of paying staff to do all those things. Approximately 21,000 prisoners work for Federal Prison Industries (or UNICOR) which is run by the federal Bureau of Prisons.

“In 2002, the company sold \$678.7 million worth of goods and services to the U.S. government, over \$400 million of which went to the Department of Defense.” \*78 (Ian Urbina)

A relatively small number of prisoners work for state-prison-industries. They manufacture products that are sold to other state agencies. But because of bureaucratic management costs, modest quality of goods, and inefficient production and marketing they don’t make much money. Alabama’s “convict lease” system charges other state agencies for the use of prisoner labor - and resulted in a transfer of state funds to penal institutions of over \$1 million in fiscal year 2008. A successful economic exploitation of slaves continues to occur on penal farms in states like Texas, Louisiana, and Arkansas - reflecting a continuity with the old days of chattel slavery on large plantations. Since 1990 some states - Alabama, Georgia, Florida, Arizona, Washington, Indiana, Wisconsin, Michigan, Iowa, Maryland - began to re-introduce chain gangs on a very small scale. But the chain gangs, while still a sadistic form of penal slavery, have little economic value. Also, a relatively small number of prisoners work for private corporations. Corporations

are required to pay prisoners minimum wage. The state benefits because it can deduct up to 80% of wages for taxes, court costs or fines, prison costs, crime victim restitution, and child support. Corporations receive significant benefits and subsidies by exploiting slaves - but there are also many limitations. Poor location of prisons, physical building limitations, subservience to prison administrators, rules, and bureaucracy, and possible public relations problems - keep many corporations away from the large penal labor supply.

The state also seeks other economic extractions from its slaves and their supporters. The state may charge prisoners a small amount for medical care, dental care, and basic hygiene supplies. A percentage of contributions to prisoners' accounts may be seized/stolen by the state to pay off fines and other court assessments. Penal commissaries, with their inflated prices, turn a nice profit off of their sales to prisoners. A more lucrative source is when the state partners with a phone company that charges exorbitant rates for prisoners' collect phone calls. A state can reap millions of dollars from a phone contract that "operates like a tax on poor families." \*79 Another method of extraction and extortion is when jails charge inmates a daily "room and board" fee. The fee is in addition to the sentence given to convicts in court. The fee is legalized extortion and theft by the state. The fee is another debt-load and economic burden for people of color and poor people to carry. After release from jail or prison, the debt can increase due to interest charges, collection fees, attorneys' fees, and parole or probation charges. Some states have saved money and benefited economically by privatizing probation. In turn, private corporations then exploit probationers and act mainly as a "moneymaking fee-collection service."

The great expansion of the racist system of state slavery over the past several decades has built a "Prison Industrial Complex." (PIC) The PIC is a confluence of powerful interlocking political and economic interests that support the continued maintenance and/or growth of the penal system. A large number of corporations have found that the best way to profit off of state slavery is through obtaining government contracts to provide penal services. Large state contracts are given for food services, healthcare services, and for running private prisons. Many



economically depressed rural areas have sought to revive their economies by building prisons. Penal institutions employ 750,000 people and powerful unions of prison guards have supported penal expansion and the increase of penal employees. Most state lawmakers, unwilling to address the root causes of economic and social problems, have led the crusade against “street crime” and for mass incarceration.

Some of the largest state contracts have been given to corporations to run privately-owned, for-profit prisons. Some corporations running prisons trade public stock, turning stockholders into slaveholders. There are over 150 privately-operated jails and prisons in 26 states with a holding capacity of over 100,000. \*80 Privately-operated prisons benefit from a large supply of prisoners, long sentences for prisoners, and high recidivism rates. In order to increase profits, services to slaves are compromised or cut back. Privately-run prisons have become known for scarcity of services, poorly trained guards, guard brutality, high turnover of staff, inmate violence, unaccountability to state officials and the public, and corruption. Still, many states are happy to pass off responsibility for their slaves to private corporations. But, ultimately, the state bears responsibility for its slaves and for all the crimes committed against them.

## 6. Torture

Another common form of prisoner abuse is torture. “The United Nations’ widely ratified Convention against Torture defines the term as ‘any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person.’” \*81

Torture of prisoners has been going on for centuries in the United States.

“While Quakers had envisioned penitentiaries as replacements for corporal punishment, American prisons actually became not a replacement for but the setting for physical torture. Many mid-nineteenth century prison personnel administered discipline with whips. Unruly prisoners were stuck in straightjackets or hung by their wrists from hooks embedded in ceilings or walls. One prison in Kansas devised a ‘water

crib' into which a prisoner in need of discipline would be immersed; the prisoner experienced the sensation of drowning until, in the words of one guard, 'he wilts and says he will be good.'" \*82 (Lee Griffith)

In recent decades a Quaker organization, American Friends Service Committee (AFSC), has opposed the expansion of solitary confinement and the torture of prisoners.

"From the time AFSC began monitoring control units, prisoners have reported that they are operated with an extreme level of brutality. Letters from isolation units around the country have told of guards using fire hoses, mechanical restraints and electrical devices, forced 'cell extractions,' beatings of prisoners in restraints, shackling in painful positions, sleep deprivation, and other forms of cruelty....Vivid descriptions were received of restraint belts, restraint beds, stun guns, stun belts, tethers, and waist and leg shackles....Still others told of prisoners being restrained in chairs with their hands forcibly tucked under their buttocks so they would be soiled by bodily wastes, or urine-soaked pillowcases being placed over the prisoners' heads. One person reported having been strapped down in a restraint chair for twenty-one days." \*83 (Rachel Kamel and Bonnie Kerness)

Torture of prisoners is both old news and an ever-present, ongoing reality.

After the 9-11-2001 terrorist attacks, the U.S. launched the so-called "war on terrorism." Combining conventional warfare with increased use of special forces, counterinsurgency practices, and surveillance, the "perpetual war on terror" is waged more on innocent populations than on actual terrorists. The wars in Iraq and Afghanistan have provided a new supply of foreign prisoners, most of whom are innocent civilians, who are subject to state torture.

Numerous reports of state torture have come from U.S. military prisons located in Cuba, Iraq, and Afghanistan. The forms of torture are many, with perhaps the most common being "compliance blows," beatings, and slamming detainees into walls. In August 2002, waterboarding, a notorious torture technique, was used against prisoner Abu Zubaydah 83 times

and, in March 2003 waterboarding was used against prisoner Khalid Shaikh Mohammed 183 times. An Iraqi prisoner in U.S. custody died “in a position known as ‘Palestinian hanging’....while suspended by his wrists, which had been handcuffed behind his back.” \*84 Seymour Hersh quotes a report by Major General Antonio Taguba listing some of the abuses of prisoners at Abu Ghraib in Iraq:

“Breaking chemical lights and pouring the phosphoric liquid on detainees; pouring cold water on naked detainees; beating detainees with a broom handle and a chair; threatening male detainees with rape; allowing a military police guard to stitch the wound of a detainee who was injured after being slammed against the wall in his cell; sodomizing a detainee with a chemical light and perhaps a broom stick, and using military working dogs to frighten and intimidate detainees with threats of attack, and in one instance actually biting a detainee.” \*85

Other reported abuses of prisoners include: forcing naked prisoners to form a pyramid, to masturbate, or to assume humiliating poses; photographing them naked; leaving prisoners naked in cells, handcuffing them to cell doors, shackling them in painful positions; putting them in isolation cells with no toilet, running water, or ventilation; attaching electrical wires to a prisoner’s finger, toes, and penis; forcibly squeezing male genitals; force-feeding hunger strikers; beating prisoners to death; using waterboarding to simulate drowning; using claustrophobic techniques; putting them into small, tight containers; putting insects into the containers; sleep deprivation for many days; manipulation of time, food, and sleep cycles; forcing prisoners to maintain “stress positions” for long periods of time; indefinite or permanent detention without charges or right to habeas corpus; extra-ordinarily long interrogation sessions; hooding and sensory deprivation; severe isolation; sensory overload with loud blaring music or other loud noises for long periods of time; using extremes of heat or cold (inducing hypothermia); food and water deprivation; manipulation of food diet; and various uses of restraints, hanging positions, and beatings. Additional abuses include holding of “ghost detainees” at secret CIA prisons, doing “extraordinary renditions” by sending prisoners to a third country known to practice torture, and the abduction and indefinite imprisonment of people in the U.S. suspected of being so-called “material witnesses.”

Many people reacted to the photos and reports of U.S. torture of foreign prisoners with outrage. But was any of it really new or surprising?

“The sadistic abuse and sexual humiliation by American soldiers at Abu Ghraib prison has shocked most Americans - but not those of us familiar with U.S. jails and prisons. In American prisons today, wanton staff brutality and degrading treatment of inmates occur across the country with distressing frequency....A federal judge in 1999 concluded that Texas prisons were pervaded by a ‘culture of sadistic and malicious violence.’ In 1995, a federal judge found a stunning pattern of staff assaults, abusive use of electronic stun devices, guns, beatings, and brutality at Pelican Bay Prison in California, and concluded the violence ‘appears to be open, acknowledged, tolerated and sometimes expressly approved’ by high ranking corrections officials. In recent years, U.S. prison inmates have been beaten with fists and batons, stomped on, kicked, shot, stunned with electronic devices, doused with chemical sprays, choked, and slammed face first onto concrete floors by the officers whose job it is to guard them. Inmates have ended up with broken jaws, smashed ribs, perforated eardrums, missing teeth, burn scars - not to mention psychological scars and emotional pain. Some have died. Both men and women prisoners - but especially women - face staff rape and sexual abuse....In January 2004, the U.S. Department of Justice reported on terrible conditions at Arizona’s juvenile detention centers, including sexual abuse of the children by staff members (and fellow inmates) that occurs ‘with disturbing frequency’ and a level of physical abuse that is ‘equally disturbing.’” \*86 (Jamie Fellner, Human Rights Watch)

The recent abuse and torture of foreign prisoners is not surprising to those who are familiar with U.S. detention centers, jails, and prisons.

The torture and abuses also are not surprising to those who are familiar with U.S. foreign policies, foreign wars, support for brutally repressive foreign regimes, military aid, military training schools, and CIA operations. For decades the CIA and the military have been promoting and exporting torture techniques

throughout much of the world (with devastating effects upon civilians and prisoners all over the world).

“(I)n the years 1950–1962....the CIA and its academic front men made two discoveries that soon became the basis of the U.S. approach to the handling of enemy captives. The first was the devastating effect on the human personality of sensory disorientation, implemented through simple tools such as hoods, bright lights, and loud music. The second was the power of pain caused simply by forcing prisoners into unnatural positions for long periods of time....Practically, they provided the conceptual foundation for a new approach [Alfred W. McCoy] sums up as ‘psychological torture’ - a way of delivering ‘a hammer-blow to the fundamentals of personal identity,’ as he puts it, without breaking bones or spilling blood. CIA operatives translated these scientific insights into a set of procedures elaborated in a 1963 CIA manual, which in turn served as the basis for textbooks used later in CIA and U.S. military programs - including the infamous School of the Americas.” \*87 (Henry Norr)

The U.S.’s School of the Americas (SOA), renamed in 2001 the Western Hemisphere Institute for Security Cooperation, and located at Fort Benning, Georgia, has taught a large number of foreign officers who subsequently participated in many of the worst human rights abuses and atrocities in Latin America. The SOA produced and used an instruction manual that advocated torture and execution of captives.

At Guantanamo Bay, “psychological torture” was taken to the next level with the assistance of mental health professionals.

“During its periodic inspections of Guantanamo’s Camp Delta, the Red Cross found that the psychological methods used on the 550 detainees were, under international law, ‘tantamount to torture.’ In particular, the Red Cross objected to the use of health-care personnel, particularly psychiatrists and psychologists on the Behavioral Science Consultation Teams, to advise military interrogators on more effective methods, calling the practice ‘a flagrant violation of medical ethics’.... Guantanamo’s integration of psychologists into routine interrogation perfected the CIA’s paradigm, moving beyond a broad spectrum attack on human senses, sight, and sound, to a customized assault on individual phobias or cultural norms, sexual and religious.” \*88 (Alfred W. McCoy)

Obviously, the United States has extensive knowledge, experience, and expertise in torturing prisoners.

State torture of prisoners is pervasive and it should not be surprising that state and penal authorities are more concerned with covering it up than with seeking remedies. In 1996, the state passed the Prison Litigation Reform Act (PLRA) to greatly reduce prisoners' lawsuits about abuses suffered in prisons. The vast majority of prisoners' lawsuits get thrown out. Even so, they have proven to be the most meaningful way of effecting incremental reforms. Naturally, the state prefers covering up most penal abuses rather than holding its agents accountable.

"The PLRA bars a federal civil rights action by a prisoner 'for mental or emotional injury suffered while in custody without a prior showing of physical injury' (42 U.S.C. §1997e(e)). In the words of Stephen Hanlon, a lawyer experienced in class-action prisoner litigation, this provision 'seems to make it national policy the idea that mental torture is not actionable.' Many serious abuses leave no physical injury."

\*89 (The Commission on Safety and Abuse in America's Prisons)

An entire category of torture is thus covered up, and, to some extent, legitimized.

In one way the state's torture of prisoners did take on a new dimension after 9/11. The state *publicly* endorsed and advocated for the right to torture a state-designated class of prisoners (although the administration duplicitously refused to call their methods "torture"). The state advocated for harsh, coercive interrogation methods - which were easily recognized by most as *torture*.

"The U.S. government's use and defense of torture and inhumane treatment played the largest role in undermining Washington's ability to promote human rights. In the course of 2005, it became indisputable that U.S. mistreatment of detainees reflected not a failure of training, discipline, or oversight, but a deliberate policy choice. The problem could not be reduced to a few bad apples at the bottom of the barrel. As evidenced by President George W. Bush's threat to veto a bill opposing 'cruel, inhuman, and degrading treatment,' Vice President Dick Cheney's lobbying to exempt the Central Intelligence Agency ('CIA') from the bill, Attorney

General Alberto Gonzales's extraordinary claim that the United States is entitled to subject detainees to such treatment so long as the victim is a non-American held overseas, and CIA Director Porter Goss's defense of a notorious form of torture known as water-boarding as a 'professional interrogation technique,' the U.S. government's embrace of torture and inhumane treatment began at the top." \*90 (Kenneth Roth, Human Rights Watch)

For two presidential terms, the state openly and publicly defended types of torture as standard policy in the face of a worldwide audience and the various international laws totally prohibiting it. Incredible hubris. But it revealed what often remains hidden behind prison walls - that torture is an important part of the criminal state's methods of exercising dominative power over its prisoners.

To say that the state does not presently or will not in the future engage in torture is simply a big lie. State torture of prisoners is, sadly, never-ending. The problem of state torture stems from the basic foundations of the state - from the very nature of the domination system.

"Torture, I will argue, is not incidental to state power; it is characteristic of that power. Torture doesn't represent a system failure; it is the system...

To oppose torture is, both philosophically and strategically, to oppose state power." \*91 (Kristian Williams)

The state is a system of organized dominative power and organized violence. Torture is part of the fabric of the state's system of penal slavery. As long as state slavery continues so will state torture.

## 7. Murder

The most prominent murders of slaves by the state are the official state executions. Executions of prisoners, after declining for several years, increased in 2009: 2005 - 60, 2006 - 53, 2007 - 42, 2008 - 37, and 2009 - 52. State executions have a long history. Early on, the state decreed capital punishment for minor offenses. For a long time, state executions of prisoners were a public showcase.

"Once in America, when there was widespread community participation in executions, stores and schools were closed,

the condemned were paraded to the gallows, concession booths were set up, and politicians took advantage of the assembled mass to get in a little campaigning. About 20,000 people showed up for the nation's last public execution - a hanging in Owensboro, Ky., in 1936. By that time executions had been moved behind prison walls, into tiny rooms without windows, where they were observed only by a few selected 'witnesses.' Nevertheless, the death penalty is alive and well in America." \*92 (William Ecenbarger)

State executions, in so-called democratic states, are an exercise in public relations and are intended to enhance the public image of the criminal state. A lot is at stake in terms of public perceptions of the image and legitimacy of the state. Popular perceptions, i.e., public opinion, play a large role in state executions. The state has used various techniques in carrying out the death penalty: hanging, firing squad, gas chamber, electric chair, and lethal injection. The state has been changing its method to make it more acceptable to changing public sensibilities. Sometimes the gruesome reality of murdering a slave of the state will tarnish rather than enhance the image of the state. When a state, like many nations around the world, decides to ban capital punishment it is not because of any conversion to nonviolence. Rather, when executions result in erosion of the public's image of the state, a state may consider discontinuing executions. (Also, some states are now considering discontinuing executions for economic reasons - due to the high legal costs of fighting appeals from death row prisoners.) In the United States, state executions were removed from the public eye and hidden in prisons. Support for continued executions was and is garnered on the ideological battleground - through righteous rhetoric and propaganda.

There is a myth that one purpose of state executions is deterrence, i.e., deterring other individuals from committing very bad crimes. (This myth is unnecessary during times when simple "state vengeance" is popular.) Among anti-death-penalty advocates there is a popular saying: "Why do we kill people who kill people to show that killing people is wrong?" It's a catchy saying. However, it doesn't address the real nature and purpose of state executions. The state absolutely is not trying to teach that all killing is wrong. The power to kill is essential to the



state and is paramount for its military and police forces. Rather than teaching that “killing is wrong,” state executions embellish the state’s right to kill. The state kills select prisoners in the role of “righteous executioner” and “protector of the people.” The rhetoric used by state officials to justify executions is just “dressing up” the actual deed of murder by the state.

“It is the deed that teaches, not the name we give it. Murder and capital punishment are not opposites that cancel one another, but similars that breed their kind.” \*93 (George Bernard Shaw)

The deed of state execution teaches “justified-killing.” That is what most people learn from it. State propaganda surrounding executions seeks to increase the public’s allegiance to and dependency upon the violent power of the state.

Another purpose of state executions is to divert public attention away from social ills and the crimes of the rich and powerful. The state manipulates the public’s anger, fear, and frustration over social problems and directs it towards individual scapegoats who are then executed. Sacrificing slaves to the god of state vengeance helps to keep the public’s focus diverted from all the corruption and crimes at the top echelon of society.

Like all the rest of the criminal legal system, the use of capital punishment is racist. In 1987 the Supreme Court ruled, in *McClesky v. Kemp*, that although a clear racial bias was evident in the use of the death penalty the sentence could be carried out because it was the responsibility of each individual defendant to prove bias in his or her particular case. On the one hand, the state was guilty of white racism on a large scale - but was cleared of wrongdoing. On the other hand, the individual black man’s guilt remained - and so Warren McClesky was put into an electric chair and executed by the state.

As of July 1, 2009, 3,297 prisoners were on death row, with over half of them being African-Americans (41.6%) or Hispanics (11.6%). \*94 People of color and poor people are disproportionately represented. Although the cases move forward at a snail’s pace, the state spends a large amount of money to propel the cases towards execution. For the state, executions of slaves still have great ideological value.

Besides executions, the criminal state kills many slaves throughout their vast gulag. Medical neglect and abuse, various sadistic punishments and guard brutality continually result in the deaths of prisoners.

“Former General Counsel of the Texas prison system Steve Martin told the Commission that within the last five to seven years, he has served as an expert in more than 20 in-custody death cases in which prisoners died from being placed in a restraint chair, a restraint board, or four- or five-point restraints. In most cases the prisoners were mentally ill, and most of them died of asphyxia.” \*95 (The Commission on Safety and Abuse in America’s Prisons)

The murder of foreign prisoners has increased.

“Reports of abuse of detainees in U.S. custody in Afghanistan, Iraq, Guantanamo Bay, and at secret detention facilities continue to mount....At least eighty-six detainees have died in U.S. custody since 2002, and the U.S. government has admitted that at least twenty-seven of these cases were criminal homicides.” \*96 (Human Rights Watch)

Virtually no murders of prisoners by state agents are treated in the same way as murders by individuals that occur in the free world. Murders of prisoners by the state are usually covered-up, denied, or the responsibility for such is so widely diffused that neither individual agents nor top state officials can be held accountable for the crime of murder.

Killings of prisoners, other than executions, usually draw little publicity. One notable exception was the Attica prison massacre on September 13, 1971. It is worth remembering.

In August of 1971 well-known Black militant prisoner George Jackson presumably started a rebellion in San Quentin and was shot by guards. This murder touched off uprisings in various jails around the country, including Attica State Prison in New York. At Attica, a majority of the prisoners were people of color while one hundred percent of the guards were white. On September 9<sup>th</sup>, some of Attica’s prisoners, long suffering from brutal conditions, rebelled and took control of a prison yard and held dozens of prison staff as hostages.

“In a tense five-day drama, the prisoners controlled the prison while they articulated their demands: access to health care and education, and an end to the arbitrary cruelty that

tormented their daily life. On the fifth day, New York Governor Nelson Rockefeller ordered the state police to enter the prison and open fire on D-yard. The surprise assault killed thirty-nine people - including ten prison staff - and injured hundreds. In its aftermath, the prison staff let loose an unchecked reign of terror, torturing and abusing hundreds of prisoners. Since these events at Attica, we have spent thirty years sorting these facts from the 'official' lies and misinformation....I am afraid that the privileged elite of this country understand Rockefeller's actions better than we want to admit. Even though we do not discuss it, we know - *all of us know* - that the whole system of police, courts and prisons are so hopelessly biased that it becomes difficult to tinker with one part of it. And it becomes dangerous to let the voices of prisoners be heard." \*97 (Murphy Davis)

During the prison attack on September 13<sup>th</sup>, the police forces, who were the only ones with guns, massacred 39 people including ten hostages. No state agent was charged with a crime. Killings of slaves, even massacres, may not bring any criminal charges. After the massacre the criminal state continued its offensive. Thousands of charges were brought against the prisoners (although none held up in court). In the prison, a wave of brutal repression by prison guards severely punished the prisoners. The state also stepped up repressive measures at other jails and prisons.

The murder of prisoners by the state is one of the tolls that prisoners pay. They pay with their bodies and their lives. The state rules by the power of violence and some of the most abusive and sadistic displays of that power are enacted upon prisoners.

What does human rule and so-called "democratic government" in the U.S. look like? It looks quite sadistic if one looks closely at all the abuses of state slavery. The "democratic state" is a system of organized dominative power, organized violence, and state-directed slavery. The U.S.'s gulag, with all of its abuses, truly reveals how the state's laws are embodied. The so-called "rule of law" must be evaluated in the context of the penal system of state slavery. The U.S.'s penal system of state slavery is an ongoing crime wave perpetrated by the state

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## CHAPTER 7

### Christian Complicity In State Slavery

Slavery, whether private ownership or state-directed, is an evil institution. Slavery is a crime 24/7. In the United States, penal slavery mainly abuses people of color and poor people. Despite its inherently dehumanizing and abusive nature, state slavery has widespread popular support. Even among Americans who identify themselves as “Christian,” state slavery has very strong support.

It is a rather sad and pathetic situation when most Christians in the U.S. are giving more support to a racist system of penal slavery than to Jesus’ gospel of liberation. Why is this so? Most Christians do not comprehend the meanings and implications of a “pacifist Messiah.” Most Christians do not want to follow and become disciples of a “pacifist Messiah.” Most Christians are deeply compromised in their commitment to Jesus, the “pacifist Messiah.”

There are many reasons why Christians choose not to follow and become disciples of Jesus. Some of the reasons are: 1. weak faith in Jesus; 2. prevalence of mainstream institutional churches and bad theology; 3. belief in violence, armed forces, penal slavery, and war; 4. entrenched lifestyles; 5. discipleship doesn’t pay well; 6. too much to give up or lose; 7. facing persecution and deadly violence unarmed is too costly; 8. variety of fears; 9. variety of addictions; 10. belief that it’s too difficult or even impossible; 11. prefer separation from (rather than solidarity with) the poor, the oppressed, the homeless, the prisoners; 12. lack of preparation for a revolutionary lifestyle; 13. the challenges of unbalanced or dysfunctional communities; and 14. the absence of a widespread bona fide discipleship movement. Since most Christians opt out of discipleship to Jesus, Christianity today is very convoluted and fragmented. Christians’ lifestyles are full of compromises, contradictions, and complicity in the domination system. In this convoluted faith

environment it is very easy for Christians not to follow Jesus or to even hear Jesus' call to discipleship.

Admittedly, the obstacles to making a full-time commitment to Jesus and to his revolutionary discipleship movement are formidable. The current shortage of disciples and discipleship communities presents significant difficulties for being a disciple and joining a real discipleship movement. There may seem to be little alternative to becoming enmeshed in mainstream society, finding some niche in the domination system, trying to reform the state, and simply trying to do some good as best one can. However, God's Spirit is always working in unseen ways and it may be that Jesus' revolutionary movement is in a "state of gestation" (preparing for re-birth) - and may break forth at any time.

There is always a way forward for Christians who are serious about following Jesus. There are many progressive faith communities, with an extensive network of supporters, doing lots of good works. Most notable are the Catholic Worker communities, peace and resistance communities, and others, some of which have taken up the moniker of the "new monasticism." There are also many progressive social-change organizations acting on behalf of and/or in solidarity with the poor, the oppressed, the prisoners. God's Spirit is working everywhere for transformation and good works. However, few communities are specifically organized around: 1. commitment and discipleship to Jesus, the "pacifist Messiah"; and 2. resistance to the domination system. Thus, while there are a number of progressive communities and organizations, and many good works are being done, there continues to be a real shortage of disciples of Jesus and little that resembles a dynamic discipleship movement.

On the one hand, without a bona fide discipleship movement, it is difficult to be a full-time disciple of Jesus. But, on the other hand, Christians' compromises and contradictions (of faith and practice) scuttle the discipleship movement, work against true justice and liberation, and amount to complicity in very oppressive and unjust systems. Jesus offers a holistic, powerful alternative to the domination system. Jesus' Way is a powerful way to bring salvation, justice, and liberation to the whole

world. The discipleship movement is meant to be a powerful, Messiah-led and -guided, Spirit-inspired, mission-driven, outgoing, and activist liberation movement. The world is perishing for a lack of disciples who will fully live out a life of revolutionary discipleship. And all Christians are called to be disciples. What else could Christians be called to - if not believers, followers, and disciples of Jesus? For the sake of the earth, it is urgent that more Christians take a leap of faith and help revive and advance the discipleship movement. Otherwise, there isn't much hope for the world - at least at the present time.

Most Christians are never converted to Jesus' revolutionary Way of life and remain committed to mainstream society and the governing authority of the state. In many ways, Christians' involvement in mainstream society and government amount to complicity in the crimes of the criminal state, including the heinous crime of state slavery. Bearing a heavy share of culpability in the United States for the crime of state slavery are white Christians.

### Children Of White Privilege

In the United States, many white Christians never find their true identity as disciples of Jesus and "children of God." Instead, many can be more truly described as "children of white privilege."

White Christians, in particular, have benefited enormously from the criminal state. The United States has always been a racist, slave-based nation where a disproportionate amount of the nation's wealth has landed in the hands of white men (and white families). Most white people have benefited from the nation's racist political, legal, and economic institutions.

Most white people in the U.S. have little awareness of the daily advantages they have because of their white skin.

"I think whites are carefully taught not to recognize white privilege, as males are taught not to recognize male privilege...

My schooling gave me no training in seeing myself as an oppressor, as an unfairly advantaged person, or as a

participant in a damaged culture. I was taught to see myself as an individual, whose moral state depended on her individual moral will. At school, we were not taught about slavery in any depth; we were not taught to see slaveholders as damaged people. Slaves were seen as the only group at risk of being dehumanized. My schooling followed the pattern Elizabeth Minnich has pointed out: whites are taught to think of their lives as morally neutral, normative, and average, and also ideal, so that when we work to benefit others, this is seen as work which will allow ‘them’ to be more like ‘us.’”

\*1 (Peggy McIntosh)

White people, on a collective level, have reaped many benefits because of racism, imperialism, slavery, and white-skin privileges. Benefits and privileges have come in the areas of economic affluence, education, health, job options, housing and housing locations, mobility, access to loans, preferential treatment by retailers, and preferential treatment from police forces and the courts.

The U.S. government began as a racist, white-male, criminal organization. The racist state has always had close ties with white Christians. Some white Christian preachers today like to point out that many of the state’s “founding fathers” were Christians. But the association between Christianity and the racist, slave-based, criminal state rightfully discredits that form of Christianity.

“Christianity is the white man’s religion. The Holy Bible in the white man’s hands and his interpretations of it have been the greatest single ideological weapon for enslaving millions of non-white human beings. Every country the white man has conquered with his guns, he has always paved the way, and salved his conscience, by carrying the Bible and interpreting it to call the people ‘heathens’ and ‘pagans’; then he sends his guns, then his missionaries behind the guns to mop up.” \*2

(Malcolm X)

What Malcolm X describes is imperial Christianity and its legacy of predominantly white, mainstream, patriotic churches. The U.S. is saturated with mainstream, patriotic churches that rest securely in their good standing with the criminal state. White Christians’ ties to and legitimization of the criminal state help to associate Christianity in general with the whole plethora of crimes of the state, including slavery.

Since the beginning of Black slavery in America, white slaveholders and their white churches always had lots of justifications for slavery, including interpretations from the Bible. Still today, there is no shortage of white preachers who justify state power and state slavery. What biblical interpretations can be used today to buttress state slavery?

Perhaps the most prevalent passage still used to legitimize state power and violent punishments is Romans 13:1-7. Despite the conventional view, it is possible that Paul did not write Romans 13:1-7. I no longer believe that Paul wrote it. I believe the passage is an interpolation, a later addition (by an anonymous person) to Paul's letter to the Romans. The passage stands in stark contradiction to the thrust of the Romans text and with Paul's theology (based on Paul's authentic writings and excluding Colossians, Ephesians, 1 & 2 Timothy, and Titus as pseudepigrapha). Christians' understanding of God needs to be revolutionized. Recognizing how some parts of the Bible have distorted God (human cultural biases throughout the Bible), fraudulently misrepresented authors (pseudepigraphy), or doctored texts (interpolations) can be *helpful* in understanding the historical struggle for justice and liberation. The Bible is itself an ideological battleground for different and conflicting understandings of God. Christians need to keep returning to Jesus for clarity.

What most Christians learn from Romans 13:1-7 are divine justifications for state authority and state violence. Yet, the context of this passage in Romans 12-13 is Paul's call for nonconformity with this age/world/society/culture and for Christians to follow the superior path of love and nonviolence. Paul exhorts Christians to act with love and nonviolence in relation to all people including enemies who persecute them. (Romans 12:9-21) Paul rejects human violence and defers all violent retribution to God alone. By following the path of love and nonviolence, Christians, and not the state authorities, do justice by fulfilling God's law of "loving your neighbor as yourself." (Romans 13:9-10) In stark contrast to Paul's message and theology, the Romans 13:1-7 passage justifies state power and authority, state violence, and so-called state "justice" - that are all foreign to Yahweh/Jesus. Paul did not believe in this sort

of “righteousness” of polytheistic Gentile rulers. As Paul wrote elsewhere:

“Yet among the mature we do speak wisdom, though it is not a wisdom of this age or of the rulers of this age, who are doomed to perish. But we speak God’s wisdom, secret and hidden, which God decreed before the ages for our glory. None of the rulers of this age understood this; for if they had, they would not have crucified the Lord of glory.” (1 Corinthians 2:6-8)

There is no justification of Gentile rulers who do not know Yahweh or follow Jesus in Paul’s authentic writings. Romans 13:1-7 is an aberration, a stark contradiction, and quite possibly a later addition. Yet, many biblical interpreters, preachers, and theologians continue to enshrine an inappropriate New Testament justification for state violence, with most Christians similarly duped.

The justifications of state violence in Romans 13:1-7, e.g., “for rulers are not a terror to good conduct, but to bad...,” are a terrible distortion of the role of state power in a society. Could Paul have written this? Even if Paul did write it, it should be recognized that, like all biblical writers, Paul was human, made mistakes, and his theology was imperfect. Paul’s humanness is depicted in Acts. Paul weakened his Christian witness (to his opponents) when he emphasized his Roman-citizen privileges and status instead of his Christian identity. (Acts 16:37, 22:25) Paul’s “witness” to his captors emphasized his entitlement to privileges based on oppressive Roman power. At these times Paul reverted back to being more of a “child of Roman privilege” than a “child of God.” A couple of times, Paul gained some immediate, short-term advantage from his claims to Roman privilege. But eventually his Roman entitlements failed him - as he became a prisoner for a number of years under Roman rule. Certainly Paul made a mistake when, instead of trusting solely in God, he invoked his Roman-citizen prerogative and appealed to Caesar for justice in his case. (Acts 25:11) More specifically, Paul appealed for help from Roman emperor Nero. Nero had a heart for scapegoating and burning Christians. Mistakes are a normal part of the human journey of discipleship and disciples do well to learn from and not repeat the mistakes of the past. A clear reading of Nero’s reign shows that the Roman authorities were a terror to innocent people, including, presumably, Paul



and many other followers of Jesus. Indeed, the imperial, militaristic, polytheistic, slave-based Roman Empire victimized innocent people, including Jesus and many disciples, as far as their rule extended. The historical evidence is massively on the side of showing state terrorism and the slaughter of the innocents. Yet Christians who support state slavery will always seek out biblical justifications to legitimize state power and punishments that are truly anti-Christ.

The problem of Christians' identity is so crucial. Because so many white Christians have benefited significantly from the racist, criminal state it is easy for them to identify with the state. *It is easier for most white Christians to identify with the slaveholders than with the slaves.* Slaveholders are in positions of dominance and privilege - similar to the social position that many affluent white Christians find themselves in today. Slaves are at the bottom of social hierarchies - and for most white Christians identifying with them is quite abstract and difficult. As a result, most white Christians have positive views of the criminal state - and continue to strongly support state slavery.

For white Christians, moving from "children of white privilege" to "children of God" requires deep conversion and deliberate choice. Most white Christians prefer to be comfortably allied with the police and with the state. It is this alliance with the state that is a major obstacle to deep conversion to Jesus and real solidarity with the oppressed.

### Christian Partnership With The Criminal State

Christian complicity in state slavery comes in innumerable forms. Many individual Christians work in direct partnership with the criminal state as employees of the state.

Many politicians and lawmakers identify themselves as "Christian." But working at the legislative level of the state means compromising one's commitment to Jesus, the "pacifist Messiah." Becoming a lawmaker means becoming part of a system of human rule that is rooted in dominative power, violence, and social hierarchies. The external "energy source" that uplifts lawmakers is dominative power - while disciples of Jesus are empowered by the internal "energy source" of God's

love and Spirit. Legislators compromise (or disdain) principles of nonviolence, equality, and solidarity with the oppressed: human rule is antithetical to these principles.

Christian lawmakers are further compromised by having to take oaths of allegiance to the state and to its laws. Allegiance to the criminal state and to its legal codes is simply idolatrous.

Lawmakers write and pass all the laws that are the basis for the racist criminal legal system and penal slavery. So they are major supporters of state slavery. Lawmakers, at any level of government, are connected to taxation, police forces, the courts, the penal system, and to other levels of government. Thus, all lawmakers, at any level of government, support the oppressive power of the state's armed forces and penal slavery.

Many prosecuting attorneys identify themselves as "Christian." But their work of prosecuting and seeking to punish defendants deeply compromises their faith in Jesus. An analogy can be made between prosecuting attorneys and the scribes and Pharisees in John 8:3-5:

"The scribes and the Pharisees brought a woman who had been caught in adultery; and making her stand before all of them, they said to him, 'Teacher, this woman was caught in the very act of committing adultery. Now in the law Moses commanded us to stone such women. Now what do you say?'"

Like the scribes and Pharisees, who brought only the woman adulterer before Jesus, prosecuting attorneys engage in selective prosecution. Prosecuting attorneys thrive on prosecuting people of color and poor people while the crimes of the state and the ruling class are almost totally ignored. Like the scribes and Pharisees, prosecuting attorneys self-righteously ostracize and scapegoat individuals while covering up their own compromised positions. Like the scribes and Pharisees who raise the specter of capital punishment, so prosecuting attorneys often raise the specter of maximum punishment to coerce or punish defendants. Unlike the scribes and Pharisees in the John 8 passage, prosecuting attorneys do not back away from state punishments but instead make a living off of sending individuals into penal slavery.

Many judges identify themselves as “Christian.” But the faith they have in Jesus is deeply compromised by their positions of authority in the state’s criminal legal system. Jesus teaches, “Do not judge, so that you may not be judged. For with the judgment you make you will be judged.” (Mt. 7:1-2) Judges work in direct contradiction to Jesus’ teaching not to judge others. Indeed, the criminal legal system is completely contrary to Jesus’ gospel of liberation. Judges preside over court systems that are racist, classist, patriarchal, oppressive, and steeped in deception and hypocrisy. Judges uphold a façade of justice that basically whitewashes most crimes of the state and the ruling class. Judges are major supporters of slavery. Slavery, in one form or another, has always been legal in the United States and judges commit themselves by oaths to uphold the laws governing slavery. Judges keep rendering judgments that send mostly people of color and poor people into the American gulag.

Many people in agencies like the FBI, ATF, CIA, ICE, Border Patrol, etc., and in various police and military forces identify themselves as “Christian.” But the faith they have in Jesus is deeply compromised by their positions in armed agencies that use dominative power and violence to seize people. Jesus teaches,

“You have heard that it was said, ‘An eye for an eye and a tooth for a tooth.’ But I say to you, Do not resist an evildoer. But if anyone strikes you on the right cheek, turn the other also.” (Matthew 5:38-39)

Police forces operate in direct contradiction to Jesus’ teaching. Police forces are based upon using “greater force,” often respond with violence even when unprovoked, and support state retaliation, punishment, and vengeance. Police forces are major supporters of state slavery. Police forces are a primary tool of the state and the ruling class to provide the crude, physical violence to protect a racist, slave-based, social order. Police forces are continuously hunting down and seizing the human fodder that is fed into the monolithic system of state slavery.

Many people who work as guards and administrators in state-run detention centers, jails, and prisons identify themselves as “Christian.” But the faith they have in Jesus is deeply

compromised by their work as front-line slaveholders. Jesus teaches,

“In everything do to others as you would have them do to you; for this is the law and the prophets.” (Matthew 7:12)

Administrators and guards operate in direct contradiction to Jesus’ teaching of the “golden rule.” Penal institutions establish a rigid hierarchical system - with administrators and guards in positions of authority and with prisoners in the position of slaves. Guards would never want to change positions with the prisoners and be treated as slaves. As the state’s front-line slaveholders, guards do to prisoners that which they hope will never be done to themselves. Guards routinely issue orders to prisoners, subject them to strip-searches, direct their movements, lock them up in small cages, punish them for real or contrived offenses, and subject many to beatings, torture, or other abuses. The penal environment is inherently oppressive, coercive, violent, and dehumanizing - by the design of the state - and guards are committed to maintaining that type of order.

Many people who work as prison chaplains identify themselves as “Christian.” But their faith in Jesus is deeply compromised by being co-workers with the slaveholders. Jesus teaches,

“No one can serve two masters; for either (they) will hate the one and love the other, or (they) will be devoted to the one and despise the other.” (Matthew 6:24 RSV)

Christian chaplains work in direct contradiction to Jesus’ teaching. The chaplaincy is a vestige of imperial Christianity and the old union between church and state. Prison chaplains are employees of the state and they receive their paycheck and benefits from the criminal state. They are part of the professional prison staff. Their work is melded into the prison administration. If their work was not compatible with state slavery, then they could not remain part of the prison staff. Chaplains administer to prisoners from a position of privilege, status, and authority that comes from the dominative power of the state. Chaplains may *imagine* they can serve the state and serve God too. But their *real witness* from their actual state positions is that their god is on the side of the slaveholders.

Many people who work as probation officers identify themselves as “Christian.” But their faith in Jesus is deeply

compromised by their partnership with slaveholders. Jesus teaches,

“Why do you see the speck in your neighbor’s eye, but do not notice the log in your own eye? Or how can you say to your neighbor, ‘Let me take the speck out of your eye,’ while the log is in your own eye? You hypocrite, first take the log out of your own eye, and then you will see clearly to take the speck out of your neighbor’s eye.” (Matthew 7:3-5)

The work of probation officers (P.O.’s) is in contradiction with Jesus’ teaching. The work of P.O.’s is very judgmental, condescending, and self-righteous. P.O.’s have great authority and power over convicts and parolees who are on probation. P.O.’s are always judging their “clients” and can send them into penal slavery at any time. Yet P.O.’s fail to examine their own role in the crime of penal slavery. They fail to examine how the entire criminal legal system oppresses people of color and poor people and how penal slavery abuses and harms prisoners. P.O.’s unabashedly support state slavery.

In lesser ways many other Christians, who are employees of the criminal state, share some complicity in the heinous crime of state slavery.

### Christian Collaboration With The Criminal State

There are many Christians who are not state employees who share complicity in the crime of state slavery. The forms of complicity are extensive, particularly in the area of economics and jobs. Christians who hold jobs in a wide variety of businesses share some complicity.

“Given all this growth, prisons have become, after war, the number two industry in the United States. An entire industrial structure has grown up around them, including professional advantage and opportunity for architects, academics, food service vendors, social workers, weapons companies, security equipment companies, health care firms, corrections bureaucrats, psychologists, psychiatrists, construction companies, fence corporations, engineers, and on and on and on. This is to say we are undergoing radical shifts in our economy to build in a long-term dependence on human bondage to keep the wheels turning.” \*3 (Murphy Davis)

Many corporations are profiting from government contracts and are part of the prison industrial complex. Some corporations are directly exploiting slave labor - paying prisoners minimum wage without benefits and without labor rights. Some corporations own and operate their own boot camps, detention centers, jails, and prisons. Some corporations manage and operate state-owned jails. Stockholders in these for-profit corporations that run penal institutions are essentially slaveholders profiting from the slave trade. Some penal facilities are run partially or entirely as a so-called “Christian” faith-based institution. Some overly-zealous evangelical Christians have misrepresented Jesus and betrayed the gospel by taking the reins of penal institutions and working hand-in-hand with the slaveholders. All the corporations that contract with the state’s penal institutions are deeply committed to state slavery.

Another aspect of Christian complicity in state slavery is Christians’ reliance on police power and basic support for the racist criminal legal system. Many Christians, when their own lives or possessions are threatened, do not hesitate to call upon police power. But Christians’ reliance on police-force has significant ramifications.

“The fact that I do not own a gun or that I do not threaten others with physical violence or that I do not imprison others does not mean that I seek to be a nonviolent follower of the Prince of Peace if I am at the same time relying on others to wield the gun for me. If we believe...that it is against God’s will to carry guns and threaten violence, then we must not ask the police to sin on our behalf while we pretend to remain guiltless.” \*4 (Lee Griffith)

By relying on police power when Christians want “superior power” or “superior authority,” Christians are turning away from the “pacifist Messiah.” Many poor people and people of color have a keen sense of the oppressive role of police in society. Sometimes they can see when Christian practice diverges from Christian rhetoric. Sometimes churches preach against certain types of violence even while relying on the criminal state for protection.

“‘For us, the scandal is that the Pope speaks to us against violence while he is protected by these violent people,’ the police and other armed forces. ‘Young people don’t believe

him when he is protected by the same guns that hurt them.’”

\*5 (Penny Lernoux)

Oppressed people know that police intervention can lead to harassment, loss of money and possessions, beatings, or enslavement. Thus, Christians’ reliance on police power comes with a price: Jesus’ gospel of liberation is replaced by the supremacy of state power. This is not good news for the world.

Another form of Christian complicity in state slavery is jury duty. Christians may naively believe they have a “civic duty” to participate in the jury process - or they may believe they are morally obligated to obey a jury summons - or they may believe that becoming a juror is “empowering.” But the power one exercises throughout all levels of government is dominative power. It is “power over others.” Juries are in a position of dominance, judging defendants. By participating as jurors, Christians are placing themselves in the arena of false authority and judgment. Jurors must swear to uphold the state’s laws. They must accept the dictates and directions of a judge and court that are illegitimate and criminal. In criminal trials, juries have the power to reach a verdict of “guilty” or “not guilty.” When bringing back a “guilty” verdict a jury is stamping its approval on the enslavement process and most likely sending another individual into the sadistic institution of state slavery. And while a Christian juror can also vote for a “not guilty” verdict, followers of the “pacifist Messiah” really should not be participating in a racist system of organized dominative power and oppression.

Christian complicity in state slavery may also occur through various ways of participating in the mainstream “political process.” Many Christians get caught up in registration efforts, election campaigns, voting, and lobbying. Many Christians put all kinds of time, energy, and resources into reformist political efforts that never address the root causes of oppression, exploitation, and discrimination.

Voting hooks Christians into election races, media hype, and an oppressive, hierarchical, and violent system of human rule. Elections are steeped in deception, serve to disguise power dynamics, legitimize state oppression and violence, and lead people astray.

“We live in societies divided into social classes, where there is no true consensus, only the fictitious and spurious consensus determined by the ruling classes. Electoral processes are national epics manipulated in the name of the people to legitimize social control and coercion.” \*6 (Elizam Escobar)

Voting turns Christians away from the leadership of the “pacifist Messiah.”

“Christian anarchism is based upon the answer of Jesus to the Pharisees, when He said that [the one] without sin should be the first to cast the stone, and upon the Sermon on the Mount, which advises the return of good for evil and the turning of the other cheek. Therefore, when we take any part in government by voting for legislative, judicial, and executive officials, we make these [people] our arm by which we cast a stone and deny the Sermon on the Mount.” \*7 (Ammon Hennacy)

As “good” as any politician might seem to be, she or he is dwarfed by the overarching political machinery of the criminal state. The racist legal system, with its oppressive police forces, unjust courts, and monolithic system of penal slavery, is the *real embodiment* of all the laws that politicians write. Therefore, campaigning, voting, and lobbying deepen Christians’ complicity in the domination system, implicitly support a heinous system of state slavery, and confer a cloak of legitimacy to the ruling power of the criminal state.

Another, albeit difficult to avoid, form of Christian complicity in state slavery is paying taxes. The criminal state is funded through the coercion and extortion of taxes (and through other criminal rackets that act like indirect taxes - like large-scale borrowing or running the printing press). Taxation helps to fund the centralization of power and wealth in a society. The criminal state draws in enormous tax revenues - and it is the ruling class that divides the spoils. The enormity of the state’s wealth and power reflects both the power of the ruling class and the disempowerment of the lower class. State expenditures reflect the priorities of the ruling class. Poor people’s hope for, or dependence upon, state funds helps keep them politically loyal, disorganized, and disempowered. “Top-down” or “trickle-down” funding for the poor from the hierarchical power structure of the state is insufficient, inefficient, bureaucratic,



paternalistic, unreliable, and built upon widespread social injustices. \*8 Tax revenue helps to maintain a slave-based social order, fund imperialistic and militaristic foreign policies, and fund the criminal legal system which enslaves millions of people of color and poor people.

Prisoners, enslaved by the state, can benefit from help coming from people on the outside. Any concrete help for prisoners is valuable. However, sometimes Christians seeking to help prisoners through “prison reform” end up being complicit in state slavery. Throughout history many Christians’ good intentions have gone awry.

“The British prison reformers of the eighteenth century were clearly innovative and humanitarian, but in important respects they also reaffirmed the penology of their own age. Their advocacy of public administration of prisons made ecclesiastical prisons and jails in steeples and gaols run by bishops things of the past. But these efforts demonstrate the reformers’ belief that the church had played the *wrong* role in prisons, not that it should have *no* role....Genuine biblical concerns led them to challenge the harsh treatment of caged people but not the caging itself. Unlike the seventeenth-century Levellers and Diggers and Seekers, the eighteenth-century reformers were not outraged by the prison walls. They believed that Christians were not called to challenge the walls or those who built them but rather to challenge the prisoners inside the walls...

The history of Christendom is a history of chaplains who helped to oppress prisoners and of reforms that helped to entrench the prison system. In writing about the prison system, George Bernard Shaw observed that ‘its worst features have been produced with the intention, not of making it worse, but of making it better.’” \*9 (Lee Griffith)

Today, many reformers are advocating for an end to the crime of capital punishment - and are advocating for a sentence of “life without parole” as an alternative.

“The increased popularity and use of sentences of life without parole, natural life, and mandatory prison sentences of thirty, forty, and ninety years before release all translate into one thing: death behind bars. The majority of the American anti-death penalty movement opposes active state measures that

lead to a convict's death but for the most part supports death by incarceration as a humane alternative. The end result is the same: death at the hands of the state. It just takes longer." \*10 (Paul Wright)

In general, reformers do not go far enough in their advocacy for prisoners' welfare. Oftentimes, reformers share complicity in state slavery. As Lee Griffith notes, prison reform leads to prison entrenchment - and the current penal system is the product of past reforms.

Christian complicity with the criminal state and with penal slavery corrupts Christian ministries with prisoners.

"While the predominantly Christian faith communities that sponsor these ministries claim to believe in such values as fairness, peace, equality, justice, reconciliation, and forgiveness, too often their leaders and members tacitly or aggressively support a criminal justice system that routinely violates all these basic spiritual and ethical principles in massive and immensely damaging ways....From a perspective that takes seriously the whole church's responsibility for ministry in prisons and jails, there should be more than these two alternatives of a professional chaplaincy structurally beholden to Caesar and theologically and politically controlled by his agenda, on the one hand; and a narrow, fundamentalist ministry that focuses on saving the souls of a captive audience and usually looks the other way when confronted by evidence of abuse to their bodies, their minds, and their spirits, on the other." \*11 (Laura Magnani & Harmon Wray)

Followers of Jesus need to go further in their ministries with prisoners.

### Christian Solidarity With The Prisoners

Christians are called to follow Jesus, the "pacifist Messiah," and to seek to advance Jesus' liberation movement. As noted earlier, in the absence of a bona fide discipleship movement, seeking to live out a full-time discipleship commitment to Jesus is difficult. Nevertheless, all Christians are called to be disciples of Jesus. Followers of Jesus can make more progress if they organize themselves into discipleship and resistance communities (without major internal contradictions).

“This gives us a hint about where to begin our search for radical community as a true alternative to the existing powers and principalities. We look not to the urban, but to the rural; not to the king, but to the Lord; not to the Temple, but to the Spirit; not to the law books (whether Hebrew or Christian) but to love and righteousness; not to corrupt concepts of secular justice, but to a law written on the hearts of people and practiced by them regardless of the consequences: the key to nonviolent community.” \*12 (William Durland)

It is difficult to “grow the movement” without deep roots - so organizing more base communities is a priority.

Followers of Jesus are called to place their faith, trust, and security in God. For followers of Jesus it is idolatrous to rely on the criminal state, its armed forces, and penal slavery for security. From a discipleship perspective, no amount of personal fears can justify state slavery. The way of Jesus to conquer fear is through the nonviolent power of love.

“God is love, and those who abide in love abide in God, and God abides in them....There is no fear in love, but perfect love casts out fear.” (1 John 4:16,18)

Part of discipleship is to be supportive of prisoners. An early Christian writing expresses empathy for prisoners.

“Remember those who are in prison, as though you were in prison with them; those who are being tortured, as though you yourselves were being tortured.” (Hebrews 13:3)

Christians can pray for the prisoners they know (and, in general, for all prisoners). Christians can pray too for the slaveholders, knowing that they are ensnared in the throes of “slavery to sin.” (John 8:34-36) The whole system of penal slavery is anti-Christ, anti-God, and very dehumanizing for all - and the slaveholders need help too in breaking away from the domination system. Visiting prisoners and writing letters to prisoners are good practices. When it seems appropriate, Christians can respond to some of the requests of prisoners, including providing some material or monetary support. Christians could offer hospitality to people who are traveling to visit imprisoned family members or loved ones. Christians could offer hospitality to some released prisoners.

Part of discipleship to Jesus is to be opposed to state slavery. While it is very important to try to help prisoners now and to support decarceration and the release of more prisoners, *it is essential for disciples of Jesus to be a voice for total penal abolition*. The slavery Abolition movement in the 1800s did not advocate for a better system of slavery. It advocated for the total abolition of chattel slavery. Likewise, disciples of Jesus are not called to advise state slaveholders on how to fine-tune their inherently sadistic system of penal slavery. It is vital for Christians to denounce the entire system of state slavery and its place in a slave-based social order. It is important for Christians to call for the abolition of state slavery - and for freeing the prisoners.

Christians can seek to amplify the voices of oppressed prisoners by speaking out and informing others about state slavery's dehumanizing conditions and abuses. Of course, actions speak louder than words. Christians can publicly protest against mass incarceration and state slavery. Some Christians can do nonviolent civil disobedience and risk arrest. Of course, opposition to penal slavery also means opposition to the criminal state - and calls for trying to live out an alternative and revolutionary way of life.

At some time in their lives many disciples will find themselves imprisoned. Disciples enslaved in the American gulag can build bonds with other prisoners and find expressions of solidarity from the inside.

### Footnotes

1. Peggy McIntosh, "White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences Through Work in Women's Studies," Wellesley College, Wellesley, MA, 1988.
2. Malcolm X, The Autobiography of Malcolm X, Ballantine Books, New York, 1964, pp. 241-242.

3. Murphy Davis, "A Bag of Snakes," Hospitality, The Open Door Community, Atlanta, Georgia, February 1994, p. 3.
4. Lee Griffith, The Fall of the Prison: Biblical Perspectives on Prison Abolition, Eerdmans, Grand Rapids, Michigan, 1993, pp. 189-190.
5. Penny Lernoux, People of God: The Struggle for World Catholicism, Penguin, 1990, pp. 136-137.
6. Elizam Escobar, cited in Imprisoned Intellectuals: America's Political Prisoners Write on Life, Liberation, and Rebellion, Joy James, editor, Rowman & Littlefield Publishers, New York, 2003, pp. 296-297.
7. Ammon Hennacy, quoted in the Loaves and Fishes newsletter, Duluth, Minnesota, Autumn 2004, p. 1.
8. State funding for human services has provided valuable assistance for millions of poor people. Millions of poor people remain economically dependent upon the state. But state-funded social services have also functioned to smooth over the breakdown of rural tribes, communities, extended families, and social networks, and to assist in the restructuring of the social fabric according to the designs of a global capitalistic economic order. Economic dependence upon the state creates inertia, a roadblock for moving towards a solution to state oppression, violence, and slavery.
9. Lee Griffith, pp.165 & 192.
10. Paul Wright, "The Cultural Commodification of Prisons," Prison Profiteers: Who Makes Money From Mass Incarceration, Tara Herivel & Paul Wright, editors, The New Press, New York, 2007, p. 105.
11. Laura Magnani & Harmon L. Wray, Beyond Prisons: A New Interfaith Paradigm for Our Failed Prison System, Fortress Press, Minneapolis, 2006, p. 135.
12. William Durland, God or Nations: Radical Theology for the Religious Peace Movement, Fortkamp, Baltimore, Maryland, 1989, p. 47.

## CHAPTER 8

### To The Imprisoned: A Gospel Of Liberation

#### Free Will & Free Fall

The greatest advocate of freedom is God. God, the creator of all life, has granted free will to humanity. God has set into motion a great drama - giving free will to humanity forever - and allowing humanity to choose the path it will travel down. Of course, God is deeply connected with creation and involved in human history. God's will is for freedom, justice, and peace. But the extent of God's participation in history is affected by humankind's free-will decisions. The weight of humankind's choices usually runs contrary to God's will, thus limiting God's participation in history, and delaying the fulfillment of God's will.

“And this is the judgment, that the light has come into the world, and people loved darkness rather than light because their deeds were evil.” (John 3:19)

God's supposed “patience” or “non-involvement” in allowing so much evil to flourish in the world is really based upon God's fundamental commitment to human freedom. God will not violate the integrity of humanity's free will to make choices.

The path that humanity is traveling down, and it seems to be a descent, is like a *free fall*. Perhaps God could be criticized for “unintelligent design.” After all, it could be argued, humanity has chosen the path of devolution. Humans are at the bottom of the pit of devolution. No species has devolved more than humans. Humans have wrought the most wanton death and destruction on earth and have despoiled the earth. Only humans are a serious threat to bring down every habitat and ecosystem on earth. It is humanity's downward spiral that is the leading cause of the current age of species extinction.

Human “civilization,” as it is called, is a multi-faceted system of organized exploitation, oppression, discrimination, and

violence. Civilization, as we know it, is based on dominative power, violence, and social hierarchies. It is based on human rule and so-called law enforcement. The nation-states represent powerful criminal organizations working on behalf of the ruling classes. Oppression of those at the bottom of social hierarchies is standard practice.

Who can believe that freedom and liberty come from the nation-states, their politicians, laws, and police and military forces? It is the criminal state that is perpetually committing all kinds of crimes including oppression and slavery. Throughout its entire history the United States of America has been a slave-based nation. Think! God gave us brains for a reason. What sort of “freedom” can be based on slavery? It is not universal freedom that the criminal state seeks to defend and maintain. Rather, the state seeks to develop and maintain class- and racial-based privileges that come from oppressive social hierarchies. In the homeland of the American empire these enormous privileges mainly benefit the upper classes. The empire’s wealth, power, and privileges feel like freedom (especially if one is not destitute, homeless, imprisoned, or a poor person of color). These privileges are based on economic exploitation, political and military hegemony, oppression, and slavery. They are built on the backs of slaves and oppressed peoples throughout the world. They are deeply stained with the blood of millions of victims of the U.S.’s empire.

The U.S.’s slave-based political system is, on a spiritual level, in partnership with the powers of evil. True freedom and liberty can never come from the criminal state and all its armed forces. True freedom and liberty can only come from God, from doing God’s will, and from resistance to the domination system.

The criminal state cannot be an ally in the movement for justice and liberation. The criminal state cannot be reformed into a system that does God’s will. The state is founded on dominative power and violence - which are antithetical to equality and freedom. The tools for reforming the state - electoral campaigns, lawmaking, and so-called law enforcement - are embedded with the ruling class. They are the same building blocks that create and prop-up oppressive social

hierarchies. The tools for reforming the state are the same tools for legitimizing and maintaining the criminal state.

“For the master’s tools will never dismantle the master’s house. They may allow us temporarily to beat him at his own game, but they will never enable us to bring about genuine change. And this fact is only threatening to those...who still define the master’s house as their only source of support.” \*1  
(Audre Lorde)

The end product of using the master’s tools will just be a re-modeled house of oppression and violence. The answer, then, to systemic oppression and injustice is not reform of the criminal state. It is revolution. But in order for it to be a true revolution, the slaves must not use the master’s tools.

### God’s Special Love For Slaves

God loves all people. But God has a special love for slaves. Why is this so?

God has a special love for slaves because of who God is and because of what God’s will is. The living God is totally committed to freedom. God loves freedom. God would never impose God’s will on anyone (i.e., that would be inherently contradictory). God hates coercion, oppression, and violence. God cannot be anything other than completely committed to freedom, justice, and liberation.

“Is not this the fast that I choose: to loose the bonds of injustice, to undo the thongs of the yoke, to let the oppressed go free, and to break every yoke? Is it not to share your bread with the hungry, and bring the homeless poor into your house; when you see the naked, to cover them, and not to hide yourself from your own kin?” (Isaiah 58:6-7)

God loathes oppression, injustice, and slavery. Slavery is the antithesis of freedom. Slavery is maximum oppression and minimum freedom. To say that God supports slavery, in any form, is a great lie. Slaveholders, and all their sympathizers, have set themselves against God and against God’s will. Slavery, in whatever form, is an evil institution and those who support it are in captivity to sin. Thus, God’s will is certainly for penal abolition, to bring an end to state slavery, and to free the prisoners.



God is the author of life and it is God's will for all people to grow and develop as children of God. All people who are oppressed, enslaved, and abused are related to God, whether they realize it or not. God identifies closely with suffering humanity and with those who are most oppressed. Oppression is a personal matter with God. Jesus says,

“For I was hungry and you gave me no food, I was thirsty and you gave me nothing to drink. I was a stranger and you did not welcome me, naked and you did not give me clothing, sick and in prison and you did not visit me....Truly I tell you, just as you did not do it to one of the least of these, you did not do it to me.” (Matthew 25:42-43,45)

Jesus personally identifies with all of oppressed and suffering humanity. In a real sense, what the masters do to the slaves - they do to God. Slavery is anti-God - and in a very personal way.

Since God's will is for freedom, justice, and liberation - God takes the side of the poor, the homeless, the slaves. God intervenes into history, through human partners, on the side of the oppressed, the downtrodden, the slaves. Yahweh, the God of liberation, works throughout history to free the slaves.

The most powerful and formative event in the history of Israel, as recorded in the Old Testament, was God's work to free the Hebrew slaves from Egypt.

“I have seen the affliction of my people who are in Egypt, and have heard their cry because of their taskmasters; I know their sufferings, and I have come down to deliver them out of the hand of the Egyptians.” (Exodus 3:7-8)

Yahweh worked to liberate the slaves from the “house of slavery.” (Ex. 20:2) Unfortunately, much internal oppression of the Hebrews developed within Israel.

“(Yahweh) has taken (a) place to contend, (God) stands to judge (the) people. (Yahweh) enters into judgment with the elders and princes of (the) people: ‘It is you who have devoured the vineyard, the spoil of the poor is in your houses. What do you mean by crushing my people, by grinding the face of the poor?’ says the Lord GOD of hosts.” (Isaiah 3:13-15)

Later on, Jerusalem was conquered and many Jews were taken into captivity in Babylon. Again, God promised to free the captives - and again the Israelites regained their freedom. But

the liberation of the slaves from Egypt and the captives from Babylon was only partially successful. The Hebrew people were freed from their foreign masters and from foreign lands - but they could not achieve social justice or escape oppression from within Israel.

Therefore, God so loved the world that God sent a Messiah to lead the people onto a complete and holistic path of liberation. Jesus revealed who God is, what God's will is, and how to live according to God's will. Jesus revealed and led disciples onto the path that brings freedom, justice, and liberation.

“For freedom Christ has set us free. Stand firm, therefore, and do not submit again to a yoke of slavery.” (Galatians 5:1)

### The Messiah's Invitation To Liberation

Near the beginning of his ministry, Jesus reads from the prophets,

“The Spirit of the Lord is upon me,  
because (God) has anointed me  
to bring good news to the poor.  
(God) has sent me to proclaim  
release to the captives  
and recovery of sight to the blind,  
to let the oppressed go free,  
to proclaim the year of the Lord's favor.’

And he rolled up the scroll, gave it back to the attendant, and sat down. The eyes of all in the synagogue were fixed on him. Then he began to say to them, ‘Today this scripture has been fulfilled in your hearing.’” (Luke 4:18-21)

In a poor and oppressed territory within the militaristic, slave-based, Roman Empire, Jesus announces a gospel of liberation. The good news of the gospel is directed towards the downtrodden: the poor, the captives, the blind, the oppressed. The message is one of liberation and healing. And the timing could not be any better for the oppressed: the time of waiting is over, the prophecy of the coming of God's anointed one is fulfilled, the Messiah is at hand, and liberation is unfolding now. The speaker, Jesus, has been sent from God and is filled with God's Spirit. Could the oppressed ask or hope for anything more?

The townsfolk of Nazareth hear the liberating proclamation and ponder the message and the messenger. Jesus does not look like or fit their image of a Messiah. They decide that the best course of action is to throw the message-bearer off a cliff. Jesus survives the encounter - but so it goes. The liberating gospel message and movement goes about in a world of unbelief and rejection. The movement continues to search for people who will resonate with the message and join Jesus' revolutionary movement.

The gospel message of liberation and healing is invitational. Jesus wants disciples. But people have many options and paths they can go down. Any decision to follow Jesus and to travel the path of revolutionary discipleship must be an informed choice freely made. One can join Jesus' liberation movement only through free will, free choice.

Jesus' revolutionary discipleship movement is a participatory movement. Liberation and salvation are not a one-person show and a one-time event. The Messiah modeled and showed the Way to liberation - but the Messiah needs disciples to spread the liberation movement. God intervenes into history through a *divine-human partnership*. God works with people who do God's will. God is a partner with disciples who follow Jesus. Whenever in history this divine-human partnership is not manifest, due to a lack of people doing God's will, then evil flourishes unabated. Jesus' liberation movement seeks to revive a divine-human partnership working for freedom, justice, and liberation.

Jesus' participatory liberation movement is truly a grassroots movement - but with a divine and immortal leader. Jesus' movement is far different from a *top-down model* of working for so-called "legislative justice." Liberation does not happen by first trying to convert or lobby the ruling class, by trying to reform oppressive institutions, or by making new laws. Liberation does not occur by seeking to assimilate and integrate the oppressed into existing capitalistic and governmental systems. Liberation can never mean assimilation into and reform of the domination system. Instead, Jesus' movement follows a *bottom-up model* of liberation. Those at the bottom of oppressive social hierarchies are empowered to take

responsibility for their own liberation. True liberation begins when the oppressed take responsibility and become the major participants in their own liberation - and when they follow Jesus' revolutionary path to liberation.

Jesus' liberation movement is truly a revolutionary movement - with far different values, beliefs, and practices than the ruling class. In varying degrees, the oppressed have internalized the values and beliefs of their oppressors. The ruling class values and believes in dominative power, violence, social hierarchies, capitalism, electoral politics, police and military forces, state slavery, patriarchal family lineages and traditions, and institutionalized religion \*2 - and seeks to gain wealth, power, and privilege in society. True liberation begins when the oppressed reject the values, beliefs, and tools of the ruling class - and start to forge a new and different path.

Jesus, the "pacifist Messiah," invites the oppressed to join a revolutionary movement that is based on a different kind of power than the coercive and violent power of the nations. Admittedly, in jail and prison environments, advocacy for a "pacifist Messiah" is a "tough sell" (made more difficult in the absence of a powerful movement on the outside). Jail and prison environments are permeated with a "culture of violence." Dominative power and violence rule. Jesus doesn't fit the macho, tough-guy image that is so esteemed in prison. Following a "pacifist Messiah" may be associated with weakness - with great vulnerability to violence, exploitation, and abuse. Furthermore, centuries of imperial Christianity have badly misrepresented God/Jesus. Imperial Christianity and its enduring legacy have helped to create all kinds of bad theology, negative traditions, ideological blockages, and prejudiced minds that set people against following Jesus as disciples.

Despite all these obstacles, Jesus offers the oppressed a real choice, a Way to true liberation. If one wants liberation from a culture of violence, oppression, and social hierarchies, then a pacifist Messiah shows the Way to liberation. If one prefers the world built by slaveholders and warmongers then it is easy to reject the Messiah sent from God. To reject the Messiah is nothing new - it is business as usual. In fact, the domination system depends upon the collective madness of human beings

who prefer to work within the system and who cannot or will not forge a new path. Even after so many centuries of rejection, God continues to work to restore a divine-human partnership and to work for liberation. And God continues to wait - waiting for the human species to turn away from its madness and to awaken to its glorious calling as children of the living God.

Jesus also invites people from the privileged classes to follow him and to join the liberation movement. In order to truly follow Jesus, people from the privileged classes must break away from their positions of affluence and privilege. They cannot effectively work for liberation in separation from the poor and oppressed. They can free themselves from wealth and possessions and join in community-building with the poor. They can join with the oppressed in a common struggle for liberation. An Australian aborigine expressed it well:

“If you have come to help me, you are wasting your time. But if you have come because your liberation is bound up with mine, then let us walk together.” \*3 (Lilla Watson)

Jesus, the Messiah, is the leader of God’s liberation movement. The movement depends upon the full and active participation of all disciples. When this divine-human partnership is active, the movement is international, it is organized, it is powerful, and it is truly revolutionary.

### Conversion To Jesus

To join God’s foremost liberation movement, conversion to Jesus, the “pacifist Messiah,” is necessary. Conversion to Jesus is the same as conversion to the living God since Jesus and God are one. Jesus is sent from God and Jesus calls people to the “fast-track” of discipleship to become more and more like God.

Conversion to Jesus is conversion to the Way of love and nonviolence. Love and nonviolence are two of the defining characteristics of Jesus’ liberation movement. Jesus reveals a God of love.

“Which commandment is the first of all?” Jesus answered, ‘The first is, ‘Hear, O Israel: the Lord our God, the Lord is one; you shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your

strength.’ The second is this, ‘You shall love your neighbor as yourself.’ There is no other commandment greater than these.’” (Mark 12:28-31)

Through his teachings and practices, Jesus reveals how to love God and “neighbor” to the fullest. Jesus expands “love for neighbor” to “love for all people.”

“You have heard that it was said, ‘You shall love your neighbor and hate your enemy.’ But I say to you, Love your enemies and pray for those who persecute you, so that you may be children of your (Father/Mother) in heaven.”

(Matthew 5:43-45)

Love is to distinguish Jesus’ disciples from others. Jesus teaches his disciples,

“I give you a new commandment, that you love one another. Just as I have loved you, you also should love one another. By this everyone will know that you are my disciples, if you have love for one another.” (John 13:34-35)

Love is to distinguish Jesus’ communities from all organizations based on dominative power.

“The love of Jesus, however, is truly based on the greatest of all establishment antagonists - anarchy. The anarchy of Jesus is not political anarchy, but the ‘Gospel order’ of a community which stands against the nations.” \*4 (William Durland)

Jesus’ liberation movement is two-pronged: internal and external. Jesus’ Way of liberation, based on free will, love, and nonviolence, is from the *inside-out*. That is, it begins inside a person’s heart and mind and then works to change external practices and circumstances. One cannot effectively “fight” oppression without changing what’s inside oneself. It is said, “How can I fight the enemy when the enemy has outposts in my head?” If we believe in dominative power and violence, then we enthrone “the oppressor” in our heads. The most important changes, then, begin with changing one’s own self, changing one’s internal values, beliefs, and commitments. Personal repentance and change come first. Turning to Jesus in a holistic way brings forgiveness. With conversion to Jesus, this leads to different external practices and a new lifestyle centered and rooted in Jesus. And the personal is political. Small personal practices are important - as all things are connected.

Conversion to Jesus means committing oneself to the path of *self-discipline and obedience to Jesus/Yahweh/Sophia*. How can this path be the way to freedom and liberation? It turns out, perhaps as a surprise to some, that God's will and freedom are inseparably intertwined. Also, no one is more committed to the good of each individual *and to the good of all humanity* than God. God's will is a combination of freedom and perfect love. Therefore, obedience to Jesus/God/Spirit is the *optimal* path to freedom, justice, and liberation. Therefore, obedience to Jesus/God/Spirit is always the best of all options. Obedience to Jesus/God/Spirit is a way of saying "Yes" to God's Spirit dwelling within oneself. However, actually "aligning oneself" with God's will, with God's perfect love, is very challenging. Self-indulgence and selfish behavior feed the "false self" which wants to reign in place of God. Self-discipline, self-control, and obedience to Jesus help to oust the "false self" and let God reign more fully within oneself. Conversion to Jesus needs to be a daily habit: personally connecting with Jesus and ousting the "false self" every day.

Self-discipline and obedience to Jesus will bring inner peace and harmony. And it will propel the liberation movement forward. Jesus teaches,

"If you continue in my word, you are truly my disciples, and you will know the truth, and the truth will make you free."  
(John 8:31-32)

Conversion to Jesus involves making a deep personal commitment to follow Jesus. Jesus teaches,

"If any want to become my followers, let them deny themselves and take up their cross daily and follow me. For those who want to save their life will lose it, and those who lose their life for my sake will save it." (Luke 9:23-24)

Jesus' revolutionary discipleship movement is involved in a life and death struggle. In order to "take up their cross daily," disciples' commitment to Jesus must be their strongest commitment. Otherwise, how could people join a revolutionary movement if they are compromised in their commitment to the movement's leader and unwilling to follow all the way?

Adult baptism is the ritual for making a total commitment to follow Jesus. Adult baptism prioritizes one's commitment to the

authority of Jesus. The foremost authority in each disciple's life and in each discipleship community's life is the authority of Jesus. A personal commitment to Jesus is the central point of unity for the movement. Before making such a commitment much preparation is suggested. In order to freely choose to make such a commitment it is good to be well-informed and well-prepared for a revolutionary life and death struggle.

### Antihierarchical

One thing about true freedom is that most people are afraid of it. Most people prefer human leadership and human rule to real freedom. The human weakness for political temptations results in choosing human leaders, giving them positions and titles, giving them authority over others, and following them. When leaders are bad then the common "solution" is to replace them. Leadership structures and positions are seldom questioned. But Jesus' liberation movement is intended to be radically different.

Jesus' liberation movement and discipleship communities are intended to be *nonhierarchical*. In Jesus' time, men dominated religious, political, and economic activities. Men were at the top of social hierarchies. "Rabbi, father, master" were titles or positions that exalted male leaders. So Jesus tried to teach his male disciples,

"But you are not to be called rabbi, for you have one teacher, and you are all brethren. And call no man your father on earth, for you have one Father, who is in heaven. Neither be called masters, for you have one master, the Christ. He who is greatest among you shall be your servant; whoever exalts himself will be humbled, and whoever humbles himself will be exalted." (Matthew 23:8-12 RSV)

Jesus tries to teach his male followers to reject leadership titles and positions. Furthermore, Jesus teaches that the "greatest among you shall be your servant." There can be no creation of a social hierarchy within the movement if those who are "greatest" are "servants," i.e., symbolically at the bottom of a social hierarchy.

In Jesus' liberation movement there should be *no positions of leadership or titles* for disciples. On the one hand, leadership is



centralized in Jesus, the Messiah. On the other hand, leadership is decentralized as Jesus abides in all faithful disciples. All disciples are called to follow Jesus and to practice “servant leadership,” i.e., service to others without position, rank, or title. This form of “leadership” upholds Jesus’ leadership and God’s will for equality, justice, freedom, and liberation.

Paul’s passage in Galatians may reflect a part of early Christian baptismal liturgies:

“As many of you as were baptized into Christ have clothed yourselves with Christ. There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus.” (Galatians 3:27-28)

Adult baptism brings the oppressed into a liberation movement characterized by social equality and the absence of social hierarchies.

“[Gal. 3:28] repeats with different categories and words that within the Christian community no structures of dominance can be tolerated. Gal. 3:28 is therefore best understood as a communal Christian self-definition rather than a statement about the baptized individual. It proclaims that in the Christian community all distinctions of religion, race, class, nationality, and gender are insignificant. All the baptized are equal, they are one in Christ.” \*5 (Elisabeth Schussler Fiorenza)

Within Jesus’ liberation movement there are to be no social hierarchies or differences of status among disciples.

It is not enough for Jesus’ liberation movement to be nonhierarchical in its internal organization. To fully embrace the gospel of liberation, the movement must be steadfastly *antihierarchical* in its stance with society.

Jesus’ liberation movement must try to take stands against the four pillars of a U.S. civilization based on organized dominative power, organized violence, and social hierarchies. The four pillars of the domination system are: 1. a capitalist economy; 2. the patriarchal family; 3. the criminal state; and 4. the patriotic, institutional churches.

For the liberation movement to be antihierarchical on an economic level, it needs to take a stand against a capitalist economy. Capitalism creates oppressive labor hierarchies, strengthens economic inequalities, and thrives on exploitation of “cheap labor” and resources. The gospel of liberation brings freedom from economic bosses, attachments to private property, slaving for a daily wage, and unemployment. The gospel calls for working for Jesus/God, healing and sharing with the poor, and relying on God for supply.

For the liberation movement to be antihierarchical on a political level, it needs to take a stand against the patriarchal family. The traditional patriarchal family creates oppressive gender hierarchies and gender roles, supports a male “head of household,” supports heterosexism, and supports a patriarchal family identity through patriarchal surnames, lineages, marriages, family traditions, accumulated wealth and property, and inheritances. Patriarchal families support male dominance, the use of violence, and are the basic building blocks for upholding the criminal state and its armed forces. The gospel of liberation brings freedom from oppressive family hierarchies, roles, and traditions. The gospel calls for joining Jesus’ new family of disciples that is based on equality, working to spread God’s commonwealth on earth, and relying on God for family, community, and inheritance.

Additionally, to be antihierarchical on a political level, the liberation movement needs to take a stand against the criminal state. The criminal state creates oppressive political hierarchies, supports various armed forces, and operates a massive system of penal slavery. Human rule and so-called law enforcement perpetuate oppression and human misery. The gospel of liberation brings freedom from illegitimate political leaders and the state’s demands for loyalty, allegiance, military (or civil) service, and tribute. The gospel calls for following the “pacifist Messiah,” working for the liberation of the oppressed, and relying on God for security.

For the liberation movement to be antihierarchical on an ideological level, it needs to take a stand against the patriotic, institutional churches. The institutional churches, much like the state, provide valuable social services - yet are a vitally

important part of the domination system. The valuable social services should not prevent a critique of the mainstream institutions behind them. Imperial Christianity has left an enduring legacy - the institutional churches that are patriotic and rely on the power of the state. *In general, any religion that supports dominative power, coercion, and violence is dangerous and deadly.* In the U.S., the institutional churches are essentially patriotic, religious-business organizations that have ties with the ruling powers. The institutional churches receive economic and political privileges from the state. They rely upon the state for protection of their churches, other buildings and property, and accumulated wealth. The institutional churches play a crucial role in providing religious legitimization for the state and its military forces. By doing so, the institutional churches misrepresent God and misrepresent Jesus. They proclaim to the world a “domesticated Christ,” i.e., a Christ who is subservient to the state. The institutional churches also create oppressive religious hierarchies through a clerical class and church bureaucracies. The hierarchies control religious rituals, the interpretation of the Bible, and often foment persecution against opposition voices. The gospel of liberation is necessarily anti-clerical-class, anti-institutionalized-religion, and brings freedom from ecclesiastical authorities and from status quo religious institutions. The gospel calls for worshipping the living God, bringing the gospel to society’s outcasts, and relying directly on Yahweh/Jesus/Sophia for guidance and empowerment. (See the charts on pages 191-192.)

Whenever Jesus’ discipleship movement supports society’s social hierarchies and leaders, it legitimizes the domination system and compromises the gospel of liberation. To give credence to society’s social hierarchies is to support illegitimate leadership and oppression. It is a major contradiction within the movement. Only if the discipleship movement maintains its nonhierarchical internal organization and antihierarchical stance towards society - only then will it remain true to its mission of universal liberation.

### Free Speech

Part of the gospel to the imprisoned is a message of freedom of speech and labor through the guidance of God's Spirit. Why is guidance helpful?

Lack of self-discipline in speech can do a great deal of harm. "How great a forest is set ablaze by a small fire! And the tongue is a fire. The tongue is placed among our members as a world of iniquity; it stains the whole body, sets on fire the cycle of nature, and is itself set on fire by hell....With it we bless the Lord and (Father/Mother), and with it we curse those who are made in the likeness of God. From the same mouth come blessing and cursing. My brothers and sisters, this ought not to be so." (James 2:5-10)

Even with good intentions too much speaking can be counterproductive. (Someone aptly put it: "Your mind is on vacation but your mouth is working overtime.") Speech becomes more beneficial sometimes when there is less of it - and yet more content in it.

Jesus and the Spirit can provide guidance in speech. Jesus' Way of liberation is the way of truth. Jesus proclaims, "I am the way, and the truth, and the life." (John 14:6) God's Spirit is the "Spirit of truth." (John. 14:17; 16:13) Jesus' disciples are to tell the truth all the time. Lying never comes from God. Lying compromises and brings a division in one's self, in one's being. Truth restores wholeness - it restores the integrity of the self - and it brings harmony with God.

Jesus also teaches,  
"Do not swear at all....Let your word be, 'Yes, Yes' or 'No, No'; anything more than this comes from the evil one."  
(Matthew 5:34,37)

Disciples do not swear oaths, as in a criminal court, to be held to a higher standard of truth-telling. The state's criminal courts are always engaged in practices of deception and manipulation of truth. Jesus and his disciples set the highest standard for truth-telling in their everyday practices.

Disciples of Jesus can try to learn when to say "yes," when to say "no," and when to remain silent. In jails and prisons there are informers ("snitches") who secretly report to prison authorities what the other slaves are saying or doing. An

imprisoned disciple does well by refusing to cooperate during investigations and questionings by the slaveholders who intend to increase the level of punishment against a prisoner. When questioned by the authorities, a disciple can remain silent or only answer benign questions. Non-cooperation can bring more punishment of course. Whenever an investigation leads to criminal charges, disciples can also refuse to testify in court for the prosecution. If subpoenaed by the state, a refusal to testify in court for the state can result in a “contempt of court” charge and jail time. The reason for the refusal to cooperate with the authorities is because disciples are advocates of liberation and not slavery. The principle of refusing to support the oppressive and violent power of the criminal state trumps all desires to cooperate in the punishment of an evildoer. (Disciples need to practice much forgiveness and forbearance - and be part of an activist movement. Passivity, like collaboration with the state, is self-defeating.) How could disciples of Jesus justify compromising themselves by becoming collaborators with the criminal state and supporting a system of state slavery?

It is important for an imprisoned disciple to maintain the inner strength and courage to say “no” to the slaveholders.

“[Albert] Camus...paints a picture in his book *The Rebel* of a lowly slave saying ‘no’ to his master, as if to draw a line across which even the slave will not be forced to go. That line, that ‘slave’s ‘no,’” is the true source of human rights. All the academic discourse about the universality of human rights, all the political rhetoric that uses ‘human rights’ as a club to secure economic advantage in a competitive global marketplace, is mere adornment to the ‘slave’s ‘no.’” \*6 (Daniel R. Williams)

For a slave to say “no” is to assert the basic human dignity of the slave, as well as exercising the slave’s freedom (albeit limited) of choice. Physically a slave can be weakened, broken, and crushed by the authorities. But spiritually a slave can be powerful if she or he can maintain the “will to resist” and the strength to say “no.” And, even after a slave breaks down under duress or torture, she or he can start anew by again saying “no” to the slaveholders.

Disciples may be led to testify in court - either as defendants or on behalf of other defendants. Testifying in court can be an

opportunity to “speak truth to power.” When disciples are prosecuted for their faith in Jesus, there is the promise of guidance by the Spirit.

“And when they bring you to trial and deliver you up, do not be anxious beforehand what you are to say; but say whatever is given you in that hour, for it is not you who speak, but the Holy Spirit.” (Mark 13:11)

In general, disciples are to proclaim the gospel, witness to their faith, and work to spread God’s commonwealth on earth. In jails and prisons disciples can seek serious discussions, encourage consciousness-raising, assist prisoners in making connections between various experiences of oppression, increase understanding of state slavery and God’s will for penal abolition, and advocate for Jesus’ nonviolent revolutionary Way. Disciples can also seek to make widely known the wretched conditions of state slavery, including all its abuses. Disciples can try to let light shine on and in the U.S.’s gulag.

A spirit of resistance can be nurtured through song and praise and worship. Songs of praise, liberation, resistance, and struggle can renew and uplift one’s spirit. Singing in the jail and prison environment can be difficult and can be a cause of aggravation to other prisoners - so a disciple needs to be sensitive and discerning. But resistance is easier with song and with spirit.

### Free Labor

Jesus’ gospel also brings a message of labor freed to do God’s will. Labor, guided by the Spirit, is valuable, fruitful, and liberating. On the one hand, in detention centers, jails, and prisons the options for labor are very limited. Slave labor is very much controlled and often exploited. Slaves are usually kept idle or are given orders and assignments. Failure to do the work assigned brings punishment. On the other hand, even for slaves, labor is one thing that slaves can exert some control over. What are some options for imprisoned disciples of Jesus?

For disciples, freedom is a byword. There are options even for slaves. Jesus teaches,

“Come to me, all who labor and are heavy laden, and I will give you rest. Take my yoke upon you, and learn from me; for I am gentle and lowly in heart, and you will find rest for your souls. For my yoke is easy, and my burden is light.”  
(Matthew 11:28-30)

Jesus’ gospel of liberation is particularly good news to the poor, the oppressed, and the outcasts. Jesus lifts the burden of finding work in the capitalist system and replaces it with working with Jesus for God’s commonwealth on earth. (Mt. 6:25-33) The first step is centering on Jesus. A disciple works for Jesus - and then discerns and chooses what to do. There is always much work to do - but Jesus’ “burden is light” and is the right medicine for the soul.

In the U.S.’s jails and prisons it is easy for slaves to respond to oppression with hatred and to violence with violence. It is easy to become filled with anger, bitterness, fear, and hatred. But disciples are to be a force for good.

“Do not be overcome by evil, but overcome evil with good.”  
(Romans 12:21)

Disciples can seek to overcome evil with good - beginning with overcoming the evil within oneself. Love is a powerful force. God’s Spirit is an indomitable Spirit. Filled with God’s Spirit, disciples can work for good in all situations. Jesus teaches,

“You have heard that it was said, ‘An eye for an eye and a tooth for a tooth.’ But I say to you, Do not resist an evildoer. But if anyone strikes you on the right cheek, turn the other also; and if anyone wants to sue you and take your coat, give your cloak as well; and if anyone forces you to go one mile, go also the second mile. Give to everyone who begs from you, and do not refuse anyone who wants to borrow from you.” (Matthew 5:38-42)

Jesus teaches disciples to seek to take some creative initiative in oppressive situations and to respond positively to opportunities to give to others.

Imprisoned followers of Jesus can seek to quietly go about their work of discipleship, Bible study, prayer and healing, material sharing, education, organizing, and resistance. Disciples can identify with the lowliest, the outcasts, and the abused, seek to work to overcome divisions among prisoners, and share a vision of wholeness and healing. Imprisoned disciples are

called to practice love for all people in the toughest of environments.

Shall a disciple do her or his work assignment? Some factors that may come into play in the decision-making process are: the amount of jail and prison experience of the disciple, the particular prison and slave-labor situation, the level of abuses, the workload, whether or not there are any other disciples, the level of prisoner organizing and resistance, and, of course, one's discernment of the Spirit's guidance. If one does the work assignments, one does not do them to please the slaveholders. In those institutions with trusties, a disciple will not desire to become a trusty. Disciples oppose a division of the slaves into a class system and do not want to rise up in any social hierarchy.

There is always an option to refuse to work. A refusal to work can be done individually or collectively. Here is one prisoner's rationale for refusing to work:

"The prison system is revealed as the moral equivalent of the war machine and resistance to one goes hand-in-hand with resistance to the other....The point at which principle and action have come together for me in the context of resistance to the prison system is in the slave labor system that supports it....Prisoners are forced to work to support the very system that is slowly crushing them...in effect they are drafted into a war against themselves....Refusal to work here in the federal prison system generally results in long stretches of time in solitary confinement, disciplinary transfers from one prison to another, and other punitive measures....One of the most difficult tasks that confront us as people of conscience in today's world is to see beyond the division of labor and the isolation of individuals from the consequences of their collective system, to perceive the roles we play as cogs in the machinery of society, and to help others to make these connections for themselves. Ordered by the state to be a cog in the military machine, knowing that the ultimate output of that machine is destruction, suffering and death, I would not respond by asking to be a cog in some peripheral arm of the machine. On the contrary, I would like to take a clear, firm stand against the machine as a whole, and reject any role at all in its workings. Given my perception of the prison system, how can I do any less here?" \*7 (Richard Miller)



A refusal to work may bring down the wrath of the slaveholders. Certainly, the slaveholders will further punish a slave who refuses to work. But a refusal to work brings the system of penal slavery into greater clarity. And it can bring one into a closer relationship with the living God - who is totally opposed to slavery and personally identifies with the oppressed.

A disciple may choose to do work assignments while also discerning whether to become part of a collective protest. Not real often, but once in a while, there arises a desire in many slaves in a jail or prison for a collective protest. Disciples can support nonviolent protests and resistance. Disciples can advocate for collective work stoppages and permanent refusals to work for the state - as part of a movement "on the inside" for penal abolition. But disciples must refuse to participate in violent protests and uprisings, resisting the spirit of violence that permeates jails and prisons.

Most slaves of the state will eventually be released. After being released, disciples can seek to join or to help organize discipleship communities (without major internal contradictions). The experience of state slavery and its abuses is very valuable and needs to be shared with others in the free world. Released disciples can help strengthen Jesus' liberation movement, grounding the revolutionary movement in the realities and truths coming out of the U.S.'s gulag.

### The Cross

Jesus calls people to join a *revolutionary* discipleship movement.

"If any want to become my followers, let them deny themselves and take up their cross and follow me. For those who want to save their life will lose it, and those who lose their life for my sake, and for the sake of the gospel, will save it." (Mark 8:34-35)

Does any revolutionary movement come without a cost? Jesus' revolutionary movement will be met with violent opposition. Jesus' adversaries, who are rich, powerful, slaveholders, torturers, and mass murderers, will violently seek to protect and defend oppressive social orders. Jesus is very up-front about the

fact that many disciples will be murdered in the international struggle for liberation.

“If they have called the master of the house Beelzebul, how much more will they malign those of his household!”

(Matthew 10:25)

“Brother will betray brother to death, and a father his child, and children will rise against parents and have them put to death; and you will be hated by all because of my name. But the one who endures to the end will be saved.” (Matthew 10:21-22)

“Indeed, an hour is coming when those who kill you will think that by doing so they are offering worship to God.” (John 16:2)

The revolutionary Way of Jesus involves “carrying a cross.” “(I)sn’t it interesting that at the very heart of the Christian faith is an act of state execution? Isn’t it amazing that the very sign and symbol for us that identifies us and our faith and our sanctuaries is a cross? An instrument of state execution....But we’re always trying to turn this story into something else....But the cross was not so attractive to the people following Jesus when they saw him hung up on it in occupied Palestine; no more attractive than the electric chair or lethal injection is to us today.” \*8 (Murphy Davis)

The cross symbolizes torture and execution by the criminal state. The cross symbolizes the power, terror, and tyranny of the state. Why did Jesus choose the cross as a primary symbol for the revolutionary discipleship movement?

Jesus teaches disciples to “carry the cross” with an attitude of audaciousness and fearlessness. Jesus teaches,

“So have no fear of them; for nothing is covered up that will not be uncovered, and nothing secret that will not become known. What I say to you in the dark, tell in the light; and what you hear whispered, proclaim from the housetops. Do not fear those who kill the body but cannot kill the soul; rather fear (the one) who can destroy both soul and body in hell.” (Matthew 10:26-28)

Disciples can try to conquer their fear of dying and fear of death. By “carrying the cross,” Jesus hopes that disciples will look death in the face and not flinch. Disciples are expected to look directly at the terrible power of empire and remain

unmoved, unshaken - and go on about their work of liberation with an attitude of hope and joy. Jesus seeks to “free those who all their lives were held in slavery by the fear of death.” (Heb. 2:15)

Just as military soldiers require much training to become skilled killers, so also disciples of the “pacifist Messiah” need lots of preparation in order to “carry the cross” and, if necessary, to pay the ultimate price. Many disciples will not be murdered - but all are called to “carry the cross” - and thus all need to be prepared. Jesus teaches,

“Whoever does not carry the cross and follow me cannot be my disciple. For which of you, intending to build a tower, does not first sit down and estimate the cost, to see whether (you have) enough to complete it? Otherwise, when (you have) laid a foundation and (are) not able to finish, all who see it will begin to ridicule (you), saying, ‘This (person) began to build and was not able to finish.’” (Luke 14:27-30)

Disciples can seek to develop the faith and discipline to nonviolently endure persecution and even violent death. Disciples are called to “endure to the end” and “finish what they began” without compromising their commitment to love and nonviolence.

Jesus provides the example for disciples of enduring to the end. Jesus is arrested, tortured, and executed. Jesus remains faithful throughout. Jesus even prays for the clueless Roman lackeys (soldiers) who crucify him.

“(Father/Mother), forgive them; for they do not know what they are doing.” (Luke 23:34)

Prior to his arrest Jesus teaches his disciples,

“This is my commandment, that you love one another as I have loved you. No one has greater love than this, to lay down one’s life for one’s friends.” (John 15:12-13)

Jesus courageously gives his life for his friends and for the cause of liberation of the whole world. Courage is contagious - and the faithful witness of one can encourage many others. In turn, Jesus calls the disciples to follow his example, to love one another, and to courageously give their lives for the cause of universal liberation.

## We, And Our Descendants, Shall Overcome

Following “Christ crucified” and “carrying the cross” does not mean that disciples of Jesus are “losers” in the historical struggle for justice and liberation. Jesus’ Way of love and nonviolence is not a failed historical project. For disciples, the cross does not signify defeat. Rather, “carrying the cross” signifies directly facing and overcoming the terrible power of empire. Following Jesus is about overcoming. It is about participating in the greatest of all historical movements - and being on the side that, ultimately, will triumph. Jesus’ nonviolent revolutionary movement is *the miraculous Way* that leads successfully to universal liberation. Ultimately, the real losers are those who reject and oppose God’s divine-human partnership and liberation movement.

The state used the power of violence to kill Jesus. But the state failed to stop Jesus’ liberation movement. The power of God’s love raised Jesus up. After Jesus’ resurrection, Christians could sing:

“O death, where is (your) sting?

O grave, where is (your) victory?” (1 Corinthians 15:55 CEV)

Jesus’ Way is the way of spiritual progress and the way of overcoming the powers and the authorities. Jesus says,

“In the world you face persecution. But take courage; I have conquered the world!” (John 16:33)

Jesus’ revolutionary discipleship movement continues to represent Yahweh, the God of liberation, whose will eventually “will be done on earth as it is in heaven.”

Each and every disciple has a very important role and part to play in the movement. Progress for the movement can occur by the faithful witness of an individual slave who endures to the end and is killed by the criminal state. The freeing of prisoners is most desirable. A permanent end to state slavery is part of the liberation struggle. But the essence of advancing God’s commonwealth on earth is the *steadfast faithfulness* of each disciple regardless of immediate outcome. The witness of the disciple is primarily what advances the movement; how the criminal state or others respond is secondary. The liberation movement can only be thwarted by internal contradictions and

compromises. No external power, including the genocidal power of the state, can defeat and stop the movement as long as the movement remains faithful to the Way of Jesus. Steadfast discipleship is the key. “Freedom or death” - the liberation movement advances. As it is written,

“From the seeds of resistance,  
from the blood of the martyrs,  
a new society springs forth.  
The liberation church is rooted.”

The abolition of state slavery and the freeing of all prisoners are important parts of Jesus’ liberation movement. It will require a collective effort of slave and free, over generations, and will be tied to other streams of liberation. Slaves of the state must and will participate in their own liberation. A genuine liberation movement must develop within the gulag.

We are all in this together. And however short or long a disciple’s life on earth, disciples of Jesus are eternally united with God. Those who are committed to Jesus’ liberation movement have a very bright future that lasts forever. It will be a future without the criminal state, the penal system, and slaveholders. We, and our descendants, shall overcome.

### Footnotes

1. Audre Lorde, “The Master’s Tools Will Never Dismantle the Master’s House,” in “Sister Outsider”: Essays and Speeches; Freedom, California, The Crossing, 1984.
2. “Institutionalized religion” is a religion with designated religious buildings, a clerical class, and usually a formal, legitimizing relationship with the state. Institutionalized religion exercises elite control over religious services and rituals, theology (creeds, dogma, and interpretation of scripture), and symbolic “access to God” (via a fixed religious location and a religious hierarchy).
3. Lilla Watson, from a poster.

4. William Durland, God or Nations: Radical Theology for the Religious Peace Movement, Fortkamp, Baltimore, Maryland, 1989, p. 162.
5. Elisabeth Schussler Fiorenza, In Memory of Her, Crossroad, New York, 1983, p. 213.
6. Daniel R. Williams, "The Ordeal of Mumia Abu-Jamal," States of Confinement: Policing, Detention, and Prisons, Joy James, editor, Palgrave, New York, 2000, 2002, p. 38.
7. Richard Miller, "The Inside Line - Writings from Jail," The Nuclear Resister, 7-18-1986, p. 7.
8. Murphy Davis, quoted in Sharing the Bread of Life: Hospitality and Resistance at the Open Door Community, Peter R. Gathje, Open Door Community, Atlanta, Georgia, 2006, p. 149.

# FOUNDATIONS OF THE DOMINATION SYSTEM

<b>ECONOMIC REALM</b>	<b>WEALTH MONEY &amp; PRIVATE PROPERTY CAPITALISM</b>
<b>POLITICAL REALM</b>	<b>DOMINATIVE POWER VIOLENCE &amp; WEAPONS THE PATRIARCHAL FAMILY THE STATE (&amp; OTHER CRIMINAL ORGANIZATIONS)</b>
<b>IDEOLOGICAL REALM</b>	<b>PRIVILEGE PATRIARCHAL TRADITIONS INSTITUTIONALIZED RELIGION</b>

# JESUS' LIBERATING PRACTICES

<p><b>ECONOMIC REALM</b></p>	<p><u>ACTION</u>          EGALITARIAN COMMUNAL          SHARING          LOVE YOUR NEIGHBOR AS          YOURSELF          GIVING          GIFT ECONOMY          SERVING          HEALING          MINISTRY OF HOSPITALITY</p>
<p><b>POLITICAL REALM</b></p>	<p><u>STRATEGY</u>          FORMING DISCIPLESHIP          COMMUNITIES          EGALITARIAN COMMUNAL LIVING          LOVE ONE ANOTHER          SENDING OUT          LOVE YOUR ENEMIES          NONVIOLENTLY ENDURING          PERSECUTION          MINISTRY OF PROPHETIC          PROCLAMATIONS &amp; ACTIONS</p>
<p><b>IDEOLOGICAL REALM</b></p>	<p><u>ANALYSIS</u>          QUESTIONING CULTURAL NORMS          LISTENING TO          JESUS/SOPHIA/YAHWEH          PRAYING          CONFESSING &amp; REPENTING          FORGIVING          LOVE THE LIVING GOD          WORSHIPING THE LIVING GOD          MINISTRY OF EVANGELIZATION</p>