

Recommended Reading

With Liberty for Some
by Scott Christianson

The Prison and the Gallows: The
Politics of Mass Incarceration in
America
by Marie Gottschalk

SLAVES OF THE STATE

by Robert Saleem Holbrook

Two Pieces:
Empowerment vs. Humiliation
Rehabilitation: Does it Work? Does it Exist?

"A convicted felon, whom the law in its humility punishes by confinement in the penitentiary instead of by death, is subject while undergoing that punishment, to all the laws which the Legislature in its wisdom may enact for the government of that institution and the control of its inmates. For the time being, during his term of service in the penitentiary, he is in a state of penal servitude to the State. He has, as a consequence of his crime, not only forfeited his liberty, but all his personal rights except those which the law in its humanity accords to him. He is for the time being the slave of the State."

-Ruffin v. The Commonwealth, 1871

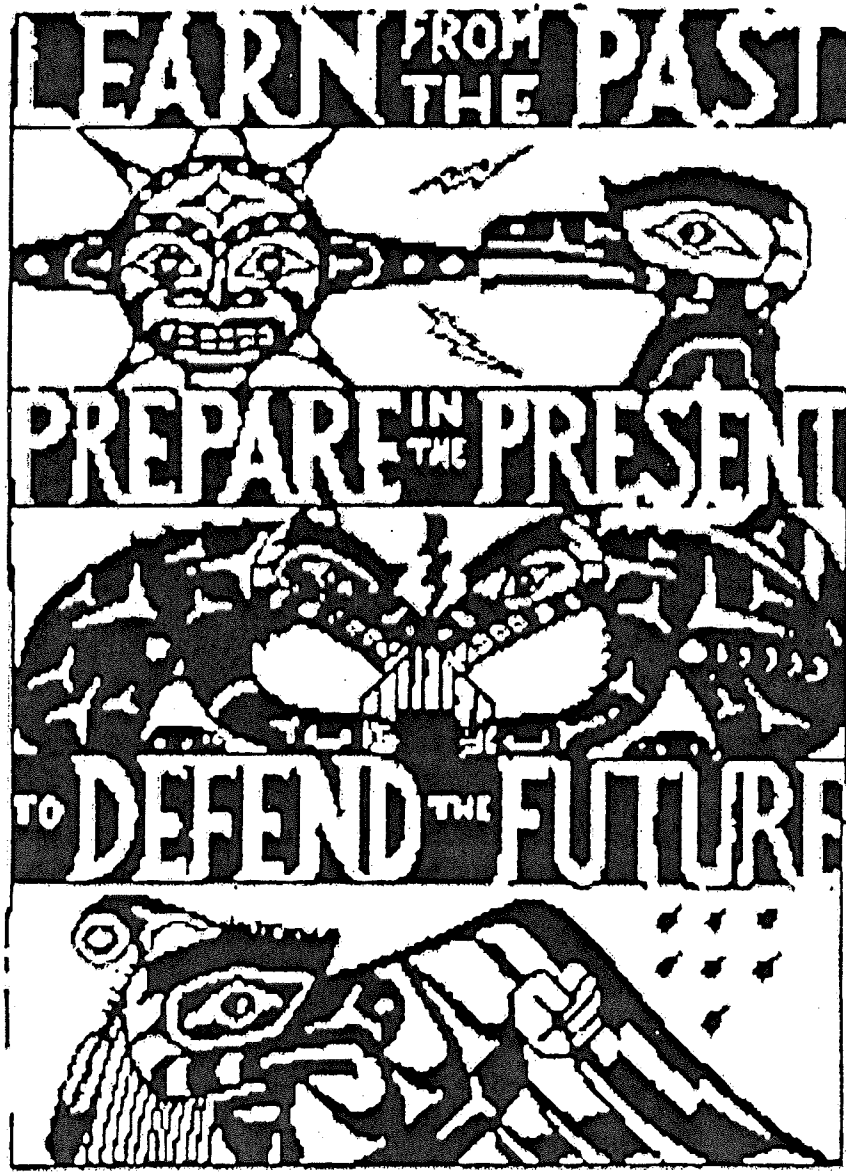
"The Court's (U.S. Supreme Court) precedents on the rights of prisoners rest on the implicit and erroneous presumption that the Constitution contains an implicit definition of incarceration. This is manifestly not the case, and in my view, States are free to define and redefine all types of punishment, including imprisonment, to encompass various types of deprivations—provided only that the deprivations are consistent with the Eighth Amendment."

-Justice Clarence Thomas, U.S. Supreme Court, 2003

Robert Saleem Holbrook is a prisoner serving a life without parole sentence for a crime he was convicted of as a juvenile offender (age 16). He has been in prison for over 17 years. He can be reached at:

Robert L. Holbrook #BL-5140
SCI- Greene
175 Progress Drive
Waynesburg, PA 15370

or read more of his writings at ⇒ freesalim.net



Empowerment vs. Humiliation

Imprisonment in the United States is distinguished from imprisonment in the rest of the world by one enduring trait—total and complete humiliation and de-humanization of the prisoner. This trait demonstrates why the U.S. prison system is a total failure and its model is shunned by the rest of the world. While other countries' prison systems may toil under brutal and inhuman conditions, particularly in the developing world, that are not up to American standards, these countries "treatment" and "conditions" of their prisoners and prisons owes more to the lack of funds available or an unwillingness to invest in their prison systems as opposed to a governmental philosophy determining their treatment of prisoners. So while conditions in Mexican prisoners are brutal and inhumane, it is not owed to a specific Mexican government policy, it is because as a developing country Mexico does not have the funds to invest in the upgrading of its prison system.

Canada, on the other hand invests in its prison system and its facilities and treatment of prisoners would be up to or exceeds American standards, however Canadians shun the American model of humiliation and de-humanization of prisoners in preference of a model based on punishment, rehabilitation, and empowerment of the prisoner as an individual. Canada uses imprisonment as a last resort and does not embark on the mass imprisonment of drug offenders. Canada recognizes drug addiction as a disease and addresses the issues as a health problem, as opposed to criminalizing drug addiction. Canada reserves imprisonment only for the violent and habitual offenders. It does not deprive a prisoner of their humanity and individuality and it allows them to maintain their human and civil rights while imprisoned. It encourages them maintenance of family relationships, allows conjugal visits between spouses to maintain marriage, and grants the families of prisoners rights to visit and interact with their loved ones.

Canada also enforces fiscal and staff accountability over its prisoners and does not allow its "corrections" system to dictate the politics of imprisonment. It also does not isolate prisoners from society and invests in reintegration programs that transition the prisoner back in to society and charts his or her progress. This is unlike the United States, which drops

the prisoner off at the nearest bus stop with \$100 and a bus ticket back to his or her hometown. Imprisonment in Canada is also not "politicized" to the extent it is in the United States where politicians attempt to "one up" one another when it comes to appearing "tough on crime," increasingly passing legislation that enhances penalties for crimes and stripping prisoners of the few rights they possess behind bars but doing nothing to actually address the root causes of crime. Despite this "tough" action, crime rates in the United States continue to rise while Canada's has remained stable for the past ten years.

The distinct model of imprisonment in the United States owes its origins and development to the end of chattel slavery in the United States. The "philosophies" of "corrections" and "slavery" are intrinsically linked by a common objective, which is the de-humanization and humiliation of the individual. The institution of slavery denied that the slave was a man and totally sought to strip him or her of their sense of identity and humanity. It turned man into a property. It was this denial, that the slave was human and possessed a soul, that distinguished slavery in the United States from slavery in other regions of the Americas.

With the abolition of slavery in the United States the philosophical underpinnings of the institution were shifted into the emerging prison system of the United States. The philosophy of "corrections" denied the prisoner was a man and sought to reduce him/her to a number. Prisoners were labeled "slaves of the state" and the process of stripping them of their sense of humanity, identity, individuality and self-worth was undertaken not by a class of slaveholders but by the bureaucracy of the state. Although throughout the years there have been different trends on how prisoners should be treated, one trend that has endured is the dehumanization of the prisoner. From the moment the prisoner enters the Department of Corrections his or her humanity and individuality is deliberately stripped and his or her human rights trampled upon. The much-celebrated 13th Amendment eliminated one class of slavery while legitimizing another concept/class of slavery:

"Section 1: Neither slavery no involuntary servitude, except as a punishment for a crime wereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Section 2: Congress shall have the power to enforce this article by appropriate legislation."

-13th Amendment to the U.S. Constitution

more successful than other measures. Has the death penalty prevented more murders? Texas executes more prisoners than any other state, yet Houston, Texas has the 3rd highest murder rate in the nation. Rehabilitation works, it is just time consuming and expensive, two factors which work against it in a society dominated by politicians who want immediate results to gloat over and a public that is accustomed to fifteen minute solutions.

Another factor working against rehabilitation is recidivism. Maintaining a "revolving door" policy is profitable for the state because it sustains a massive prison-industrial complex. It creates jobs. One other overlooked aspect of the prison-industrial complex and its connection to harsh sentencing guidelines is it keeps hundreds of thousands of prisoners out of the job market. The mass imprisonment of people within America maintains single digit unemployment rates. The former Justice Minister of Germany put this into great perspective during an interview in 2002 when asked why Germany has an unemployment rate of 13% compared to America's unemployment rate of only 6%. She responded that if Germany had 2 million people behind bars its unemployment rate would also be in the single digits. There was immediate outrage in Washington over the Justice Minister's statement but she exposed a phenomenon that has been relatively overlooked in America and that is during times of economic turmoil or recession the prison industrial complex has been an instrument used to maintain relatively low unemployment rates. During times of economic uncertainty the government won't find or create a job for you but it will find or build a prison cell for you. Viewing rehabilitation within the American prison system from this perspective it is no wonder why rehabilitation is an all but extinct concept. Young Black, Latino, and poor urban males, and now increasingly females, are the capital that drives and sustains the prison-industrial complex. As long as prisons are for profits, humans will be expendable commodities whose only purpose within the system is to process through it like cash deposited in the bank. Rehabilitation can work, given the chance prisoners will change themselves. Unfortunately in today's prison system, rehabilitation doesn't exist, and prisons exist only to serve the bottom line.

ticians catering to a public that was frustrated with rising crime rates and expressed crime as their number one concern. Politicians, uninterested in addressing the social problems that bred and contributed to criminal activity, decided to pursue a simple course that would create the impression that they were doing something concrete against rising crime rates. The result is that all across the country within the past decade state legislatures passed harsh sentencing laws that increased the punishment for certain crimes. "Three Strikes and You're Out" laws were passed, crimes eligible for the death sentence were increased and "truth in sentencing" laws were passed making it mandatory that prisoners serve over 85% of their sentence. The politicians who gutted rehabilitation programs from the prison system did not concern themselves with the quality of prisoner that would be released from prison because most prisoners released wouldn't be returning to the politicians' neighborhoods. The majority of these prisoners would be returning to inner city Black and Latino neighborhoods.

The consequences of these harsh sentencing guidelines was more people being imprisoned in an already overcrowded prison system. Prisons, already teeming with prisoners from the "War on Drugs" in the 80's became even more overcrowded in the 90's. This rapidly expanding prison population resulted in states being forced to construct numerous prisons to accommodate the expanding prison population. In Pennsylvania alone the amount of state prisons expanded from 12 in 1991, to 29 in 2003. The prison population increased from 20,000 in 1993, to over 43,000 in 2003. In order to maintain this massive expansion the Department of Corrections had to devote a significant portion of its budget not to rehabilitation but to security priorities and the maintenance of prisons. State legislatures gutted funds slated for rehabilitative programs to cover the hiring of new guards. Today the motto of the Department of Corrections is Care, Custody, and Control. Rehabilitation does not even factor into the D.O.C.'s operations. Prisons are so overcrowded only bare bones educational and vocational programs are available.

As the prevailing public and political climate emphasizes punishment over rehabilitation, it is no longer a question of "does rehabilitation work?" it is, "does rehabilitation have a prominent role in American prisons?" Rehabilitation has been proven to be the most effective tool in preventing prisoners from returning to crime and, while not 100%, it has proven

The mass imprisonment of all offenders, drug addiction regarded as criminal, the use of imprisonment to house the mentally insane, the deliberate severance of prisoners family relationships by transferring prisoners hundreds of miles from their homes, imprisonment in private prisons for profit, "chain gangs" as humiliation, the elimination of educational and vocational programs for prisoners in order to hire more guards, the abuse of prisoners and the absence of accountability, the placement of prisoners in "the hole" for years for alleged gang affiliation, the discriminate imposition of the death penalty, racial/ethnic profiling sanctioned in the name of fighting crime, the mass sentencing of juvenile offenders to life in prison without parole, etc. The list is endless. Only in America will you find such blatant disregard for the rights of its citizens in the name of "fighting crime." It is as if the state has declared war on its citizens.



In terms of treatment of prisoners and the protection of their human rights under international law and protocol the United States has either not signed or completely disregarded almost every international treaty governing or guiding the treatment of prisoners. Among them the following: The U.N. Convention on the Rights of the Child, International Convention Civil and Political Rights, Convention Against Torture and Other Cruel, In-

- 6 humane or Degrading Treatment or Punishment, Basic Principles for the Treatment of Prisoners, Body of Principles for the Protection of Any Persons Under Any Form of Detention or Imprisonment, Standard Minimum Rules for the Treatment of Prisoners, United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty. It would be an understatement to say the United States is out of step with the rest of the world when it comes to imprisonment, it is completely on another planet.

The world witnessed this at the infamous Abu Ghraib prison in Iraq in 2004. This inhumane and degrading treatment that was exposed to the Iraqi prisoners were subjected to was merely an extension of the American philosophy of incarceration and corrections exercised on an international level by a member of the Army reserve who was a "Corrections" Lieutenant at SCI-Greene, Pennsylvania, in his civilian life. Corporal Charles Graner's attitude toward Iraqi prisoners was the norm within American "corrections." He was just able to exercise his perverted attitude toward prisoners unrestrained by legal regulations that held his behavior in check within American Prisons. Fast forward to 2005. A delegation from the Republic of Germany prison system toured the California prison system to see what lessons they could incorporate into its growing prison system. After the extensive tour of California's prisons, the delegation returned home and submitted its recommendations. Instead of writing a glowing report on the lessons Germany could learn from the American prison system, they recommended Germany not follow America's path of mass imprisonment as a solution to resolving its social ills. They promptly recommended elimination of proposals for mandatory sentencing and more life without parole sentences. Germany, unlike the United States, has learned the lessons of its past Nazi history in dehumanizing individuals as a matter of state policy and does not intend on returning down that path.

No human being is changed or reformed through humiliation and dehumanization. Humiliation only breeds resentment and reinforces the idea in the mind of the prisoner that he or she will never be more than what they already are. You change a human being's character and value system by empowering them. Empowering prisoners, not humiliating them, is the key to rehabilitation or better personal transformation. However this approach is threatening to the employees of the Department of Corrections around the country because it would undermine the very philosophical

trend that has dominated American prisons in the past one hundred years. It would expose the failure of "American Corrections" to the public and the world.

As the United States continues to embrace its neo-slavery philosophy governing its prison system, its prisons continue to spit out more men and women worse off than before they entered the prison system. An endless cycle of recidivism and Imprisonment are the consequences of this philosophy. The trend appears in no danger of being abandoned. Any prisoner Interested in change must empower themselves and individuals in society interested in seeing prisoners change must encourage their empowerment and demand a shift in the Department of Corrections philosophy governing its prisons. As "slaves of the state" the men and women exiting these prisons only reflect the values and standards of the state responsible for their imprisonment. They are only what the state makes them. In looking at the ex-prisoner or prisoner you are only observing a product of the state.

Rehabilitation: Does it Work? Does it Exist?

The concept of rehabilitation versus punishment has raged within the American penal community since its inception. The last decade, particularly in the years following the so-called "republican revolution" of 1994, has seen the concept of punishment and retribution all but extinguish the concept of rehabilitation from prisons in the United States. Ironically, the last decade has also seen the greatest increase in the prisoner population in American history. Officials from Departments of Corrections around the country acknowledge that the emphasis has been placed on punishing prisoners for the crimes they committed against society instead of rehabilitating them so they can one day rejoin society. An irony of this approach is that it is not the Department of Corrections that supported the complete removal of rehabilitation programs from the prisons. Experienced prison officials concede that rehabilitation is possible within prisons. The push for punishment over rehabilitation was encouraged by poli-