#1605 Our Prison System is a Demonstrable Failure

JAY TOMLINSON - HOST, BEST OF THE LEFT: [00:00:00] Welcome to this episode of the award winning *Best of the Left* podcast in which we will look at the recent discovery of hundreds of bodies buried behind the jail in unmarked graves and how that has sparked a renewed discussion about the futility and counter productiveness of our system of incarceration and the context of our history that has brought us to this point. Sources today include the *PBS NewsHour*, *Olurinatti* on YouTube, *Jacobin Radio*, *Al Jazeera English*, and *Knowing Better*, with additional members only clips from *Beyond Prisons* and *Millennials are Killing Capitalism*.

Families in disbelief after hundreds of bodies found buried behind Mississippi jail - PBS NewsHour - Air Date 1-10-24

AMNA NAWAZ - HOST, PBS NEWSHOUR: I understand, Ms. Wade, you contacted the Jackson Police Department after reporting that your son was missing several times, even after he had been buried without your knowledge. Give us a sense of what they told you over those many months and what those months were like for you, not knowing where your son was.

BETTERSTEN WADE: Well, it was devastating to me, because [00:01:00] I didn't know where he were. And then I was calling them. They didn't have no information to let me know, have they found any information? All the details that I gave them for leads, they never came back to me to say, well, that lead led to something that we can work with. And I just couldn't believe that he had disappeared off the face of Earth and nobody knows where he at.

And it was just horrible for me. And every day I wake up, I just want — I just look, look, look, just looking for him, just out in the streets looking for him. And, I mean, that's heartbreaking for a mother. And can't say hello, don't know how to get in touch with him. That is a horrible thing for a mother.

AMNA NAWAZ - HOST, PBS NEWSHOUR: Mr. Crump, after it was discovered that Dexter had been killed, that he had been buried in this grave, his body was [00:02:00] exhumed in November. There was an autopsy conducted. He was given a proper burial.

But I also understand a wallet was found in his front pocket with his I.D., his home address, his insurance card. What's the explanation officials give for why no one was notified he had been killed and buried?

BENJAMIN CRUMP: There really is no explanation that they have offered. They claimed that they tried to reach out to Ms. Bettersten. And you should know that Ms. Bettersten is the named plaintiff in a lawsuit against the Jackson Police Department, because they killed her brother three years earlier. Now, she went through two criminal trials, had several press conferences.

So when they called her house, if they did call her house like they claim, they knew where she lived. They knew how to get in contact with her if they really wanted to notify her that her son Dexter had been hit by a police car. So it is very [00:03:00] suspicious that they would just bury him in a pauper's grave because they said they could not identify his next of kin.

Ms. Bettersten does not accept it. And because of her tenacity, it has exposed all of these loved ones being dropped in a hole in a bag behind a Mississippi jail.

AMNA NAWAZ - HOST, PBS NEWSHOUR: Mr. Crump, the Jackson mayor did say there were mistakes. He also just said that Dexter Wade's death was a tragic accident. He said there was no malicious intent in failing to notify the family. We know the police department has new notification procedures right now. What recourse are you specifically seeking right now in these — for these families you represent?

BENJAMIN CRUMP: We're seeking to have the federal Department of Justice come in and do an investigation to make sure that each and every one of these citizens, disproportionately Black citizens, whose lives matter will be identified, their [00:04:00] families notified, and them given a proper funeral.

AMNA NAWAZ - HOST, PBS NEWSHOUR: And I should say, Ms. Wade, I mentioned families because you are not alone here. There's been in the last few months the discovery at least two other men; 40-year-old Mario Moore and 39-year-old Jonathan Hankins were also killed and buried in that same cemetery and their families not notified for months.

From your perspective, Ms. Wade, what do you want to see happen now?

BETTERSTEN WADE: Well, first of all, I feel like that the city need to give me an acknowledgement to say that, hey, I'm sorry. I mean, just give me some kind of closure and explain to me what actually happened to my son on that freeway that night. How did it actually occur? You know, just what went down, the events that went down with it. And I want to see justice. I want to see justice done for this, because it's wrong. It's wrong to take [00:05:00] somebody's child and bury them in a field and take — and I didn't even get a last chance to say anything to my child, or I didn't even get a last chance to just say, babe, I love you, just to look down on them and say, babe, I love you. They haven't even came and called me and said, Ms. Wade, could you come down and we explain to you what happened? I mean, I haven't even got a word. And so how do that feel? That makes you feel like they are guilty. They are guilty of a crime, because they can't tell you what happened?

AMNA NAWAZ - HOST, PBS NEWSHOUR: Ms. Wade, do I understand correctly that the mayor, no one from the police department has reached out to you to explain what happened to your son?

BETTERSTEN WADE: No, no one have reached out to me to say — to explain it, to explain what happened to my son.

But I did at least have city supervisors — the supervisors, the board of supervisors to say that they hated what happened to me. But I haven't had said anything — nobody from JPD, [00:06:00] Jackson Police Department, have came to me and acknowledged me.

AMNA NAWAZ - HOST, PBS NEWSHOUR: Mr. Crump, the story gets even more disturbing with this discovery of 215 bodies in that cemetery. What do we know about those bodies?

BENJAMIN CRUMP: We know, based on the records from the coroner's office, that, since 2016, in the last eight years, we can identify 215 individuals that were buried behind that jail, and their families have not been notified.

Furthermore, Mr. Wade was number 672. That means there are 671 other people buried behind that jail marked with only a number.

The Most Infamous Jail in America - Olurinatti - Air Date 3-29-23

OLAYEMI OLURIN - HOST, OLURINATTI: Everyone's heard about Rikers. Yet, very few people seem to be aware of the fact that it's a pre-trial detention center, which I do believe is something in and of itself worth [00:07:00] noting. Think about that. Rikers has been open since 1932. That's almost a century of torturing Black and Brown New Yorkers on a daily basis, in a city that at any given time has millions and millions of people.

Yet, it was viral news when I, but one gal, told people that it was a pre-trial detention center, which really speaks to one central truth: the devil works hard, but propaganda works so much harder. Because normally, awareness of an issue is a good thing, but they've turned Rikers' infamy against it. So people believe it's infamous because it's this super terrible place for super terrible people, and not a pre-trial detention center that looms as a threat over the heads of any poor New Yorker who could be accused of something as simple as stealing a bear, or stealing a backpack.

Over 85 percent of the people incarcerated at Rikers have not been convicted of a crime. They're being held there because they don't have the money to purchase their freedom. And because people [00:08:00] can't purchase their freedom and fight their cases from the outside, they're often forced to take pleas and criminal convictions that they otherwise wouldn't have so that they can get out of the hellscape that is Rikers.

And I want you to think about that. When the next time you see an article where they're sensationalizing, Oh, this person has 64 criminal convictions, think about how it happens. That is usually a sign of somebody was homeless or mentally ill and they're being arrested for petty trivial things and the court is saying to them, You can plea to the charge now, plea to the charge at arraignment, or we can set bail on you and you'll go to Rikers. And that happens enough time and you end up with this long, long rap sheet that will be weaponized against you at a later date.

But one of the more well known tragedies at Rikers, that in many ways launched a campaign to close it, was what happened to Kalief Browder.

NEWS CLIP: Court records show Kalief had attempted suicide at least six times, spent 1,110 days behind bars, more than 800 of those in solitary confinement. His court date postponed more than 30 [00:09:00] times. He endured all this having never been given a trial, never convicted of a crime. Finally, in June of 2013, all charges against Khalif were dismissed. But his experience exposed a troubled criminal justice system and the brutality of life behind bars.

OLAYEMI OLURIN - HOST, OLURINATTI: It's important to remember that what happened to Kalief Browder was not an anomaly. I think about Layleen Polanco, 27 year old trans woman, who died in Rikers on $500 bail. I think about 24 year old, autistic Izzy Johnson who died in Rikers on a dollar hold. I think about 25 year old Brandon Rodriguez who died at Rikers after he was left in a crowded intake pen for days, where he was beaten and then left in a locked shower stall, where he eventually hung himself in that shower stall. And they didn't even tell his mother. They had to find out in a Facebook post. I think about Stephan Kadu, whose mother spoke at a Rikers rally we held last year, [00:10:00] where she said this.

LASANDRA KADU: My name is Lysandre Kadu. Stephan Kadu, who lost his life on the boat, a.k.a. the barge, was my son. The boat is an extension of Rikers Island. No mother should go through what I've gone through and still going through. I got a call on September 22nd around 10 o'clock, another inmate called my daughter screaming that my son was dead. That's how I found out my child was dead. I haven't seen my son in two years because of the pandemic. I've seen Zoom visits. Last time I seen my son was September 28th. My son turned 24 September 11th. My son died September 22nd awaiting trial. Everyone there is awaiting trial. They're, like she said, they're not convicted of a crime. They're just waiting and they shouldn't have to die. We need to decarcerate now before someone else's, before someone else loses their lives. Another mother goes through what I'm [00:11:00] going through every day. It's five months that I'm waking up without my son, and it's the most hurtful thing that I have to go through. To find out that there was a 16th person yesterday, when I thought that I keep going and my son would be the last, 12th, which it doesn't make sense because there's 16 more, 4 more I mean, in May 16th. I'm going through this. I'm going through this. Every mother who has a son, again: every mother, every mother, every mother who has a son, who has a son in jail, in this jail system, should be outraged. Any human being should be outraged, let alone a mother that's not getting up and speaking. I'm speaking for every person in that building. Every mother, again, should be outraged on the system for how they treating people. Take action, do something, say something, speak up, do something.

OLAYEMI OLURIN - HOST, OLURINATTI: So, in 2019, the campaign to close Rikers emerged. [00:12:00] And advocates introduced the plan to shut it down by first reducing the jail's population to 3,300. Because as it stands, Rikers was built to hold a maximum of 3,000 people. Yet there are over 5,000 people being incarcerated at Rikers right now. Which is why people are being piled on top of one another, why people are being held and locked in shower stalls.

Instead, what former Mayor de Blasio agreed to, was closing Rikers in exchange for four more jails in its place. Nonetheless, that's why bail reform was and is essential to decarcerating Rikers, so it can eventually be closed.

And it's been successful. Nearly 200,000 people, who would have otherwise been unable to purchase their freedom, have been able to fight their cases from the outside. And a higher percentage of people showed up to their court dates after bail reform was enacted. The failure to appear rate in New York City fell from 15% in 2019 to 9% in 2021, after the enactment of bail [00:13:00] reform. Yet, bail reform has been under constant attack.

Behind the News: The State of the Carceral State w/ Wanda Bertram - Jacobin Radio - Air Date 3-20-23

DOUG HENWOOD - HOST, BEHIND THE NEWS: The US prison population, and jail population as well—correctional population more broadly, we've got so many categories of people whose lives are inhibited by the state—just give us a rundown, who is locked up and in what kinds of facilities? How many people? We usually hear two million, has it come down a bit?

WANDA BERTRAM: It has come down a bit because of the pandemic, and when I say because of the pandemic, I want to be really clear that this was because of systemic slowdowns. Jury trials stopped in 2020 because you couldn't get people together in a room the same way. You had all that stuff, I'm not a cat with the lawyer that was on Zoom. Because of all these administrative hurdles, you had a giant slowdown in the criminal justice system that led downstream to a smaller prison and jail population.

Now, we have put together the data in our report, Mass Incarceration, The Whole Pie, from a few different data sources. The criminal justice system in this country is fragmented into prisons, state and federal, local jails, [00:14:00] involuntary commitment facilities, psychiatric hospitals, youth detention centers, Indian country jails, US marshal Service facilities, yada, yada, yada, all these different ones. And so we have, in cobbling together, the number of people who are in these facilities, we don't have data showing exactly how many people are locked up today, March 15th, 2023, but we do know how many people are locked up more or less since the pandemic began and then also began to subside. And it's about 1. 9 million people.

DOUG HENWOOD - HOST, BEHIND THE NEWS: So off slightly. Now what's the breakdown between prisons and jails?

WANDA BERTRAM: You've got about half as many people in local jails as are in state prisons, and then another 200, 000 people in federal prisons. I think the important thing that many people don't understand is that most people who are locked up in this country are locked up in state prisons.

These are facilities whose populations are driven by laws that are made by people that you elect, people that might've even put literature at your door or sent a volunteer to your door before. Mass incarceration is very local. There's also, I think, an [00:15:00] underappreciated fact is that there's about 420, 000 people on any given day who are sitting behind bars in local jails, awaiting trial —they haven't been convicted yet. And of course we have all of this fear mongering right now about bail reform causing rising crime and so we should need to do away with bail reform, but the reality is that we're locking up hundreds of thousands of people in this country every single day because we don't want them to go free pre-trial.

DOUG HENWOOD - HOST, BEHIND THE NEWS: Now the bail reform panic is just 100% nonsense, isn't it?

WANDA BERTRAM: Yes, it is. We did an analysis of 13 jurisdictions that both conducted bail reform or passed significant pretrial reform, and also studied the impacts of that reform on arrest rates, and failure to appear rates, and overall community crime rates, and what we found is that, with one exception, those jurisdictions saw basically no change in crime after that happened, or even they saw a decrease.

Now, the one exception was New York where the data that had come out by the time that we were able to analyze it was we [00:16:00] couldn't really tell what had happened. Some data showed an increase, and so we marked that one down as an increase at that point over time, the data has shown that actually only a very, very tiny, like a fraction of a percent, I think of people who are released pre-trial under the New York bail reform laws have gone on to commit another violent crime.

That law hasn't driven an increase in crime either.

DOUG HENWOOD - HOST, BEHIND THE NEWS: So what's driving the panic? Just the usual, "we love cops" stuff?

WANDA BERTRAM: Yeah. I think that what's driving the panic is an awareness that this is what lawmakers rely on, this is what lawmakers have always relied on to get re elected is to, say, oh, we've got crime, and the reason that crime is happening is because there are these certain people who are intrinsically bad people, and we can't have them on our streets in any way, shape or form. Even if these are people that we have only charged with crimes as opposed to actually convicting them of anything. And even if we have a presumption of innocence in the Constitution that implies that people probably shouldn't be locked up pretrial.

It's on both sides of the aisle. Republicans are obviously driving this narrative [00:17:00] around crime as they drive the narrative around many, many things, but Democrats have pretty easily taken it up as well. Kathy Hochul in New York here was instrumental in pushing for rollbacks to bail reform and recently succeeded.

DOUG HENWOOD - HOST, BEHIND THE NEWS: Okay, and just to debunk a myth or two here, we hear a lot about how private prisons are a major actor in all this and the provision of prison labor is also a driving force behind mass incarceration.

Either of these things true?

WANDA BERTRAM: Well, no. What we do in this report is we provide a graphic showing the fraction of people who are locked up in prisons and jails nationwide who are in private facilities, it's about 7%. The vast majority of people who are locked up, are locked up in public facilities, but I do want to say this, regarding both the actually small private prison population and the, in effect, very small number of people, very, very small number of people in prison who are working for private companies, what's driving these narratives about private companies driving mass incarceration or controlling or being behind mass incarceration is, I think, a [00:18:00] frankly, a media that is happy to divert people from understanding how incarceration really works.

Just to zoom out a little bit, there's tons and tons of companies that profit off of incarcerated people every single day without actually running the prisons. There are hundreds of thousands of people in state prisons today who are working jobs for little to no wages, they just happen to be working for the prisons themselves —they're working for the state. I think if we really wrapped our minds around the fact that the prison system today needs incarcerated people's free or cheap labor in order to run, that would prompt a major reckoning with the fact that we have this system in the first place, and that we're locking up so many people.

And that's why I think that the narrative that it's all Victoria's Secret enslaving people to make panties is so pervasive because it keeps people from reckoning with that deeper truth.

DOUG HENWOOD - HOST, BEHIND THE NEWS: And then there's notions around, too, that it's mostly the war on drugs that's driving incarceration. Is that true?

WANDA BERTRAM: The war on drugs is, no, it's not driving mass incarceration. [00:19:00] 62% of people in prisons are there because of a violent offense that has nothing to do with drugs, although they may well have been charged with other drug offenses in the process of getting to prison. We need to understand that, this is a very substantial part of our prison system, but it's not the single driving factor behind mass incarceration.

DOUG HENWOOD - HOST, BEHIND THE NEWS: It's more prevalent in the federal prisons than the state prisons, right?

WANDA BERTRAM: It is. It is. And I do want to say, like drug policing and drug enforcement has led to some of the greatest injustices in our prison system today. For instance, you've got about 40,000 women who are locked up in state prisons today because of a drug offense. Most of those women are mothers. When they get out of prison, they're not going to be able to get public housing, even though virtually all of them probably qualify just based on their extremely low incomes alone. The average income of a woman in prison before she was incarcerated was like $14,000 a year. And so the war on drugs is absolutely destroying people's lives.

It also brings people into the criminal justice system who are then kept there and sucked into the system because they can't pay a [00:20:00] fine or a fee. It was associated with their charge or their conviction because maybe they missed their court date, which is very easy to do, even if you don't intend to, because they happen to be put on probation. And then, they were put on an ankle monitor and then the ankle monitor, which I monitors are very hypersensitive to people, straying outside the borders of where they're supposed to be, it could have picked up a violation or two. Then they have black marks on their records. And so you can get caught up in the criminal justice system, and you can even go to prison for, these very low level offenses. And so I do want to say that the war on drugs is important, it's just not the single driver.

DOUG HENWOOD - HOST, BEHIND THE NEWS: Another myth is that crime victims support long prison sentences. You've got evidence to the contrary, right?

WANDA BERTRAM: That's right. The Alliance for Safety and Justice conducted a national survey of 1500 people who reported crime victimization within the last 10 years.

And we visualized some of that survey data in our report. And the two that stick out to me the most, first is that when people who were victims of crime were asked whether they preferred holding people who do harm accountable [00:21:00] by putting them in prison, or through options beyond prison such as, mental health treatment or other community service or what have you only, 18% said prison, three quarters said options beyond prison.

So, what's clear is that people who are, most impacted by crime actually don't think that prison is working or doing the job to keep their communities safe. The other one that sticks with me, and this speaks to what we were talking about, about bail before was that when they were asked if they'd prefer to keep people in jails pre-trial or use alternatives to incarceration, just 21 % of crime victims said jails. 71 % said that they would prefer alternatives.

DOUG HENWOOD - HOST, BEHIND THE NEWS: And I'm just curious, these are people who've been victims of crimes, they're not innocent bystanders or God knows, politicians.

WANDA BERTRAM: That's right. It's a nationally representative sample of people who report crime victimizations.

DOUG HENWOOD - HOST, BEHIND THE NEWS: I'm speaking with Wanda Bertram of the Prison Policy Initiative.

You said earlier, I believe that 60% of the people in state prisons are there for violent crimes. Is the definition of violence as clear as it might sound on first hearing?

WANDA BERTRAM: No, it [00:22:00] isn't, and that's something that people have begun to talk about more, is that, you can be sentenced for a violent crime, but that could be a crime that was committed without actually being hurt, there was just a weapon involved. It could be a crime that took place where the circumstances were such that if people actually knew about it, they might feel a lot more sympathy with you. Like perhaps you were defending yourself from

your abuser, if you're in a domestic abuse situation—this is why a lot of women are in prison. And it could be something that you did when you were a child.

None of the circumstances around the offense are told or described through this label violent, and that's important because not only does labeling someone a violent criminal make it easier to lock them up for untold numbers of years, it also, in today's day and age, makes them ineligible for all sorts of reforms that have passed. For instance, good time credits, like an expanded good time credit system that allows people to earn more time off their sentences for good behavior.

Often those rules, those reforms exclude anybody who's been convicted of a violent offense. Oftentimes [00:23:00] in states that restore a parole or early release opportunities to people who are incarcerated. They exclude anybody convicted of a violent offense. During COVID, a lot of states said, we're going to explore releasing more people—well, they didn't—but even when they said that they were going to, they stipulated, we're not going to consider anybody convicted of a violent offense. And when people get out of prison, this moniker violent follows them around in terms of, what they can and can't do and what rights they're excluded from.

In Florida, they only passed the bill that reenfranchised people with felony records for people who were not convicted of certain violent offenses or sexual offenses. So, the violent label is really, really important and has done a lot of work to destroy people's lives.

Angela Davis on the argument for police and prison abolition | UpFront - Al Jazeera English - Air Date 12-17-21

MARC LAMONT HILL - HOST, UPFRONT: I think the most asked question to the abolitionist is, and I think it's a fair question is, but what about the people who pose an immediate threat to others? What do we do with the child molesters? What do we do with the rapists? What do we do with the serial killers? How do we, in the absence of the current prison, as we understand [00:24:00] it, deal with people who pose an immediate threat to communities?

ANGELA DAVIS: It's so interesting, isn't it, Mark, that people always go to the worst possible example, and then use that as a justification for the treatment of millions of people who have not engaged in that kind of harmful activity. Now, no one is denying that there are serious acts of harm and violence that are

produced by individuals who are a threat—a threat to others and to themselves — but if we simply argue that because there is this relatively small population of people, then we lock up more than 2 million people, to me, that is illogical. That's the first point.

The second point is that imprisonment reproduces those [00:25:00] very problems. And so, the violent individual who goes to prison is in a situation where she or he or they become even more violent as a result of the structural violence of the institution than they were when they went in.

So, in my opinion, and I think this is what most abolitionists would argue, it's necessary to pull back and ask larger questions, not only how we deal with this immediate issue, but rather how to deal with it in the long term. How can we understand and get rid of the conditions that produce such violence in individuals? I think gender violence is probably a really good example for this larger problem. Simply by imprisoning people who engage in gender violence has not [00:26:00] had an impact at all on the incidence of gender violence in the world. It is still the most pandemic form of violence.

So that, it seems to me would signal that we have to figure out how to deal with the problem itself, rather than simply incarcerating people who commit the violence. How can we deal with the conditions that produce individuals that are primed to engage in these kinds of violent acts against women, against LGBTQ people against trans people, all of the forms of violence that we would categorize under the term gender violence?

So the larger question is how do we address the ideology that encourages people to take out their frustrations and their fears by attacking others in that way?

MARC LAMONT HILL - HOST, UPFRONT: And it [00:27:00] seems that there is a very narrow idea of what restraint can look like, what separation can look like. The Quakers talked about in that book *Instead of Prisons*, they talked about this idea of restraint of the few, saying that there might be some people who need to be pulled out of society because they pose an immediate threat, but it seems that the challenge might also be that the only way we've imagined that is through caging, and that there might be other ways, whether it's mental health support, whether it's some other structure that can allow someone who is a serial killer or someone who is a child molester to be pulled out of the space where they're doing harm without using the cage as the primary mechanism, but that requires a new kind of imagination.

And it seems that there might be a crisis of imagination in the policy realm, in the academic realm, in the activist realm. So I'm going to ask you to help us imagine a little bit before we go, when you think about an affirmative vision of the world, not just what we don't want, police and prisons, but what we do want, what does that look like for Angela Davis? What does the [00:28:00] abolitionist future look like?

ANGELA DAVIS: Well, I've always linked abolition with socialism. So I would say that in imagining the future it cannot be a capitalist future. It cannot be a future that is based on the exploitation of others. And this future would be one in which the necessities of life are not commodified, in which one's capacity to live a fruitful life is not dependent on one's capacity to pay for those services.

The point that I'm making is that we have to go further than these two discrete institutions, that we have to think about reorganizing our entire world. And I think that the danger of positing abolition as a [00:29:00] narrow strategy that only addresses particular individuals is one that will prevent us from understanding that this is about revolution. This is about environmental justice. This is about workers rights. This is about eradicating gender violence. This is about making education free for everyone. And so I could continue with that kind of imagining of the future, but I do think that the abolitionist imagination is central to the process of envisioning a new world and developing the strategies for challenging the current one.

The Part of History You've Always Skipped | Neoslavery - Knowing Better - Air Date 4-4-22

KNOWING BETTER YOUTUBER: When *Birth of a Nation* was released in 1915, everyone, North and South, bought its message. This was the first feature length American film and quickly became the first Hollywood blockbuster. In the film, the abolition of slavery is depicted as a mistake, [00:30:00] unleashing animalistic Black men on our unsuspecting, innocent White women. The KKK are the heroes, swooping in to save the South and restore order. This confirmed the story that White people wanted to hear, and turned the defeat of the Confederacy into a tale of martyrdom. This rewrite of American history is known as the Lost Cause, and is still pushed by textbooks today. This movie is also directly responsible for the rebirth of the Ku Klux Klan, who began terrorizing Black families by burning crosses on their lawns. The original KKK

didn't do that, that was invented by the movie. I told you you wouldn't believe what brought them back.

Frederick Douglass died in 1895, which meant that the most influential Black leader was now Booker T. Washington, who pushed a more gradualist message. He urged Black people to accommodate White demands for subservience while building up their skills. He told them to learn a trade to hold the keys to their own advancement and not move up north. Don't worry, White people will come around [00:31:00] eventually.

Needless to say, this message was praised by many Southern Whites. By 1901, they had gradually disenfranchised every Black person in the South by passing laws and writing new state constitutions. They obviously couldn't ban an entire race from voting because of the 15th Amendment. Instead, they instituted poll taxes and literacy tests to accomplish the same goal. You all know about these, even Prager U mentions them. But just like the Black Codes, you probably have a very watered down understanding of them.

Let's start with the literacy tests. Nearly every state required you to know how to read and write if you wanted to vote. Which sounds reasonable on the surface, right? Here's an actual literacy test from the State of Louisiana. It starts off with some fairly straightforward questions, draw a line around the number or letter of this sentence, cross out the longest word, circle the first first letter of the alphabet, simple. But then you get to number 10. In the first circle below, write the last letter of the first word beginning with L. What? Number 12. [00:32:00] Draw a line from circle 2 to circle 5 that will pass below circle 2 and above circle 5. Come on, this is only the first page, there are 30 total questions, and one wrong answer denotes failure of this test.

Now, be honest, is that what you thought a literacy test was when you learned about it in school? Because I'm willing to bet this was never explained to you. These tests were arbitrarily given out to anyone who couldn't prove a 5th grade education, and the questions were just vague enough that any answer could be subjectively wrong.

Many states also put up financial barriers to voting. Mississippi required a poll tax of $3, which is just over $100 in today's money. Would you vote if it cost you that much to do it every time? I doubt it. Virginia's was only $1, but you had to be paying it for each of the previous three years before you could vote. Louisiana required you to own at least $300 in property, but included an exemption for anyone who could vote on January 1st, 1867 or their descendants. [00:33:00] This is the origin of the phrase, Grandfather Clause. This loophole was intended to let poor White people vote, even if they didn't

meet the literacy or financial requirements, as long as their grandfather was allowed to vote.

Virtually no Black people were voting in the South in 1867, so their descendants didn't qualify. Disenfranchisement has several knock-on effects that you might not immediately think about. It's a lot more than justyour ability to vote. You'll also find it near impossible to run for office. This obviously meant that there were no Black representatives in state or federal government, which is why the nice Prager U ladies stopped counting them in 1900. But this also affected local office. There were no Black sheriffs, constables, or justices of the peace. Not being registered to vote also means that you couldn't be called for jury duty, so Black defendants were almost always tried and convicted by all White juries.

By the time *Birth of a Nation* and Woodrow Wilson came around, Black people had been almost entirely pushed out of government. Confederate statues were being put up [00:34:00] in the North and South, and the Lost Cause had completely taken over the historical narrative. Race riots occurred in places like Springfield, Illinois, Charleston, South Carolina, and Tulsa, Oklahoma. Lynching had become so popular that children were let out of school early so they could attend and newspapers advertised the event days beforehand. People took selfies with the deceased and left with souvenirs and postcards. The violence around the country got so bad that in 1936, Victor Green began publishing *The Negro Motorist Green Book,* a travel guide with a list of hotels, gas stations, and barbershops that are friendly to Black people in every city. They were working on a fictional version of this in the first season of *Lovecraft Country.* This was based on a real thing. These were printed all the way through the Civil Rights Movement and ended in 1966.

Think about what that means for a moment. This country was so hostile to Black people that for three decades they needed to have their own separate travel guide where every listed [00:35:00] location had to be vetted for safety. Because If you went into the wrong town, you might disappear forever.

PRESIDENT FRANKLIN D. ROOSEVELT: Mr. Vice President, Mr. Speaker, yesterday, December 7th, 1941...

KNOWING BETTER YOUTUBER: If you're wondering what FDR has to do with slavery, I'm guessing you've forgotten the primary question of this video. Again, after giving that speech, President Roosevelt asked his cabinet what the enemy was going to use against the United States in the coming propaganda war. The answer was the treatment of the Negro.

In addition to disenfranchisement and segregation, the convict leasing debt peonage system was still holding thousands of people in bondage. A man named Charles Bledsoe pled guilty to peonage in Mobile, Alabama in October 1941, just two months before Pearl Harbor. America could hardly claim the moral high ground, or point fingers at how Japan was treating the Chinese or [00:36:00] Koreans, when we had our own subjugated underclass. So, on December 12th, 1941, FDR's Justice Department issued Circular 3591.

NARRATOR READING FROM CIRCULAR 3591: A summary of the department files on alleged peonage violations discloses numerous instances of prosecution denied by United States attorneys, the main reason stated as being the absence of the element of debt.

In the matter of control by one over the person of another, the circumstances under which each person is placed must be determined, i. e., the subservience of the will of one to the other. Open force, threats, or intimidation need not be used to cause a person to go involuntarily from one place to another to work and to remain at such work; nor does evidence of kinder treatment show an absence of involuntary servitude.

In the United States, one cannot sell himself as a peon or a slave -- the law is fixed and established to protect the weak minded, the poor, the miserable. Men will sometimes sell themselves for a meal of vittles [00:37:00] or contract with another who acts as surety on his bond to work out the amount of the bond upon his release from jail. Any such contract is positively null and void and the procuring and causing of such contract to be made violates the law.

To assure emphasis on the issue of involuntary servitude and slavery in considering these cases, the Federal Bureau of Investigation has been requested to change the title on its reports from "peonage" to read "involuntary servitude and slavery".

KNOWING BETTER YOUTUBER: This memo told prosecutors to stop trying these cases under the federal anti-peonage statute, because so many people were using the same defense as John W. Pace, that since the debt wasn't real, this wasn't peonage, it was slavery, and slavery wasn't a crime. They were told to stop calling it peonage and start calling it what it is: slavery. The memo provided them with a list of other statutes that could apply and told them to aggressively prosecute these crimes as part of the war effort. Over the next few months, dozens of cases would be opened across the [00:38:00] country.

In September 1942, on a farm outside of Beeville, Texas, a man named Alfred Irving became the last chattel slave to be freed in America. Not indentured servant, or convict laborer, or debt peon. Slave. Here's a news article from the time saying as much. The Skrobarcek family held him as a slave for at least four years. They starved him and beat him with chains, whips, and ropes so regularly that he was permanently disfigured. The family was found guilty and sentenced to federal prison. The *Corpus Christi Times* said that the trial and its conclusion will undoubtedly be said in the future to have given a decisive setback to the enemy propaganda machine.

So, in a way, by bombing Pearl Harbor, the Japanese ended slavery in the United States. When people notice the obvious inequality in our country and wonder why Black people haven't caught up yet despite slavery ending over 150 years ago, they're wrong. It ended 80 years ago. When was the last slave freed in [00:39:00] America? It wasn't after the Civil War, it was during World War II, in September 1942. Our current president, Joe Biden, was born two months later. Until he graduated from college, Black people had to drink out of a separate water fountain. Segregation didn't end until the Civil Rights Act of 1964. Jim Crow ended with the Voting Rights Act of 1965, which allowed Black people to vote again. But just a few years after that, Nixon came along with his War on Drugs, which disenfranchised and imprisoned even more Black people. On purpose.

My police militarization video goes into more detail, but if you don't believe me...

NARRATOR READING STATEMENT BY JOHN EHRLICHMAN: The Nixon campaign in 1968 and the Nixon White House after that had two enemies, the anti-war left and black people. You understand what I'm saying. We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and the blacks with heroin, and criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, [00:40:00] and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.

KNOWING BETTER YOUTUBER: Why haven't we done reparations? We clearly owe them, and by "we", I don't mean White people. I mean the government of the United States.

Since the colonial days, the laws of this country have been used to force Black people into a permanent underclass. For the first hundred years after independence, the Constitution not only allowed, but protected slavery. And

immediately after it was abolished, the criminal justice system was used as leverage to extract as much labor and wealth out of Black people as possible, either directly by sentencing them to hard labor in the coal mines, or indirectly by issuing an exorbitant fine that was then paid for by a plantation owner who held that debt over them while simultaneously increasing it so it took years to pay off. If they tried to leave, they'd be arrested for breaking a labor contract and given even more hard labor.

This blatantly unjust system created generations of people who rightfully fear going out alone and have learned [00:41:00] not to expect help from the authorities. They don't trust the police and have lost all faith in the criminal justice system. And who can blame them? For almost a hundred years, the primary purpose of the judicial system was to coerce Black people into meeting the labor demands and social customs of the White majority. This created a century old myth about Black criminality that persists to this day. The government of the United States did that, not some slave owners who died over 150 years ago, and they arguably continue to do it with the War on Drugs.

Joe Biden was instrumental in introducing the modern version of pig laws when he was in the Senate. We went from slave codes and chattel slavery, to Black codes and neo-slavery, which is convict leasing and debt peonage, to the War on Drugs and the prison industrial complex. It's basically a continuum of oppression against Black people.

This version of history, otherwise known as 'what actually happened', explains much more about the current state of racial inequality in our country than the standard American history [00:42:00] myth we were all taught.

Penitence for the privileged - Beyond Prisons - Air Date 7-25-23

KIM WILSON - HOST, BEYOND PRISONS: One of the things that stands out to me and one of the things that I try to raise when I'm teaching this piece is talking about the racial limits to deterrence and rehabilitation, right? So, if deterrence and rehabilitation is only for White men, that means that everyone else gets to go to prison, right? And gets to be deprived of any of the other things that they were deprived of previously by design due to slavery, right? So, if Black men, you know, then we're seen as inherently unmanly due to this lack of individual independence and control of their families, then you can create policies and laws that say, Well, there's no need for us to focus on rehabilitation because they lack this thing that they were calling "manly freedom" to begin

with. Right? And [00:43:00] fast forward 250 years, and we think about the lack of programs in most facilities. Right? We look at who is currently incarcerated. There's no need to offer programming, rehabilitative or otherwise, because we - not "we", you and I, but, you know...

BRIAN SONENSTIEN - HOST, BEYOND PRISONS: Right. People.

KIM WILSON - HOST, BEYOND PRISONS: ...see people as being not worth rehabilitating, right? Because they lack all of these things, but it's like, I feel like this is almost the quiet part being said out loud that happens on every news story, whenever there's a police killing or anything else that happens in this country, right?, that as it relates to Black people. That, you know, it's like there's all of this coded language that gets created [00:44:00] as a way to not actually talk about exactly the thing, right?

So it's like we're going, we could talk about, back then "manly freedom", right? And manly freedom was code for 'the Black people don't get to be rehabilitated, just throw them all in prison', right? And that's part of what he's getting at. This idea of male licentiousness, I thought was also, I mean, I just think that word is, it's an interesting word, right?

But, and going back to what I said in the kind of overview at the beginning, this obsession that the founders had with order, among men, right?, and this rhetoric of liberty that was being used, you know, throughout the colonies in terms of creating institutions. Because jails were not really a thing, right? Jails were not really a thing. [00:45:00] This was pre jails, right? And how were they punishing people? So, people were being punished through kind of coercive systems through their communities and through religion, but now...

BRIAN SONENSTIEN - HOST, BEYOND PRISONS: shaming.

KIM WILSON - HOST, BEYOND PRISONS: Yeah, shaming, this other, you know, these other ideas. They were not fans of the new kind of newfangled evangelicalism that was happening at the time because they thought that that was a leading men into kind of 'leading men astray', right? That it was leading, as the author puts it, to spiritual individualism and sexual anarchy. And I was just like, I mean, if I was a dude, if I was a cishet, like, I would be pissed. Like, I would just be like, what the fuck?

BRIAN SONENSTIEN - HOST, BEYOND PRISONS: To emphasize your point, I think, you know, it talks about how in this [00:46:00] period, like shortly after the revolution and shortly after the enlightenment period when

there are sort of these feelings of liberty and freedom, in the sense of like men being on the street and being like hostile and violent towards women and like you said, licentiousness, like, the state in this period is trying to sort of, you know, take that energy and funnel it back into the state for its own purposes for militarism, like you said, right?

And so, in order to do that, very specifically, is targeting this through the use of the prison. And I think that that sort of understanding of the context in which this is happening as well, like you were saying, you know, around changing attitudes towards religion as well, you know, but also, like, these new feelings of liberty and freedom and, you know... I think now when we talk about liberty and freedom, we have sort of this like cute idea about it in America, whereas in this period, when they're talking about [00:47:00] liberty, they're talking more about like men acting out and behaving in ways that are not, like you said earlier, like gentile, you know, or like, not having that sort of like aristocratic air to it and needing to discipline people using the state into those behaviors and into self disciplining themselves out of fear of being brought into that system, which, as you mentioned, didn't work so great because it engendered sympathy to a lot of the people who then saw people getting flogged in the streets and so on and so forth.

KIM WILSON - HOST, BEYOND PRISONS: Do you mind reading that passage there?

BRIAN SONENSTIEN - HOST, BEYOND PRISONS: "Consider the young men in post-revolutionary New York City, who constituted, 'crowds of bloods, who lounged on city sidewalks and, affecting the contemptuous stance of the aristocratic libertine, tossed provocative remarks at any single woman who passed'. These young rakes were known for their aggressive sexuality and their tendency to make contempt for women a 'emblem of high style'. Some of them went beyond provocative words to violent deeds, only to be charged with 'attempted rape' [00:48:00] or 'rape'. Attempted rape referred to coercive sexual acts up to and including forcible penetration. Rape, the more serious charge, involved penetration and ejaculation. Legislators had two concerns. First, they wanted to reduce the number of single mothers and bastard children who made claims on the public treasury. Second, they believed that the crime of rape was rooted in 'the sudden abuse of a natural passion', and 'perpetrated in a frenzy of desire'. Rape indicated that liberty without self restraint resulted in abusive, frenzied actions that were inconsistent with liberal reason and republican order".

KIM WILSON - HOST, BEYOND PRISONS: What are your thoughts on that?

BRIAN SONENSTIEN - HOST, BEYOND PRISONS: The part that really stands out to me in this is the part where they talk about the two concerns legislators had about this, right? Because it's not just the conduct and what we might think of it today, but what did they care about in the moment? And what were they trying to use [00:49:00] the coercive power of the state to do? One, was to reduce the number of single mothers and bastard children who made claims on the public treasury. If you haven't heard anything like that in the last 30 years, I mean, like that is, you know...

KIM WILSON - HOST, BEYOND PRISONS: Yes

BRIAN SONENSTIEN - HOST, BEYOND PRISONS: And again, we're talking about not just that the legislators didn't want that to happen, but that the prison was used to enforce that, you know, and we'll talk about this probably with other things when we talk about something being criminalized, like, for example, I'm using this example because it's so heavily in the news right now, if we're talking about the ability of trans people to use public facilities, we're not just talking about passing a law that says that's illegal. It's about how do you enforce that law? Well, you use the prison. You use the police to do it. Like, we're talking about using the prison as a way to reduce the number of single mothers and bastard [00:50:00] children, or to enforce the heteropatriarchy ideal of a family, who made claims on the public treasure, the class dimension of this.

And then the second thing that the legislators were concerned with was the belief that the crime of rape was rooted in the sudden abuse of natural passion and perpetrated in a frenzy of desire. So, nowhere in this is the concern for the very physical, traumatic, emotional harm brought on the person who experiences the rape, but on the way that the act of rape is sort of a lack of self control, a momentary lapse of self control that, you know, men really need to discipline themselves against and to sort of have more control over.

Debunking "Norwegian Prison Reform" As Propaganda with Oakland Abolition and Solidarity - Millennials Are Killing Capitalism - Air Date 3-28-23

BROOKE TERPSTRA: The reality of the Nordic or Scandinavian model is never instituted in the United States, like at all. Even all these programs in San Quentin, that's not the Nordic model, but even if it were the Nordic model, Scandinavia is not some utopia. You have no [00:51:00] idea what it actually

constitutes. I think that should be the topic of a whole other show, basically the mythology of social democracy, and of whiteness in northern Europe. Globally, incarceration, there's a direct relationship between income equality, settler colonialism, and the rate of incarceration.

We have nothing in common with Norway, except that it's also a diluted white supremacist nation state, which, I don't need the Nordic model for that, I already live in the United States, which is a white supremacist fucking nation state, except we have more in common with Brazil, with Palestine, with the Philippines, in terms of the actual structural function of incarceration.

But in terms of the discourse, capital T, capital D, around the Norway model and how it functions as an invocation, as an image, within the imaginary, especially the liberal slash progressive one those are synonyms, basically, at this point, progressives are basically liberals with, stolen vocabulary [00:52:00] from radical movements. But it's basically an invocation, I think, because one, it's highly legible to white liberals because Norway is 90% white and it's a 91% white, basically gated community, so basically they can imagine themselves in that context.

Two it affirms their fantasies about the beneficence of the state. It basically, whenever there's headway made about accurately portraying... when understanding basically progresses in the United States or, basically incarceration is delegitimized, which it has been, progressively over the last say, 20 years, and that's due to our hard work and the resistance inside, and everybody breaking their backs organizing and pushing. Not to mention, it's essentially, completely obvious failures on every front, in terms of what it's promised to deliver, in material terms and live [00:53:00] conditions. I mean, half the country, knows what time it is with prisons, and that's the populations and communities that are policed and go inside. They get locked up.

It's the other side that's intensely invested, not in understanding what's actually going on, and facing contradictions, and the violence, and genocide this country is, founded on and depends upon, but they're heavily invested upon negotiating and renegotiating and reconstructing plausible deniability in a position of comfort.

Resuscitating this model, periodically as a goal, it performs a great utility in that resettling, motion and that drive to basically reconstruct a position of comfort for this certain class of people, and it has a certain appeal. And essentially what it promises to deliver, what reform always promises to deliver is stability, public safety, and well being. This is the central conceit of the modern liberal [00:54:00] secular democratic state. That is the guarantor of wide social well

being. The mediator of conflict. The resort for when things get nasty and guarantees well being and a life worth living. This is profoundly false. Antagonisms structure the world. The United States is a civilizational quote unquote project built on genocide and enslavement, on erasure, extraction, and dissembling, and propaganda, immensely regressive and policed, the center of an empire.

So this is basically an invocation that also depoliticizes any particular moment. It fights back against all these realizations and this drive, this tension between people trying to struggle, and understand their conditions and these contradictions. This assertion that's basically broadcast on all channels by what Stuart Hall called the [00:55:00] primary and secondary definers within a media environment, like authorities and figures of the state and then correspondingly, later below them, all the stenographers of power, the academics, the nonprofits, the experts parrot this line to shove all this down our throats and push back. Reassert this mythology of governance, supposing what the nature of the United States is.

So basically the Norway model is a club, it's epistemic violence, and there's always a relationship between epistemic violence, institutional violence, and the kinetic physical violence, these three broad categories. There's a relationship, one license the other. And the epistemic violence, this cultural hegemony, this dominance is essential to maintaining legitimacy, order, and this cultivation of consent. If not consent, at least apathy and resignation.

Final comments on communities deemed expendable and the need for systemic change

JAY TOMLINSON - HOST, BEST OF THE LEFT: We've just heard clips today starting with the *PBS NewsHour* reporting on the discovery of hundreds of [00:56:00] unmarked graves behind the Mississippi jail, *olurinatti,* on YouTube, discussed Rikers Island pre-trial detention center and the need for bail reform, *Jacobin Radio* held an in-depth discussion about the counter productiveness of our punitive prison system, *Al Jazeera English* spoke with Angela Davis about her vision of abolition, and *Knowing Better* laid out the long history that has brought the US to our current state of dysfunction regarding our justice system. That's what everybody heard, but members also heard bonus clips from *Beyond Prisons* discussing the historical perceptions about who deserves rehabilitation, and *Millennials are Killing Capitalism* applied a radical lens to discussions of prison reform.

To hear that and have all of our bonus content delivered seamlessly to the new members-only podcast feed that you'll receive, sign up to support the show at bestoftheleft.com/support, or shoot me an email requesting a financial hardship membership, because we don't let a lack of [00:57:00] funds stand in the way of hearing more information. For more on the concept of prison abolition, check out our episode from back in 2019, it was #1313, "Why prison abolition is not nearly as scary as it sounds". Again, that was episode 1313, and there'll be a link in the show notes.

Now to wrap up, it feels like it makes sense to point out the obvious parallels between unmarked graves being found behind a jail and unmarked graves being found behind residential schools housing native children who'd been taken from their families. The deeper lesson to be gleaned here goes far beyond investigating the specific malfeasance that, you know, almost certainly took place in almost any scenario like that. Beyond the individual crimes, it's about understanding how indicative cases like these are of the disregard many have four communities deemed unworthy.

Now members heard [00:58:00] today a detailed discussion about explicit beliefs about who is and who is not deemed worthy of rehabilitation. And this line of thinking sort of sits at the core of our mentality behind a punitive penal system, the fundamental debate being whether those who have committed crimes against society should be punished or rehabilitated. And some being worthy of rehabilitation and some not, is clearly a parallel train of thought to the idea of who is and is not worthy of having their remains treated with respect after death. You know, which families are worth notifying of the death? Which people deserve a marked grave? And of course, which communities is it reasonable to victimize in such a way that their lives are actually put in danger in the first place, thereby leading the perpetrators to end up having to feel like they have to [00:59:00] cover their actions by continuing the victimization after death, by covering it up?

Recognizing these patterns is what will help push broader society to begin to question the systems in place, not just the individual actions by some in individual cases. Now, whatever the details of the case of the unmarked graves in Mississippi turn out to be, it will be important to not just see them as an individual crime or an individual accident or an individual case of neglect. It will be another star in a constellation, a very large and very detailed constellation that presents a very clear picture of the reasons that systems are in need of fundamental change, not just minor reform, and definitely not just the clearing out of a few bad apples.

That is going to be it for today. As always keep the comments coming in. I would love to hear your thoughts or questions about this or anything else. [01:00:00] You can leave us a voicemail or send us a text at 202-999-3991 or simply email me to jay@bestoftheleft.com. Thanks to everyone for listening. Thanks to Deon Clark and Erin Clayton for their research work for the show and participation in our bonus episodes. Thanks to our Transcriptionist Trio, Ken, Brian, and Ben, for their volunteer work helping put our transcripts together. Thanks to Amanda Hoffman for all of her work on our social media outlets, activism segments, graphic designing, web mastering, and a bonus show co-hosting. And thanks to those who already support the show by becoming a member or purchasing gift memberships. You can join them today by signing up at bestoftheleft.com/support, through our Patrion page, or from right inside the Apple podcast app. Membership is how you get instant access to our incredibly good and often funny weekly bonus episodes, in addition to there being extra content, no ads, and chapter markers in all of our regular episodes, all through your regular podcast player. [01:01:00] You'll find that link in the show notes, along with a link to join our Discord community where you can also continue the discussion.

So, coming to from far outside, the conventional wisdom of Washington, DC, my name is Jay, and this has been the *Best of the Left* podcast coming to you twice weekly, thanks entirely to the members and donors to the show, from bestoftheleft.com.