

# **Taking Freedom**

## **Understanding Structural Injustice**

### **Readings for Discussion**

## Coming in 2018: The Taking Freedom Series

*Achieving Racial Justice and Economic Equity*

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Freedom is not something that anybody can be given. Freedom is something people take, and people are as free as they want to be.

—James Baldwin

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# **Taking Freedom**

## **Understanding Structural Injustice**

### **Readings for Discussion**

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**THE SOCIAL  
JUSTICE** FDN

*Santa Barbara, California*



**RACIAL  
JUSTICE  
CENTER**

*Published in  
association with SEIU's  
Racial Justice Center*



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## ABOUT US

### THE SOCIAL JUSTICE FOUNDATION

The Social Justice Foundation (TSJF) is a non-profit organization that strives to not just inform but also promote meaningful public dialogue by reporting, in clear and concise language, the latest and most relevant scientific research in the areas of economic, educational, environmental, and social justice. TSJF is the publisher of *Pacific Standard*, the award-winning magazine for readers interested in working toward forward-looking changes to private behavior and public policy. By combining research that matters with ambitious narrative and investigative reporting, *Pacific Standard* tells stories across print and digital platforms about society's biggest problems, both established and emerging, and the people attempting to solve them. Visit <http://psmag.com> to learn more.

### SEIU'S RACIAL JUSTICE CENTER

In 2016, Service Employees International Union (SEIU) member delegates passionately debated and passed a resolution proclaiming that in order to win economic justice, we must win racial justice. As a result, the Racial Justice Center (RJC) was established to serve as a hub and resource for SEIU's racial justice education and engagement efforts while supporting the union's commitments to racial justice and equity.

### MIT COLAB

The Community Innovators Lab (CoLab) is a center for planning and development within the MIT Department of Urban Studies and Planning (DUSP). CoLab supports the development and

use of knowledge from excluded communities to deepen civic engagement, improve community practice, inform policy, mobilize community assets, and generate shared wealth. We believe that community knowledge can drive powerful innovation and can help make markets an arena for supporting social justice. CoLab facilitates the interchange of knowledge and resources between MIT and community organizations. We engage students to be practitioners of this approach to community change and sustainability.

## INTRODUCTION

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In early 2017, the Service Employees International Union (SEIU) commissioned the MIT Community Innovators Lab (CoLab) to do a scan across the country and identify local community organizations standing up on a range of social justice issues amid this nation's growing climate of intolerance. Over a period of 30 days, CoLab found more than 1,100 organizations working in more than 250 cities on issues ranging from economic justice and the Fight for \$15 to attacks on immigrant communities, police violence, environmental justice, and Islamophobia. Most of the organizations were grassroots, headed by people who themselves were directly affected by the issues they address, with a focus on people-of-color leadership. In talking with the organizations' leaders, we found a desire to develop analytical frameworks so that they could better understand current conditions, evaluate options to respond, and plan alternatives. The Taking Freedom book series was born from this need.

Taking Freedom, a collaboration between SEIU's Racial Justice Center, MIT CoLab, and The Social Justice Foundation, is intended to help unions and activists deepen their understanding of the issues that are playing out now in the news, in communities, and in daily lives. It is a jumping-off point for conversations with coworkers, neighbors, and others—a way, as the public's grip on facts is slipping, to help people find their way and develop their ability for independent thinking and analysis.

This collection  
of readings

presented

The ~~Taking Freedom Series Reader~~ is an introduction to some of the key concepts that the book series will later explore. It is intended to help discussion leaders and facilitators prepare for the ongoing conversations that we hope will follow. The articles collected here address a wide range of issues, from housing rights to debt burden, police reform, and more. They push to

expand readers' understanding of the structural injustice that has plagued the United States for centuries and explore questions such as these:

- How has re-segregation affected children's access to quality education?
- How is the system of debt meant to hurt the working poor?
- What are the barriers preventing American workers from advocating for their rights in solidarity with one another?
- How is an unjust immigration system causing damaging violence to diverse communities?

The readings will explore these issues and much more. This workbook also includes discussion questions for each reading, encouraging readers to apply these questions to their own lives. How are the effects of systems of oppression creating challenges for activists and union members as individuals and communities?

These readings are not intended to be a final destination or a final word on the subjects presented. They are simply a means of inspiring readers to look more closely at how they could take on the challenges of social injustice. In turbulent and uncertain times, anyone may be called on to lead, anyone may be called on to facilitate change, and anyone may be called on to call out injustice.

It is our hope that the Taking Freedom series will inspire readers to seek out, join, and begin action that will positively impact the many pressing systemic issues of our time. It is our hope that these readings and the ones to come will untangle the connections between systems of oppression, so that the path to solidarity will become increasingly clear. Last, it is our hope that these readings will embolden union members and activists to become leading voices within their communities and beyond.

We invite readers to spend time with these texts and to discuss them within your organizations, families, and communities. This reader should challenge and engage you, and we look forward to seeing how you use it as a learning and organizing tool.







## CHAPTER ONE

# YES, BLACK AMERICA FEARS THE POLICE. HERE'S WHY.

Nikole Hannah-Jones

*This article is about the historic role of policing in reinforcing racial inequality and how it has led to Black Americans' fear of police.*

*SOURCE: This story was originally published by ProPublica. Hannah-Jones, Nikole. 2015. "Yes, Black America Fears the Police. Here's Why." ProPublica, March 4, 2015. <https://www.propublica.org/article/yes-black-america-fears-the-police-heres-why>. Reprinted with permission.*

## KEY POINTS

- For Black Americans, policing is “the most enduring aspect of the struggle for civil rights,” because it has always been a mechanism for racial control.
- Historically, in both the South and the North, the police have defended and enforced racism and segregation—attacking civil rights protestors and disrupting strikes of Black workers seeking to integrate workplaces and neighborhoods.
- Stories of police harassment and violence in Black communities are common. Young Black men are 21 times more likely to be shot and killed by police than young white men. They are more likely to face ongoing everyday slights and indignities at the hands of police. The underlying causes run deep: Black people often see police as the face of larger systems of inequality in the justice system, employment, education, and housing.
- Smart policing that is capable of telling the difference between petty crimes and serious threats, between the majority of law-abiding residents and the small minority of lawbreakers in a community, is quite possible. It happens every day in white communities across the United States.
- Black communities often face higher rates of crime and thus want good relationships with law enforcement. But that is not likely until the United States finds a way to address its history of using the police as a tool to reinforce systems of racial inequity.

Last July 4, my family and I went to Long Island to celebrate the holiday with a friend and her family. After eating some barbecue, a group of us decided to take a walk along the ocean. The mood

on the beach that day was festive. Music from a nearby party pulsed through the haze of sizzling meat. Lovers strolled hand in hand. Giggling children chased each other along the boardwalk.

Most of the foot traffic was heading in one direction, but then two teenage girls came toward us, moving stiffly against the flow, both of them looking nervously to their right. “He’s got a gun,” one of them said in a low voice.

I turned my gaze to follow theirs, and was clasping my 4-year-old daughter’s hand when a young man extended his arm and fired off multiple shots along the busy street running parallel to the boardwalk. Snatching my daughter up into my arms, I joined the throng of screaming revelers running away from the gunfire and toward the water.

The shots stopped as quickly as they had started. The man disappeared between some buildings. Chest heaving, hands shaking, I tried to calm my crying daughter, while my husband, friends and I all looked at one another in breathless disbelief. I turned to check on Hunter, a high school intern from Oregon who was staying with my family for a few weeks, but she was on the phone.

“Someone was just shooting on the beach,” she said, between gulps of air, to the person on the line.

Unable to imagine whom she would be calling at that moment, I asked her, somewhat indignantly, if she couldn’t have waited until we got to safety before calling her mom.

“No,” she said. “I am talking to the police.”



Between the four adults, we hold six degrees. Three of us are journalists. And not one of us had thought to call the police. We had not even considered it.

My friends and I locked eyes in stunned silence. Between the four adults, we hold six degrees. Three of us are journalists. And not one of us had thought to call the police. We had not even considered it.

We also are all black. And without realizing it, in that moment, each of us had made a set of calculations, an instantaneous weighing of the pros and cons.

As far as we could tell, no one had been hurt. The shooter was long gone, and we had seen the back of him for only a second or two. On the other hand, calling the police posed considerable risks. It carried the very real possibility of inviting disrespect, even physical harm. We had seen witnesses treated like suspects, and knew how quickly black people calling the police for help could wind up cuffed in the back of a squad car. Some of us knew of black professionals who'd had guns drawn on them for no reason.



We feared what could happen if police came rushing into a group of people who, by virtue of our skin color, might be mistaken for suspects.

This was before Michael Brown. Before police killed John Crawford III for carrying a BB gun in a Wal-Mart or shot down 12-year-old Tamir Rice in a Cleveland park. Before Akai Gurley was killed by an officer while walking in a dark staircase and before Eric Garner

was choked to death upon suspicion of selling “loosies.” Without yet knowing those names, we all could go down a list of unarmed black people killed by law enforcement.

We feared what could happen if police came rushing into a group of people who, by virtue of our skin color, might be mistaken for suspects.

For those of you reading this who may not be black, or perhaps Latino, this is my chance to tell you that a substantial portion of your

fellow citizens in the United States of America have little expectation of being treated fairly by the law or receiving justice. It's possible this will come as a surprise to you. But to a very real extent, you have grown up in a different country than I have.

As Khalil Gibran Muhammad, author of *The Condemnation of Blackness*, puts it, "White people, by and large, do not know what it is like to be occupied by a police force. They don't understand it because it is not the type of policing they experience. Because they are treated like individuals, they believe that if 'I am not breaking the law, I will never be abused.'"

We are not criminals because we are black. Nor are we somehow the only people in America who don't want to live in safe neighborhoods. Yet many of us cannot fundamentally trust the people who are charged with keeping us and our communities safe.

“ For black Americans, policing is “the most enduring aspect of the struggle for civil rights. . . . It has always been the mechanism for racial surveillance and control.”



"New York - Protest in Union Square." by Graeme Stoker, <http://www.flickr.com/photos/graamestoker/15818969507/>. Printed under CC BY 2.0.

- ⋮ Black communities want a good relationship with law enforcement
- ⋮ because they want their families and property to be safe.

“ In the South, police once did the dirty work of enforcing the racial caste system. The Ku Klux Klan and law enforcement were often indistinguishable.

As protest and revolt swept across the Missouri suburb of Ferguson and demonstrators staged die-ins and blocked highways and boulevards from Oakland to New York with chants of “Black lives matter,” many white Americans seemed shocked by the gaping divide between law

enforcement and the black communities they are supposed to serve. It was no surprise to us. For black Americans, policing is “the most enduring aspect of the struggle for civil rights,” says Muhammad, a historian and director of the Schomburg Center for Research in Black Culture in New York. “It has always been the mechanism for racial surveillance and control.”

In the South, police once did the dirty work of enforcing the racial caste system. The Ku Klux Klan and law enforcement were often indistinguishable. Black-and-white photographs of the era memorialize the way Southern police sicced German shepherds on civil rights protesters and peeled the skin off black children with the force of water hoses. Lawmen were also involved or implicated in untold numbers of beatings, killings and disappearances of black Southerners who forgot their place.

In the North, police worked to protect white spaces by containing and controlling the rising black population that had been propelled into the industrial belt during the Great Migration. It was not unusual for Northern police to join white mobs as they attacked black homeowners attempting to move into white neighborhoods, or black workers trying to take jobs reserved for white laborers. And yet they strictly enforced vagrancy laws, catch-alls that gave them wide discretion to stop, question and arrest black citizens at will.

Much has changed since then. Much has not.

Last Fourth of July, in a few short minutes as we adults watched the teenager among us talking to the police, we saw Hunter become a little more like us, her faith a little shaken, her place in the world a little less stable. Hunter, who is biracial and lives with her white mother in a heavily white area, had not been exposed to the policing many black Americans face. She was about to be.

On the phone, she could offer only the most generic of suspect descriptions, which apparently made the officer on the other end of the line suspicious. By way of explanation, Hunter told the officer she was just 16. The police called her back: once, twice, then three times, asking her for more information. The interactions began to feel menacing. “I’m not from here,” Hunter said. “I’ve told you everything I know.”

The fourth time the police called, she looked frightened. Her interrogator asked her, “Are you really trying to be helpful, or were you involved in this?” She turned to us, her voice quivering. “Are they going to come get me?”

“See,” one of us said, trying to lighten the mood. “That’s why we don’t call them.”

We all laughed, but it was hollow.

My friend Carla Murphy and I have talked about that day several times since then. We’ve turned it over in our minds and wondered whether, with the benefit of hindsight, we should have called 911.

Carla wasn’t born in the United States. She came here when she was 9, and back in her native Barbados, she didn’t give police much thought. That changed when she moved into heavily black Jamaica, Queens.

“We saw Hunter become a little more like us, her faith a little shaken, her place in the world a little less stable.”





- Nearly every so-called race riot in the United States since 1935 has
- been sparked by a police incident. Police, because they interact in black
- communities every day, are often seen as the face of larger systems of
- inequality in the justice system, employment, education, and housing.

“ They are making a choice, and it says they don’t care about you, it tells you they are not here for your people or people who look like you.

Carla said she constantly saw police, often white, stopping and harassing passersby, almost always black. “You see the cops all the time, but they do not speak to you. You see them talking to each other, but the only time you ever see them interact

with someone is if they are jacking them up,” she said. “They are making a choice, and it says they don’t care about you, it tells you they are not here for your people or people who look like you.”

Carla herself was arrested at a young age—because she was present when her cousin pushed through a subway turnstile without paying. The teenagers were cuffed, thrown in a paddy wagon, booked and held overnight. At 15, Carla, then a student at The Dalton School, a prestigious private academy in Manhattan, had an arrest record.



That experience, along with many others, informed Carla's decision on July 4.

"I am a responsible adult, but I really can't see having a different reaction. Isn't that weird?"

she told me. "By calling the police, you are inviting this big system—that, frankly, doesn't like you—into your life. Sometimes you call and it is not the help that comes."

"So, no, I wouldn't call the police," she said. "Which is sad, because I want to be a good citizen."

I moved to the historic Bedford-Stuyvesant neighborhood of Brooklyn in 2011. Before then, I had been living in Portland, Oregon, and when I chose my new home in the gritty big city, it was partly because it was only a block away from a police precinct. That proximity made me feel safer—I figured crime would be less common with so many police nearby. Inadvertently, however, I also picked a prime target area of the city's stop-and-frisk program—a system of policing that caught so many innocent black and brown men in its dragnet that a federal judge found it unconstitutional in 2013.

My block is fairly typical of Bed-Stuy. My neighbors, until recently, were all black and included everyone from laborers to college professors. Both immaculately kept brownstones and boarded-up townhouses line my street. We have block meetings and a community garden. Police are a constant presence, speeding down the street to the precinct or walking the beat. Sometimes, I escort my daughter to the store underneath police watchtowers with tinted windows that pop up around the neighborhood with no warning, then disappear just as suddenly—their entire existence

““ These men are often searched and questioned as they go to the bodega or head home from work or school.

“ This arrest cost him his job and a fine he will struggle to pay. If he doesn't pay, a judge will issue a bench warrant, and instead of preventing crime, the police will have created a criminal.

ambiguous yet alarming. I have witnessed from my window, countless times, police stopping someone, usually a young man, who is walking down the street. These men are often searched and questioned as they go to the bodega or head home from work or school.

A few months ago, a police officer approached my neighbor as he was leaving the bodega and began questioning him. My neighbor is quiet and respectful, but he also is poor and transient. He tends to look disheveled, but the worst thing I've seen him do is drink beer on the stoop.

When he asked why he was being stopped, the police grabbed him and threw him to the ground. As someone recorded the incident on a cellphone, police shot my neighbor with a Taser gun and then arrested him.

He was never told why police stopped him. The only thing they charged him with was resisting arrest. But this arrest cost him his job and a fine he will struggle to pay. If he doesn't pay, a judge will issue a bench warrant, and instead of preventing crime, the police will have created a criminal.

Across the street and a few doors down from me, my neighbor Guthrie Ramsey has his own story. Guthrie was born in Chicago and grew up in a family that did not emphasize the obstacles their children would face. "I was socialized to believe that the police were our friends," he said.

Yet one night, some years ago, while driving his teenage son to a soccer game, Guthrie was pulled over by police. Within minutes, he and his son were sprawled on the ground, with guns

drawn on them. The police believed Guthrie fit the description of a suspect. Guthrie, a short, easy-going guy with a contagious laugh, managed to point the police to his University of Pennsylvania faculty ID. That's right: He's an Ivy League professor. And a noted musician.

"It was so frightening. It was humiliating. You get so humiliated that it's hard to even get to the anger," he told me. "You just don't get to experience interactions with the police as a garden-variety circumstance."

These types of stories in black communities are so ubiquitous as to be unremarkable. If my husband is running very late and I cannot get hold of him, my mind does not immediately go to foul play. I wonder if he's been detained.

This fear is not unjustified. Young black men today are 21 times more likely to be shot and killed by police than young white men. Still, it's not that black Americans expect to die every time they encounter the police. Police killings are just the worst manifestations of countless slights and indignities that build until there's an explosion.

“ Young black men today are 21 times more likely to be shot and killed by police than young white men.

Since 1935, nearly every so-called race riot in the United States—and there have been more than 100—has been sparked by a police incident, Muhammad says. This can be an act of brutality, or a senseless killing. But the underlying causes run much deeper. Police, because they interact in black communities every day, are often seen as the face of larger systems of inequality in the justice system, employment, education and housing.

In the months since Ferguson, many pundits have asserted that black Americans deserve this type of policing, that it is a consequence of their being more likely to be both the perpetrators and victims of violent crime. “White police officers wouldn’t be there if you weren’t killing each other,” former New York Mayor Rudy Giuliani argued on *Meet the Press* as the nation awaited the grand jury decision in the Michael Brown shooting. It should be noted that Giuliani oversaw the NYPD during two of the most notorious cases of police brutality in recent memory, the sodomy of Abner Louima and the death of Amadou Diallo, who was unarmed, in a hail of 41 bullets. Both were black men.

What Giuliani was saying, in essence, is that law-abiding citizens deserve to be treated with suspicion because they share racial traits with the tiny number among them who commit crimes.

Black communities want a good relationship with law enforcement because they want their families and property to be safe. After all, it is true that black communities often face higher rates of crime; in 2013, more than 50 percent of murder victims across

the country were black, though only 13 percent of the total population is. But it’s also true that crime reduction efforts by black people in black communities have contributed to the recent, historic drop in crime across the country.

“Black communities want a good relationship with law enforcement because they want their families and property to be safe.”

So why are black Americans still so often denied the same kind of smart policing that typically occurs in white communities, where police seem fully capable of discerning between law-abiding citizens and those committing crimes, and between crimes like turnstile-jumping and those that need serious intervention?



“Kneeling,” by Spenser H on Unsplash, <http://unsplash.com/photos/IXqvcXqph00>

Black Americans can be protected and served. It happens every day in communities across America. It happens all the time in white communities where crime is happening, but not in over-policed black communities, where police terrify neighborhoods for petty offenses.

“You can be protected and served,” Muhammad says. “It happens every day in communities across America. It happens all the time in white communities where crime is happening.”

During the height of the “Black Lives Matter” protests, a mentally ill man shot and killed two police officers a few blocks from my home. I lay up that night thinking about those two men and their families. No one wants to see people killed. Not by police, not by anyone. The next morning, my husband and I took food and flowers to the grim brick precinct right around the corner from us that the officers were working out of when they were killed.

““ They weren’t standing out there to protect the neighborhood. They were there to protect themselves from us.

The officer at the front desk did not greet us when we came in. And he looked genuinely surprised by our offering, his face softening as he told us we didn’t have to do this, but thank you.

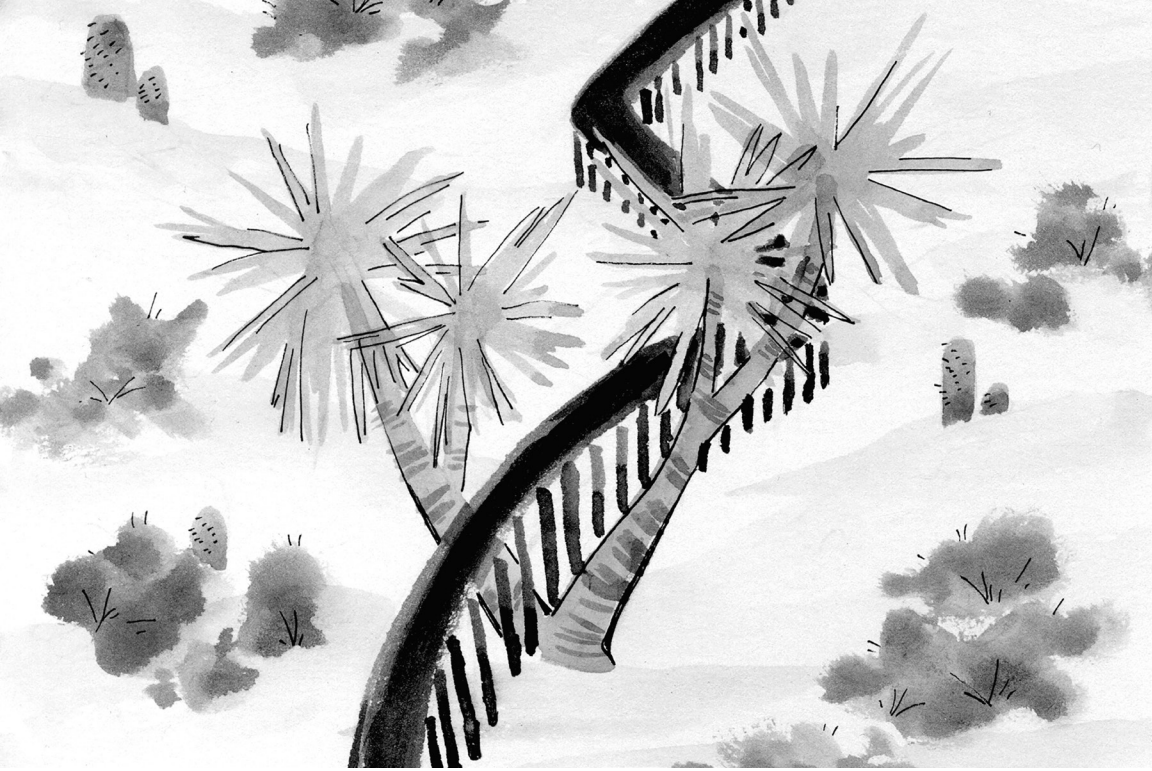
That people who should be allies somehow felt like adversaries troubled me.

The next day, I drove by the precinct on my way to the store. It had been cordoned off with metal barricades. Two helmeted officers stood sentry out front, gripping big black assault rifles, and watching. The message felt clear.

They weren’t standing out there to protect the neighborhood. They were there to protect themselves from us. ■

## DISCUSSION QUESTIONS

1. How is the role of policing in your community similar to or different from the one described by the author?
2. What advice would you give children about interacting with the police?
3. What do you think the history of policing in the United States has to do with how police behave today?
4. How does policing in Black communities reinforce systems of oppression for Black people? How is this similar or different in Latino communities?
5. What impact does the policing described in this article have on poverty and employment in Black communities?



## CHAPTER TWO

### “BUILD THAT WALL!”

#### A LOCAL HISTORY

Mark Binelli

*This article is about how politics and fear, rather than the day-to-day risks and realities of life at the US-Mexico border, have historically shaped border policies.*

SOURCE: Binelli, Mark. 2017. “Build That Wall!”: A Local History.” *Guernica*, January 2, 2017. <https://www.guernicamag.com/build-that-wall-a-local-history>. Reprinted with permission.

## KEY POINTS

- In 2017, an unarmed Mexican boy standing in Nogales, Sonoma State, Mexico, was shot through the border wall and killed by a US border patrolman standing across the border in Nogales, Arizona.
- In the past, the border between the two cities was not so militarized. Historically, the cities were seen as “one border town under two flags” and were referred to as “Ambos Nogales” or “Both Nogales.” The border between them easily could be crossed in either direction.
- The US Border Patrol was created in the wake of the 1924 Immigration Act, which sharply limited the number of Southern and Eastern European immigrants (particularly impacting Italians and Jews) and banned immigration from parts of Asia altogether. But the 1924 act did not include any limits on immigration from Latin America. Border agents were mainly used to patrol the Canadian border.
- In 1954, the border patrol’s focus shifted to the south, and a new policy, offensively called “Operation Wetback,” caused massive, violent deportation of Mexican workers from the United States.
- Starting in the 1990s, beginning with President Bill Clinton, a new wave of restrictive trade and immigration policies was put in place. Yet during Clinton’s administration, immigration from Mexico began to increase, due in large part to the North American Free Trade Agreement (NAFTA). NAFTA brought heavily subsidized US corn across the border, severely undercutting the livelihoods of small farmers throughout Mexico.



- Since NAFTA, the population of Nogales, Sonora, has at least tripled due to the growth of *maquiladoras*, the hundreds of foreign-owned factories built around Nogales to exploit Mexico's cheap labor.
- Post-9/11, the militarization of the border entered an entirely new phase. The current version of the border fence, based on an Israeli design, cost approximately \$4.14 million per mile.
- Before that wall went up, people from either side could move relatively freely, and there was commerce and community across the border. Some say that the border has “destroyed the two cities.”

Nogales, Arizona, is a faded border town about an hour south of Tucson. The most direct route, via Interstate 19, takes you through spectacular high desert terrain: long-limbed ocotillo cactus plants that look like they should be growing under water, spiky yucca trees, shrublike mesquite, the sere peaks of the Tumacácori Mountain Range looming off to the west. I-19 also has a funny numerical quirk I didn't immediately notice: the distances on the highway signs are written in kilometers rather than miles. It's the only continuous stretch of US interstate to appear this way, a vestige of the Carter administration that seems unbelievable now—a metric-system pilot program also meant to make the drive easier for Mexicans crossing the border at Nogales, a sort of good-government welcome mat for tourists and day-trippers both.

Three and a half decades after Jimmy Carter left office, shoppers from Mexico still basically prop up the local economy in Nogales, hitting up the big box stores on the outskirts of the city and the downtown mom-and-pops. Many of the latter sport hand-painted

“ I’d come to report on the fatal shooting of an unarmed sixteen-year-old Mexican boy in Nogales, Sonora, by a US Border Patrol agent.

signs: Miss Divine, La Cinderella, the unfortunately named Coquette’s School Uniforms. There are also shops selling tires, cowboy boots, musical instruments, and nothing but distilled water. There’s a notary public whose sign offers assistance

with immigration forms, income tax, and *tradduciones*, and a secondhand store where the merchandise is simply piled all over the floor in chaotic mounds. The last time I visited, a professional audio shop a few doors down had its doors open and someone was blaring Spanish-language talk radio through massive wedding-DJ speakers.

I’d come to report on the fatal shooting of an unarmed sixteen-year-old Mexican boy in Nogales, Sonora, by a US Border Patrol agent. The agent had been standing on Arizona soil and fired through the border fence, which runs along the edge of town and out into the desert: slatted, rust-colored steel bars filled with pressurized concrete, their height varying between eighteen and thirty feet, lined along the top with slick, anti-climbing plates. The Border Patrol claimed the boy had been throwing rocks.

.....

One night, Luis Parra, a lawyer hired by the boy’s family, took me to Mexico and showed me the spot where the boy had died. Parra was a history buff. He kept horses, he told me, and one of them, a *berbera*, a Spanish Berber, was fifth-generation and could be traced back to a horse owned by his great-great-grandfather, who was born in Arizona when it was still controlled by Spain. As we stood at the border, Parra asked, “Did you know that the original fence they put up here was because of another cross-border shooting?”

I did not. But Parra was right. The shooting had taken place nearly a century earlier. At the time, International Street and Calle Internacional, the streets that run along either side of the border fence today, were a single, unpaved thoroughfare, with guards stationed in both countries but without a fence of any sort. “The absence of a physical barrier stimulated the close relationship between the two cities so that, like many other border towns of the period, they were in reality one bi-national community,” wrote the historian Carlos Francisco Parra.

For years, in fact, locals referred to the region as a singular entity, Ambos Nogales, “Both Nogales.”

Tension, though, had been increasing, thanks to a series of cross-border skirmishes between Pancho Villa’s rebel army and the US military; at the same time, the onset of World War I had resulted in a marked rise in passport and customs searches by the Americans. In this context, on August 27, 1918, a carpenter named Zeferino Gil Lamadrid was returning home to Mexico from a job in Arizona when a US customs agent, noticing a bulky package under Gil Lamadrid’s arm, called out for him to stop.

But Gil Lamadrid had already reached Mexican soil, and a Mexican customs official contradicted the US agent’s order, instructing him to stay put. The carpenter froze, and a shot rang out. It’s not clear who fired first, but when Gil Lamadrid dove to the ground, the Mexicans thought he’d been hit and one of them shot a US soldier in the



A ballad that’s still performed in the region today, “El Corrido de Nogales,” details the heroism on the Sonora side of the border: “Brave Nogalians / Did their duty / They fought the gringos / Until death or victory.” Meanwhile, a *New York Times* report filed days after the battle chided “hair-trigger Mexicans who open hostilities.”

"Keep Families Together Parachute Banner," by Joe Brusky, <http://www.flickr.com/photos/40869298@N05/36888295642/>. Printed under CC BY-NC 2.0.



... The North American Free Trade agreement wreaked havoc on  
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... US—2,701 bodies were discovered between 1998 and 2013.

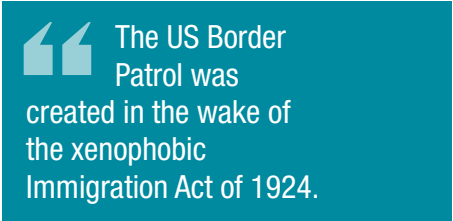
face. The return fire killed two Mexican customs officers. “The firing then became general,” according to a contemporaneous article in the Nogales, Arizona, newspaper *The Border Vidette*. US soldiers faced off against “Mexicans shooting from doors, windows, roofs of houses, and behind buildings”—primarily civilians who’d grabbed weapons—in a firefight across International Street that lasted for hours and became known as the Battle of Ambos Nogales.

When Felix B. Peñaloza, the mayor of Nogales, Sonora, emerged from City Hall waving a white cloth tied to the tip of his cane, he was shot and killed by US troops. Not long afterwards, the Americans forced a surrender. There had been casualties on both sides, at least seventeen Mexicans and seven Americans dead, and neither of the parties felt unjustified in taking up arms. A ballad that’s still performed in the region today, “El Corrido de Nogales,” details the heroism on the Sonora side of

the border: “Brave Nogalians / Did their duty / They fought the gringos / Until death or victory.” Meanwhile, a *New York Times* report filed days after the battle chided “hair-trigger Mexicans who open hostilities” and darkly posited that “the German conspirator may lurk in the background,” before concluding with an odd, passive shrug: “So long as there are ‘border towns’ under two flags, like Nogales, and until civil order is fully restored in Mexico, collisions between the races will be inevitable, and for that reason they have not been taken too seriously.”



After peace was restored, both governments agreed to build a two-mile border fence running along the center of International Street, the first of its kind in the area. Six years later, the US Border Patrol was created in the wake of the xenophobic Immigration Act of 1924, which sharply limited the number of Southern and Eastern European immigrants, particularly impacting Italians and Jews, and banned immigration from parts of Asia altogether. But the law placed no quotas at all on immigration from Latin America. In the early days, agents patrolled the border on horseback—the Canadian border, primarily, until 1954, when a mass deportation of undocumented Mexican immigrants called Operation Wetback began shifting focus to the south. (Donald Trump’s campaign pledge to deport millions of undocumented immigrants has drawn unfavorable comparisons to Operation Wetback.)



The US Border Patrol was created in the wake of the xenophobic Immigration Act of 1924.

Nogales, Sonora, meanwhile, became a popular place for American tourists: Tucson residents, servicemen stationed in southern Arizona, and Hollywood actors filming Westerns in the desert all trekked south to shop, dine, catch bullfights,

and hit the nightclubs. A 1941 article in *Harper's* dismissed Nogales, Arizona, as “in no sense attractive to the eye” while pointing out that “across the line is Nogales, Sonora, where tourists may buy French perfumes less the American duty, sip tequila and make a face over it, and dine very well indeed in the famous Cavern Cafe.” The latter restaurant, housed in a rock-walled cave—a former prison reputed to have held Geronimo during the Indian Wars—remained a trendy spot for decades. In 1965, a writer for the *New York Times* raved about the club’s famous soup, “a rich, dark, meaty broth made with fresh Guaymas turtle.”

Well into the 1980s, border security in Nogales remained nominal. Several longtime residents I met recalled the sagging chain-

“Prior to 1995, there were gaps all over the fence.”

link border fence running through town, easily slipped beneath if there happened to be a long line at the customs booth. “Prior to 1995, there were gaps all over the fence,”

confirmed Tony Estrada, the sheriff of Santa Cruz County, which includes Nogales. “People would come over and the merchants didn’t really care because some would shop, and then they walked back the legal way.”

According to the 2010 census, Santa Cruz County is 82 percent Hispanic, and locals like Estrada, who was born in Nogales, Sonora, stress the historic link between the two sides of the border. Estrada’s father, a carpenter who worked in the United States, got a sponsorship letter from his employer and was able to immigrate to Arizona with his wife and four children. Estrada was sixteen months old. He joined the Nogales police department as a patrol officer in 1966; he was elected sheriff in 1992 and is currently serving his sixth term. “The biggest issues we would have back then were property crimes: burglary, shoplifting,

things like that,” Estrada said. “None of them armed robberies. It’s always been a peaceful community.”




Throughout the presidential campaign, as Trump demagogued on border issues, Hillary Clinton positioned herself in opposition to his racist appeals, championing comprehensive immigration reform and initiatives like the Dream Act. And yet it remained an inconvenient fact

that the current militarization of the border began in earnest during the presidency of her husband. In 1994, in response to increasing political pressure to crack down on illegal immigration, Bill Clinton launched an initiative called Operation Gatekeeper, which sharply increased Border Patrol presence in the San Diego–Tijuana region, where most of the undocumented crossings were taking place. The plan worked, sort of: migration receded in popular crossing areas but shifted to other parts of the border.

By October 1994, the Tucson sector had reported 140,000 apprehensions, an increase of 50 percent from the previous fiscal year. So in Nogales, the Clinton administration introduced a complementary initiative, Operation Safeguard, in 1995, increasing the number of local Border Patrol agents and providing additional funding for new helicopters, cameras, infrared scopes, and several more miles of border fence. At the time, the “fence” was constructed from a series of metallic airport landing mats that had simply been welded together.

The mayor of Nogales, Arizona, José Canchola, didn’t care for the new plan, complaining to the *Tucson Citizen* that most of the illegal crossers were simply coming to shop. But when Immigration



In 1994, in response to increasing political pressure to crack down on illegal immigration, Bill Clinton launched an initiative called Operation Gatekeeper.





- Sonora and Nogales became a popular location for tourists in the 20th century, and border security remained lax well into the 1980s. Santa Cruz County is 82% Hispanic.

and Naturalization Service Commissioner Doris Meissner held a press conference in the area during the rollout of Operation Safeguard, she insisted, “What we have to do here is gain control over about a four-to-eight-mile area, and beyond that the mountains and the desert become useful for us. It becomes extremely inhospitable. If you take the whole southwest border, the whole US–Mexico border, there really are relatively few areas that are amenable to crossing.”

“ Since the Border Patrol began keeping statistics in 1998, more dead undocumented immigrants have been found in Arizona’s Sonoran Desert than in any other region of the southern border of the US.

But illegal immigration continued to rise, in part thanks to another Clinton policy, the North American Free Trade Agreement, which wreaked havoc upon the livelihoods of small farmers throughout Mexico when heavily subsidized US corn began to flow across the border. In the end, Meissner’s belief



that the extreme inhospitality of the desert would form a natural deterrent proved naive. “We started seeing people going out to the canyons, very rugged terrain, very remote

terrain,” Sheriff Estrada told me. Since the Border Patrol began keeping statistics in 1998, more dead undocumented immigrants have been found in Arizona’s Sonoran Desert than in any other region of the southern border of the US—2,701 bodies have been discovered between 1998 and 2013.

“What they underestimated was the desperation of the people who were crossing,” Juanita Molina, the executive director of Humane Borders, a group dedicated to maintaining emergency water stations in remote areas on both sides of the border, told me in 2014. Molina also works with the local medical examiner’s office to map migrant deaths. “What we have found, over twelve years of doing this, is that people are dying further from towns and roads,” she said.

One morning, I took a ride into the desert with a Humane Borders volunteer named Joel Smith. A Tucson native and ex-marine, Smith had curly, shoulder-length hair and was wearing a Hawaiian shirt. After leaving the service, Smith spent years working in a magnetic-tape factory, until the corporate office in Oakdale, Minnesota, decided to ship the plant to Juárez in 2009. Around that time, he began working with Humane Borders.

As we drove south in his beat-up white pickup truck, Smith told me he’d been surprised by the meanness of the immigration debate in his home state. Humane Borders water tanks have been vandalized, and sometimes people flip him the bird after spotting the logo on his truck. “Somehow, not wanting people to die in the desert became a political football,” he said.

“Somehow, not wanting people to die in the desert became a political football.”

Eventually, we turned off the main road and headed into the desert, pulling to a stop at an isolated stretch of border fence. The terrain was rocky and parched. Smith pointed out several handprints at various levels on the fence posts and shook his head sadly.

After only a few moments, a cloud of dust appeared on a distant road. “Border Patrol,” Smith predicted. Sure enough, a white-and-green Border Patrol truck soon came into view. The agent turned out to be Latino; his nametag identified him as Officer Sanchez. He gave us (two white guys) a suspicious look and asked if we’d been making contact with anyone on the other side of the fence. We said no. He frowned and warned us to be careful in a way that sounded more threatening than helpful. Then he climbed into his truck and backed it slowly down the road, parking a short distance away, where he remained, watching, until we were ready to leave.



Since the passage of NAFTA, which Trump derided during his campaign as “the worst trade deal ever,” the population of Nogales, Arizona, has remained relatively unchanged, hovering right around twenty thousand. But the population of Nogales, Sonora, has at least tripled—according to official census figures, to 250,000, though other estimates place the number at closer to four hundred thousand. Most of this growth has been due to the rise of the *maquiladoras*, the hundreds of foreign-owned factories built in and around Nogales, Sonora, post-NAFTA, to exploit Mexico’s cheap labor. The only comparable-looking industrial concerns on the Arizona side of the border, a series of warehouses (Del Campo, Grower’s Pride, D’Andrea, Zaragoza, dozens of others) lining I-19 just north of Nogales, turn out to be storage facilities for winter produce trucked up from Mexico. (Sixty percent of the winter produce consumed in

Canada and the United States passes through here, according to the US consulate.)

Post-9/11, the militarization of the border entered an entirely new phase. The current version of the border fence, based on an Israeli design, cost approximately \$4.14 million per mile. Cartel violence began to hit Nogales, Sonora, around 2007, when turf wars broke out involving drug kingpin Joaquín “El Chapo” Guzmán and his rival Arturo Beltrán Leyva. The murder rate peaked in 2010 at 226, nowhere near that of cities like Juárez, where the number of killings spiked to over three thousand that same year, but enough to scare off tourists.

Today, the easiest way to avoid lines at the border is to cross on foot. At the main pedestrian entry in downtown Nogales, Arizona, you simply pass through a full-height metal turnstile and walk down a corridor, where your bag might be searched at a customs table, but otherwise you’re simply waved through, and then you’re in Mexico.

Plaza Pesquiera, just past the entry, now caters primarily to medical tourists. There are pharmacies with giant Viagra signs in the window, and lots of dentists—Smile Dentist, Dental Bliss, Border Dental—with grinning Anglo kids showing off their new braces on various billboards. A few other shops offer curios, folk art, and Cuban cigars. One afternoon, wandering along the main drag, I saw a mariachi walking to a gig with a guitar slung over his back and a cart selling Sonoran-style hot dogs, which are hot dogs wrapped in bacon.

The *maquiladoras* begin to show up about twenty minutes farther south, a series of anonymous factory buildings and industrial parks, many bearing cryptic names like Molex (which, it turns out, is owned

““ Post-9/11, the militarization of the border entered an entirely new phase.

““ Some of the workers live in new low-income housing developments, blocky units stacked in endless, uniform rows like beige Legos; others, in vast squatter neighborhoods.

by Koch Industries; they make various types of electronic connectors) and Amphenol Optimize (headquartered in Wallingford, Connecticut, with a product line ranging from air bags to circuit boards). Some of the workers live in new low-income housing developments, blocky units stacked in endless, uniform rows

like beige Legos; others, in vast squatter neighborhoods, where dirt roads wind past lively street markets (where you can buy cell phone parts or used clothing or get your laptop fixed) and hillsides covered with shacks made from corrugated tin, wooden pallets, cardboard, and tires (the latter piled like bricks to make walls, then filled with dirt, doubling as planters). There's also a gated development catering to higher-income professionals, with quirkier, more interesting architecture than comparable American suburbs and streets named after European capitals (Paris, Amsterdam, London). Nearby commercial boulevards are mostly lined with local shops and restaurants, but there are a few US chains, including a Home Depot and a Sam's Club.

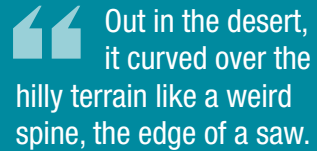
At the restaurant of the Hotel Fray Marcos, on the main downtown strip, I met Alma Cota de Yanez, the executive director of the Fundación del Empresariado Sonorense, or FESAC, a local community group. Cota de Yanez moved to Nogales with her family about fifteen years ago, when her husband took a job managing one of the *maquiladoras*. On a tour of the city, she touted its positive attributes: the eight universities, the countless mom-and-pop businesses that have opened to serve *maquiladora* workers. Crime has also waned, she said. Cota de Yanez came from an upper-middle-class family and had spent time in the United States—her father, a biologist, attended the University of Nebraska, where he

developed a new breed of corn—and for her, the two sides of Ambos Nogales could be categorized without much fuss. “You mean the ghost town,” she asked, “and the alive?”



The first time I saw the southern border fence up close, I happened to be on a ride-along with a Border Patrol agent named Peter Bidegain. We were in Nogales. Bidegain had grown up in the area and used to visit regularly as a kid in the eighties, long before they’d built the current version of the fence.

We had an unobstructed view from a table outside of a downtown McDonald’s, where we’d stopped for coffee. All of the other patrons inside had been Latino, and I’d felt self-conscious at my association with *la migra*. If Bidegain noticed any of the wary glances directed his way, it didn’t register on his face. But outside, he sighed. Beyond the fence, the hills of Nogales, Sonora, dense with modest, colorful homes, sprawled in every direction. “I think that fence is ugly,” he said, without any prompting from me, “but it’s a necessary evil.”



Out in the desert, it curved over the hilly terrain like a weird spine, the edge of a saw.

And yet, taking in its enormity, I must confess, I had a reaction nearly opposite Bidegain’s. I wasn’t at all sure about the “necessary” part. But the fence was visually striking in ways I hadn’t anticipated. Out in the desert, it curved over the hilly terrain like a weird spine, the edge of a saw, a sculptural installation co-designed by Richard Serra and Christo. Were it possible to set aside the symbolic and actual meaning of the thing, there’s simply an awesome scale that’s difficult not to admire when you’re staring down its length as it disappears into the horizon—the same way you might gaze in awe at, say, a gargantuan public works project like the Hoover Dam.



The wall destroyed that way of life. It destroyed the two cities.

Eleven months later, Trump took the down escalator at one of his eponymous towers and launched his presidential campaign, promising, among other things, to build a “big, beautiful” wall along the southern border of the United States.

Three months after that, I met a lawyer in Nogales named Bobby Montiel. A former Superior Court judge, Montiel was working with Luis Parra on the Rodríguez shooting case. He called the border fence “the Iron Curtain.” When Montiel was growing up, his father owned a grocery store in Nogales, Arizona, right on the border. “Our traffic was 98, 99 percent from Sonora,” Montiel recalled. “I could look up the hill from where my father’s store was, and the border was open. Sunday morning they’d come through to do their shopping, then go back. No Border Patrol, no problems. Maybe we had a few more burglaries, but other than that, it was open country, almost. My cousins lived there and I lived here, and they came across and we played baseball together. And everybody else was like that, too. The wall destroyed that way of life. It destroyed the two cities.”

When Trump vows to Make America Great Again, nothing along the lines of Montiel’s boyhood idyll likely finds its way into his nostalgic imaginings. But the president-elect does make me think of another trip to southern Arizona, when I covered a protest in a little mountain town north of Tucson. It was the summer of 2014. A surge of unaccompanied minors had been illegally crossing the border, most fleeing violence in Central America, and the protestors were responding to reports of a plan to transfer forty of the captured migrant children to a nearby juvenile detention. The local sheriff had warned his constituents that the kids might be disease carriers, possibly even violent members of MS-13.



"Day 3 - Border Wall from the US Side - Nogales, Arizona, USA," by Peg Hunter, <http://www.flickr.com/photos/43005015@N06/38414078192/> album-72157898922709735. Printed under CC BY-NC 2.0.

- ⋮ The current version of the border fence, based on an Israeli design, cost
- ⋮ approximately \$4.14 million per mile.

People gathered on either side of a hilltop road leading to the detention center, hoisting signs reading “Return to Sender” and “Breaking Into *My House* Doesn’t Give You the Right to Stay.” Nobody knew what time the busload of children was supposed to arrive. As noon approached, the combination of the anticipatory tension and the high-desert setting—the austere rock formations and the gravel crunching underfoot—brought to mind an archetypal scene from a Hollywood Western. In my notes, I described the protestors as “Tea Party-types.” But of course, in hindsight, I was actually attending a proto-Trump rally.

The name of the town, incidentally, was Oracle. A bit too on the nose, I know.

The bus never showed up. Eventually, a group of counter-protesters at the bottom of the hill sent up a mariachi

““ The band leader, a Tucson native and Marine Corps veteran named Ruben Moreno, marched on, undaunted. . . . They finished with a mariachi version of “The Star-Spangled Banner.”

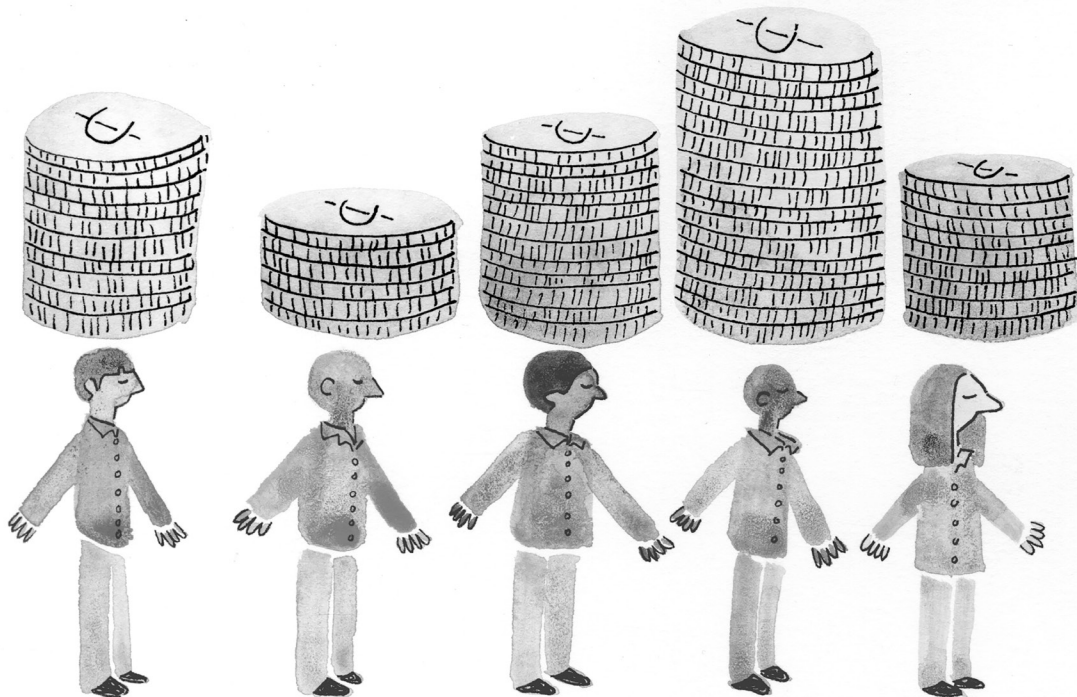
band. As the musicians weaved through the angry crowd, protesters began shouting, “Go home!” But the band leader, a Tucson native and Marine Corps veteran named Ruben Moreno, marched on, undaunted, his trumpet outthrust, its mouth looking like the barrel of a blunderbuss, at least to me, though maybe it was just thoughts of a Tea Party that had me seeing eighteenth-century firearms.

They finished with a mariachi version of “The Star-Spangled Banner.” The shouters paused for a moment, unsure of their own ears—a brief respite, to be sure, but pleasing nonetheless. ■

## DISCUSSION QUESTIONS

1. According to this article, what is the history of the dependent relationship between Mexico and the United States?
2. What do the Black communities mentioned in Chapter 1 (“Yes, Black America Fears the Police. Here’s Why.”) have in common with border communities facing violence from the Border Patrol?
3. What are the economic, political, and social benefits of and problems with a border wall for the countries that it is supposed to separate?
4. What are other ways in which the United States and Mexico can work together to ease tensions at their border?





## CHAPTER THREE

# MODERN-DAY SLAVERY IN AMERICA'S PRISON WORKFORCE

Beth Schwartzapfel

*This article explains the labor issues connected with using inmates as extremely low-paid workers in state and federal prisons.*

*SOURCE: Schwartzapfel, Beth. 2014. "Modern-Day Slavery in America's Prison Workforce." American Prospect Longform, May 28, 2014. <http://prospect.org/article/great-american-chain-gang>. Reprinted with permission.*

## KEY POINTS

- Roughly half of all imprisoned American citizens work full-time jobs while serving time. They aren't counted in standard labor surveys, but prisoners make up a sizable US workforce—870,000 working inmates.
- The original idea behind prison labor was that job skills would help people reenter society. However, most of the jobs assigned to prisoners are not skill-building jobs; instead, they involve maintenance of the prison itself.
- The average wage in state prisons is 20 cents per hour. In federal prisons, the average wage is 31 cents per hour. Despite working full-time jobs, prisoners are not considered employees and do not have the benefit of basic labor protections, such as minimum wage, sick leave, or overtime pay. Although prisoners are under OSHA protection, OSHA must notify a prison before an inspection.
- The United States has the highest incarceration rate in the world. If US prisons had to pay prisoners the minimum wage, they could not keep operating. If they paid outside workers to do the work that inmates do, costs could rise 30 to 45 times for the same services. Under current arrangements, the prison industry saves hundreds of millions of dollars each year on labor costs. However, those savings come at a price: without a source of income, inmates' families often must rely on government social safety net programs.
- Correctional industries are another part of federal and state prison labor systems. Through these programs, inmates make everything from office furniture and eyeglasses to cleaning supplies and uniforms, for other government

agencies. They learn marketable skills and experience much lower rates of recidivism. Yet they still make far below the minimum wage.

- The federal Prison Industry Enhancement certification program (PIE) was created in 1979 over labor unions' strong objections. For the first time since convict-lease programs were outlawed, it permitted for-profit companies to set up factories inside prisons, with inmates as employees. Thirty-eight states have such programs.
- PIE products can be sold on the open market. To avoid undercutting private-sector wages, companies must pay the "prevailing wage" for their particular industry, although in practice this often means minimum wage.
- The PIE program currently is very small, accounting for less than 1 percent of working inmates. But for growing numbers of companies, prisons provide a cheap source of labor that legal wages cannot compete with. And PIE establishes a model for linking corporate profit and prison labor—and, by extension, the potential for profit-driven exploitation.
- Paying inmates a prevailing wage would eliminate the complaint by labor unions and others that prison shops are undercutting wages. It would help inmates make amends for their crimes, too, by allowing them to pay restitution to victims. And it would help them accumulate some savings so that they can rebuild their lives when they're released.

Laurie Hazen has bad taste in men. "They're my downfall," the 41-year-old jokes in her Massachusetts accent. "I have to really stay single." An ex-boyfriend first introduced her to prescription drugs, she says, a habit she maintained through

the course of another relationship, with another addict, and through two stints in prison, most recently in 2012 for writing fake prescriptions.

When she arrived at the Massachusetts Correctional Institution in Framingham, Hazen left behind a job as a records manager for a fiber-optics company. Her \$14-an-hour salary had covered food, utilities, and rent on the modest apartment she shared with her boyfriend and her teenage son. She would have been putting some money away, too, if her paycheck hadn't also been covering the couple's drug habit. As it was, like many inmates, she went to prison with no savings and, because her boyfriend was locked up too, had no one on the outside to send her money. Her son went to live with his dad.

After two weeks in prison, Hazen could apply for a job. Because her sentence was less than a year, she wasn't eligible for the prison's highest-paying job at \$20 per week—stitching American

flags for the state police—and she had to choose between washing dishes in the kitchen and cleaning bathrooms. Because portions in prison are notoriously small, Hazen took the kitchen job so she could eat a little extra before and after her shifts. She earned \$2 a day col-

lecting inmates' dirty trays and loading them into the dishwasher during breakfast, lunch, and dinner. The cramped room where she worked had no windows and routinely filled with steam from the 200-degree dishwasher. There was one tiny fan. "It was pretty much slave labor," she says, "but there was nothing I could do about that. I needed stamps to write to my child. I needed hygiene products."



"It was pretty much slave labor," she says, "but there was nothing I could do about that. I needed stamps to write to my child. I needed hygiene products."

About half of the 1.6 million Americans serving time in prison have full-time jobs like Hazen did. They aren't counted in standard labor surveys, but prisoners make up a sizable workforce: with

870,000 working inmates, roughly the same number of workers as in the states of Vermont and Rhode Island combined. Despite decades' worth of talk about reform—of giving prisoners the skills and resources they need to build a life after prison—the vast majority of these workers, almost 700,000, still do “institutional maintenance” work like Hazen's. They mop cellblock floors, prepare and serve food in the dining hall, mow the lawns, file papers in the warden's office, and launder millions of tons of uniforms and bed linens. Compensation varies from state to state and facility to facility, but the median wage in state and federal prisons is 20 and 31 cents an hour, respectively.

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Because inmate workers are not considered “employees” under the law, they have none of the protections that word implies. No disability or worker's compensation in the event of an injury. No Social Security withholdings, sick time, or overtime pay. In three states—Texas, Georgia, and Arkansas—they work for free. In Texas, where inmates are required to work under threat of punishment, most do maintenance tasks like Hazen, but some are assigned to “field force” jobs designed to be particularly demeaning. “It wouldn't be an ideal job,” says Jason Clark, Texas Department of Criminal Justice public information officer director. “Someone may have had disciplinary issues, so they end up in the field force, doing various things including clearing fence lines. They're out under armed-guard supervision, using their labor.”



It looks like what it is: plantation labor all over again.

If that scenario sounds familiar, it should. “Thousands of prisoners toil in the hot sun every day and make nothing,”

says Judith Greene, a researcher and advocate with the non-profit group Justice Strategies. “Prison guards on horseback, ten-gallon hats, prisoners in their uniforms. It looks like what it is: plantation labor all over again.”

Critics trace the current system back to convict-leasing, which historian Douglas Blackmon calls “slavery by another name.” From the time of Reconstruction until the early to mid-20th century, prison inmates—almost all of them black, many convicted of fabricated crimes like “false pretense” or “selling cotton after sunset”—were routinely leased out to private companies to work on plantations and in coal mines and factories. There, they “were compelled to labor without compensation, were repeatedly bought and sold, and were forced to do the bidding of white masters through the regular application of extraordinary physical coercion,” as Blackmon writes.

Conditions in most prison workplaces today are nowhere near as brutal, but the legacy is hard to ignore. Since prisoners are so far removed from the free market, and since their work is barely recognized as such by government agencies that regulate labor, they have little recourse and few protections. The Occupational Safety and Health Administration is one safeguard they do have—federal and some state inmates “working in conditions similar to those outside prisons” can file an OSHA complaint if their workplace is unsafe—but it’s toothless because, unlike in a free-world workplace, OSHA has to notify prisons in advance of inspections. A 2010 report by the government’s General Accountability Office (GAO) skewered the federal prison system for purposefully hiding from OSHA dangerous practices at

an electronics-waste recycling plant where toxic dust sickened hundreds of inmate workers and officers.

Despite the conditions and the pay, most inmates want to work. A job gives them a safe place to be for hours each day, provides a break from the monotony of prison life, and—in most states—puts a few dollars and cents in their commissary account. “I was happy to work,” Hazen says. “It made me feel like I wasn’t so much in prison. It gave me a minute by myself to get away from the craziness, time to think and reflect and figure out what I wanted to do with my life.” What the job didn’t provide was a wage sufficient to support her son and accumulate some savings for post-prison life, or job training that would help her pursue the goals she established in that dish room: to study psychology and one day open a domestic-violence shelter. After six months of work, Hazen left prison the way most people do: with a criminal record, no meaningful job experience beyond what she went in with, and not even enough savings to buy a suit for a job interview (\$43).

“What the job didn’t provide was a wage sufficient to support her son and accumulate some savings for post-prison life, or job training.”

Study after study has found what common sense would suggest: Prisoners who gain professional skills while locked up, and those who earn a decent wage for their work, are far less likely to end up back behind bars. But if prisons in America, with the world’s highest incarceration rate, had to pay minimum wage—let alone the prevailing wage—they couldn’t keep operating. If inmates like Hazen weren’t washing dishes in Massachusetts prisons, the state’s corrections department would spend an average of \$9.22 to hire someone else to do it (the mean hourly wage for a dishwasher, according to the Bureau of Labor Statistics). That’s 30 to 45 times what inmates make for performing the same service. As a result, prisons—and taxpayers—use prisoners to

save hundreds of millions of dollars each year on labor costs, according to the GAO.



We could not afford to run our justice system without exploiting inmates.

“If our criminal-justice system had to pay a fair wage for labor that inmates provide, it would collapse,” says Alex Friedmann, managing editor of *Prison Legal News*, an inde-

pendent magazine that promotes inmates’ rights. “We could not afford to run our justice system without exploiting inmates.”



If paying inmates pennies looks like savings to corrections officials, it translates to additional costs for everyone else. Consider, for starters, that more than 1.2 million prisoners have a minor child—2.7 million kids in all. About half of these parents were, like Laurie Hazen, their families’ primary breadwinners before they went to prison. Not surprisingly, their families often turn to social safety-net programs to compensate for the missing income. Families with an incarcerated parent are 50 percent more likely to use Medicaid and twice as likely to use food stamps.

For most, the situation doesn’t improve upon release. Even as state and federal governments pour hundreds of millions of dollars into re-entry initiatives with the aim of easing the transition home and slowing the “revolving door” between prison and the community, they’re undermining successful re-entry by burying inmates in fees and fines while paying them next to nothing for their work. It costs money to be locked up in America—more and more of it all the time: court costs and fees when you’re tried, booking fees when you’re processed in jail and then prison, and supervision fees while you’re out on parole. Restitution costs, child-support arrears, and, in some states, “room and board costs” pile up during long





babawawa, <http://pixabay.com/en/prison-jail-detention-fence-wire-370112>. Printed under CC0 1.0.

Proponents of prisoners' and workers' rights point to a push by the American Legislative Exchange Council, or ALEC, to "improve and expand federal prison industries" in several states. Known for its "model laws" crafted in partnership between extreme right-wing legislators and powerful corporations, ALEC drafted the 1995 Texas Prison Industries Act, which expanded the program there and has since been replicated around the country.

prison terms. A state-sponsored study of the impact of legal fees in Washington found that the average inmate owes \$2,540 per conviction in fees and fines.

Once a prisoner is released, debt compounds another financial problem: a felony conviction makes job-hunting notoriously difficult. That's especially true if you're black, which almost 40 percent of prisoners are. In a seminal 2003 study, only 5 percent of black applicants to entry-level jobs got callbacks if they had a criminal record, one-third as many as black applicants without a record. (Whites *with* a criminal record were still more likely to be called back than blacks without one.)

The combination of debt and poor job opportunities can lead recently released prisoners right back to

“ The combination of debt and poor job opportunities can lead recently released prisoners right back to prison.

prison—neither a cost-effective outcome for the state nor a desirable outcome for, well, anyone. Sometimes people land back behind bars because of their debts alone; the American Civil Liberties Union and New York University’s Brennan Center for Justice documented hundreds of cases in which people were reincarcerated as a result of their inability to pay criminal-justice debts. In one Ohio county, more than 20 percent of all jail bookings stem from a failure to pay fines—a Dickensian situation that critics liken to modern-day debtors’ prisons.

““ For many ex-felons, the only way to dig out of debt is to break the law.

Harvard sociologist Bruce Western is currently conducting a small study on re-entry, following 135 people in Boston’s urban neighborhoods during the first year after they’re released from Massachusetts prisons. More than half of the people in his sample have not worked a single day in the months since they’ve been released. They survive instead on \$200 a month in food stamps. If they have no friends or family to stay with, they are homeless. “How do you live on zero income?” Western asks. “People appear to be doing that.”

For many ex-felons, the only way to dig out of debt is to break the law. New Yorker Glenn Martin was 22 in 1995 when he was sentenced to six years for armed robbery of a jewelry store. In prison, he earned \$10.50 for 30 hours of work a week as an administrator at the facility’s college program—approximately the same pay as Laurie Hazen earned washing dishes but with the benefit of providing real job experience. “I learned how to use computers. I kept spreadsheets, helped people register for classes,” he says.

He was released in 2000 and took the bus back to Manhattan with just \$230 in his pocket. Then he got a break: A nonprofit specializing in job placements for people with criminal records helped him land a job as a receptionist at a law firm. It paid

\$16,000 a year—a far cry from the thousands per day Martin says he used to make “ripping and running the street.” But, he says, “I was committed to turning my life around.”

His meager pay plus the debts he’d racked up in prison made that practically impossible. When Martin had gone in, his son was six months old, and Martin was paying \$50 a month in child support, an amount he naïvely thought would remain fixed during his bid, making paying it off “doable.” But later he learned that the judge had issued a default order, increasing his payments to \$100 per week plus 9 percent interest. Now he owed \$53,000 in arrears, plus the ongoing weekly payments, plus \$5,000 in court fees and fines. “It’s insurmountable pressure,” he says. “Either I do something wrong to pay off the fines and fees, or I relegate myself to a debtors’ prison or a lifetime of poverty.”

Locking Martin up for six years cost New York taxpayers approximately \$360,000. The most cost-effective outcome would be for him to live a lawful life and not be incarcerated again. Yet Martin felt cornered. “I committed crimes,” he says matter-of-factly. “The statute of limitations are over, so I think I can say it out loud: I broke the law.” Martin says he brought in about \$30,000 selling counterfeit designer handbags on eBay—enough to help pay off his debts as he continued to build what has become a successful career. Until recently, Martin oversaw a \$1 million budget as public policy director of the Fortune Society, a service and advocacy group for former prisoners. (He left in March to found his own prison reform group, JustLeadershipUSA.)

“ “ The system creates this weird situation where it tells you to do the right thing and turn your life around . . . and then actually incentivizes future violations of the law—even if you’re inspired to do the right thing.

“The system creates this weird situation where it tells you to do the right thing and turn your life around,” Martin says, “and then actually incentivizes future violations of the law—even if you’re inspired to do the right thing.”

Lately everyone from Attorney General Eric Holder to Senator Ted Cruz has called for reforms to just about every aspect of the system: how we target people for arrest, how we arrest them, how we try them, sentence them, incarcerate them, release them, and supervise and support them once they’re home. All are areas ripe for reimagining. But prison labor is not.

In 1985, as “tough on crime” mania was sweeping the country, Supreme Court Chief Justice Warren Burger wrote presciently: “When our country is embarked upon a multibillion dollar prison construction program, it is fair to ask: Are we going to build

more expensive human ‘warehouses,’ or should we change our thinking and move towards factories with fences around them, where inmates can acquire education and vocational training and then produce marketable goods?”



What would happen if

Americans decided to treat prison workers like, well, workers?

History has answered Burger: warehouses. But it doesn’t have to be that way. What would happen if Americans decided to treat prison workers like, well, workers?



It’s a noisy Wednesday at the Brown Creek metals plant in Polkton, North Carolina. The plant’s approximately 55 workers make fire rings for state parks, industrial sinks for school cafeterias, contraband lockers for the police. Some are experts in CAD, computer-aided design. Others are journeyman welders.

A 44-year-old man named Joshua\* built the plant's plasma burn table from a pile of mail-order parts. Before he went to prison for sexual assault in 1999, Joshua made \$15 an hour as a machinist making automobile cylinders; now he makes \$15 a week operating the plasma cutter, designing and creating custom metal piecework. During his downtime at work, he uses left-over scrap metal to design and build grandfather clocks that keep remarkably accurate time. One sits next to his workstation, pendulum swinging, marking his time in custody: 15 years down, 8 to go.

“ Modern-day correctional industries date back to the 1930s, when Franklin Delano Roosevelt won the support of a reluctant American Federation of Labor to create Federal Prison Industries.

This plant and 31 others like it compose the North Carolina Correction Enterprises program, which puts inmates to work producing goods for sale to “tax-supported entities” like municipal or county governments. Every state, along with the Federal Bureau of Prisons, runs a similar program in which inmates learn skilled work that can ease their transition to the outside. Modern-day correctional industries date back to the 1930s, when Franklin Delano Roosevelt won the support of a reluctant American Federation of Labor to create Federal Prison Industries, with the dual aim of rehabilitating inmates and easing the burden on the taxpayer. “If we send men to prison, and don’t let them work, the taxpayer must foot the entire bill,” the Federal Prison Bureau director told *The New York Times*. FPI—now more commonly known as Unicor—sells products exclusively to the federal government, with the aim of minimizing competition with private-sector companies. State correctional industries follow similar rules.

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\*“Joshua” is a pseudonym. The North Carolina Department of Corrections requested that inmates’ real names not be used in this story.

“ Inmates also do telemarketing and data entry. They build office furniture, fill eyeglass prescriptions, manufacture cleaning supplies, and produce clothing—including, in North Carolina, their own uniforms and those of the correctional officers keeping watch over them.

A hybrid between a for-profit business and a rehabilitation program, correctional industries are typically self-supporting: Program revenue, not taxpayers, pays for equipment, supplies, inmate wages, and staff salaries, and profit is rolled back into the program. But the idea is to train workers, not to compensate them; pay is only slightly higher than for prison-maintenance jobs.

Still, even the savings Joshua has wrung from his \$15 a week has made some difference, he says: “I send my kids money orders and buy them books. I’ve sent them several hundred dollars over the last couple years. I wish I could send them more.” But he has no complaints about the work: “I love making useful things. I do take pride in my work. I do like learning. I would wilt and die if forced to do some job such as folding sheets or slopping trays day in, day out for years.”

The iconic prison job, making license plates, is typically a correctional industries job. Inmates also do telemarketing and data entry. They build office furniture, fill eyeglass prescriptions, manufacture cleaning supplies, and produce clothing—including, in North Carolina, their own uniforms and those of the correctional officers keeping watch over them. Prisoners gentle wild horses in Wyoming, raise water buffalo for mozzarella cheese in Colorado, and build motorcycles in Nevada. A men’s prison in Chino, California, runs a commercial dive school for inmates, training them to work as commercial divers, underwater welders, and heavy-construction riggers—highly specialized jobs that pay upward of \$50,000 per year. Their recidivism rate is less than 7 percent, compared to 64 percent of the state’s general prison population.

“When we can see a guy come in here with no marketable job skills—the only job he’s probably had is street pharmaceuticals—and he learns a skill and takes that skill out when he’s released, that’s the most rewarding part for me,” says Clayton Wright, the plant manager at Brown Creek. The warm metal makes the shop smell like a toaster oven, and the din is so loud that Wright is shouting. “I’ve been in my office and got phone calls from past inmates: ‘I got a job making 30 bucks an hour. I’m so happy.’ I’ve also gotten calls from employers, who ask, ‘Do you have any more like so-and-so? He’s one of my best.’ We’re so proud of that.”

Programs like North Carolina’s are designed with a certain amount of intentional inefficiency, aiming to employ as many inmates as possible for as many hours as possible. During downtime at the factory, Wright encourages the men to experiment with the materials and equipment; that’s how Joshua came to make grandfather clocks.

“What we want to do is, when they’re released, for them to feel unnatural not to be working,” says Mike Herron, who heads up correctional industries in Indiana. “For you and I, if we go a long period of not working, something’s wrong. But they have not lived their life that way. We’re trying to change that habit to where they need to work, mentally, just as much as you and I do.” Herron’s program stands out because almost every job—from cabinet-maker to electrician to housekeeper—comes with a Department of Labor apprenticeship, including one through the Library of Congress in which inmates produce Braille books for state-run schools for the blind. Apprentices leave prison with documented bona fides that help to counterbalance the difficulty they’ll face in job hunting. “These guys are felons, so paper helps them get in the door when they get outside,” Wright says.

““ One Washington state study found that working in correctional industries significantly reduces future crime rates and that the state saves \$6 for every \$1 it spends to launch the programs.

Research bears him out. One Washington state study found that working in correctional industries significantly reduces future crime rates and that the state saves \$6 for every \$1 it spends to launch the programs. In Tennessee, the state’s correctional industries program, TRICOR, estimates that taxpayers

save \$3.3 million each year by giving 1,500 inmate-employees a productive way to occupy their time. On the federal level, inmates who have worked in correctional industries are 35 percent less likely to land back in prison; a decade later, recidivism in this group was still substantially lower.

But correctional industries, all told, employ only about 60,000 inmates—less than 4 percent of America’s prisoners. Why does a program with proven results remain so marginal? Largely because private-sector companies see inmates doing work that they do, at a fraction of the labor costs, and cry foul.

The thicket of laws and regulations meant to alleviate that complaint—prohibiting most inmate-made goods from being sold across state lines or in the open market—limits correctional industries’ customers and hampers their growth, but it doesn’t address the root problem. “If the government would otherwise be buying its pencils from a private vendor,” the fact that they get them from prisoners still means that a private pencil vendor is out of a sale, notes Noah Zatz, a University of California, Los Angeles, law professor who studies nontraditional employment.

American Apparel, an Alabama manufacturer of military uniforms (not affiliated with the retailer of the same name), says it had to lay off 225 workers in 2012 when it lost a contract



to Unicolor. “We pay employees \$9 [per hour] on average,” American Apparel’s Kurt Wilson told CNN *Money*. “They get full medical insurance, 401(k) plans, and paid vacation. Yet we’re competing against a federal program that doesn’t pay any of that.” Last year Alpine Steel, a Las Vegas company, became the target of competitors’ ire when it paid

Nevada inmates minimum wage for work that on the outside would pay \$18 or \$19 per hour. “Competing against prison labor reduces the number of jobs available in our industry and hampers our businesses from expanding,” read a petition from competitor XL Steel and a half-dozen other local steel companies.

Alpine Steel was participating in the one prison work program that does pay competitive wages—at least in theory. The Prison Industry Enhancement Certification program (PIE) was created in 1979, over labor unions’ strong objections, after high-profile prison riots convinced politicians and the public that prisoners needed something useful to do. For the first time since convict-lease programs were outlawed, for-profit companies were permitted to set up factories inside prisons with inmates as employees. In 38 states, inmates do mostly factory-style work like packaging products, assembling clothing, and building circuit boards. Unlike correctional industries goods, these products can be sold on the open market. To avoid undercutting private-sector wages, companies must pay “prevailing wage” for their particular industry, although in practice this often means minimum wage; then the prison can deduct up



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to 80 percent of pay for “room and board,” victims’ compensation, and mandatory savings. Still, even with these enormous deductions, PIE jobs are the highest paid in prisons; the top of the pay scale is \$16.95 per hour before deductions, according to the National

Corrections Industries Association (NCIA), an industry group charged with auditing PIE programs.

The PIE program accounts for fewer than 5,000 jobs—less than 1 percent of working inmates. Still, the direct link between corporate profit and prison labor—and, by extension, the potential for profit-driven exploitation—has made it a target for criticism.

Proponents of prisoners’ and workers’ rights point to a push by the American Legislative Exchange Council, or ALEC, to “improve and expand federal prison industries” in several states. Known for its “model laws” crafted in partnership between extreme right-wing legislators and powerful corporations, ALEC drafted the 1995 Texas Prison Industries Act, which expanded the program there and has since been replicated around the country.

A loophole in the federal PIE legislation exempts companies from paying prevailing wage when the work is designated as a “service” rather than a “job,” and a recent exposé on the website Truthout identified at least one company exploiting that loophole to dangerous effect: An Arizona firm, Martori Farms, which supplies produce to Wal-Mart, was paying inmates \$2 an hour for involuntary agricultural work in the desert sun, with inadequate water or sunscreen.

Labor unions would normally be an obvious advocate for exploited workers like these. But they have traditionally been either openly hostile or uncomfortably silent when it comes to prison labor, since inmate workers are seen as undercutting wages and competing for work with free-world union members. Neither the AFL-CIO nor the Service Employees International Union has an official position on prison labor. While the AFL-CIO's deputy policy director Kelly Ross says that "clearly we are in favor of raising standards for prison workers in terms of wages and working conditions," neither union has organized on behalf of inmate workers. Union workers in trades and manufacturing, two of prison labor's primary industries, are already struggling in post-industrial America. Many see prison workers along with sweatshops in China as a threat to their wages and their jobs.

“ Many see prison workers along with sweatshops in China as a threat to their wages and their jobs.”

“Jobs are already under attack because of low-cost imports,” said Ann Hoffman of the textile workers' union UNITE at a 1997 congressional hearing. “Our workers cannot afford to compete with the wages and the lack of benefits that exist in the prisons.”

Unicor and proponents of state correctional industries argue, of course, that they're not stealing jobs or suppressing wages. Lockdowns and other prison-related drags on productivity more than make up for the wage savings, NCIA officials say, and besides, they purposefully do a diverse array of work so as to limit their impact on any one industry. Before launching a new program, corrections programs collaborate with state and local agencies to make sure they're not displacing existing jobs. “In times of high unemployment like we've had the last few years, Correctional Industries is even more careful than in good



Prisons have no incentive to pay inmates better—to the contrary. Unlike workers in the free market, who (theoretically, anyway) can weigh factors like pay, working conditions, and other benefits when deciding where to work, inmates do not have a choice between employers. If they need the money, or the experience, they must take or leave what the prison is offering.

times of employment,” says Gina Honeycutt, executive director of the NCIA.

And ‘round and ‘round the argument goes. When the *a priori* assumption is that inmates should not compete for free-world work, the

argument is narrow: Opponents say that inmate labor displaces competitors on the outside, while supporters say it doesn’t.

But the back-and-forth debate elides a larger question: So what if it does? We may all agree that by committing certain crimes, people forfeit their right to be free, at least

“ Ultimately, does it serve justice—or benefit the economy—to have so many people released from prison with sizable debts, no job skills, and nowhere to turn but to crime or the government safety net?

for a time. Must that also mean they forfeit their right to fair pay for their work? Ultimately, does it serve justice—or benefit the economy—to have so many people released from prison with sizable debts, no job skills, and nowhere to turn but to crime or the government safety net?



Those who claim, as many do, that “every job a prisoner has is a job a person in the free world does not have” misunderstand how economies function, according to economists who have studied the issue. Think of these jobs not as a one-for-one swap—there’s only one position, and either I have it or you have it—but rather as a spiral. Economists call it a “multiplier effect”: Unemployment begets unemployment. Communities with high rates of incarceration don’t just lose the workers who go to prison. They lose the money those workers (and their families) spend at the local grocery, banks, restaurants, and shops. The impact is felt through generations; studies show that having a parent in prison hampers a child’s prospect of upward economic mobility. If the law required that inmates be paid wages comparable to peers doing similar work on the outside—what the PIE program is supposed to do—their jobs would have the opposite effect. When the inmate sent his income home, he’d help create additional jobs.

“ Communities with high rates of incarceration don’t just lose the workers who go to prison. They lose the money those workers (and their families) spend at the local grocery, banks, restaurants, and shops.

Paying inmates a prevailing wage would eliminate the complaint by free-world competitors and labor unions that prison shops are undercutting wages, since the wages would be the same on the inside and on the outside. It would help inmates

“ Prison is a deadening, horrific experience, and people line up for these jobs, whether they’re safe or unsafe, exploitative or not.

make amends for their crimes, too, by allowing them to pay restitution to victims. And it would help them to accumulate some savings so they can rebuild their lives when they’re released.

But prisons have no incentive to pay inmates better—to the contrary. Unlike workers in the free market, who (theoretically, anyway) can weigh factors like pay, working conditions, and other benefits when deciding where to work, inmates do not have a choice between employers. If they need the money, or the experience, they must take or leave what the prison is offering. “Prison is a deadening, horrific experience, and people line up for these jobs, whether they’re safe or unsafe, exploitative or not,” says Heather Ann Thompson, a Temple University historian who studies labor history and criminal justice.

There is one way to change the system fundamentally: Bring prison jobs under the Federal Labor Standards Act (FLSA), which sets minimum standards for wages and working conditions.

Don’t count on it happening anytime soon. Prison administrators say that paying real wages for real work would make them go bankrupt. Correctional industries administrators say the same thing: If inmates received the minimum wage, “we wouldn’t exist,” says Indiana’s Mike Herron. “Security costs and other costs are so high.” Even with the rising public and political recognition that America’s massive prison system is a costly, counterproductive mess, it’s inconceivable that lawmakers—who would be assailed by labor, business, *and* tough-on-crime holdouts—will take such a radical step any time in the near future.

Genuine prison-labor reform would almost surely have to come through the courts. For decades, inmates have been asking the judiciary to step in and require that prisons treat their inmate employees like employees. Countless judges, both state and federal, have held that inmate workers need not be offered the same rights or protections as free-world workers. But from one ruling to the next, they can't agree on why, exactly.

Some dismiss the claims on their face, concluding, as the 9th Circuit did in 2010, that “the Thirteenth Amendment does not prohibit involuntary servitude as part of imprisonment for a crime.” Other judges have grappled with the nature of

the work, for instance whether the work is being done inside the prison or outside, as in work release programs. But as UCLA's Zatz points out, “you can have a call center in a prison that's competitive with other call centers. It's sort of irrelevant, physically where it's located.” Some judges zeroed in on who is buying the goods—the distinction between public and private customers that correctional industries officials are so careful to make. “Each of these is a kind of attempt to draw a boundary between the world of the prison and the world of the market,” Zatz says. “None of them really makes any sense. But you see courts constantly grasping for these kinds of explanations as a way to separate out inmates from regular workers.”

Employment law is supposed to rely on a three-pronged test to determine whether two people are engaged in an employee-employer relationship: Are they producing something of value?



Countless judges, both state and federal, have held that inmate workers need not be offered the same rights or protections as free-world workers. But from one ruling to the next, they can't agree on why, exactly.

“ In America, breaking the law has become more than just an occasion to be punished or even rehabilitated. It has become a permanent mark of who you are and what our country thinks you’re entitled to earn.

Are they getting paid for their work? Do they have a supervisor telling them what to do? Prison jobs meet all three criteria. “The puzzle,” Zatz says, “is the way in which courts have a strong instinct: No, there’s something different here. And then they run around in circles trying to figure out what that something different is.”

The something different is a moral judgment: Inmate workers are seen as less deserving of a decent job or a competitive wage. The courts, in this sense, are reflecting public sentiment. It’s why the idea that “law-abiding citizens . . . need jobs worse than inmates” (in the words of one recent Nevada editorial page) resonates the way it does. It’s the same reason people with felony convictions have such a hard time finding a job, why in so many states they’re barred from voting, why a criminal record can prevent you from living in public housing or securing student loans, and why political candidates have long won more votes with punitive rhetoric than with compassion or level-headed talk of prevention. In America, breaking the law has become more than just an occasion to be punished or even rehabilitated. It has become a permanent mark of who you are and what our country thinks you’re entitled to earn.

For one brief moment, in 1992, prison-labor reform looked possible. Since the 1970s, a group of inmate workers in Arizona and their lawyer, Michael St. George, had pursued a case further and further up the courts, finally convincing the Ninth Circuit Court of Appeals, in *Hale v. Arizona*, that the Fair Labor Standards Act should apply to them. It appeared as though Arizona prisons would have to start paying inmates minimum wage. The ripple effect would have



been enormous: Americans would have been forced not only to rethink their views of prisoners' rights but to reconsider the prison system altogether. The country could not afford to incarcerate 1.6 million people if they all had workers' rights.

But it never came to that. The state appealed the decision, the Ninth Circuit reheard the case with 11 judges instead of the original 3-judge panel, and the court over-

turned its own ruling the following year. Why? When you ask St. George to explain the court's logic, his voice carries decades' worth of weariness: "The Ninth Circuit decided," he says, "that the Fair Labor Standards Act didn't apply to those inmates, because they were prisoners." ■

“ “ The country could not afford to incarcerate 1.6 million people if they all had workers' rights.

## DISCUSSION QUESTIONS

1. If workers in prison were in the general labor force, which of their rights would prison labor laws be violating?
2. How would you change the work programs mentioned in the article to avoid exploitation and better prepare imprisoned people for a life after prison?
3. What attitudes about people in prison drive prison labor programs?
4. According to the article, what are the costs to society for high incarceration rates?
5. How does the policing described in Chapter 1 contribute to the prison workforce issues?
6. What other solutions, not mentioned in this chapter, do you see for the issues of rehabilitation and prison labor?



## CHAPTER FOUR

# SCHOOL SEGREGATION, THE CONTINUING TRAGEDY OF FERGUSON

Nikole Hannah-Jones

*This article is about racial segregation in American schools, using the example of St. Louis, Missouri, and its Normandy district.*

*SOURCE: This story was originally published by ProPublica. Hannah-Jones, Nikole. 2014. "School Segregation, the Continuing Tragedy of Ferguson." ProPublica, December 19, 2014. <https://www.propublica.org/article/ferguson-school-segregation>. Reprinted with permission.*

## KEY POINTS

- Michael Brown was shot and killed by police in 2014, only eight days after graduating high school. While much was made of his college ambitions, his school district, Normandy, is one of the poorest in the country, and his struggle to graduate illustrates the vast inequality and segregation in American schools. Half of Brown's Black male schoolmates never graduate, and one in four attends a four-year college. Brown was going to attend a for-profit trade school.
- The United States has a stubbornly segregated system. Although school desegregation efforts successfully integrated many schools, over the past 15 years, segregation has gotten much worse, due to the end of the desegregation era that began with the civil rights movement.
- In the past 15 years, the number of “apartheid schools” (where the white population is 1 percent or less) has greatly increased. The “achievement gap” has also widened.
- Black and Latino children are the least likely to be taught by a qualified, experienced teacher, to get access to courses such as chemistry and calculus, and to have access to technology. In 2014, the Office of Civil Rights claimed that the level of school segregation in the United States may be unconstitutional.
- In St. Louis and some suburbs, a successful integration project was short-lived and abandoned after only a few years. Forty-four percent of Black students in St. Louis attend schools that are so poorly performing that they have lost their accreditation (as opposed to 4 percent of white students).

*(Continued)*

(Continued)

- St. Louis, on the border between the North and South, has a long history of segregation. The practice of “redlining” (making it difficult or impossible for people of color to own homes) and massive white flight from the city between 1950 and 1970 led to vast inequality between affluent suburbs and poorer districts.
- During the height of a short-lived desegregation effort in St. Louis, between 1981 and 1983, 15,000 students (including Michael Brown’s mother) integrated white districts, despite fierce opposition from white St. Louis residents. Conservative politicians fought to abandon the program, particularly because of its expensive price tag of \$1.7 billion.
- Now, only 4,800 students participate in the desegregation program. More than seven times that number apply to participate.
- Brown’s Normandy district, which has struggled with losing its accreditation, and the parents of some students sued the state to ensure a better education for their children. They won the right to transfer their children to accredited schools, despite opposition from the state.
- Students from segregated schools are less likely to experience success, and their children are likely to experience the same issues. They are more likely to experience poverty, go to jail, and live in segregated neighborhoods as adults. They are also less likely to graduate high school, go to college, or finish college.

On August 1, five black students in satiny green and red robes and mortar boards waited inside an elementary school classroom, listening for their names to be called as graduates of Normandy High

School. The ceremony was held months after the school's main graduation for students who had been short of credits or had opted not to participate earlier.

One of those graduating that day was Michael Brown. He was 18, his mother's oldest son. He was headed to college in the fall.

Eight days later, Brown was dead—killed in the streets of nearby Ferguson, Mo., by a white police officer in a shooting that ignited angry protests and another round of painful national debate about race, policing and the often elusive matter of justice.

News reports in the days and weeks after Brown's death often noted his recent graduation and college ambitions, the clear implication that the teen's school achievements only deepened the sorrow over his loss.

But if Brown's educational experience was a success story, it was a damning one.

The Normandy school district from which Brown graduated is among the poorest and most segregated in Missouri. It ranks last in overall academic performance. Its rating on an annual state assessment was so dismal that by the time Brown graduated the district had lost its accreditation.

About half of black male students at Normandy High never graduate. Just one in four graduates enters a four-year college. The college where Brown was headed is a troubled for-profit trade-school that a U.S. Senate report said targeted students

“ Brown's tragedy, then, is not limited to his individual potential cut brutally short. His schooling also reveals a more subtle, ongoing racial injustice: the vast disparity in resources and expectations for black children in America's stubbornly segregated educational system.

for their “vulnerabilities,” and that at one time advertised itself to what it internally called the area’s “Unemployed, Underpaid, Unsatisfied, Unskilled, Unprepared, Unsupported, Unmotivated, Unhappy, Underserved!”

A mere five miles down the road from Normandy is the wealthy county seat where a grand jury recently decided not to indict Darren Wilson, the officer who killed Brown. Success there looks drastically different. The Clayton Public Schools are predominantly white, with almost no poverty to speak of. The district is regularly ranked among the top 10 percent in the state. More than 96 percent of students graduate. Fully 84 percent of graduates head to four-year universities.

Brown’s tragedy, then, is not limited to his individual potential cut brutally short. His schooling also reveals a more subtle, ongoing racial injustice: the vast disparity in resources and expectations for black children in America’s stubbornly segregated educational system.

As *ProPublica* has documented in a series of stories on the resegregation of America’s schools, hundreds of school districts across

“ According to data compiled by the Education Department, black and Latino children are the least likely to be taught by a qualified, experienced teacher, to get access to courses such as chemistry and calculus, and to have access to technology.

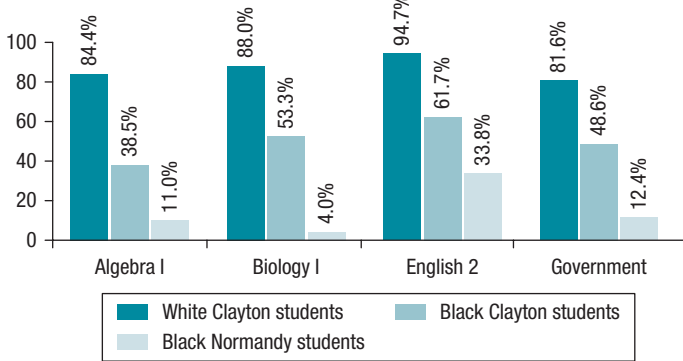
the nation have been released from court-enforced integration over the past 15 years. Over that same time period, the number of so-called apartheid schools—schools whose white population is 1 percent or less—has shot up. The achievement gap, greatly narrowed during the height of school desegregation, has widened.

“American schools are disturbingly racially segregated, period,” Catherine Lhamon, head of the U.S. Education Department’s civil rights office, said in an October speech. “We are reserving our expectations for our highest rigor level of courses, the courses we know our kids need to be able to be full and productive members of society, but we are reserving them for a class of kids who are white and who are wealthier.”

According to data compiled by the Education Department, black and Latino children are the least likely to be taught by a qualified, experienced teacher, to get access to courses such as chemistry and calculus, and to have access to technology.

**What Proficiency Looks Like in Clayton and Normandy**

Percentage of students passing state tests, by race.



Missouri tracks students’ progress toward the state’s achievement goals through End-Of-Course assessment tests. End-Of-Course assessments are grouped by subject, not grade level. This graphic shows the percentage of students by race and district who scored as “proficient” or “advanced” in each subject. Scores were not available for white Normandy students as there were less than 30 students who took the test.

(Source: Missouri Department of Elementary and Secondary Education)

The inequalities along racial lines are so profound nationally that in October the department's Office for Civil Rights issued a 37-page letter to school district superintendents warning that the disparities may be unconstitutional.

Few places better reflect the rise and fall of attempts to integrate U.S. schools than St. Louis and its suburbs.

Decades of public and private housing discrimination made St. Louis one of the most racially segregated metropolitan areas in the country. Out of that grew a network of school district boundaries that to this day have divided large numbers of black students in racially separate schools as effectively as any Jim Crow law.

In 1983, under federal court order, St. Louis and some of its suburbs embarked on what would become the grandest and most successful interdistrict school desegregation program in the land,

one that, at least for a time, broke the grim grip of ZIP codes for tens of thousands of black students. As an elementary school student, under this order, Michael Brown's mother rode the bus from St. Louis to affluent Ladue.

But like so many other desegregation efforts across the country, the St. Louis plan proved short-lived,

largely abandoned after several years by politicians and others who complained that it was too costly. Jay Nixon, Missouri's current governor, whose response to Brown's killing has come under intense scrutiny in recent months, helped lead the effort that brought the court order to a close.



Like so many other desegregation efforts across the country, the St. Louis plan proved short-lived, largely abandoned after several years by politicians and others who complained that it was too costly.



Since their retreat from desegregation initiatives, many St. Louis County schools have returned to the world of separate and unequal that existed before the U.S. Supreme Court's landmark decision in *Brown v. Board of Education*.

It could be said that the Normandy school district, where Michael Brown spent the last year and a half of high school, never left. Excluded from the court-ordered integration plan that transformed other school systems in the St. Louis area, Normandy's fiscally and academically disadvantaged schools have essentially been in freefall since the 1980s.

Throughout the region, the educational divide between black children and white children is stark. In St. Louis County, 44 percent of black children attend schools in districts the state says perform so poorly that it has stripped them of full accreditation. Just 4 percent of white students do.

Yet state education officials say there is little political will to change that.

Instead, they have promised to work to make segregated school districts equal, the very doctrine the Supreme Court struck down in the Brown decision.

“We are failing to properly educate the black child,” said Michael Jones, vice president of the Missouri State Board of Education. “Individually, any one person can overcome anything. But we’ve got masses of children with bad starts in life. They can’t win. We ought to be ashamed of that.”

“ We are failing to properly educate the black child. . . . Individually, any one person can overcome anything. But we’ve got masses of children with bad starts in life. They can’t win. We ought to be ashamed of that.”

Since Aug. 9, the day Michael Brown's lifeless body lay for hours under a hot summer sun, St. Louis County has become synonymous with the country's racial fault lines when it comes to police conduct and the criminalization of black youth. But most black youth will not die at the hands of police.

They will face the future that Brown would have faced if he had lived. That is, to have the outcome of their lives deeply circumscribed by what they learn and experience in their segregated, inferior schools.

## DRED SCOTT, DESEGREGATION AND A DEARTH OF PROGRESS

Missouri is what the locals like to call a Southern state with Northern exposure. It entered the Union through a compromise that determined how much of the country would permit slavery and wound up a slave state surrounded on three sides by free states.

It was in a St. Louis case in 1857 that the U.S. Supreme Court handed down one of its most infamous opinions. The court, in ruling against the enslaved Dred Scott, affirmed that black people were not citizens and “had no rights that the white man was bound to respect.”

The spirit of the ruling reverberated for generations in St. Louis, which in the years after the Civil War became the destination for large numbers of former slaves. Indeed, the Mississippi River town became a national leader in how to contain what white real estate agents called the “Negro invasion.”

In 1916, after a successful campaign that included placards urging, “Save Your Home! Vote for Segregation!,” the city's residents passed a measure requiring that black and white residents live on separate, designated blocks. In doing so, St. Louis became the

first city in the country to require housing segregation by popular ballot. The tactic eventually fell to a legal challenge, but white residents found other ways to keep themselves, and their schools, protected from black residents.

“ St. Louis became the first city in the country to require housing segregation by popular ballot.

One way was to write segregation into the sales contracts of houses. The clauses, known as real estate covenants, ensured the whiteness of neighborhoods by barring the sale of homes to black homebuyers—ever, and across entire sectors of the city. These practices quickly created a clear dividing line in St. Louis that endures to this day: Black people north of Delmar Boulevard; white people south.

In 1948, another landmark St. Louis case led to the U.S. Supreme Court striking down the enforcement of real estate covenants anywhere in the country. The case involved a black resident named J.D. Shelley, who bought a home with a deed restriction and then was sued by a white homeowner, Louis Kraemer, trying to block him from moving into the subdivision.

With legal discrimination under attack in the courts, white residents began abandoning St. Louis altogether. From 1950 to 1970, the city lost nearly 60 percent of its white population. This white flight was partly underwritten by the federal government, which secured loans reserved only for white homebuyers.

Town after town sprung up along the northern edge of St. Louis, some no larger than a single subdivision. Immediately, many forbade rentals and required homes to be built on large, more expensive lots. These devices helped keep neighborhoods white because black residents tended to be poorer and had difficulty getting home loans after decades of workplace, lending and

Whitney Curtis for ProPublica; reprinted with permission.



- Schoemehl pots, concrete sewer pipes filled with dirt named for former
- St. Louis Mayor Vincent Schoemehl. These barricades, ubiquitous in
- St. Louis, block off the heavily white neighborhoods along Delmar
- Boulevard, the city's infamous racial dividing line.

housing discrimination. Even today, 77 percent of white St. Louis area residents own their homes, compared to 45 percent of black residents, the U.S. Census shows.

Some of the tactics employed by St. Louis suburbs, including zoning, also were knocked down by courts.

“A century of white effort had lastingly etched the county map: a struggling, heavily black urban core surrounded by a constellation of 90 segregated little towns.

But court victories, in the end, mattered little. A century of white effort had lastingly etched the county map: a struggling, heavily black urban core surrounded by a constellation of 90 segregated little towns.

“St. Louis yielded some of the starkest racial dividing lines in any American city, North or South,” said Colin Gordon, a University of Iowa professor who traces this history in his book *Mapping Decline: St. Louis and*

*the Fate of the American City.* “I like to think of St. Louis not as an outlier, but one in which all the things we’re talking about are just more visible.”

## A SEGREGATION SUCCESS, QUICKLY ABANDONED

One legal fight breached—at least temporarily—the St. Louis area’s stark boundaries of home and property, and with them the 24 segregated school districts covering those 90 segregated little towns.

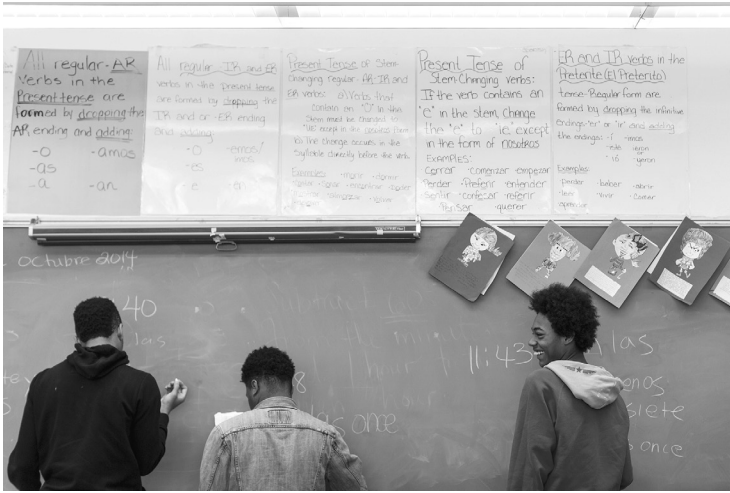
In 1954, the year of the *Brown v. Board of Education* Supreme Court decision, St. Louis ran the second-largest segregated school district in the country.

In the face of the ruling, school officials promised to integrate voluntarily. But they redrew school district lines around distinctly black and white neighborhoods to preserve their segregated schools. Even so, many white families still left, avoiding the chance of integration by simply moving across municipal lines. By 1980, 90 percent of black children in St. Louis still attended predominantly black schools.

With few white students left, it was clear that a desegregation plan that did not include the white suburbs would be futile. In 1981, a federal judge called for a plan to bus black St. Louis children to white suburban schools.

White suburban residents, and their school leaders, revolted. They filed motions in court and penned angry letters to the local newspaper. The judge, William Hungate, responded by threatening to do the one thing the white suburbs feared more than the bussing plan:

“ School officials promised to integrate voluntarily. But they redrew school district lines around distinctly black and white neighborhoods to preserve their segregated schools.”



- Junior Christopher Higgins, right, works at the chalkboard with other
- Normandy High School students. Research shows students of all races
- and incomes do worse in segregated schools.

Dissolve the carefully constructed school district boundaries and merge all 24 of the discrete districts into a single metro-wide one.

The opposition to the plan to bus children out of St. Louis collapsed. In 1983, St. Louis and its suburbs enacted the largest and most expensive interdistrict school desegregation program in the country.

At its peak, some 15,000 St. Louis public school students a year went to school in 16 heavily white suburban districts. Another 1,300 white students headed the opposite direction to new, integrated magnet schools in St. Louis.

The program had its flaws—chief among them, that it left another 15,000 of St. Louis’s black students in segregated, inferior schools. And the transition of black urban students into white suburban schools was not always smooth.

But for the transfer students who rode buses out of the city, the plan successfully broke the deeply entrenched connection

between race, ZIP code and opportunity. Test scores for 8th and 10th grade transfer students rose. The transfer students were more likely to graduate and go onto college.

In surveys, white students overwhelmingly said they'd benefited from the opportunity to be educated alongside black students. In short order, St. Louis's was heralded by researchers and educators as the nation's most successful metro-wide desegregation program.

But from the moment it started, the St. Louis effort was under assault. It

was never popular among the area's white residents. Politicians, Republicans and Democrats alike, vowed to end the program.

Then-state Attorney General John Ashcroft tried first, appealing St. Louis' school desegregation case all the way to the Supreme Court. He was succeeded by Jay Nixon, a Democrat who matched Ashcroft's fervor in seeking to end the program.

"Nixon came from a rural area. His position on school desegregation was more of a Southern Democrat, and it came pretty close to massive resistance," said William Freivogel, director of Southern Illinois University's School of Journalism, who covered the Supreme Court for the St. Louis Dispatch during the 1980s and early 1990s. "I once wrote that Nixon behaved like a Southern politician standing in the schoolhouse door."

Nixon never expressly opposed the idea of integration. His argument centered on what he considered the astronomical costs of the desegregation plan. The price tag, initially in the hundreds of millions of dollars, would reach \$1.7 billion.

Nixon, who would not be interviewed for this article, launched a number of legal challenges and prevailed in 1999 when supporters

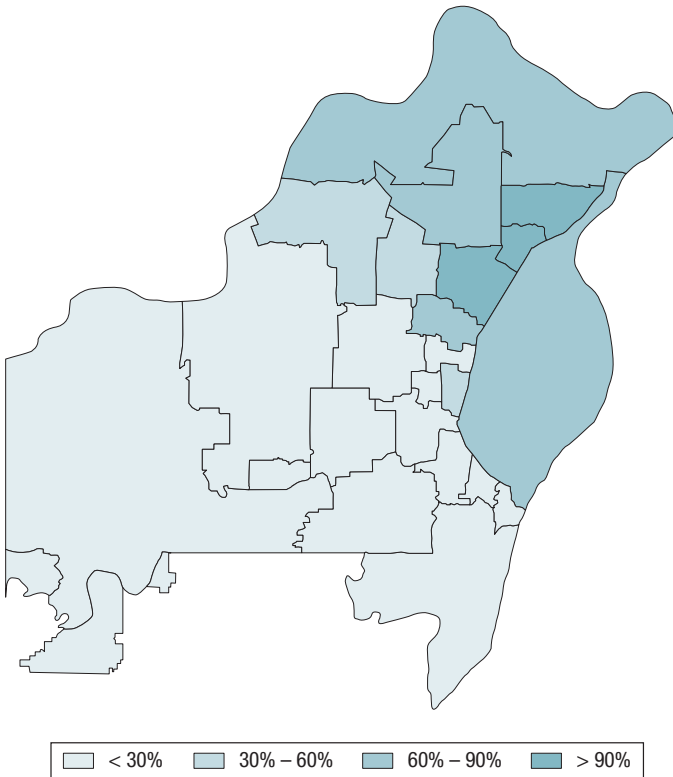


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of the desegregation plan ultimately agreed to make the program voluntary. Nixon had successfully challenged Kansas City's desegregation plan before the U.S. Supreme Court, and some feared he would be similarly successful if the St. Louis case came before the court.

Districts soon began to drop out of the program, and the number of students participating steadily dwindled. Today, the voluntary program remains in place, still the largest of just eight interdistrict

### Concentration of Black Students in St. Louis County School Districts



St. Louis County is etched into 24 racially distinct school districts, with heavily black schools (indicated in blue) clustered in the city of St. Louis and its northern suburbs, and heavily white schools to the west and south.

(Source: Missouri Department of Elementary and Secondary Education)



desegregation programs in the country. But it is a shadow of what it once was. Some 4,800 students get to escape the troubles of the St. Louis public schools, but each year, the program receives seven times as many applicants as open spaces.

Amy Stuart Wells is a Columbia's Teachers College professor who co-authored a book, "Stepping Over the Color Line: African-American Students in White Suburban Schools," on the impact of the St. Louis plan on transfer students.

"I don't think many people realized how far ahead St. Louis really was," she said. "There are hundreds of thousands of people in the St. Louis metro area who were affected by this plan, but (the suburbs) did it because they had to and nobody said, 'Look, we're a national model for our country.'

There were seeds sewn that could have been so much more.

"This was the epicenter of where people tried to grapple with race, and failed miserably."

“ ” This was the epicenter of where people tried to grapple with race, and failed miserably.

## FEARS, FLIGHT AND A SUDDENLY BLACK SUBURB LEFT TO CRUMBLE

The white flight out of St. Louis left behind a trail of decay, as it did in many large Northern cities. City services lapsed when more affluent residents left. Businesses and jobs migrated as well. The schools in particular suffered.

Not surprisingly, black residents who could afford it looked for a way out, too. They looked to older North St. Louis suburbs, including Normandy. Incorporated in 1945 and covering fewer than two square miles, Normandy became a destination for the city's fleeing white working class.

Nedra Martin’s family was among the black strivers who began to make their way to Normandy. Martin, who lives in Normandy today and works for Wal-Mart, said her parents first came to the town in 1975. They both worked government jobs—her dad was a welder for the city, her mom an aide in a state group home.

“My parents raised us to know that we are as good as anybody else,” Martin said.

But as black families like the Martins moved in, “For Sale” signs went up. White families started moving out, often to emerging outposts even farther from the heart of St. Louis.

After 1970, black enrollment in the Normandy schools exploded, more than doubling within eight years to 6,200. By 1978, only St. Louis enrolled more black students than Normandy.

Yet Normandy was left out of the metro-wide desegregation order that produced those few years of brighter outcomes for

black students between 1983 and 1999. The order capped black enrollment at suburban districts at 25 percent, and Normandy and six other North St. Louis suburbs were already too black.

Instead, the Normandy schools buckled under their swift demographic shift, beginning a steep decline. Many of the best teachers followed the white and middle-class exodus. Instruction fell off. The district suffered from a revolving door of leadership, with principals and superintendents seldom sticking around more than a couple of years. Unable to meet minimum requirements for student achievement, the district clung to provisional accreditation for 15 years.



Housing discrimination continues to keep black families out of communities with quality schools, according to a 2013 St. Louis housing study.

But black families had less freedom to simply move away to better school districts than even their poorer white neighbors. Housing discrimination continues to keep black families out of communities with quality schools, according to a 2013 St. Louis housing study.

The most affluent black families in Normandy, then, often opted out of the local school system, paying to send their children to private school. As a result, Normandy's schools ended up considerably poorer and more racially segregated than the communities they serve.

For years, the Normandy school system walked an academic tightrope. Then, in 2009, the state made matters worse.

New Education Commissioner Chris Nicastro decided that it was time to move on segregated districts that consistently failed their students. The state shuttered Wellston, a desperately poor, 500-student district next to Normandy that held the distinction of being Missouri's only 100 percent-black school system.

One state official had called conditions in Wellston's schools "deplorable" and "academically abusive."

The issue for state officials was what to do next with Wellston's students.

One thing was clear: The students were not going to be absorbed into any of the high-performing, mostly white districts nearby. Jones, the state board of education official, was blunt about why: "You'd have had a civil war."

Officials then turned to Normandy, which already enrolled almost

““ Merging two impoverished, struggling systems made sense to almost no one, especially the officials in charge of Normandy's schools. The state went forward with it anyway.

5,000 students. Merging two impoverished, struggling systems made sense to almost no one, especially the officials in charge of Normandy's schools.

The state went forward with it anyway.

“If you are strictly doing what’s best for all kids, you don’t merge those two districts,” Stanton Lawrence, Normandy’s superintendent at the time, said in a recent interview. “Why would you do that? They had written those kids off.”

#### The Difference Between Clayton and Normandy

Five miles separate the Clayton and Normandy school districts, but much more sets them apart. Here are some characteristics of the two districts from the 2013-2014 school year.

	CLAYTON	NORMANDY
Accreditation status	Accredited	Unaccredited
4-year graduation rate, white students	96.3%	<i>Too few students to accurately determine</i>
4-year graduation rate, black students	93.8%	61.4%
Average teacher salary	\$71,205	\$59,560
Average spending per pupil	\$17,851	\$15,096
Percentage of high school core classes not taught by “highly qualified” teachers	1.0%	39.7%
Composite ACT score (national average: 21)	25.7	16

(Source: Missouri Department of Elementary and Secondary Education)

## “IT WAS ALL CORRUPT POLITICS”

By the time Michael Brown reached his junior year in high school, he had bounced between local districts and spent most of his career in

racially segregated and economically disadvantaged schools. Behind in credits, he enrolled at Normandy High in the spring of 2013.

If he had dreams of academic success, he could not have wound up in a more challenging place to realize them.

The state's 2014 assessment report on Normandy's schools was spectacularly bleak: Zero points awarded for academic achievement in English. Zero for math, for social studies, for science. Zero for students headed to college. Zero for attendance. Zero for the percent of students who graduate. Its total score: 10 out of 140.

Out of 520 districts in the state, Normandy, where 98 percent of students are black and 9 of 10 were poor in 2013, is marooned at the very bottom.

Decades of research show that segregated, high-poverty schools are simply toxic for students of all races and backgrounds. Just last month, the University of North Carolina at Chapel Hill released a study showing that black first-graders in segregated schools performed worse than black students with the same backgrounds (meaning poverty, parental education and other factors) who attend integrated schools.

But for a moment prior to the start of Brown's senior year, the Normandy district's students were thrown an unlikely lifeline.

““ Decades of research show that segregated, high-poverty schools are simply toxic for students of all races and backgrounds.

Just two years after the merger with Wellston, Normandy's schools were performing so poorly that the state stripped Normandy of its accreditation altogether. That triggered a state law requiring that any student there be allowed to transfer to an accredited district nearby. The law had been challenged by

suburban districts uninterested in absorbing kids from failing schools, but in 2013 the Missouri State Supreme Court upheld it.

For Nedra Martin, whose honors student daughter, Mah'Ria, was stuck in Normandy's failing schools, the development was the miracle she had prayed for. Martin could not afford private schools, and her attempts to enroll her daughter in neighboring white districts had been rebuffed.

Just like that, the court's decision erased the invisible, impenetrable lines of segregation that had trapped her child.

"I was elated," Martin said. "Just elated."

Parents in the school districts that would have to take Normandy's students were not. Normandy had chosen to provide transportation for its transfers to attend Francis Howell, which was 85 percent white at the time and some 26 miles away.

When Francis Howell officials held a public forum to address community concerns, more than 2,500 parents packed into the high school gymnasium.

Would the district install metal detectors? What about the violence their children would be subjected to, an elementary school

parent asked. Wouldn't test scores plummet? The issue wasn't about race, one parent said, "but trash."

Mah'Ria Martin was sitting in the audience that night with her mother. One of the few brown faces in the audience, the rising 8th grader said she wiped away tears.



It made me  
heartbroken

because they were putting us in a box. . . . I was sitting there thinking, "Would you want some other parents talking about your kid that way?"


“It made me heartbroken because they were putting us in a box,” said Mah’Ria, soft spoken but firm, in recalling the episode. “I was sitting there thinking, ‘Would you want some other parents talking about your kid that way?’”

In the fall of 2013, nearly 1,000 Normandy students—about a quarter of the district’s enrollment—fled to schools in accredited districts. More than 400, including Mah’Ria, headed to Francis Howell.

Mah’Ria said that she was, in fact, welcomed by students and teachers at her new middle school. It was the first time in her life that she’d attended a district that had the full approval of the state.

She thrived. And she was not alone.

Despite the fears, recently released state data shows that, with the exception of one district, test scores in the transfer schools did not drop.



Transfer students were referred to as “black gold”: students the districts had to educate but who cost them nothing.

But the success came with a perverse twist. The state required failing districts whose students were allowed to transfer to pay the costs of the children’s education in the adjoining districts. For the whiter, more affluent districts, it was a replay of what had happened during the court-ordered desegregation plan, when transfer students were referred to as “black gold”: students the districts had to educate but who cost them nothing.

The millions of dollars in payments to other districts drained Normandy’s finances. Within months, the district shuttered an elementary school and laid off 40 percent of its staff. Already deeply troubled, the Normandy schools were headed to insolvency.

“In order to save the district, they killed the district,” said John Wright, a longtime St. Louis educator who spent stints as superintendent in both St. Louis and Normandy.

Recognizing the problem of student transfers, the state engineered their end.

This June, when students were on summer break, the state announced that it was taking over the Normandy Public Schools district and reconstituting it as the Normandy Schools Collaborative. As a new educational entity, state officials said, the district got a clean slate. It no longer was unaccredited but operated under a newly created status as a “state oversight district.”

The transfer program, the state claimed, no longer applied. One by one, transfer districts announced that Normandy children were no longer welcome.

Martin and her daughter were devastated. “I honestly felt they were blacklisting our children,” Martin said.

Martin and other parents sued, asserting the state had no legal authority to act as it had. St. Louis lawyer Josh Schindler represented the parents.

“These are just families who want their kids to have a good education. Decent, hard-working people who want their kids to have a chance. . . . This has been a decades-long battle. How are we going to remedy the situation?”

“These are just families who want their kids to have a good education. Decent, hard-working people who want their kids to have a chance,” he said in an interview. “This has been a decades-long battle. How are we going to remedy the situation?”

On August 15, after the new school year had begun in some districts, a state judge granted a temporary



injunction that allowed the plaintiffs to enroll their children in the transfer districts.

“Every day a student attends an unaccredited school,” the judge wrote, the child “could suffer harm that cannot be repaired.”

The ruling brought a rush of relief to many parents.

“I cried and just held onto my kid,” said Janine Crawford, whose son was able return to the Pattonville School District. “It meant that he was going to get a decent education. And it meant that I could take a deep breath.”

The state is still fighting the ruling, and Francis Howell required all transfer students to obtain court orders to return.

Martin briefly returned Mah’Ria to the Normandy schools after they came under state oversight but found them little improved and has since sent her back to Frances Howell. The entire situation has only reinforced her cynicism and despair, she said.

“What about your neighbor? Is it so hard to embrace the children who clearly need your help right now?” she asked. “The whole way this was handled by the state on down was sheisty and underhanded. They were not thinking about the children.”

The state’s top education officials admit that the way they’ve dealt with Normandy has laid bare racial divisions in St. Louis County and beyond. In an interview, Nicastro, the state superintendent, called it a “low point” in her career, a “blight and commentary about Missouri.”

““ Do I think black children in Missouri are getting in all cases the same education as their white counterparts? . . . I’d have to say no.

When asked whether black children in Missouri were receiving an equal education, she paused, then inhaled deeply. “Do I think black children in Missouri are getting in all cases the same education as their white counterparts?” Nicaastro said. “I’d have to say no.”

## LITTLE HOPE AND A TELLING BURIAL

On a cold, clear morning in November, with the grand jury still assessing the killing of Michael Brown, a group of black leaders and concerned citizens gathered in a classroom at Harris-Stowe State University in downtown St. Louis. The school was founded in 1829 to train black teachers.

The gathering produced a recommitment to the solution to segregation floated 30 years before: A single, unified school district for St. Louis and its suburbs.

But there was recognition that the answer would require a long and uphill fight.



We know what would have been best educationally for these kids—we always know what the best thing to do is. What we lack is the moral courage and political will to do it.

“We know what would have been best educationally for these kids—we always know what the best thing to do is. What we lack is the moral courage and political will to do it,” said Jones, of the state Board of Education. “If we had treated the civil rights movement the way we’ve treated the

education of black children, we’d still be drinking out of colored drinking fountains.”

Separate but equal has not worked, Jones said. Not in St. Louis. Not anywhere else. The school lines that advantage some and deprive others, he said, must be toppled.

Students who spend their careers in segregated schools can look forward to a life on the margins, according to a 2014 study on the long-term impacts of school desegregation by University of California, Berkeley economist Rucker Johnson. They are more likely to be poor. They are more likely to go to jail. They are less likely to graduate from high school, to go to college, and to finish if they go. They are more likely to live in segregated neighborhoods as adults.

Their children are more likely to also attend segregated schools, repeating the cycle.

Even in the fog of her grief, Michael Brown's mother spoke to this struggle. With her son's body laying on the concrete behind police tape, Lesley McSpadden cried, "Do you know how hard it was for me to get him to stay in school and graduate?"

"You know how many black men graduate?" she implored. "Not many."

With a diploma from a district that one report called "catastrophically underperforming," her oldest son had been headed to nearby Vatterott College.

Schools like Vatterott enroll a disproportionate percentage of black students. Those who attend are often saddled with debt they cannot pay back. In 2013, a jury awarded more than \$13 million to a single mother who sued Vatterott for misleading enrollment practices.

Whitney Curtis for ProPublica; reprinted with permission.



Michael Brown is buried in the cemetery that overlooks his old high school.

An executive with Vatterott Educational Centers, Inc. said the company's problems were in the past, and that it had reformed its admissions practices.

Brown never made it to Vatterott. Maybe he would have bucked the odds and found a way to master a trade and make a career.

Today, Brown is buried in the old St. Peter's Cemetery. Right next to Normandy High School. ■

## DISCUSSION QUESTIONS

1. How does segregation affect student performance in public schools?
2. How has St. Louis's history of discrimination impacted which communities get public school resources and how they get those resources?

3. What tactics were used by local governments and suburban communities to re-segregate schools? What strategies could counter those tactics?
4. How could local and national governments improve school quality for disadvantaged students?
5. What are the reasons why white residents oppose desegregation efforts? How do those reasons compare to reasons given for over-policing and other policies of exclusion?



## CHAPTER FIVE

# RECLAIMING OUR LINEAGE

## ORGANIZED QUEER, GENDER- NONCONFORMING, AND TRANSGENDER RESISTANCE TO POLICE VIOLENCE

Che Gossett, Reina Gossett, and A. J. Lewis

*This article is about the role that queer people of color play in resisting oppressive policing.*

*SOURCE: Gossett, Che, Reina Gossett, and A. J. Lewis. 2012. "Reclaiming Our Lineage: Organized Queer, Gender-Nonconforming, and Transgender Resistance to Police Violence." The Scholar & Feminist Online, 10.1–10.2 (Fall 2011/Spring 2012). <http://sfonline.barnard.edu/a-new-queer-agenda/reclaiming-our-lineage-organized-queer-gender-nonconforming-and-transgender-resistance-to-police-violence/0>. Reprinted with permission.*

## KEY POINTS

- In the 1960s, the Compton Cafeteria and Stonewall riots in San Francisco and New York signaled a turning point for the organizing of queer people of color. While the Stonewall riot is now seen by mainstream LGBT history as a proclamation of gay identity, and the Compton riot is all but forgotten, in actuality, both events were led by queer and trans people outside of the mainstream.
- LGBT and queer resistance to police violence cannot be separated from the history of LGBT resistance. This activism has been separated from the work of activists only relatively recently, as LGBT agendas have moved into the mainstream.
- In the 1970s, gay liberation movements looked to the Black Panther Party and worked together to end police violence.
- The late 1970s and early 1980s marked the end of many radical queer groups, due to interference from the FBI and single-issue “gay-friendly” campaigning. However, many new organizations, such as the National Coalition of Black Lesbians and Gays, Black and White Gay Men Together, and Dykes Against Racism Everywhere, worked against police violence as part of their agenda.
- In the 1980s and 1990s, the AIDS epidemic brought a resurgence of queer militancy. This was similar to the post-Stonewall riot activism of the early 1970s, particularly in the form of direct action and resistance from groups such as ACT-UP.
- The issue of police violence has been divisive in queer communities. Many mainstream groups, such as Human Rights Watch, have seen anti-gay violence as coming not from the state or police, but from crime.

*(Continued)*

(Continued)

- Throughout the long history of policing of queer communities in New York City, queer, trans, and gender-nonconforming people have creatively resisted and survived police brutality and police violence.
- Currently, mainstream LGBT activism looks to change federal hate crime legislation, but grassroots organizations challenge homophobic and transphobic violence within a broader movement to decrease our reliance on police, prisons, and courts.
- Particularly for trans women of color, fighting legislation aimed against sex work is crucial to ensuring rights and ending policing and surveillance.
- Unfortunately, many of the largest national LGBT organizations constantly recall and reference the liberatory and antipolice Stonewall riot as a battle cry for their homonormative agenda: marriage, military inclusion, access to the market, and hate crime legislation.

The riots that erupted at the Stonewall Bar on Christopher Street on the night of June 28, 1969, like the one at San Francisco's Compton Cafeteria in 1966, signaled a real turning point in queer activism. And yet, rather than being narrated as an urgent act of resistance and rebellion against state violence, the story of the Stonewall riot has been refashioned into a homonormative tale of the LGBT community's first proud public proclamation of gay identity and rejection of social stigma. The Compton Cafeteria riot was all but erased from mainstream LGBT history, obscuring the fact that the individuals who fought back against the police that evening were not simply members of San Francisco's gay



community, but were also those who most often have to resist police oppression: street youth, gay and lesbian people of color, sex workers, drag queens, transgender, and gender-nonconforming people. Indeed, queer people located outside of the mainstream LGBT movement have much to contribute to an analysis of police violence, as well as to a critique of aligning with the police for “protection.”

That the social and political connections between LGBT communities and policing are so infrequently considered central to LGBT politics is all the more striking when one considers that, in one form or another, strains of LGBT political work have always addressed police violence. There is, in significant respects, nothing new about making police violence central to a queer agenda—indeed it is perhaps only relatively recently that police violence has been seen as anything other than one of the most flagrantly apparent manifestations of LGBT oppression. Before the Stonewall and Compton Cafeteria riots, in fact, even politically moderate groups such as the Mattachine Society, which was founded in 1950 in Los Angeles and later expanded with chapters in the East Coast, were heavily active around issues of police harassment. Printing “What to Do in Case of Arrest” cards and attempting to build collaborative relationships with police forces in order to promote more sensitive police conduct towards gay individuals, Mattachine organized around gay men’s vulnerability towards police violence.<sup>1</sup>



### The Compton Cafeteria riot

was all but erased from mainstream LGBT history, obscuring the fact that the individuals who fought back against the police that evening were not simply members of San Francisco’s gay community, but were also those who most often have to resist police oppression: street youth, gay and lesbian people of color, sex workers, drag queens, transgender, and gender-nonconforming people.

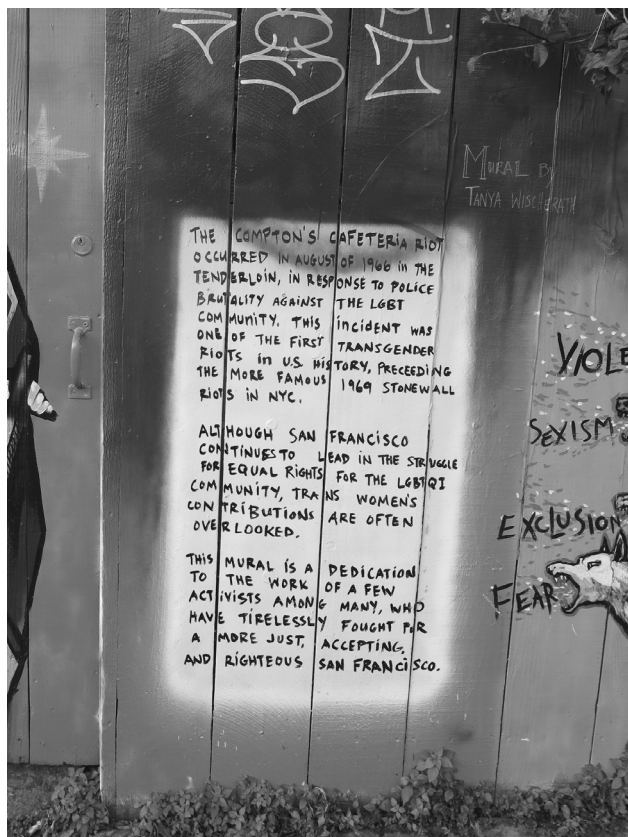
Later, in the politically radical years of the early 1970s, activists of the gay liberation movement looked to the Black Panther Party in their call for an end to the “racist police force,” and

“There is, in significant respects, nothing new about making police violence central to a queer agenda—indeed it is perhaps only relatively recently that police violence has been seen as anything other than one of the most flagrantly apparent manifestations of LGBT oppression.

and prominently espoused an analysis of the police and the prison system as intrinsically oppressive of racial, sexual, and gender minorities alike.<sup>2</sup> As historian Regina Kunzel documents, gay liberation activists marching to commemorate the one-year anniversary of the Stonewall riots marched in front of New York City’s Women’s House of Detention (across the street from the Stonewall Bar), where Afeni Shakur and Joan Bird, Black

Panther members, were incarcerated shouting, “Free Our Sisters! Free Ourselves!”<sup>3</sup>

The latter half of 1970s and early 1980s are typically considered the time of collapse of the revolutionary historical moment surrounding the gay liberation movement, and indeed this period saw the fall of the Black Panther Party and other revolutionary groups under the FBI’s COINTELPRO (a secret FBI “counter intelligence program” targeting political groups and often using tactics that were themselves illegal). Although politically moderate groups such as the Gay Activists Alliance, which espoused a comparatively narrow, single-issue approach to gay-positive political reform, were founded in the late 1960s and active in the early 1970s, as the United States became more conservative over the ensuing decades this single-issue approach eventually came to be predominant.



"Compton Street Mural - Compton Cafeteria Riot Commemoration," by Gary Stevens, <http://www.flickr.com/photos/garysoutp/8348424306/in/photolist-dHHR57>. Printed under CC BY 2.0.

• The riots that erupted at the Stonewall Bar on Christopher Street on the night of June 28, 1969, like the one at San Francisco's Compton Cafeteria in 1966, signaled a real turning point in queer activism.

However, the mid-1970s also gave birth to many of the first anti-racist and queer of color organizations. Groups such as Salsa Soul Sisters (the first black lesbian organization), Black and White Gay Men Together (BWMT), the National Coalition of Black Lesbians and Gays, Dykes Against Racism Everywhere (DARE), and the black lesbian and feminist Combahee River Collective had all

formed by 1980, and all included an analysis of policing issues in some capacity in their work. DARE, Salsa Soul Sisters, BWMT, and other New York City-based activists came together in the fall of 1982 to mobilize in response to the September 29th police raid on Blue's Bar, a predominantly black gay bar on 43rd Street in Midtown. Queer activists' response to the incident heightened the levels of attention to police brutality against LGBT people both within and beyond the gay and lesbian community. The lasting legacy of the Blue's raid could be seen a little over a year later, when James Credle of BWMT addressed the congressional hearings on police brutality in Brooklyn specifically on the subject of the Blue's raid and police abuse of gays and lesbians. Reminding his audience that it was not an accident that queer people of color and transvestites led the revolt at Stonewall, Credle asserted to the House Subcommittee on Criminal Justice:

While we are often stereotyped as members of a single community, our roots emerge from and encompass multiple ethnic and racial identities. We have suffered,

“ While we are often stereotyped as members of a single community, our roots emerge from and encompass multiple ethnic and racial identities. We have suffered, and continue to suffer, brutality as blacks, Hispanics, Asian and Native Americans, in addition to our third-class status as lesbians and gay men.

and continue to suffer, brutality as blacks, Hispanics, Asian and Native Americans, in addition to our third-class status as lesbians and gay men. All of us who have been maimed, physically and emotionally abused, unlawfully arrested—yes, even tortured and killed—have yet to receive any note of recognition or acknowledgment that we too are victims of police harassment and brutality. If we are serious about the

eradication of such brutality from our community, then we must acknowledge the widespread abuses which occur daily against lesbians and gay males.<sup>4</sup>

Credle presented a nuanced understanding of the police force's systemic and pervasive oppressive relationship with LGBT communities as well as the role of intersectionality in determining who among those communities were historically the most vulnerable to police abuse. Although none of the officers involved in the Blue's incident were criminally prosecuted, the incident became a catalyst for coalition building and

“Credle presented a nuanced understanding of the police force's systemic and pervasive oppressive relationship with LGBT communities as well as the role of intersectionality in determining who among those communities were historically the most vulnerable to police abuse.”

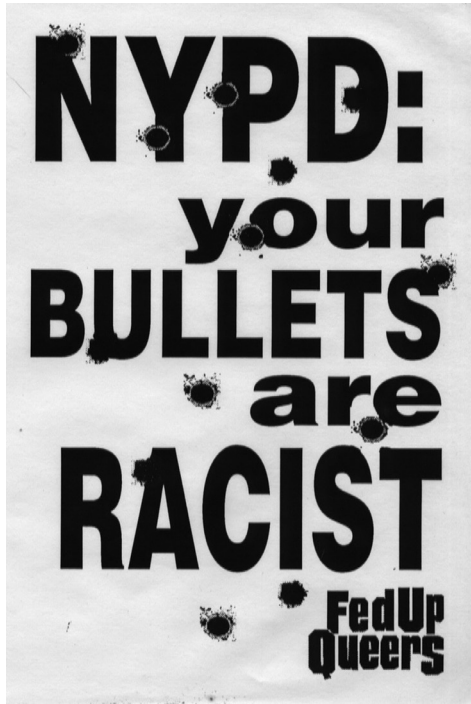
and promoting internal dialogue about community-based responses to police violence. The work of DARE, BWMT, Salsa, and others would eventually lead to the formation of an ad hoc Anti-Police Abuse Coalition in the summer of 1984, the goals of which included a formal apology from the NYPD, as well as to the organization of “a network capable of mobilizing at a moment's notice to stand up to the police” and to “express [ . . . ] solidarity and build alliances with other oppressed communities who are fighting police abuse.”<sup>5</sup>

As the burgeoning impact of AIDS in the 1980s and 1990s brought with it a resurgence of queer militancy reminiscent of post-Stonewall radicalism—most notably with the emergence of direct action-oriented groups such as ACT-UP and Queer Nation—so too continued the struggle of queer resistance against police violence. Often, however, these groups

exemplified the ways in which gay “antiviolence” activism had come to be fraught with conflicting ideas about and approaches to addressing the perceived threat of antigay violence. Though they championed their confrontational style of direct action politics and radical, antiassimilationist ethos, Queer Nation, for instance, espoused an analysis of antigay violence that did not posit the threat of violence as coming from the state but rather looked to the police force, if not as a *de facto* ally, than certainly as a potential source of support.<sup>6</sup> In this respect, Queer Nation exemplifies a trend noted by Christina Hanhardt that, in the decades following Stonewall, gay vulnerability to anti-gay violence came to be perceived as the “vulnerability of the crime victim.”<sup>7</sup>

In this sense, Queer Nation and its spin-offs—in particular the Safe Street Patrol and the Pink Panthers—embodied a significant shift away from the critiques of state- and police-perpetrated violence espoused by gay liberationists and their allies in the new left and carried forward by antiracist queer activists in the 1980s and 1990s. This shift in emphasis became institutionalized when the national lesbian and gay organizations, like the Human Rights Campaign and the National Gay and Lesbian Taskforce took up support for “hate crimes legislation” in the 1990s. These laws increase sentencing and hence can also increase the already unprecedented numbers of people incarcerated in the United States.

Throughout the long history of policing of queer communities in New York City, queer, trans, and gender-non-conforming people have creatively resisted and simultaneously survived police brutality and police violence. Through direct confrontation with the police, intervention in police violence, and concrete attempts at



Fed Up Queers (FUQ) poster responding to the killing of Amadou Diallo, New York City, 1999, by Daviskorn at English Wikipedia, [http://commons.wikimedia.org/wiki/File:Fed\\_Up\\_Queers\\_NYPD\\_your\\_bullets\\_are\\_racist.jpg](http://commons.wikimedia.org/wiki/File:Fed_Up_Queers_NYPD_your_bullets_are_racist.jpg), Public domain.

Throughout the long history of policing of queer communities in New York City, queer, trans, and gender-nonconforming people have creatively resisted and simultaneously survived police brutality and police violence.

rethinking safety and realizing that vision, queer and trans people, particularly low-income and queer and trans people of color, have sought to change and dismantle policing and create real alternatives to the police state.

In the contemporary moment, while the mainstream LGBT movement continues to advocate for the inclusion of gender identity and sexual orientation in state and federal hate crimes statutes, there are numerous examples of grassroots

efforts to challenge homophobic and transphobic violence within the context of a broader movement to decrease our reliance on police, prisons, and courts. Groups like the Southerners on New Ground, the Safe Outside the System Collective at the Audre Lorde Project, Critical Resistance, Justice Now!, INCITE!: Women of Color Against Violence, and many others, actually work in the same spirit of the more liberatory post-Stonewall movements to create spaces to dream, think, and create police-free zones, community accountability mechanisms, and ways of resisting violence.

These organizations continue this project because policing of communities that can be called deviant continues to the present day and is even intensifying in some respects. For example, in July of 2006 Washington DC Mayor Anthony

Williams signed the Omnibus Public Safety Emergency Amendment Act, which allowed for prostitution free zones (PFZ) to be implemented throughout the district. Similar to drug- and gang-free zones created in the 1990s as a part of the continuing racialized, policed, militarized, and

antipoor “war on drugs,” prostitution-free zones are marked by warning signs and cast a wide net of criminality over a host of identities (trans women, sex workers, and people of color) and actions (congregating in groups, waving at the corner, possessing condoms or cash).

Fears about the “prostitute” are often augmented by hysteria over the presence of people of color in public space who may be simultaneously eroticized, considered “dirty,”



Queer and trans people, particularly low-income and queer and trans people of color, have sought to change and dismantle policing and create real alternatives to the police state.



and security threats (e.g., “loitering” Latinos) (McArdle, 2001; Cleaveland and Kelly, 2008). Profiled as prostitutes with alarming frequency, transgender women of color are targets for arrest and harassment by police who act out societal stigma against gender-nonconformity (Amnesty International, 2005). Different frameworks can drive policing and surveillance of other forms of sex work, such as massage parlors. Police raids may be framed as “rescues” of trafficked women (Sex Workers Project, 2009), or they may be based on similar fears of congregating “illegal immigrants” who challenge public safety.<sup>8</sup>

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Trans justice activist Darby Hickey argues that the implementation of PFZs simply makes a de facto practice de jure. “The intent [of the PFZs] was to legitimize a practice the police have been doing for years, it was not new, it was just legitimized again in the law, not a whole lot changed, now police had an official phrase for doing what they have always done.”<sup>9</sup>

Mallory Teefari, trans activist and harm reduction practitioner, has worked with street sex workers and in the DC trans community since the 1970s, and described the long history of attempts at social control by police:

All through the years the [Metro Police Department] sought means and ways to actually control the trans and sex worker market in Washington DC, by zones, by identification as workers, by means of ID-ing. [ . . . ] Groups

were formed like the DC Transgender Coalition, DC Care Consortium, and Transgender Health Empowerment, and activists started looking into reasons and ways to combat oppression and help the transgender community to deal with issues like health, legal issues of arrests—to try and understand the community that has basically always been an aspect of DC: a transgender street culture.<sup>10</sup>

Organizations mobilized in response to the policing of sex workers in DC, the legislating of the PFZs, and to advocate for alternatives to policing. The Alliance for a Safe and Diverse DC

was established in 2005 by community members and advocates in response to an assemblage of proposed laws targeting sex workers and those involved in street sex economies, such as the Prostitution Nuisance Abatement Amendment Act, the Omnibus Public Safety Act, and the Anti-Prostitution Vehicle Impoundment Amendment Act.<sup>11</sup>

“ Profiled as prostitutes with alarming frequency, transgender women of color are targets for arrest and harassment by police who act out societal stigma against gender-nonconformity.

The Alliance for a Safe and Diverse DC established a community-based research team, which included many people directly impacted by the PFZs. Research team members had significant experience working on “topics of sex work, HIV, drug use, LGBT and immigrant communities, racism, homelessness and community organizing.”<sup>12</sup> The team conducted research over the course of 2007, and finished and published their findings in 2008. The research culminated in “The Move Along Report: Policing and Sex Work in DC” (PDF). The final portion of the report consists of a series of recommendations to the mayor and DC Council, the Metropolitan Police, US Attorney’s Office, the Office of Police Complaints, funders, sex worker organizations, and human rights

advocates. The recommendations call for a, “city wide review of the laws, policies and practices regarding the policing and regulating of adult public sex,” and the report proposes that the PFZs be repealed or a moratorium enacted. However, in spite of these recommendations, DC police posted PFZ signs along 5th and I streets during the inauguration of President Obama,<sup>13</sup> and Prince George’s County recently adopted PFZs.<sup>14</sup> In November new legislation was also proposed to extend PFZs in Washington DC indefinitely.<sup>15</sup>

Campaigns like that of the Alliance for a Safe and Diverse DC work to reshape the radical legacies of the Stonewall and Compton Cafeteria uprisings toward a still more expansively liberatory future. This future can be realized by standing in solidarity with—and taking direction from—the vibrant queer and trans organizing led by queer and transgender youth on the Christopher Street Pier in New York City, as well as with campaigns happening



..... This future can be realized by standing in solidarity with—and taking direction from—the vibrant queer and trans organizing led by queer and transgender youth on the Christopher Street Pier in New York City, as well as with campaigns happening south of New York City, like the sex workers in DC organizing against prostitution free zones or the trans women of color in Memphis, Tennessee organizing in response to the police violence against Duanna Johnson.

“2017.04.01 Queer Dance Party - Kankia Trump's House - Washington, DC USA 02036,” by Ted Ergan, <http://www.flickr.com/photos/teadc/3294803964/>. Printed under CC BY-SA 2.0.

south of New York City, like the sex workers in DC organizing against prostitution free zones or the trans women of color in Memphis, Tennessee organizing in response to the police violence against Duanna Johnson. Arrested in February of 2008, Johnson, a black transgender woman, was verbally and physically assaulted by police at the Shelby County Jail. She spoke out against the violence in the local news media and initiated a federal lawsuit against the Memphis police department for civil rights violations.<sup>16</sup> Nine months later, she was found murdered, execution style, near her home in North Memphis.

Unfortunately, many of the largest national LGBT organizations constantly recall and reference the liberatory and antipolice “Stonewall” riot as a battle cry for their homonormative agenda: marriage, military inclusion, access to the market, and hate

crimes legislation. The narrow and singular pressure to accept this agenda and assimilate into mainstream society elides the rich and dynamic history of our movements for liberation and self-determination. A critical analysis about the dangers of aligning with the police,

and an alternative practice of building real protection from violence in the form of strong and diverse communities, is part of that rich heritage. Remembering our radical history, and reclaiming ownership over it, is a powerfully transformative act of love for the value of our movements and our lives. ■

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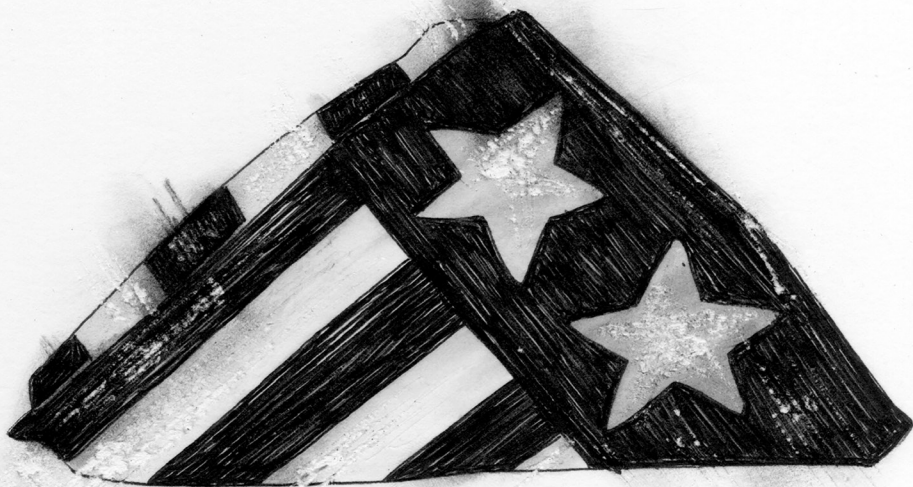
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## DISCUSSION QUESTIONS

1. What are the similarities between the challenges of the LGBTQI community described in this chapter and the issues described in Chapter 1 ("Yes, Black America Fears the Police. Here's Why.") and Chapter 2 ("Build That Wall!": A Local History)?)
2. The article gives historic examples of solidarity between communities. What are current examples of communities organizing together toward a common goal?
3. How have communities of color and LGBTQI communities historically been discouraged from organizing together?
4. What do communities of color and LGBTQI communities have to learn from each other about resisting police violence?



## CHAPTER SIX

# CAPITALISM, DEMOCRACY, AND DU BOIS'S *TWO* PROLETARIATS

J. Phillip Thompson

*This article is about W. E. B. Du Bois's theory of the working class and how race and class cannot be separated in the United States.*

*SOURCE: Thompson, J. Phillip. 2016. "Capitalism, Democracy, and Du Bois's Two Proletariats." Items: Insights from the Social Sciences, December 6, 2016. <http://items.ssrc.org/capitalism-democracy-and-du-boiss-two-proletariats>. Reprinted with permission.*

## KEY POINTS

- What is the relationship between class and race in the United States? Does class or race play a more critical role in shaping politics and society? These questions are at the heart of an ongoing debate among activists and scholars. This article argues that in the United States, race cannot be separated from class.
- W. E. B. Du Bois was an African American sociologist, historian, and civil rights activist. He said that because of race, in the United States, there are two distinct working classes (or “proletariats,” using traditional Marxist language)—one white and the other Black. Unlike other radical thinkers, who blamed all of society’s ills on elite bosses, Du Bois made the controversial point that the white working class played an important role in maintaining the oppression of Black workers. As the voting majority in democracy, the white working class endorsed, supported, and carried out many of the policies of racial exclusion.
- Du Bois was not trying to let white elites off the hook. He was trying to understand and explain how labor and grassroots politics helped maintain the power of white elites.
- In the long run, their support of racism also hurt white workers, undermining their livelihoods and their democratic rights to the benefit of white elites.
- There have been many missed opportunities in our history to overcome these divisions and build a stronger democracy. For example, during the period of Reconstruction after the Civil War, there was a chance to expand voting rights, education, and land ownership to Blacks, which would have created a much stronger foundation for widespread democracy and workers’ rights.

*(Continued)*

(Continued)

- There have been many white leaders (a long list, including abolitionist Wendell Phillips, murdered civil rights activist Viola Liuzzo, trade unionist Henry Foner, and even Vice President Hubert Humphrey) and movements largely of whites (abolitionist, anti-apartheid, Central American sanctuaries) that grasped the dangers of two separate working classes and dedicated themselves to fighting the structures dividing them, in order to create a non-racist democracy.
- Historically, Black workers have tended to be more radical and anti-capitalist than whites. The last 120 years of Black struggle against racist attitudes, physical segregation, repressive policing, and the denial of basic goods (such as quality education, decent income, and a lack of voter protection) are actually movements for *uniting* the two working classes by breaking down the barriers that divide them.
- However, Black workers also are often more deferential and trusting of Black elites than white workers are of their leaders. A key question is whether a distinct Black working class leadership will emerge in this time of widespread Black economic deterioration (and increasing white protectionism) to put a check on Black elites.
- If Black and white workers could each better understand the divide between the two working classes and how it affects US democracy and institutions, the result could be a powerful and forward-looking narrative about class *and* race that addresses both—opposing racism and helping workers see beyond immediate demands for wages—to build solidarity and a stronger democracy that supports well-being for all.



As an ideal, liberal democracy has great appeal. What can be more radical or liberating than freedom and justice for all, and the cultivation of every person's full human capacity? Utopia, however, is not the terrain where the concepts of class and race best operate. "Class" helps explain how those benefiting the most from capitalism actually go about handling capitalism's fundamental political problems. "Race," as Du Bois argued, similarly undergirds capitalism on this terrain. His reconstruction of Reconstruction, with color-class politics made foundational to capitalism, is an inspiration to rethink subsequent periods of political and economic reform, and the future, in similar ways.

Capitalism, of course, has formidable political challenges: How can workers be induced to sacrifice life and limb to provide enforcement (police, army) for capitalism, where they are the ones who profit least? How can capitalism be legitimated in a democracy, where the vast majority of voters are workers? In addressing such fundamental political problems, the intersection of the concepts of class and race is central.

Class and race are also useful concepts for advocates of workers and people of color on the bottom, but here there are different questions. How can workers realize (come closer to) the ideals of liberal democracy? How do workers make maximum use of their majority numbers (voting) to influence

“ ” How do workers make maximum use of their majority numbers (voting) to influence government, e.g., what divides them and what internal capacities do they lack? How can workers change capitalism to place their happiness at the center of the economic value system?

government, e.g., what divides them and what internal capacities do they lack? How can workers change capitalism to place their happiness at the center of the economic value system?<sup>1</sup>

## DU BOIS'S TWO PROLETARIATS

W. E. B. Du Bois's analysis of US capitalism, especially his book *Black Reconstruction in America*,<sup>2</sup> suggested a different paradigm for thinking about capitalism than the class structures put forward by both Marx and Weber. Du Bois argued that capitalism created two proletariats:

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..... W. E. B. Du Bois was a civil rights activist,  
..... historian, sociologist, and author whose  
..... writing on racism and discrimination under  
..... capitalism can provide a useful framework  
..... for thinking about race and the working  
..... class today.

[the] black proletariat is not part of the white proletariat . . . while Negro labor in America suffers because of the fundamental inequities of the whole capitalist system, the lowest and most fatal degree of its suffering comes not from the capitalists but from fellow white laborers. It is white labor that deprives the Negro of his right to vote, denies him education, denies him affiliation with trade unions, expels him from decent houses and neighborhoods, and heaps upon him the public insults of open color discrimination.<sup>3</sup>

Moreover, capitalism (beginning with slavery) offered white workers, the second proletariat, a policing role in relation to the first proletariat:

The system of slavery demanded a special police force and such a force was made possible and unusually effective by the presence of the poor whites. . . . Considering the economic rivalry of the black and white worker in the North, it would have seemed natural that the poor white would have refused to police slaves. But two considerations led him in the opposite direction. First of all, it gave him work and some authority as overseer, slave driver, and member of the patrol system. But above and beyond this, it fed his vanity because it associated him with the masters.<sup>4</sup>

“ It fed his vanity because it associated him with the masters.”

Du Bois argued in *Black Reconstruction* that the double proletariat structure was global:

The upward moving of white labor was betrayed into wars for profit based on color caste. [. . .] Indeed, the

plight of the white working class throughout the world today is directly traceable to Negro slavery in America, on which modern commerce and industry was founded, and which persisted to threaten free labor until it was partially overthrown in 1863. The resulting color caste founded and retained by capitalism was adopted, forwarded and approved by white labor, and resulted in subordination of colored labor to white profits the world over. Thus the majority of the world's laborers, by the insistence of white labor, became the basis of a system of industry which ruined democracy and showed its perfect fruit in World War and Depression.<sup>5</sup>

Unlike Marx, Du Bois made both race and the state constitutive of capitalism. *Black Reconstruction* presented a two-sided view of the state. The United States and Europe constituted a global (viciously repressive) white supremacy. Yet democracy—which poor whites had fought for—was real; it provided white workers with choices and responsibilities toward their own group and colored workers.

In Du Bois's account, the supremacy of capitalism had as much or more to do with the political orientation and actions of white workers as with the bourgeoisie. Putting equal or greater responsibility for capitalist oppression on workers (the political majority) themselves—as one must in a democracy—is a major shift

“ Du Bois showed that not all whites went in the direction of racial division and capitalist hierarchy following the Civil War. Radical Republicans like Wendell Phillips and Thaddeus Stevens fought hard to move the country in a different direction; other whites could have joined them and chose not to.

in orientation from blaming the bulk of the ills of society on “the ruling class.” It may run the risk of excusing wealthy elites for their misdeeds, but it more importantly highlights labor and grassroots politics, and it demystifies how the ruling class rules. In *Black Reconstruction*, for example, Du Bois showed that not all whites went in the direction of racial division and capitalist hierarchy following the Civil War. Radical Republicans like Wendell Phillips and Thaddeus Stevens fought hard to move the country in a different direction; other whites could have joined them and chose not to. *Black Reconstruction* similarly disclosed a missed opportunity for further democratizing the state and capitalism: a stronger Freedmen’s Bureau, enactment of land redistribution to former slaves, widespread public education (including higher education), and freedom of voting could have been cornerstones of building an entirely different Republic.

Du Bois did not downplay the difficulties of working class solidarity across racial lines, not hesitating to note that most white workers could not conceive of blacks as fellow human beings—much less imagine solidarity with them. It would have taken more struggle and likely bloody conflict to protect and expand democratic gains after the Civil War. Yet, it was still a missed opportunity. From the standpoint of Du Bois’s critique of capitalist structure, there was no path, whether for socialism or “abolitionist-democracy,” other than confronting and overcoming the differences between the two proletariats.

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Joe Brusky, <http://www.flickr.com/photos/40969298@N05/25969766630/in/album-72157666786656265>. Printed under CC BY-NC 2.0.



Putting equal or greater responsibility for capitalist oppression on workers (the political majority) themselves—as one must in a democracy—is a major shift in orientation from blaming the bulk of the ills of society on “the ruling class.”

“ The last 120 years of black struggle against racist attitudes, physical segregation, repressive policing, denial of basic goods like quality education and decent income (needed for effective political participation), and lack of voter protection are best understood, in my view, as movements for uniting the two proletariats—by breaking down the structures that divide them.

The last 120 years of black struggle against racist attitudes, physical segregation, repressive policing, denial of basic goods like quality education and decent income (needed for effective political participation), and lack of voter protection are best understood, in my view, as movements for uniting the two proletariats—by breaking down the structures that divide them. If there are indeed two proletariats, such anti-racist movements should be seen as exhibiting a higher degree of “class consciousness” or universalism than

labor unions and “critical Marxisms” that downplay or ignore racist structures. This is certainly how Martin L. King, A. Philip Randolph, Ella Baker, and the Black Panthers understood their own advocacy. Yet outside parts of Southern history and black studies circles, black struggles have long been misunderstood in the academy as limited to procedural civil rights (like the right to vote), or black “particularity,” or pursuit of a utopian “dream” rather than attempts to win over white workers to a common cause. The white labor-Left has had similar difficulty understanding the proletariats—both white and colored. White workers did not embrace the universal class solidarity Marx promised. Those workers most disposed to revolutionary consciousness have been black, from Union Leagues in the 1870s to the Black Lives Matter movement today.<sup>6</sup> Yet, the labor-Left did not consider black radical movements part of “their” labor movement, leading the latter to lose confidence in “the” working class.

It is true that black movements did not often embrace the cause of labor unions or speak in the language of universal class solidarity. But how could they? The (anti-capitalist) struggle against slavery started long before trade unions existed. White unions, once established, rarely wanted black members. When blacks were finally included in unions, mostly through lawsuits in the 1970s, they were marginalized. Meanwhile, dominant class rhetoric continues to marginalize the importance of blacks and other coloreds in capitalism. That the black proletariat developed its own identity and radical language (as did other coloreds), and its own critiques of class (sometimes

“ Dominant class rhetoric continues to marginalize the importance of blacks and other coloreds in capitalism.

nationalistic), does not make black movements any less about labor or capitalism than the historical white labor movement or self-proclaimed socialist radicals. Social action, including revolutionary action, does not depend on actors having Enlightened European reasons for acting. Du Bois argued in *Black Reconstruction* that it was their religious beliefs—not a studied calculation of interests—that motivated slaves to rebel.<sup>7</sup>

Another dispiriting consequence of not recognizing the two-proletariat structure is a consequent blindness to *revolutionary* white liberalism. There are many white leaders (Wendall Phillips, Viola Liuzzo, Henry Foner, even Hubert Humphrey—a long list) and movements largely of whites (abolitionist, anti-apartheid, Central American sanctuaries) that grasped the logic of the two proletariats and dedicated themselves to fighting the structures dividing the two classes—in order to create a non-racist democracy. These individuals and movements are not often seen as part of labor history or as anti-capitalist. But, as revolutionary anti-racist liberalism (along with revolutionary black nationalism), they posed more consistent political challenges to capital than socialist movements or labor unions in the United States.<sup>8</sup>

Across the globe, it is still true that workers of color live hard lives, often in misery, compared to Western white workers.

The latter often enthusiastically supported capital in militarily repressing workers of color. Nonetheless, the US white proletariat is now moving to oppose “globalization”—the drawing in of more and more workers of color



Across the globe, it is still true that workers of color live hard lives, often in misery, compared to Western white workers.



into highly exploitative labor relations. Their opposition is for the “wrong” reasons: to keep good “American” jobs as opposed to working in solidarity with colored workers—but it is opposition nonetheless. Meanwhile, the global spread of capitalism, and rising importance of colored elites abroad for US capitalism, along with the rising importance of colored workers in domestic politics, creates opportunities for black political elites (like Barack Obama). The latter could leverage their political power to construct a real (non-petty) black bourgeoisie, or they could alternatively play a leadership role in organizing the colored proletariat to transition away from capitalism—asserting different economic values and goals.

Much of what they can do depends on the black proletariat. The black proletariat has tended to be more radical and anti-capitalist



Courtesy of SEU.

..... “Class” helps explain how those benefiting the most from  
..... capitalism actually go about handling capitalism’s fundamental  
..... political problems. “Race,” as Du Bois argued, similarly undergirds  
..... capitalism on this terrain.

“ A key question is whether a distinct black proletarian leadership will emerge in this time of widespread black economic deterioration (and increasing white xenophobia) to put a check on black elites. A challenge for emerging colored proletarian leaders is how to envision forms of economic cooperation that reverse historic racial divisions.

than the white historically, but often more deferential and trusting of black elites than white workers of their leaders. A key question is whether a distinct black proletarian leadership will emerge in this time of widespread black economic deterioration (and increasing white xenophobia) to put a check on black elites. A challenge for emerging colored proletarian leaders is how to envision forms of economic cooperation that reverse historic racial divisions. New forms

of economic cooperation will require institutions to rework global planning—whether to coordinate supply chains, steer investment where most needed, or to control unneeded growth and carbon emissions, or to promote health, or deal with labor migrations. Fortunately, in the nearly a century since publication of *Black Reconstruction*, there have been (and are) many “Freedom Bureau” type political-economy experiments at different levels of government, in a variety of banking and business organizations, and in “community Open Source” ventures—in the United States and globally. Much can be learned from study of these experiments to think beyond capitalism.

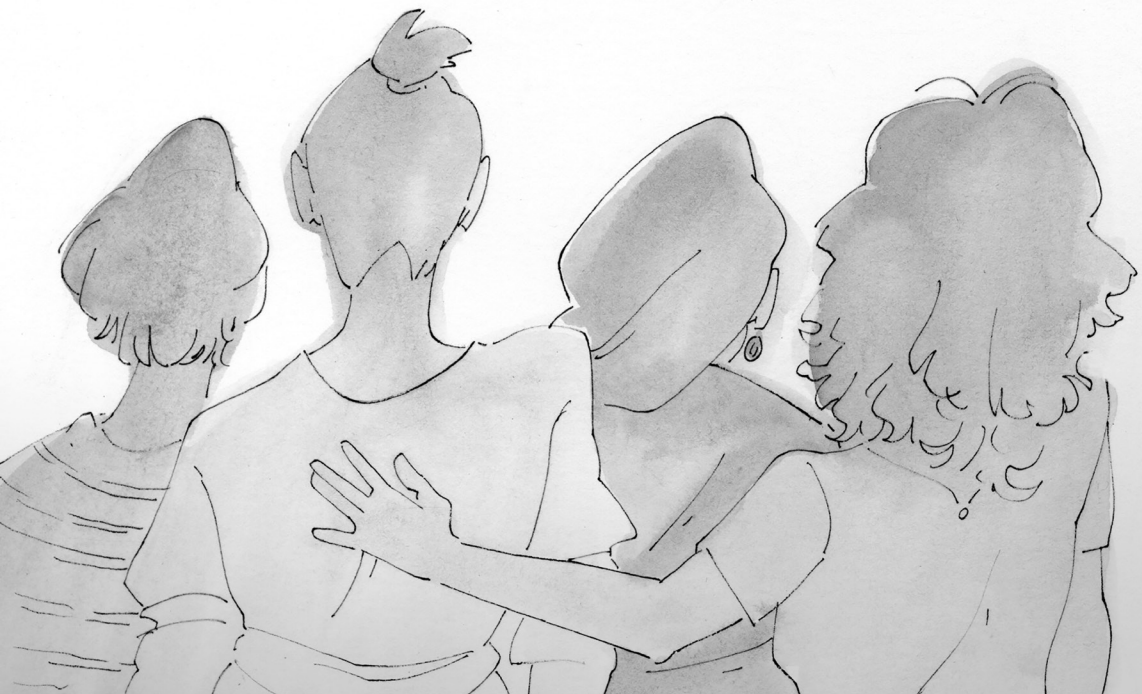
To my mind, what could emerge from an understanding of the struggle between the two proletariats and its connection to US democracy and institutions is a more powerful and forward-looking metanarrative of class and race than either a utopian universalist liberalism stripped of a beating heart, or a narrow-minded working class interested only in its next meal and incapable of advancing democracy. ■

## NOTES

1. Regarding the latter, environmentalists are showing that capitalist moral values promoting expansion can be subordinated to another social goal—carbon reduction—while leaving individual goals of profit maximization in place. Is this still capitalism, or socialism, or a transition to a new form of economic governance for which we lack a name?
2. Du Bois, W. E. B., 1935. *Black Reconstruction in America, 1860-1880*. Free Press.
3. Du Bois, W. E. B., 1933. *Marxism and the Negro Problem*. Crisis Publishing Company.
4. *Black Reconstruction*, no. 30, p. 12.
5. *Ibid*, p. 30.
6. Mills, Charles W., 2003. *From Class to Race: Essays in White Marxism and Black Radicalism*. Rowman & Littlefield Publishers.
7. Robinson, Cedric J., 2000, *Black Marxism: The Making of the Black Radical Tradition*, Second Edition. University of North Carolina Press.
8. For a discussion of revolutionary liberalism and nationalism, see Michael Dawson's *Black Visions: Roots of Contemporary African-American Political Ideologies*. (University of Chicago Press, 2001).

## DISCUSSION QUESTIONS

1. Why does the author say that there are two working classes instead of one?
2. In what ways have wealthy elites relied on white workers to divide the working class?
3. How does anti-Black racism hurt white people? What are some of the challenges to getting white people to understand this?
4. How does an emphasis on the white working class impact elections?



## CHAPTER SEVEN

# THEORIZING AUDIENCE, PRODUCTS AND PROVOCATION (EXCERPT)

Michelle Fine and María Elena Torre

*This article is about an approach to research that works with communities to address important issues they are facing, using “weapons of mass instruction” that help groups make decisions, work together, and mobilize.*

*SOURCE: Excerpted from Fine, Michelle, and María Elena Torre. 2008. “Theorizing Audience, Products and Provocation.” In The SAGE Handbook of Action Research: Participative Inquiry and Practice, 2nd ed., edited by Peter Reason and Hilary Bradbury, 407–419. London: SAGE Publications Ltd. Reprinted with permission.*

## KEY POINTS

- Participatory Action Research (PAR) is an approach to research in which communities decide for themselves how to address important questions they are facing. PAR values the knowledge people hold about their own lives and experiences. Those most directly impacted by research become leaders in shaping research questions, interpreting data, and designing meaningful research products and follow-up actions. PAR creates “weapons of mass instruction.”
- PAR research groups decide together on the kinds of change they seek, whom they are trying to reach, and which products—for example, collaboratively written reports, websites, performances, and workshops—most effectively mobilize action.
- This article presents a set of questions to help social researchers and activists ensure the highest levels of participation, create the most effective products, and find the best ways to mobilize action through PAR projects.
- At a time when locally and globally governments have walked away from the needs of individuals, families, and communities, particularly those who are poor, working-class, and of color, social researchers have a public responsibility to work with communities and examine questions of justice and the inequitable distribution of freedom, goods, and opportunities.
- PAR is a strategic tool that social researchers and activists can use to help communities ask new questions, produce new knowledge, and empower organizations to take action around the issues that matter most.

Through the concept of Participatory Action Research (PAR), we focus on a theory of provocation, audience and products, asking readers to think about the kinds of “actions.” PAR is an approach to research that values the significant knowledge people hold about their lives and experiences. PAR positions those most intimately impacted by research as leaders in shaping research questions, framing interpretations, and designing meaningful research products and actions. PAR seeks to undertake/provoke in politically very dark times. We end with a series of questions PAR collectives might engage with, as we seek to create PAR products as works to fight the current situation—or “weapons of mass instruction.”

Our work strategically focuses on change—theoretical, structural and practice-based. Our research groups decide together on the kinds of change we seek, whom we are trying to reach,

and what products would most effectively provoke action. That is, we theorize audience, products and provocation, hoping that PAR will have “legs” necessary to carry research into diverse domains—to reframe social issues theoretically, feed campaigns, nudge those with power, and create new examples of collective, informed resistance.

We have designed our participatory action research projects to inquire about a problem or struggle within the very institutions that many members of our research teams are engaged in/working for/prisoners or students of. Thus “provocation,” or questioning existing power structures, sits as both a goal and danger,



We theorize audience, products and provocation, hoping that PAR will have “legs” necessary to carry research into diverse domains—to reframe social issues theoretically, feed campaigns, nudge those with power, and create new examples of collective, informed resistance.



“Speaking out at LAUSD Board Meeting for Breakfast in the Classroom,” by SEIU Local 99 | Education Workers United, <http://www.flickr.com/photos/local99/8742919866>, Printed under CC BY-NC 2.0.

PAR is an approach to research that values the significant knowledge people hold about their lives and experiences. PAR positions those most intimately impacted by research as leaders in shaping research questions, framing interpretations, and designing meaningful research products and actions.

investigating existing power structures and raising serious ethical questions. That is, because our work is nested within institutions, and typically launched from the perspective of those with the least power, our research collectives must continually revisit questions of the research purpose—for whom is the work and toward what ends? We know that even with permissions, approvals and collaborations at the top, participatory action research is often quite controversial. And the ashes of vulnerability—no matter how hard we try to anticipate them—fall unevenly. Because of these risks, we must theorize audiences and change within and beyond the local context. In these PAR projects, the global is intimately connected to the local.

“Provocation,” or questioning existing power structures, sits as both a goal and danger, investigating existing power structures and raising serious ethical questions.

## CREATING WEAPONS OF MASS INSTRUCTION WITH PARTICIPATORY ACTION RESEARCH

Our work with PAR has brought us to nongovernmental organizations (NGOs), college campuses, suburban schools, community based organizations (CBOs), jail cells, urban schools and the streets. Youth are crafting participatory research and organizing projects with activists, scholars, foundations, CBOs, and progressive educators, which critically investigate the social policies that construct and constrict their lives. Most exciting, they are taking this mix of activism and research and designing

useful products and tools (Cahill, 2004; Cammarota, Ginwright and Noguera, 2006; Torre and Fine, 2005). We have come to understand that these provocative products of PAR, including collaboratively written reports and

websites, performances, and workshops, are essential in this most discouraging political moment. Products are significant to motivate a PAR collective toward a common end, and products are crucial for creating materials that can be mobilized and expanded for future action.

Working with young people, we have learned much and made mistakes about how to engage PAR projects. We have come to think that there are a series of inquiries—conversations that action researchers and participatory action researchers should engage in as they move toward PAR with youth. We offer these questions in pencil, to help develop thoughtful conversations about participation, products and provocation.

“ What resources have you provided to help shift a sense of collective responsibility into collective action? ”



## Audience

Participatory action research leans toward change, but the question of who needs to be educated, mobilized, encouraged, convinced is rarely asked. We suggest that PAR collectives spend time thinking through audience by considering:

1. Whom do you want to reach, touch, mobilize, educate, provoke to action?
2. What are you asking readers/audiences to do? (For example, guilt is not always a useful way to encourage action, but collective responsibility may be.)
3. What resources have you provided to help shift a sense of collective responsibility into collective action?



Joe Brusky, <http://www.flickr.com/photos/40969298@N05/32452019485/in/album-72157675805085083>. Printed under CC BY-NC 2.0.

“Provocation,” or questioning existing power structures, sits as both a goal and danger, investigating existing power structures and raising serious ethical questions. In these PAR projects, the global is intimately connected to the local.

4. Where do you want to incite change—in theoretical framing, in the next generation and elders, in community and institutions, in your own community, across communities and/or beyond?



How can you combine sharp social critique with an energizing sense of possibility?

## Products

Just as audience is a critical part of PAR, so too is the language and shape of your products. In what language will you produce your work? Will it be performed and/or presented as scholarly, policy study? Will it be narrated in a voice of outrage or will it stay rational and distant from the emotions involved? Who will be positioned as the speaker(s)? More specifically,

5. In what field do you choose to provoke—science, art, law, outrage, contentious politics?
6. In whose voice(s) do you write/perform/publish/reveal the depth of injustice?
7. Have you represented both the similarities within your group and the rich differences among you?
8. How can you combine sharp social critique with an energizing sense of possibility?
9. How might your work be misused, and how can you caution people against such misuse? (For example, warning labels that read: this report should NOT be interpreted to suggest that. . .)

## Provocation

And then, finally, we encourage critical deliberation about the uneven distribution of the risks of controversy. We recognize that all research is political. However, PAR is explicitly political. The task of provocation within PAR is always a goal and a danger. In this spirit we invite PAR collectives to consider:

10. Who is made vulnerable by the very products you have designed?
11. How does your project relate to other, ongoing struggles for social justice?
12. What happens to co-researchers and colleagues who are located squarely in the institution under scrutiny, the morning after? Are they connected to each other, to other social movements, to people in power who will protect them?

This is a most treacherous political moment for participatory research work. The connections between social research and social policy are weak—reflecting the severely strained relations between social policy and social justice (Fine and Barrerras, 2001). Locally and globally, governments have walked away from the needs of individuals, families and communities, particularly those who are poor, working class and of color.

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"Black Lives Matter, Justice For All March, Washington DC," by Lorrie Shaull, <http://www.flickr.com/photos/number7cloud/16013406282>. Printed under CC BY-SA 2.0, <http://creativecommons.org/licenses/by-sa/2.0/legalcode>.



- We have designed our participatory action research projects to inquire about a problem or struggle within the very institutions that many members of our research teams are engaged in/working for/prisoners or students of. Thus “provocation,” or questioning existing power structures, sits as both a goal and danger, investigating existing power structures and raising serious ethical questions.

“ Whether launched in schools, communities, or prisons—around kitchen tables or in social movements—PAR provides a vital way of reviving and maintaining a questioning and participatory democratic practice, one with the potential to inspire radical struggle, hope and possibility across generations.

Social researchers have a public responsibility to disrupt the sense of inevitability—that bad people do bad things and deserve to end up in prison; some students will always fail, they just don’t care about school—and to engage with communities around questions of justice and the inequitable distribution of freedom, goods and opportunities. PAR has the potential to do just that. Whether launched in schools, communities, or prisons—around kitchen tables or in social movements—PAR provides

a vital way of reviving and maintaining a questioning and participatory democratic practice, one with the potential to inspire radical

struggle, hope and possibility across generations. Participatory action research is a strategic tool by which researchers' collectives can interrupt the drip feed, engage critical questions, produce new knowledge, provoke expanded audiences, and ask, in the language of the poet Marge Piercy (1973), how can we "be of use"?

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## DISCUSSION QUESTIONS

1. PAR provides a lens through which we can view social justice work. How might you use the concepts and critical questions asked by the authors to inform your own work for social justice? How can these questions guide your projects?
2. How can you bring "weapons of mass instruction" to your own work and community? How could using a research lens help your community address issues of inequality? How might PAR help make the connection between research and social action?
3. Choose an issue of injustice that you or your community faces. How could the questions framed in this article help focus action around the issue?

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