



Full Participation is a Human Right

THE PATH BEYOND PUNISHMENT

by Kimberly Westcott, PhD, JD, MSW



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Kimberly Westcott, PhD, JD is Associate Counsel in CSS's Legal Department and an Adjunct Assistant Professor at the Columbia University School of Social Work (CUSSW). A former labor and employment attorney with the New York City Transit Authority, her work with CSS includes: developing in-prison education and training opportunities to transform the nature of prison; removing barriers to employment for the formerly incarcerated; and creating living wage career pathways that resource communities of color. Ms. Westcott serves on several reintegration project development teams.

A graduate of Yale University and Rutgers University School of Law-Newark, Ms. Westcott also has a substantive background in social welfare policy, receiving her MSW and PhD from Columbia University. Ms. Westcott developed and teaches CUSSW's "Race, Representation, Criminalization and Exclusion: Black Americans in the United States Criminal Punishment System," writes opinion pieces on race and social justice, and has published several articles that advance a life course development-human rights approach to changing the punishment paradigm, including Westcott, K. (2015). "Race, Criminalization and Historical Trauma in the United States: Making the Case for a New Justice Framework," *Traumatology* 21(4), 273-284.

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The United States punishment system is the largest in the world, incarcerating over 2.2 million persons with nearly 7 million under supervision.¹ It is common knowledge that black and Latinx persons are over represented in prison. In 2016, people of color accounted for 37 percent of the US population but represented 67 percent of the prison population.² Moreover, black men are nearly six times as likely to be incarcerated as white men; and federal courts have imposed prison sentences on black men that were 19 percent longer than those imposed on similarly situated white men between 2011 and 2016.³

Less well-recognized are the ways in which incarceration leads to trauma, separation from family and social networks,⁴ exposure to violence, disruptions to education and training, stigma, inadequate health and mental health treatment, and barriers to reconnecting with society—i.e., obtaining housing, employment, healthcare— and how these have cumulatively impacted communities of color.⁵

Yet the destructive legacy of punishment affects the society-as-a-whole. Today, the size, scope, and impact of the punishment-exclusion complex transcend race. An estimated 70 million persons have criminal arrest or conviction records, creating exclusions that fan across communities and intersect with pre-existing social disabilities associated with race, gender, class, ability, and citizenship status, among others, making it a threshold issue for participation in the life of the community—a human right.

This is partly because America’s retributive culture is pervasive: the solution to every perceived threat or social problem is violence, containment, or expulsion. As witnessed in the aftermath of the Parkland High School shooting, to which the Education Department’s policy response is: arm the schoolteachers.⁶

Many redirect their fear of displacement. White supremacists marching at Charlottesville in August 2017 chanted “Jews will not replace us” and “white lives matter,”⁷ as more jobs succumb to automation, the protections for collective action erode, and a precarious “gig economy” reveals a tenuous new normal. Rather than coalesce against the increasingly extreme polarization of wealth and decline in standard of living, some prepare for race war.

THE DESTRUCTIVE LEGACY OF PUNISHMENT AFFECTS THE SOCIETY-AS-A-WHOLE.

Meanwhile Americans incarcerate adults *and* children for life.⁸ Abandoning the spirit of Emma Lazarus’s immortal poem that described America as a beacon and a refuge for “[y]our huddled masses yearning to breathe free,”⁹ today’s refugees approaching from the southern border, to whom we owe a duty of care under international law,¹⁰ are detained and expelled. The U.S. Immigration Customs and Enforcement (ICE) agency sorts and separates children from their parents before detaining and, eventually, ejecting them.¹¹

Society is trapped in a cycle of labeling, demonizing, and keeping down any person or group subject to categorization, whether by race, gender, class, or insider or outsider status. Each category is an expression of a “power structure”¹² linked with an ideology that justifies the subordination of socially defined “outsiders.”

Moving Beyond Punishment

Collective action hinges upon forming paths to understanding. Reconciliation is a bridge that fosters mutual recognition as a foundation for empathy, new communal norms and agreements—but how do we do it? A first step builds upon the truth of lived experience to develop a consensus about the effects of the racialized U.S. prison-punishment system. Beyond that, as writer James Baldwin suggests, a deeper understanding is needed of why our society affirms a punishment system predicated upon separation, extreme violence, subordination and exclusion.¹³ In America, the answer to this question has everything to do with the dehumanization of people of color that started from our very beginnings as a nation and continues unabated today.

Why Does America Need a Subordinate Racial Group?

America's perpetual cycle of separation and destruction prompted James Baldwin to ask, "why it was necessary for America to have a "n****" (or subordinate racial class) in the first place."¹⁴ What does the subordination of another person or group—like tagging all Mexicans as "rapists"—accomplish?¹⁵

Demonizing others allows for the objectification and venting of anger and violence onto an accepted target. Then stories—narratives—are created about the "other" and translated into the language of science, like the theory of biological determinism.¹⁶ Such narratives become the authority for policy in any number of areas, including social welfare and law enforcement. In the 1970s, authoritative figures like Professor William Shockley expounded upon the purported genetic inferiority of blacks as grounds for sterilization and selective breeding.¹⁷

An interrelationship between authority, media representation, and politics continues to draw upon layered assumptions about race, a tacit cultural contempt for poverty, and a punitive narrative reinforced by mass images that portray a morally bankrupt black underclass—"welfare queens" and "studs"—who, as the post-World War II industrial boom came to an end in the late 1970s, were portrayed as a "disposable" part of the workforce in a society where demand for low skill labor was contracting.¹⁸

Conservative criminologists, like Gottfredson and Hirschi, incorporated such narratives and framed "crime" as wholly separate from material social conditions, couching their explanation of criminality as the product of a dysfunctional family relationship, a variation on the popular "culture of poverty" theory that correlated a perpetrator's alleged lack of self-control with a racialized, sexist condemnation of single-family parenting.¹⁹

WHAT DOES THE SUBORDINATION OF ANOTHER PERSON OR GROUP ACCOMPLISH?

The late 20th century "answer" respecting prison policy was – as it had been under Jim Crow – containment: keep low-income blacks on the margins

in “their own communities”;²⁰ increase levels of law enforcement; arrest, remove, and contain the now 2.3 million persons—nearly 1 million of whom are black and brown²¹—in prisons far away from their families, and perpetuate the stigma of incarceration into hardened barriers that exacerbate existing racial and economic exclusions from participating in the workforce, obtaining housing and healthcare, education, or other benefits. This policy continues in full force today.

Purity, Danger, and Exclusion

At the more basic level, sociologist Mary Douglas describes how societies have invoked the “Purity Condition” to justify separation and expel “impure” outsiders from an imagined homogeneous “pure” community.²² The practical outcome looks like apartheid: some get water; access to care and hospitals; nourishing food; livable housing; safe, living wage work; and protection from violence, others do not. Some live within the community (along with the resources of a sanitation line, garbage pickup and a responsive fire company), and some do not. This, in part, is what Ta-Nehisi Coates meant when he spoke of the protection of the law—the benefit of living *within* society – which is provided to some, not others.

When people are kept out—excluded—from society, whether by containment or expulsion, it is imposed by violence. Slavery was enforced by violence. Jim Crow was enforced by violence through lynching, Klan activity, and the razing of black towns all over the U.S. like Tulsa, OK, and Rosewood, FL.²³ The civil rights movement, the “knock on the door” or formal demand of African Americans to be admitted into American civil society to

access schools, housing, employment, voting—believed by many as what is necessary to live within society—was snuffed out by FBI infiltration and assassination. Sixty years later, exclusion of black and brown persons from the economy and the electorate continues to be condoned by government action and secured by violence. The indiscriminate killings of black men (and women) are legion: Eric Garner, Philando Castile, Alton Sterling, Botham Jean, to name a few.²⁴ And the effect of this routine expression of brutality bleeds into the rest of society, as witnessed by the shootings at the Harvest music festival in Las Vegas (59 dead), Parkland High School (17 dead), and the Pulse Night Club (49 dead).²⁵

How Did We Get Here: A Brief History of Extraction, Separation, and Violence

Ta Nehisi-Coates lit a fire when he wrote about a man named Clyde Ross in “The Case for Reparations,” published in *The Atlantic* in 2015. More than a hard luck story about a person who grew up poor during the Depression, Coates’ penetrating historical gaze followed a black man who hailed from a comfortable farming family in Mississippi that was leveled to share cropping through theft of property, a casualty of white supremacy enforced by violence. Coates follows Ross (and others) over time and space as he moves from Mississippi to Chicago during the Second Great Migration in search of living-wage work, a home, and a community: Coates notes that, like so many, Ross sought what had been systematically denied: “protection of the law.” Painfully, the reader encounters more of Ross’s story as he struggles to

buy a house in an integrated area, and learns that the institutional structure of restrictive covenants, discriminatory Fair Housing Administration home loans, redlining, and outright racism left Mr. Ross with a rapidly devaluing home purchased on contract in a newly segregated black section of town, North Lawndale, now hyper-enforced by police. This saga, an enmeshed story of individual and community exclusion, is resonant today.

Drawing the Veil: Containing the Children of Clyde Ross

Fast forward to the 1970s—the end of the Civil Rights era and the dawn of what is now known as the age of mass incarceration—a time when over two generations of Great Migration blacks found themselves shunted into under-resourced, segregated sections of large cities. When apartheid-like conditions led to widespread protests that extended beyond the South, the civil rights and black power struggles coalesced with anti-war, student, and women’s liberation protests, rocking the establishment. The struggles continued into the long hot summers of 1965, 1967, and 1968 when cities like Newark, Detroit, Cleveland and parts of Los Angeles and Chicago, among others, ignited to protest the many killings of black leaders. America tried to move beyond these events and, for some, this was partially accomplished by the election of “law and order” Republican candidate Richard Nixon, who effectively promised to quell and contain the activity.²⁶

This containment strategy hearkened back to another period of revolutionary upheaval during the 1780s and 1790s in Colonial America and France—one

that unsettled the upper orders and led, in part, to creation of the Philadelphia’s Walnut Street Jail in 1790. The Walnut Street Jail, America’s first prison and formal institution of incarcerative containment, brought punishment inside and beyond public view. The revolutionary activity and “disorder” of the 1960s prompted the rounding up and warehousing of perceived revolutionaries and “criminals.” Black and brown people were targeted in their segregated ghettos under a radical expansion of the punishment structure in a second great period of containment that separated families and communities for generations; its effects are felt today.²⁷

The Reaction on the Inside and its Impact on the Outside

The Attica rebellion (1971) was the pinnacle of the Prisoners’ Rights Movement. During five days in September, over 1300 prisoners, most black and brown, rebelled to draw national attention to inhumane prison living conditions; 39 died.²⁸ Following well-publicized reports of violent inmates temporarily seizing control of their prisons—building upon generations-thick imagery of militant, violent, “out of control” blacks used to terrify mainstream America dating from slavery and the Reconstruction Era—conservative authorities in the field of penology, most notably Robert Martinson, responded, in part, to this social moment by declaring “nothing works.” This conclusively ended the conversation about the merits of continuing “rehabilitative” practices in prison in favor of “just desserts”—unadulterated violent subordination and containment over long periods of time—because punishment, we were told, is the only thing that “those animals” understand.²⁹

Exclusion and Its Consequences

Each year over 600,000 persons return from prison to their home communities and must confront an array of daunting, nearly insuperable challenges.³² Most who are outside of it do not know or appreciate the difficulty of this process.

In his 2014 article, *The Long Shadow*, Steven D. Bell described the way in which “collateral consequences”—a vast array of barriers to participation that face persons with conviction histories—cast a “long shadow” beyond the prison walls and long beyond the time when formerly imprisoned persons have “paid” for their crimes by completing their sentences.³³ He writes:

For many people convicted of crimes, the most severe and long-lasting effect of conviction is not imprisonment or fine. Rather, it is being subjected to collateral consequences involving the actual or potential loss of civil rights, parental rights, public benefits, and employment opportunities. Some collateral consequences are mandated by statute, such as disenfranchisement, or by civil regulations, such as professional licensing schemes Others have evolved into common community practices, like checking the box on employment or housing applications which generally read, “Have you ever been convicted of a crime?”³⁴

Significantly, people, communities, and the broader world in which we live are not segmented. Communities connect to people in institutions who feed back into communities. The exclusions experienced by persons returning to the community are visited upon their children, families, and the community itself.

More significantly, theorists like Martinson provided an authoritative basis for enhanced sentencing and withdrawing support for prison programming, opening the door to full-blown prison entrepreneurialism. Instead of allocating money to support education, training and counseling in prison—some of the demands of the Attica protesters and the Prisoners’ Rights Movement—the warehousing of bodies generated profits for corporations and the state as it stripped home communities of their workers, residents, and family members.

A CRIMINAL CONVICTION SHOULD NOT BE A LIFETIME BURDEN.

Today’s late-stage prison entrepreneurialism has extended to warehousing “unwanted” black and brown immigrants in ICE detention centers for a profit and expanded prison labor to unheard of levels serving communities outside, including fighting fires in California for \$1.00 per hour.³⁰ The struggles against this abuse of power continue to go on “inside”—beyond public view—witnessed this year by the Prison Strikes in 17 states and the ICE detainee hunger strikes.³¹ The trauma experienced by detainees and incarcerated persons, including the as-yet unknown extent of the damage of long-term family separation, impacts both them and the community over the life course and across generations.

Expungement is a Step on the Path to Reconciliation

Reconciliation has been described as “the action of making one view or belief compatible with another.”³⁵ An important first step in the process of reconciling community, formerly incarcerated persons, and their families is expungement of criminal records – effectively erasing or destroying them. Doing so enables persons with criminal conviction histories to seek housing, employment, education, family reunification, and more without the stigma that convictions carry and perpetuate. Expungement’s focus on ending this stigma and its negative effects is the foundation for full participation. Perhaps more important, expungement is an expression of the community’s commitment to remove the mark of exclusion associated with punishment and containment, affirming that returning persons and their families have a place (see CSS Report on Expungement).³⁶

Community, Need, and Human Rights

Although the social Darwinian axiom, “survival of the fittest,” has been used to support the idea that a person’s “success” is based solely on his own effort and that the spoils are his alone,³⁷ anthropologists, environmentalists and others have focused on the social system—a patterned network of relationships constituting a coherent whole that exists between individuals, groups, and institutions.³⁸ The emphasis on the whole rather than the sum of its parts highlights patterns that exist in an inseparable web of relationships.³⁹ Some also view community as a series of meshed relationships across sectors of family, education, work, and faith.⁴⁰

COMMUNITIES CONNECT TO PEOPLE IN INSTITUTIONS WHO FEED BACK INTO COMMUNITIES.

Systems (and communities) produce adaptations in response to their needs. Throughout civilization, humans have learned that needs must be met to survive, which form the basis for collective demands. Joseph Wronka writes:

Technically, human rights do not exist. However, human *needs* do, and human rights provide the legal mandate to fulfill human need... human rights mirror the socio-environmental contexts of the time—*values that have crystallized into rights*, often embedded in constitutions and/or other ethical codes of conduct, serving as guiding principles for a way of life. [Emphasis added.]⁴¹

The question then becomes: what do human beings need to live in our society? While some adopt a subsistence view of what we owe each other, economists and social theorists who reject absolute in favor of relative measures of poverty (or need) recognize that more protections are needed than what the U.S. Constitution affords. Some needs require the support of affirmative “rights”—like housing, food, education, and more.

The Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly in 1948. Its principles were laid as a foundation to help assure a new era of peace and justice among nations following the destruction and human suffering of the Second World War.

The Declaration includes 30 enumerated human rights, the core of which are:

- *human dignity* (UDHR, Art. 1, “All humans are born free and equal in dignity and rights”);
- *non-discrimination*—if all humans are worthy of dignity, to have rights, the only criterion is that a person is a human being (UDHR, Art. 2, “one must act justly toward others ‘without distinction of any kind, such as race, color, sex, language, religions, political or other opinion, national or social origin, property, birth or other status’”);
- *civil and political rights*, like many of the rights contained in the U.S. Constitution (UDHR Articles 3 through 21);
- *economic, social, and cultural rights*, also known as “positive rights” that include food, health care, education, meaningful and gainful employment, special protections for mothers and children, protection in old age, participation in a community’s cultural life, and rest and leisure (UDHR, Articles 22 through 27); and
- *solidarity rights*, which emphasize the fundamental human right to intergovernmental cooperation to address matters like pollution and war (UDHR, Articles 28 through 30).⁴²

Some might argue that Article 27, “free participation in the cultural life of the community,”⁴³ is a meta-right. It encapsulates all of what the UDHR highlights as necessary for human life, since a person cannot freely participate in community culture—its way of doing things, in all its institutions—without the ability to exercise all rights as a human being. Therefore, full participation is required to be a functioning part of the community.

What We Can Do to Create the Structure and Culture of Community

New adaptations and partnerships can expand the umbrella of community, spanning from inside the prison into our offices and the workplace. One strategy, Effective Communication/Motivational Strategies (“ECMS”)⁴⁴—developed by Ray Ferns,⁴⁵ a correctional professional with over 30 years of experience—improves the prison environment by enhancing interactions between correctional staff and incarcerated persons. What is unique about the approach is its focus on modeling effective interactions with incarcerated persons for correctional staff through learning teams, which allow prison settings to reduce their reliance on exerting control through solitary confinement—often by escalating the threat of force—and to improve staff interactions with incarcerated persons. ECMS has been implemented with great success, both in Maine State Prison and in other correctional settings, leading to fewer incidents of staff-prisoner violence and the reduction of worker’s compensation claims filed by correctional staff. When the prison as an institution can reexamine its reliance on force and solitary confinement as punishment, it can become a real platform for advancing the development of incarcerated persons through education, training, and other programming.

A New Partnership: The Last Mile and Slack

Another promising story is Next Chapter, a partnership between The Last Mile (TLM), a technology-training program for incarcerated persons, and Slack, a successful chat start-up in San Francisco. Made possible by an \$800,000 grant from the W.K. Kellogg Foundation, Next Chapter will train three “returning citizens” inside Slack as quality-engineering apprentices and build a process to help them acculturate to one of the most successful tech start-ups in the last decade.⁴⁶

The apprenticeship is split into three phases over the course of a year: four months at the start-up bootcamp Hack Reactor; four months of training to learn how to code; then four months on the job, after which Slack may opt to hire an apprentice or help them get a job at another tech company.

The project is the culmination of TLM’s work in the California prison system. Founded as an entrepreneurship class at San Quentin, TLM has grown into a prison education program over eight facilities. TLM’s most recent joint venture with the California Prison Industry Authority, called TLMWorks, is an actual development shop at San Quentin.

Many of the incarcerated participants report that coding gives them a sense of purpose, not only working on something intellectually satisfying but learning a “marketable skill” that could pay enough to support a family in the Bay Area. This very intentional link between expanding industry and the cultivation of incarcerated student skills along with meaningful compensation is only one of many ways to reach out to bring persons back.⁴⁷

Community Development of Resources

Finally, impacted communities and others are expressing interest in developing their own resources—resources that the community owns and controls that offer education, training, and employment to members living and returning there – as a way of overcoming systemic racial and criminal record barriers. Increasingly, discussion has turned to community land trusts (“CLTs”)⁴⁸ and communal designs for shared resources like Cooperation Jackson⁴⁹ – a network of communal cooperatives located in Jackson, MS – to meaningfully address community needs and to find a place for all as determined by community members.⁵⁰

Work in all three sites—the prison, the workplace, and the community—is necessary to eliminate the perpetual stigma and exclusions associated with punishment. In the movement to create a legal and cultural space that embraces all persons, expungement is both a bridge to reconciliation and an important tool to advance full participation.

The Arts: Gateway to Understanding

Art helps people understand themselves and the human condition. Theater and film offer perspective that allows us to see what we are doing to one another. Artists and religious leaders perform a pivotal role in leading the community past punishment and exclusion.

Structures reflect their intended use and a perspective. Some believe human beings are a collection of individuals whose accomplishments are solely attributable to individual action. Others believe that our efforts and achievements are linked, intertwined and connected—like fractals.⁵¹

If the arts support understanding and reconciliation reflects the will to create a shared structure, then human rights are the blueprint for that structure—the house built to shelter us all. Law advanced by movements can realize these efforts.

CAN EXPUNGEMENT ACT AS THE ROADBED FOR THE BRIDGE TO FULL PARTICIPATION?

Building the Bridge to Full Participation

Punishment-impacted persons are pushed to the margins well beyond time served in prison—often for their entire lives. The stigma associated with imprisonment affects every aspect of a person’s life—from obtaining housing and employment, to voting, education, and the possibility of family reunification. Separation from community life reinforces the necessity for reconciliation affirmed both by community *and* by law. Beliefs and values can be explored by promoting a culture of informed conversation, starting with exchanges about personal experience, including: should persons who return to the community be kept from what is necessary to function and flourish? Is there value in perpetuating an enduring mark of punishment—a conviction history—that is used to continue to separate people

from each other? Is erasing that mark through expungement something we can coalesce around? Can expungement act as the roadbed for the bridge to full participation?

As scholar and activist Fritjof Capra has elucidated in his books *The Web of Life* (1996) and *The Hidden Connections* (2002), we are all connected through ecosystems and are part of the interdependent “web of life”: we need each other to live. In order that the web be kept strong and flexible, each of us needs the ability and power to fully participate. We need to eradicate artificial, fraught structures so all can belong.

Full participation is a human right.

Endnotes

- 1 U.S. Bureau of Justice Statistics, *Correctional Populations in the United States*, 2015, (Dec. 2016).
- 2 Who's in prison in America, *OpenInvest*, February 21, 2018, found at, <https://www.openinvest.co/blog/statistics-prison-america/>
- 3 Persistent racial disparity in federal sentencing, *News, The Sentencing Project*, November 30, 2017, found at, <https://www.sentencingproject.org/news/5695/>
- 4 Incarceration of either or both parents can have debilitating consequences for children. Research indicates that more than one-half of adult prisoners are parents of minor children. Mumola, Christopher J. (2000). National Criminal Justice (NCJ 182335) *Incarcerated Parents and their Children*. Washington DC: Bureau of Justice Statistics Special Report; Mumola, 2000; see also Glaze, Lauren E. and Maruschak, Laura M. (2008). NCJ 222984. *Parents in Prison and Their Minor Children*. Washington DC: Bureau of Justice Statistics Special Report.
- 5 The cumulative effects of incarceration and criminal punishment, employment barriers, welfare restrictions and perpetual disenfranchisement have been described as “collateral sanctions.” Alex Ewald & Christopher Uggen, *The Collateral Effects of Imprisonment on Prisoners, Their Families, and Communities*, in THE OXFORD HANDBOOK OF SENTENCING & CORRECTIONS 83 (Joan Petersilia & Kevin R. Reitz eds., 2012). Multiple interconnected effects of criminal justice system involvement include evidence that young adults who experienced parental imprisonment are more likely to report income insecurity and suffer educational deficits when compared to other adolescents. Foster, H. I., & Hagan, J. (2007). Incarceration and intergenerational social exclusion. *Social Problems*, 54(4), 399-433. DOI: 10.1525/sp.2007.54.4.399. Incarcerated and returning elders experience distinct challenges in the prison experience and in reentry. Maschi, T., Viola, D., Harrison, M.T., Harrison, W., Koskinen, L, Bellusa, S. (2014). Bridging community and prison for older adults: invoking human rights and elder and intergenerational family justice. *International Journal of Prisoner Health* 10(1), 55-73. DOI: 10.1108/IJPH-04-2013-0017. There is also strong evidence for a positive correlation between depressed mood and prison experience, with evidence for anxiety, panic and social phobia. Turney, K., Schnittker, J. Wildeman, C. (2012). Those they leave behind: parental incarceration and maternal instrumental support. *Journal of Marriage and Family* 74(5), 1140-1165. <https://doi.org/10.1111/j.1741-3737.2012.00998>. See generally Effects of Criminal Justice Involvement on Individuals, Families, and Communities.” National Academies of Sciences, Engineering, and Medicine. 2017. *Improving Collection of Indicators of Criminal Justice System Involvement in Population Health Data Programs: Proceedings of a Workshop*. Washington, DC: The National Academies Press. doi: 10.17226/24633, found at, <https://www.nap.edu/read/24633/chapter/4>
- 6 Elizabeth Chuck, Teachers struggle with new ‘default mindset’ after Florida shooting, *NBCNews.com*, March 12, 2018, found at, <https://www.nbcnews.com/news/us-news/teachers-struggle-new-default-mindset-after-florida-shooting-n852796> ; Erica L. Green, Education secretary considers using federal funds to arm schools, *NYTimes*, August 22, 2018, found at, <https://www.nytimes.com/2018/08/22/us/politics/betsy-devos-guns.html?smid=tw-nytimes&smtyp=cur>
- 7 Mykal McEldowney/The Indianapolis Star via AP, What Charlottesville changed, *Politico Magazine*, August 12, 2018, found at, <https://www.politico.com/magazine/story/2018/08/12/charlottesville-anniversary-supremacists-protests-dc-virginia-219353>
- 8 Approximately 10,000 Americans are serving life sentences for offenses committed as a child, meaning under the age of eighteen. Of them, approximately 2,500 are serving life without possibility of parole. Katie Rose Quandt, Why does the U.S. sentence children to life in prison? *JSTOR Daily*, January 31, 2018, found at, <https://daily.jstor.org/u-s-sentence-children-life-prison/>
- 9 Emma Lazarus, *The New Colossus* (1883).
- 10 Convention Relating to the Status of Refugees (1951) or 1951 Refugee Convention, which builds on Article 14 of the Universal Declaration of Human Right, recognizes the right of persons to seek asylum from persecution in other countries.
- 11 Since May 2018, over 2,342 children were separated from their parents after crossing the southern United States border. Camila Domonoske and Richard Gonzales, What we know: family separation and ‘zero tolerance’ at the border, *National Public Radio*, June 19, 2018, found at, <https://www.npr.org/2018/06/19/621065383/what-we-know-family-separation-and-zero-tolerance-at-the-border>
- 12 Patriarchy, White Supremacy, and Capitalism are examples of power structures.

13 The United States prison-punishment system cannot be understood without examining the influence of colonization and enslavement: America's relationship with institutional violence has been fueled by fear of insurrection for centuries—whether at the hands of enslaved or exploited workers. For a discussion of the creation of the slave patrol and its relationship to the development of police and enforcement, see Kappeler, Victor E. (2014). A brief history of slavery and the origins of American policy, *Eastern Kentucky University*, Police Studies Online, found at , <https://plsonline.eku.edu/insideloook/brief-history-slavery-and-origins-american-policing>; compare law enforcement's role of protecting property (class) with the history of protecting chattel'.

14 "Future of America clip, "I Am Not Your Negro" (2016) directed by Raoul Peck, Magnolia Pictures and Magnet Releasing, found at, <https://www.youtube.com/watch?v=nAmL3F5uylo>

15 Ian Schwartz, Trump: Mexico not sending us their best: criminals, drug dealers and rapists are crossing the border, *RealClear Politics*, June 16, 2015, found at, https://www.realclearpolitics.com/video/2015/06/16/trump_mexico_not_sending_us_their_best_criminals_drug_dealers_and_rapists_are_crossing_border.html

16 Biological determinism: the idea that an individual's personality or behavior is caused by their particular genetic endowment, rather than by social or cultural factors – by nature rather than nurture. Oxford Reference, accessed on September 24, 2018, at <http://www.oxfordreference.com/view/10.1093/oi/authority.201108030955507933>

17 Shockley stated, "My research leads me inescapably to the opinion that the major cause of the American Negro's intellectual and social deficits is hereditary and racially genetic in origin and, thus, not remediable to a major degree by practical improvements in the environment." "Firing Line with William F. Buckley Jr.: Shockley's Thesis (Episode S0145, Recorded on June 10, 1974)". Retrieved 17 September 2017.

18 Akuno, K. and Nangwaya, A. (2017). *Jackson Rising: the struggle for economic democracy and black self-determination in Jackson, Mississippi*. Daraja Press.

19 Gottfredson, M. and Hirschi, T. (1990). *A general theory of crime*. Stanford, California: Stanford University Press, pp. 47-120.

20 Wilson, William J. (1987). *The Truly Disadvantaged: the inner city, the underclass and public policy*. Chicago: University of Chicago Press.

21 E. A. Carson, Prisoners in 2016, *Bureau of Justice Statistics*, accessed on September 23, 2018, at, <https://www.bjs.gov/content/pub/pdf/p16.pdf>

22 Douglas, M. (1966). *Purity and Danger: An analysis of concepts of pollution and taboo*. United Kingdom: Routledge.

23 Victor Luckerson, Black Wall Street: the African American haven that burned and then rose from the ashes, *The Ringer*, June 28, 2018, found at, <https://www.theringer.com/2018/6/28/17511818/black-wall-street-oklahoma-greenwood-destruction-tulsa>

24 Jamil Smith, 'I can't breathe': Eric Garner's life and death. Book Review, *NYTimes*, November 17, 2017, found at, <https://www.nytimes.com/2017/11/17/books/review/i-cant-breathe-matt-taibbi-eric-garner.html> ; David A. Graham, The Second Amendment's second class citizens, *The Atlantic*, July 7, 2016, found at, <https://www.theatlantic.com/politics/archive/2016/07/alton-sterling-philando-castile-2nd-amendment-guns/490301/>; Amy Harmon, Her son was careful to avoid police officers. Then he was killed by one. *NYTimes*, September 21, 2018, found at, <https://www.nytimes.com/2018/09/21/us/both-am-jean-mother-dallas-police-shooting.html>

25 Lynh Bui, Matt Zepotosky, Devlin Barnett and Mark Berman, At least 59 killed in Las Vegas shooting rampage, more than 500 others injured, *The Washington Post*, October 2, 2017, found at, https://www.washingtonpost.com/news/morning-mix/wp/2017/10/02/police-shut-down-part-of-las-vegas-strip-due-to-shooting/?utm_term=.f4bafa27a26f ; Elizabeth Chuck, Alex Johnson and Corky Siemaszko, 17 killed in mass shooting at high school in Parkland Florida, *NBC News*, February 28, 2018, found at, <https://www.nbcnews.com/news/us-news/police-respond-shooting-parkland-florida-high-school-n848101>; Julie Shapiro and Melissa Chan, What to know about the Pulse Nightclub shooting in Orlando, *Time*, June 12, 2016, found at, <http://time.com/4365260/orlando-shooting-pulse-nightclub-what-know/>

26 Rick Perlstein, Lee Atwater's infamous 1981 interview on the Southern Strategy, *The Nation*, November 13, 2012, found at, <https://www.thenation.com/article/exclusive-lee-atwaters-infamous-1981-interview-southern-strategy/>

27 Communities have been blinded to human suffering through the shrouding of violence: when punishment was “brought inside” in 1790 following the American Revolution -- violence and executions were no longer visible to the public; when the penitentiary was constructed – a great, hulking monstrosity designed to serve as a bulwark between a dis-ordered society and the incarcerated, crushing the spirit of those in need of “penitence” (transformation through a direct experience with God) and barring outsiders from witnessing the violence; extraction of life and labor under convict leasing (followed by its successor regime, the chain gang), instituted in the aftermath of the Civil War to exploit the newly freed slave.

28 James Forman Jr., Attica, Attica: the story of the legendary prison uprising, Book Review, *NYTimes*, August 30, 2016, found at, <https://www.nytimes.com/2016/09/04/books/review/blood-in-the-water-attica-heather-ann-thompson.html>

29 A sentiment echoed by the 45th President of the United States when, in 1989, Trump took out full-page ads in four New York papers stating, “bring back the death penalty, bring back our police” to describe the young boys between the ages of 14 and 16 -- since exonerated -- who were accused of raping a jogger in Central Park. See Lisa W. Foderano, Angered by attack, Trump urges return of the death penalty, *NYTimes*, May 1, 1989, found at, <https://www.nytimes.com/1989/05/01/nyregion/angered-by-attack-trump-urges-return-of-the-death-penalty.html>

30 Abigail Hess, California is paying inmates \$1 an hour to fight wildfires, *CNBC.com*, August 14, 2018, found at, <https://www.cnb.com/2018/08/14/california-is-paying-in-mates-1-an-hour-to-fight-wildfires.html>

31 Mitch Smith, Prison Strike organizers aim to improve conditions and pay, *NYTimes*, August 26, 2018, found at, <https://www.nytimes.com/2018/08/26/us/national-prison-strike-2018.html>; Prison Strike 2018, Incarcerated Workers Organizing Committee, found at, <https://incarceratedworkers.org/campaigns/prison-strike-2018>; German Lopez, America’s prisoners are going on strike in at least 17 states, *Vox*, August. 22, 2018, found at, <https://www.vox.com/2018/8/17/17664048/national-prison-strike-2018> Prisoners made ten demands: humane prison conditions; immediate end to prison slavery; rescission of the Prison Litigation Reform Act, Truth in Sentencing Act, and Sentencing Reform Acts; immediate end to racial overcharging, over sentencing, and parole denials of black and brown humans; immediate end to racist gang enhancement

laws; no denial of rehabilitation programming at detention sites; increased funding of state prisons for more rehabilitative services; reinstatement of Pell Grants in all U.S. states and territories; demand for voting representation for all confined persons.

32 Reentry and employment for the formerly incarcerated and the role of American trade unions, *National Employment Law Project*, Policy Brief, April 6, 2016, found at, <https://www.nelp.org/publication/reentry-and-employment-for-the-formerly-incarcerated-and-the-role-of-american-trades-unions/>

33 Steven D. Bell, *The Long Shadow: Decreasing Barriers to Employment, Housing and Civic Participation for People with Criminal Records will Improve Public Safety and Strengthen the Economy*, 42 *W. St. U. L. Rev.*, 1, 7-8 (2014), found at, <https://lawscl.org/cgi/viewcontent.cgi?article=1000&context=wslawreview>

34 *Id.* at 7-8

35 Definition of reconciliation, Oxford Living Dictionary, found at, <https://en.oxforddictionaries.com/definition/reconciliation>

36 For a description of the on-going impact of criminal record barriers on the lives of individuals, see CSS’s Report on Expungement, at _____.

37 Sean McElwee, Right still leans on social Darwinism, *Policyshop, Demos*, October 28, 2013, found at, <https://www.demos.org/blog/10/28/13/right-still-leans-social-darwinism>

38 Definition of “Social System” found at Merriam Webster on-line, www.merriam-webster.com.

39 Scott London, Book Review, Capra, F. (1996). *The Web of Life: A New Scientific Understanding of Living Systems*. New York: Anchor Books, found at, <https://www.scottlondon.com/reviews/capra.html>

40 Bernard, Phillipe (ed.) 1983. *The sociological domain. The Durkheimians and the founding of French sociology*. Cambridge: Cambridge University Press and Paris: Maison des Sciences de L’Humane.

41 Wronka, J. H., (2008). *Human Rights and Social Justice: social action and service for the helping and health professions*. Sage Publications, Inc., p. 5.

42 Wronka, *Id*, pp. 16-20.

43 UDHR Art. 27.

44 ECMS is a five-day learning experience designed to integrate Social learning Theory and Motivational Interviewing skills, among others, in a conceptual framework through the development and practice of communication skills and techniques. Ferns, R. An integrated approach to applying “Evidence-Based Practices” in corrections, found at, https://www.google.com/search?source=hp&ei=p5G-pW4D5Ga7H5gKe8Lr4Dg&q=Ray+Ferns&btnK=-Google+Search&coq=Ray+Ferns&gs_l=psy-ab.3..0j0i22i30j0i22i10i30j0i22i30l7.399.1487..2030...0.0..0.111.848.8j2.....0....1..gws-wiz.....0..35i39j0i131j0i10.j-8Zfm-FA4YY

45 Ray Ferns has provided training and consulting services to more than 70 local and state correctional organizations across the U.S.

46 Alexis C. Madrigal, Big tech’s newest experiment in criminal-justice reform, *The Atlantic*, August 29, 2018, found at, <https://www.theatlantic.com/technology/archive/2018/08/big-techs-newest-experiment-in-criminal-justice-reform/568849/>

47 Madrigal, *Id*.

48 Community Land Trust (CLT) is a nonprofit corporation that develops and stewards affordable housing, community gardens, commercial spaces, civic buildings and other community assets on behalf of a community. Community Wealth.org, Community Land Trust Overview, found at, <https://community-wealth.org/strategies/panel/clts/index.html>

49 Cooperation Jackson is a network of cooperatives and worker-owned, democratically self-managed enterprises located in Jackson, MS. Cooperation Jackson website, found at, <https://cooperationjackson.org/>

50 Peter Moskowitz, Meet the radical worker’s cooperative growing in the heart of the deep south, *The Nation*, April 24, 2017, found at, <https://www.thenation.com/article/meet-the-radical-workers-cooperative-growing-in-the-heart-of-the-deep-south/>

51 A fractal is a never-ending pattern. What are fractals? Fractal Foundation, found at, <https://fractalfoundation.org/resources/what-are-fractals/>

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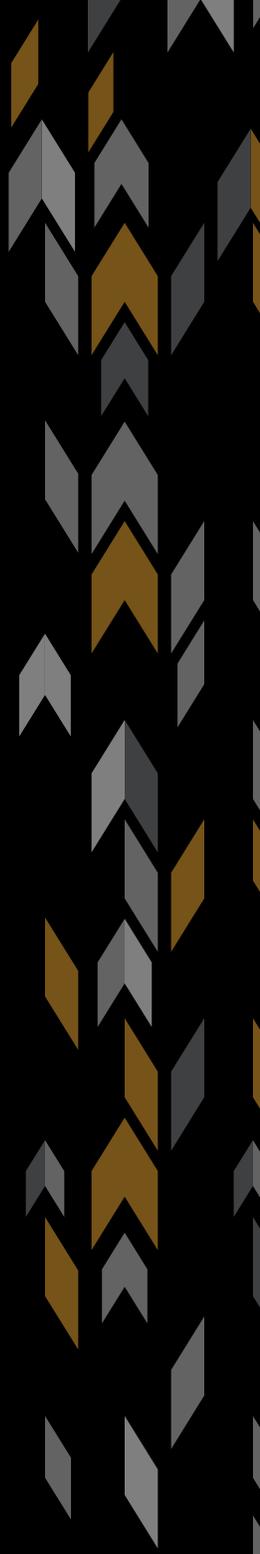
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