

## **Prison Industrial Complex: Advocacy, Activism and Social Change**

Comments of Kim Pate in Melbourne, Australia - 21 July 2005

at the

Sisters Inside Conference: *Is Prison Obsolete?*

Before I begin my comments, I want to once again thank the Wurundjeri People and the Kulin Nations people of this area for the welcome to country; it is a privilege to be on your land. As a white woman from away, I feel very privileged to be here and I carry the responsibility of coming from another part of the world where the land of our First Nations people has been stolen and appropriated.

Thank you to the Aunties, the Elders, allies, and friends here with us. Thank you also to Sisters Inside, Flat Out, and the Aboriginal Family Violence Prevention and Legal Service of Victoria for coordinating Sister's Inside 3<sup>rd</sup> International Conference.

Thank you to the women inside, in Canada, whose drumming you heard as I was introduced, and whose words, writings, artwork, and music so vividly tell their stories.

I especially want to start by honouring those women who are with us who have the lived experience about which we presume to speak. I urge you to continue to unite and together to challenge and hold us accountable for all we say and do, not just here, but in our daily work and lives, especially when we try to describe or represent your realities.

Some of you know that I nearly was not here this conference... Five weeks ago today, corrections nearly succeeded in killing an Aboriginal woman whose life journey exemplifies the outrage of the interconnectedness of economic/corporate, social, political context of globalization and the mushrooming of the prison industrial complex. Crime and criminalization are theories and always remember that it is no accident who is criminalized. That is why they have started coming for the advocates, activists and allies... More about that later, first I must talk about Sandy...

This woman started her time in prison more than 28 years ago. Like too many Aboriginal women, she had first endured the impact of the genocidal colonization tactics that have nearly decimated too many families and communities – nearly, but not quite.

Raped of her family, community and cultural identity in residential schools, as a 17 year old her survival skills were criminalized by the same white, middle class, male state that started this process when she was a child. She started with a very short sentence but her reflex to survive and her refusal to bend to the authority of the 'Man', resulted in the accumulation of what is now more than 28 years in prison – most of the last 15 years of which have been in segregation.

She received virtually every pathologizing mental health and behavioural label over the years. She resisted every one. Her initiative is one of the inspirations for a project with Native Women's Association of Canada whereby we are working together to intervene in the cases of Aboriginal women before they are convicted and sentenced to prison. So far, one woman who started with a first degree murder charge may soon see the police and prosecutors withdrawing the charge laid against her and her name should be cleared.

As Robbie told us yesterday, women, especially Aboriginal women and women who have been bashed and raped, have no illusions that the state is out to protect them. They know that is not true. In fact, many take on the responsibility of protecting their loved ones, their families, their communities from the state. They take responsibility for not just their own actions, but also those of the people closest to them. When Sandy's sister prisoner wanted to die but needed some assistance because her palsied limbs failed her...Sandy refused to shrink from the request and then took full responsibility for her death. That death is still listed by the state as a suicide and there are no prisoners nor even state authorities who believe Sandy's part, if any, was more than an assisted suicide. But she rejected legal external definitions of who she was and what she did and insisted on taking full responsibility for the death of her sister prisoner.

We, her allies, alongside her sister prisoners and formers prisoner with Womyn4Justice and Strength in Sisterhood, have been trying for the intervening 11 years to encourage her to allow us to try to re-open her case. Two months ago, she called and wanted me to get all of her files and finally agreed to work at re-opening her case of wrongful conviction. She also wanted me to get all of her medical files. Two weeks later a prison doctor certified her. Three weeks later she was on life support. Due to some interventions involving her legal team of Aboriginal lawyers, she is now

reclassified as a medium security prisoner and the armed guards who escorted her to hospital and those who sat at her bedside are gone – at least temporarily - we presume we will be revisiting this struggle if/when she regains consciousness. If by some miracle this amazingly strong proud woman does not die, the fight will be on and we will persist in our efforts to get her out! It perhaps goes without saying that if she dies, the fight will also be on. If the tables were turned, she would likely be facing charges of attempted murder; so we might all well ask why are the responsible corrections staff not facing attempted murder charges? Our experience is that they will not likely even be sanctioned for any part played in putting her life at risk.

Indeed, it is with regret that I am here, alone, in the absence of the women with whom I have the privilege of walking. Given the urgency we all feel, or should feel, about the increased criminalization of women and girls worldwide, my hope is that we will truly engage and work to correct what is fundamentally flawed and wrong about current attempts to reform and correct or change individual and/or groups of women, when it is increasingly the laws and policies within which we all work that are increasingly coming in to conflict with people, especially poor, racialized, and disabled women.

We have no choice but to challenge our pre-conceptions and therefore our approaches, responsibilities, language – in short, everything, about how we are working and envisioning the future.

Women are the fastest growing prison population world wide and this is not accidental. In Canada, we recognize that our links to the United States has meant that we were amongst the first countries to be impacted by the now globalized capitalist lunges for cash and products, which are occasioning the destruction of social safety nets – from social and health services to economic and education standards and availability. The result, as we have recognized very concretely by the change of our mission to recognize the reality that laws and policies are increasingly in conflict with peoples' lives, resulting in the virtual inevitability of criminalization.

For example, by creating criminally low welfare rates and even bans on receipt of state resources, many poor people are immediately relegated to the criminalized underclass. Rather than resulting in the criminalization of poor women for welfare fraud, prostitution, drug trafficking or whatever other survival strategies are employed, if we are truly interested in addressing

fraudulent transactions that harm others, then criminally low welfare rates should result in the criminalization of those who craft, those who pass, and those who enforce the laws and policies, **not** those subjected to them.

Query the value of enabling the creation of laws and policies that effectively criminalize poverty, disabilities and the resisters of colonization, and then developing classification, assessment and correction tools that pretend that the individual members of those very groups of people who are grabbed, sucked or thrown into the criminal and correctional systems are there because of their planned, voluntary and criminally intended actions.

They are not the cause of the greatest real or perceived risks to others yet we continue to perpetuate the myth by focusing on risk assessments and correctional programs, when it is those responsible for and/or complicit in the destruction of our social safety net who are in the greatest need of correction. Just as the people had to examine their own actions and inaction following the genocidal results of German policies and practices in the 1920s and 1930s, those who fail to address these matters will be faced with the reality that they too could be directly impacted implicitly and possibly explicitly, depending upon their personal, economical and professional circumstances. It is simply not acceptable to merely hide our heads in the sand and wallow in despair, nor is it acceptable to set up new and improved versions of the same old flawed system. Really, whom do we think we are fooling as we re-arrange the proverbial deck chairs on the Titanic as the system becomes more and more overwhelmed, veering into proverbial icebergs with political winds providing seemingly rudderless direction. Well, we all know what happened to the Titanic.

In the United Kingdom, noted policy leaders such as Pat Carlen and the Howard League are amongst those calling for decarceration and social (re)investment. I commend Angela Davis's book entitled, ***Are Prisons Obsolete?*** Indeed, others besides Angela have also characterized the push to criminalize the most dispossessed as the present manifestation of discrimination and bias on the basis of race, ability, class, gender and sexuality, and argue that this demands we examine our fundamental beliefs and notions of whose interests and biases are privileged.

Once we face those realities, it will not take much to tap into our righteous rage and move into action.

It seems quite ludicrous that we continue to pretend that telling women and girls not to take drugs to dull the pain of abuse, hunger or other devastation, or tell them that they must stop the behaviour that allowed them to survive poverty, abuse, disabilities, et cetera, in the face of no current or prospect of any income, housing, medical, educational or other supports. Surely releasing women and girls to the street with little more than psycho-social, cognitive skills or drug abstinence programming, along with the implicit judgment that they are in control of and therefore responsible for their situations, including their own criminalization. We absolutely reject and resist such notions.

In Canada, in 1996, we decided to follow the U.S. lead when the federal government eliminated the Canada Assistance Plan and therefore the essential nature of Canadian standards of social, medical and educational resourcing. We have now experienced the same sorts of cuts and knee-jerk band aid responses – all of which presume criminality and perpetuate the problems of the past, be they crime prevention, homelessness, restorative justice or other responses.

Imagine the results if we instead decided to ensure that every prisoner learned about the history of the use of criminal law to colonize Aboriginal peoples to separate them from their land and culture, the criminalization of the indigent and homeless through laws prohibiting vagrancy and night walking, while simultaneously failing to condemn the abuse of power and force by police and prison personnel, the neglect of institutionalized persons. Imagine if we chose to reject current theories of crime and criminality and instead chose to focus on trying to prevent – and when unsuccessful punish – those who perpetrate the most harmful behaviours ... those who wage war – Why hasn't Bush been indicted for war crimes or crimes against humanity? Also, what about those who hoard essential goods, make excess profits, irresponsibly and negligently handle toxic cargo, crimes against social harmony, economic and/or even governmental order. What would the system look like if we prosecuted and sentenced people for lying while running for office, wrongful use or access to government power and public resources?

Too many of us spend our time vibrating between rage and despair as we strive to act in ways that will directly benefit and change the status quo for those most oppressed. Let's use that anger to fuel our action, but let's not

stop there, let's also decide to remember to celebrate our resisters and revolutionary thinkers and doers.

For each of us, this picture might look a little different. In Canada, we would focus on the Aboriginal women who have taken our federal government to the United Nations and forced them to look past the rhetoric and crap from the official reports, by forcing them to look at the inadequate housing, poisoned water and land, causing Canada to drop from #1 to, I believe it was #7, in the world ratings of the standard of living for citizens, by forcing the international gaze to fall upon the inadequate housing and other basic human rights on Reserves, not to mention the issues of poisoned land and water.

We would focus on the workers who led the Winnipeg general strike and other labour leaders who helped bring us our work weeks – and, perhaps more importantly, our weekends. We would toast the working class feminist organizers who insisted that women and children no longer be considered the property of the men who sired or married them, who insisted that violence against women and children must no longer be tolerated, while hiding those same women from the men who tried to kill them and their kids. We would follow the young people who demand that we fight globalization and capitalism, the students in Quebec who went on strike this past year to fight the increased privatization of prisons, health care and education and corresponding cuts to public funding of education and other essential services, the First Nations who blockade highways and logging roads to draw attention to the rape of the land, Canada's pledge to Aboriginal women and women's groups who for 20 years refused to accept 'never' as an answer as they demanded and ensured that 500 missing and murdered Aboriginal women in Canada did not continue to be abandoned by the criminal injustice system and the penal industrial machine.

We should also honour the lawyers, who were sued, in addition to being implicitly censured by their so-called professional colleagues, and nearly lost their livelihood when they labeled the racism of the police after they strip searched three 12 year old girls in a school. The bully boy tactics were also employed to attack Corinne Sparks, the Afro Nova Scotian judge who took judicial notice of the racism of police. And, the many youth, men, and especially the women prisoners who refuse to succumb, who will not stand-down or over, but instead walk with, their sisters inside...like the ones who courageously authorized the release to the media of what has now come to

be known as the April 1994 incident, when eight women, five of whom are Aboriginal, one who lies unconscious now, were illegally stripped, shackled, transferred to a men's prison, then were held for 9 months in isolation until the videotape of the degrading, humiliating and illegal treatment they suffered was broadcast around the world!

And that is just in Canada! Here, I know a few examples, there were the activists and allies who broke open Woomera, those who opposed the private prison for women, the Debs, Amandas, Charandevs and more who refuse to accept what is and resist and revolt with every fibre of their being...

It is the responsibility of each and every one of us to refuse to collude. It is always in our collective interest when the oppressed rise up to challenge their oppressors and oppression. Increasing prisoner access to the justice and equality occasioned by social inclusion will benefit all of us and all of our communities of interest. If Queensland thinks shutting out Sisters Inside will shut Deb up, they have not been paying attention! Telling her she can come back in on their terms and as long as she minds her Ps and Qs is asinine and insulting. It is also a show of who they really are and how uninterested they truly are in assisting women to leave prison and integrate into the community. It shows that they are all about power, control and oppression and that they will try to smash anyone who challenges them. We cannot allow this to happen. Everyone here should act now to express our outrage at this simple-minded bully tactic...demonstrate that you may try to keep jailing or otherwise stop the resister but you won't succeed in stopping the resistance...

To use a perhaps over-used cliché – If you are not outraged, you're not paying attention... If we become complacent, if we accept the status quo, if we do not daily challenge our pay cheques -- those of us who have them -- and all of our other privilege, then we should do something else... We must all act and question how future generations will judge all of us if we fail to challenge the lawlessness of government officials and corporate interests. As other wiser folk than me have reminded us, "there are no spectators in a revolution". We are all part of a growing world-wide political, economic, and social coalition to de-institutionalize and counter the prison industrial complex.

As Lilla Watson, an Aboriginal woman in Australia has stressed, we need to work together to correct current injustice. She said,

If you have come here to help me,  
you are wasting our time.  
If you have come here because your liberation is bound up with mine,  
then let us work together.

...let us be ungovernable, let us be revolting revolutionary women!