



Where is the Love? Part I

Massive Resistance to Positive Human Development in the Virginia Prison System

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Introduction

For those that don't know, "Massive Resistance" was a racist movement by whites in Virginia formed to stop the process of school desegregation in the wake of the historic 1954 Brown v. Board of Education decision. Whites in Virginia managed to close public schools down in Virginia for a whole 10 years, between 1954 and 1964, and opened their own whites-only private schools, which effectively halted Black peoples' pursuit of our educational aspirations. The same kind of "Massive Resistance" is in force today on another front - the prison system. This movement began around 1995 with the abolishment of parole and the removal of college and vocational programs from Virginia's prisons. The prison population is overwhelmingly Black and overwhelmingly poor. In the over nine consecutive years I've been in prison, I've seen a lot of people leave this place only to see them back in here within a very short period. It's depressing. I don't believe all of these people are purposefully coming back to prison because they like it in here. I blame the courts and probation and parole officers who are less concerned with facilitating the transition from imprisonment to the outside world than with keeping ex-prisoners on a very tight leash, using the flimsiest "violations" to send people back to prison.

I began to look around in prison to see what is available in here to help people getting out prepare for release. I began thinking about my own personal situation, how I've been in prison for close to a decade now and have never even been in the presence of another prisoner who was or is in a vocational or college program. In her final proposal for thesis project dated January 8, 2007, which was written to bring attention to, in hope of eliminating, the Virginia Department of Correction's (VA DOC) restrictive and intimidating pre-approval requirement for reading materials, Rebecca Sambol reports that: "In fiscal year 2003-4, 794 adult offenders completed the functional literacy program, 1,477 more earned vocational certificates, 360 received job title certificates and 83 completed apprenticeships. In CY 2003, 771 adult students passed the GED exam" (DCE Statistics 2006). Considering the fact that there are over 40,000 prisoners incarcerated in Virginia, the number of prisoners being reached through these programs is very low. There are more widely available "social skills" classes like "Breaking Barriers" and "Anger Management" which serve to "help" prisoners come to terms with their state of imprisonment, but what use are these "skills" if you have no saleable job skills or degrees to help you get materially secure on the outside? Besides, these classes only focus on your individual subjective responses to situations, as if to say "there's a wide world of opportunity awaiting *you*, all *you* have to do is be calm, don't get upset, breathe," and somehow this is the solution to all one's problems. This misses the point that there are other people in this world who have the power to dictate what my life chances will be, and in this sense life isn't fair so why should I suppress my humanity in the face of injustice and pretend that it is? We need help to avoid being recycled products (in worse form) of the same environments from which we come. Anger management skills, while helpful in some regards, are of little use when one is out on the streets jobless and broke. It's only a matter of time before one is back in "the game" doing what you consider to know best. The fact that we are being held in prison for longer terms due to no parole nor any other chance for early release compounds our problems as ex-prisoners who've become disconnected from the outside world, over time, and lose vital ties that could help ensure our successful re-entry into society. The state motto is "Virginia is for Lovers," but the laws and policies in place in Virginia's criminal justice and prison system are devoid of love. Where is the love for us people who've made mistakes but are willing to change? Do our lives have value beyond being mere political capital for ambitious politicians? Where is the Love for Black people suffering from historically created inequalities who, not coincidentally, now fill these prisons today? Where is the love for ourselves? Where is the love for humanity? *Where is the love?*



The Ethics of Crime

“Dear Mr. Clinton, shit, it’s getting harder and harder for a muthafucka to make a dollar in these here streets, I mean shit, I hear you screaming peace but we can’t find peace till my lil niggaz on these streets get a piece, I know you feel me cause you too near me not to hear me, so won’t you help a nigga out...I’m sayin you cutting welfare, that got us niggaz on the street, thinking who in the hell care? Shit, y’all want us to put down our glocks and our rocks but y’all ain’t ready to give us no muthafuckin dollars...what happened to our 40 acres and a mule fool, we ain’t stupid, think you got us a look in the loop, tryin to turn all us young niggaz into troops...you want us to fight your war, what the fuck I’m fighting for? Shit, I ain’t got no love here, ain’t had a check all year...Taxin all the Blacks, police beatin me in the streets, fuck peace.” - 2Pac, *Letter to the President (Still I Rise Album 1999)*

Many people believe we live in a fair and just society where, simplistically, “Life is what you make it.” This implies that everyone has an equal amount of power over the circumstances surrounding one’s life, that everyone has an abundance of life-enhancing “choices” readily available to us. Nothing could be further from the truth. The sad reality is that, the amount of “choices” or “freedom” one has, whichever you choose to call it, is always dependent on how much money one has at their disposal. In this society poor people get poor housing, poor people get poor education, poor people get poor legal defense, poor people get poor everything. Somehow we’ve been tricked into betraying our own interests by opposing government assistance programs that help the poor yet we overlook the fact that many large successful corporations are the “recipients” of governmental subsidies. Dazzled by the illusory promises of “equal opportunity,” which don’t *guarantee* anyone anything, we trivialize the plight of the poor as a consequence of the poor’s own refusal to “get up” off our ass. We need equality in practice. Ask yourself what human being on this planet chooses to be poor, homeless, unemployed or employed but living from check to check, living in run-down housing, without health insurance? See, once you acknowledge the absurdity of such notions, it then becomes clear why we sell drugs, steal, rob, prostitute and get on welfare to ameliorate our dire condition. These are not moral or ethical choices we make with consideration of what’s good for the larger community and society - we don’t have that privilege. For many of us it is a matter of immediate, individual survival because the larger community and society have effectively diminished our life chances by closing attainable legal avenues to a dignified and prosperous life. What? You expect us to play by the discriminatory “rules” and work, at minimum wage, our way up a “ladder” that functions like a treadmill? We gotta crawl before we walk, huh? Yeah, well we’ve been “crawling” for quite some time now; we want to walk like the human beings that we are. People like Dr. James A. Crupi, who has big plans for the Richmond region, want us to “get over” the race thing (see *Richmond Times Dispatch*, November 20, 2007, “Putting the Future Together: A Plan for the Richmond Region.”) This is equivalent to telling Black people to “suck it up, you lost.” It’s ironic that he and others like him can express such sentiments while at the same time trying to garner our support for white-led and initiated “development” plans that will fall far short of bringing about needed fundamental improvements in our lives but are dependent on our cooperation. I mean, unless they are going to forcibly displace us again as they’ve done elsewhere in Richmond. Instead of always branding our responses to disadvantage as immoral, people should begin to look at what we are responding to as immoral. This means that poverty is immoral; minimum wage is immoral; racism is immoral; crack in our community is immoral; tax cuts for the wealthy are immoral; cutbacks in spending on education are immoral; injustice is immoral; and so on and so on.

The Rush to Re-Enslave Us

“The colored people from all parts of the state was crowding in at the capital, running, leaping, and praising God that freedom had come at last. It seems to me that I can hear their songs now [1983] as they rung through the air: slavery chain done broke at last; slavery chain done broke at last - I’s goin to praise God till I die.”⁽¹⁾



In the jubilant atmosphere that followed the surrender of Confederate Virginia to Union troops in Richmond on April 3, 1865, Black people in Virginia hadn't even enjoyed one full month as free women and men before whites in the city immediately took steps to re-enslave the newly emancipated Black population. A series of laws were passed by the state government such as curfew laws intended to remove Blacks from the city of Richmond. A repressive "pass" system was put into effect requiring all Blacks to get written consent from a white person authorizing them to go to and from work and move about the streets in general. ⁽²⁾

Blacks in Richmond did not take lightly to these attacks on their new-found freedom and sought to make full use of their improved legal status as free citizens to protest these infringements on their rights by racist "Rebel" forces (with the complicity of Federal Military authorities). Blacks protested in writing: "In June 1865, a group of former freemen wrote to the *New York Tribune*, decrying the 'daily mounted patrol, with their sabers drawn, whose business is the hunting of colored people.'" ⁽³⁾

Black Richmonders did not stop there; they took their grievances to the highest seat of government, all the way to then President of the United States Andrew Johnson.

"Responding to the brutal enforcement by the police and army of pass and curfew laws which were designed to expel thousands of blacks from the city, black leaders conducted a court of inquiry into official misconduct. Failing to win redress from local officials, they called a mass meeting for June 10 at the First American Baptist Church, the more than three thousand blacks attending the meeting approved a protest memorial and selected seven representatives to present it to the President of the United States. The delegation which included a representative from each of the five American churches and was financed by collections in the churches, had an audience with President Andrew Johnson, who promised assistance. By the time the delegates returned and reported back to their constituents the pass and curfew laws had been repealed, the civilian government removed and the offending army officers replaced." ⁽⁴⁾

The source of Black Richmonders' determined and passionate opposition to racially repressive measures enacted in the days following the fall of Richmond, just when the bells of liberty were ringing at high pitch for the seemingly exclusive benefit of the newly freed slaves, was not solely about them protecting their "legal" rights. Amongst the countless horrors Blacks were forced to suffer under slavery, the forcible separation of families ranked at the top of the list of inhumanities Black people endured. The forced separation of slave families was a heart-wrenching, traumatic event that affected Black slaves in the most profound ways.

Writing about this aspect of slavery, Kenneth Stampp, in *The Peculiar Institution*, illustrates the slaves' responses to forced separation as well as the slave owners' attitude of indifference towards the matter. He writes:

"Seldom, when slave families were broken to satisfy creditors or settle estates, was a distinction made between those who were indifferent to the matter and those who suffered deeply as a consequence. The 'agony at parting,' an ex-slave reminded skeptics, 'must be seen and felt to be fully understood.' A slave woman who had been taken from her children in Virginia and sent to the southwest 'cried many a night about it; and went about mazin' sorry-like all day, a wishing I was dead and buried!' Sometimes the 'derangement' or sudden rebelliousness of a slave mother was attributed to 'grief at being separated from her children.' Often mothers fought desperately to prevent traders from carrying off their children, and often husbands and wives struggled against separation when they were torn apart." ⁽⁵⁾

But the most eloquent evidence of the affection and devotion that bound many slave families together appeared in the advertisements for fugitives. A Virginian sought a runaway whose wife had been transported to Mississippi, "and I understand from some of my servants that he had been speaking of



following her...” Clearly, to many bondsmen, the fellowship of the family, in spite of its instability, was exceedingly important.⁽⁶⁾

Excited about having just been freed from centuries-long enslavement and eager to restore kinship ties that were broken under slavery, multitudes of Black people migrated to Richmond in search of loved ones. This desperate longing to restore and secure what the condition of slavery could not, and did not, guarantee, was the prime motive force propelling the mass migration of Blacks to Richmond in the wake of emancipation. In Black Labor in Richmond, Peter Rachleff writes:

“There were many reasons for coming to the Capitol. Some saw immigration as a celebration of freedom. Black men with skills or particular aspirations might pick Richmond as the site of greater opportunity than existed in the rural areas and small towns. Many had spent some time in Richmond as ‘hired’ slaves and therefore had important social connections as well as a clear sense of how to proceed. Among those who lived there before the war were men and women who had been sold away from their families and now sought re-union with them.”⁽⁷⁾

The personal stories of two ex-slaves provide one with a vivid picture of what Black people struggled through to preserve what slavery had rendered almost impossible to keep intact. “Some travelled a great distance to return to Richmond and pick up the fragments of their families. Charles Maho had been sold away from his wife and daughter in the late 1850s to a Mississippi cotton planter. Escaping the Northern lines, he enlisted in a black regiment and returned to Richmond with the invading Union troops, only to discover that his wife had been dead for years. Maho did find his daughter, and they shared an apartment in the town’s east end while he worked in a tobacco factory to support them. Olmsted Scott had been born in Stafford County and hired out in Richmond. His parents died while he was living and working in the city. In 1860, then thirty years old, he was sold to a Florida planter. It took Scott until 1869 to get back to Richmond, where he was reunited with his grandmother, his aunt and uncle, and his brother and sister. Family ties were a powerful magnet, drawing one-time Richmond residents back home.”⁽⁸⁾

This sudden influx of thousands of Black people into the city engendered both fear and panic in the hearts of white ruling powers who viewed Blacks, both slave and free, as “problem populations.” Accompanying white fear was an exploitative desire to profit from Black labor. These “complimentary” sentiments were best summed up in the comments of a local commander of the Union Forces who, writing to a General Stanton barely two weeks after Emancipation wrote, “There are thousands of colored people flocking into town and roaming throughout the country. They should be sent to work.”⁽⁹⁾

“Laws and military edicts established a ‘pass’ system, and Federal authorities enforced it with a vengeance.”⁽¹⁰⁾ Mass round-ups of Black people ensued quickly thereafter. “In early June 1865, Union forces and local police arrested 800 blacks, including children, for violations of the pass system. On June 7, a group of free-born men met and drafted a letter of protest, which they forwarded to the New York Tribune.⁽¹¹⁾ Writing to the New York Tribune, these freedmen remarked, “All that is needed to restore slavery in full is the auction block as it used to be.”⁽¹²⁾ In another attempt to bring attention to their plight, Black Richmonders sent a petition to then President Andrew Johnson which stated in part:

“A number of men who have been employed upon plantations have visited Richmond in search of long-lost wives and children, who had been separated by the cruel usage of slavery. Wives, too are frequently seen in our streets, anxiously inquiring for husbands who had been sold away from them, and many of these people, who ignorantly supposed that the day of passes had passed away with the system which originated them, have been arrested, imprisoned and hired out without their advice or consent, this preventing the reunion of long estranged and affectionate families.”⁽¹³⁾

By criminalizing the innocently human aspirations of Black people, whites sought to keep Blacks in perpetual slavery. The accounts of two free Black persons imprisoned for the mere fact of being Black



illustrate this fact quite clearly. “Albert R. Brooks, a respected member of Richmond’s free Black community, had bought his freedom long before the war; his experiences with the indignities of the pass system were typical. While having a license to operate his hack stable, he lacked a formal “pass.” Arrested at his place of business by a Richmond policeman, Brooks was informed that “all niggers that did not have a paper from their master, showing that they were employees, must be taken to jail and hired out for 5 dollars per month.” The policemen turned Brooks over to a Federal Cavalry soldier who took him to jail, where he was locked up by the jailer, “the same one who has kept the jail for many years.” He was eventually released after obtaining a formal “pass” from a Union officer, “which I am obliged to show to Mayo’s police, who stop me on nearly every corner of the street, and make it nearly impossible for me to carry on my business.”⁽¹⁴⁾

The case of John Oliver is another example of how oppressive life was for Blacks in southern society - even as free persons. “He [John Oliver] had worked in Boston as a carpenter and had been active in the American Mission society. Having come to Richmond simply to observe the situation of local Blacks, he would spend the rest of his life there. One day, the Black ‘bullpen’ caught his attention and he soon found himself a resident in it, rather than an observer. Oliver gave him this account:

‘We stopped to look at it, when I was hailed by a Provost Guard, who without asking for a pass, demanded to know why I was walking in the street. I told him I came to see Richmond, then he said ‘you will stop here with me.’ I asked him how long? ‘Longer than you think for,’ he replied. He continued to address me in a vulgar and abusive language. I showed him my protection from Massachusetts, which I told him ‘ought to protect me in any part of the world.’ But he said he did not care for that and contemptuously scorned it.’⁽¹⁵⁾

The long-arm of the racist law extended into the workplaces of Blacks as well where “not uncommonly, they [the Richmond police] entered a workshop, demanded to see the passes of all the Blacks, and arrested those without them” (Rachleff).

U.S. Chattel slavery was Black slavery; Black people were forced to labor for the exclusive benefit of white people. Though there were distinctions amongst whites themselves in slave society, these differences were minimized by the fact of allegiance to racial sameness among whites (racism) and a collective economic stake in an economic order based on the enslavement of Blacks. The masses of wealth produced by Black slaves sustained and enriched white people for generations. The end of agricultural based Chattel slavery, stimulated by the rise of industrial developments, and spurred on by lingering anti-slavery sentiment, threatened general white prosperity which was by then super dependent on the exploitation of cheap Black slave labor. To maintain this prosperity, whites passed legislation, in the wake of the legal dismantling of Chattel slavery, to ensure the availability of cheap Black slave labor. The institution of prison was central to this process of criminalization of Black emancipation as it was to be the new site of Black enslavement. In Virginia this process of re-enslavement was a miniature representation of national developments which provided the legal framework and precedent for such abuses to take place at the state level. Eloquently describing the inhumane dynamics of this process, Angela Davis, in her book Are Prisons Obsolete? writes:

“Particularly in the United States, race has always played a central role in constructing presumptions of criminality. After the abolition of slavery, former slave states passed new legislation revising the slave codes in order to regulate the behavior of free blacks in ways similar to those that had existed during slavery. The new Black Codes proscribed a range of actions - such as vagrancy, absence from work, breach of job contracts, the possession of firearms, and insulting gestures or acts - that were criminalized only when the person charged was black. With the passage of the Thirteenth Amendment to the Constitution, slavery and involuntary servitude were putatively abolished. However, there was a significant exception. In the wording of the Amendment, slavery and involuntary servitude were putatively abolished ‘except as a punishment for crime, where of the party shall have been duly convicted.’ According to the Black Codes, there were crimes defined by state law for which only black



people could be duly convicted. Thus, former slaves, who had recently been extricated from a condition of hard labor for life, could be legally sentenced to penal servitude.”⁽¹⁶⁾

Under slavery, slaves were punished according to slave Codes, and the punishment of slaves was the exclusive province of the individual master, therefore the pre-Civil War criminal justice system was for whites only. With the abolition of slavery, slave-owning whites lost their legal authority to be judge, jury, and executioner which was transferred to “the state.” Thus, penal servitude became a functional replacement for slavery which guaranteed that Black labor would literally continue to pave the road to U.S. national prosperity. The emergence of the convict lease system and the chain gang were inextricably linked to the business of reviving the economies of and rebuilding the infrastructure of Southern cities destroyed by the ravages of the Civil War. Richmond, Virginia was no exception, especially in light of “the scarcity of jobs after the burning of Richmond’s business district, the significant loss of wealth by the city’s elite and its financial institutions, the devastation of Virginia’s agriculture and rail system, and the more general collapse of the regional economy” (Rachleff).

Being reincarnations of slavery, these systems of profit and control reproduced the same horrors of slavery. When in 1872 the Old Dominion Granite Quarry acquired a federal contract to supply granite for the new State Department building in Washington D.C., they put Colonel Alert Ordway, a Union army veteran, in charge of the project. In need of cheap unskilled labor in order to realize a profit, “Ordway solved his unskilled labor needs when he negotiated a contract with the Virginia State Penitentiary to lease 277 black convicts at 25 cents apiece per day. While also responsible for providing them with food, clothing, and shelter, he cut corners on these expenses whenever possible. Consequently, the harsh living and working conditions took their toll; in the first year of Ordway’s contract, thirteen black convicts died.”⁽¹⁷⁾

Thus was the tragic setting in which Black emancipation took place. This period marked the brutal introduction of prison into the collective life of Black people as another institution, like slavery, designed to oppress Black people. Even more so, the prison, like slavery, has proven to be neither a transitory nor fragile institution that will disappear in the absence of a sustained collective effort aimed at achieving complete human liberation.

The Rise of Virginia’s Prison Industrial Complex 1995 - ?

What is the Prison Industrial Complex?

- The exponential expansion of prisons and jails, with rising numbers of men and women prisoners from communities of color;
- The increasingly symbiotic relationship between private corporations and the prison industry (construction, maintenance, goods and services) - a relationship in which private corporations feed the punishment industry and the punishment industry yields enormous profits for private corporations;
- The reliance of many communities on prisons and jails for short-term economic vitality, particularly in the aftermath of corporate migration to impoverished countries in Latin America, the Caribbean and Southeast Asia;
- The increasing political influence of prison guards, prison officials and conservative penologists;
- The collaboration of politicians and the corporate controlled dominant media in the wholesale criminalization of all communities of color (and particularly youth of color) and in the representation of prisons as a catch-all solution to social problems (problems created by capitalism in the first place). -- adapted from an address given by Angela Davis

Most, if not all of the literature written on or about the subject of prison as a repressive, racist and inhumane institution is summarily dismissed as abstract, contrived, conspiratorial “leftist” political propaganda. It is widely believed that views on the subject of prison put forth by people of a progressive political bent are not based on reality, are nothing more than mere ideological and



philosophical “fancies” of our wildly imaginative minds. I will show that actual developments that have taken place in Virginia’s prison system since 1995 are wholly consistent with the process Angela Davis outlines above. In doing so, it is my aim to emphasize the validity of the body of literature devoted to a critique of the American national prison system as a whole. More importantly, I hope to give voice to the just grievances we human beings suffer existing under the oppressive weight of racism and class inequality, which the prison is designed to contain and suppress. 1995 marks the rise of Virginia’s Prison Industrial Complex beginning with the abolishment of parole, mandatory minimum sentencing, an increase in the amount of time to be served to 85%, larger portions of government funds devoted to prison construction, and the gradual elimination of college and vocational programs from prisons in Virginia.

The exponential expansion of prisons and jails, with rising numbers of men and women prisoners from communities of color;

Statistical Data

- In 2000 Virginia was spending 112% more money on prisons than in earlier years ⁽¹⁾
- In 2000 Blacks made up 20% of Virginia’s overall population yet made up 68% of the total prison population ⁽²⁾
- In 2000 whites made up 71% of Virginia’s overall population yet made up 31% of the total prison population ⁽³⁾
- In 2000 the rate of Black persons incarcerated per 100,000 Black residents in Virginia was 1,677 ⁽⁴⁾
- In 2000 the rate of white persons incarcerated per 100,000 white residents in Virginia was 211 ⁽⁵⁾

The geographical area known as the state of Virginia is honeycombed with a staggering 31 major prisons, 16 work centers and Field Units, 80 local and regional jails, 23 juvenile detention centers, 10 Day Reporting Programs, 5 Diversion Centers, 4 Detention Centers, 43 Probation and Parole District Offices, as well as an “array” of contractual Adult Residential and Transition Facilities. ⁽⁶⁾

The Virginia Department of Corrections is the state’s largest governmental department which spent \$956,957,693 for fiscal year 2007 with an anticipated increase in spending for fiscal year 2008 - and beyond. The Virginia Parole Board had the state’s smallest budget totaling only \$692,363 for fiscal year 2007, with no anticipated increase. ⁽⁷⁾

Since 1995 Virginia has built 13 new prisons and an unknown number of jails. Lawrenceville Correctional Center is a privately operated prison which opened in 1998 after the VA DOC secured a contract with the largest private prison corporation in the U.S., the Corrections Corporation of America (CCA). CCA was one of the first corporations to enter the private prison business and can be traded on stock exchange with 10 other private businesses, which altogether generate about a billion dollars a year in revenues. ⁽⁸⁾ Wallens Ridge State Prison (“WRSP”) is owned by the Big Stone Gap Redevelopment and Housing Authority and will be conveyed to the state upon repayment of bonds. ⁽⁹⁾ Wallens Ridge State Prison was built at a cost of \$75 million. The 2005 Agency Strategic Plan of the VA DOC states: “Capital expenditures for all capital maintenance reserve projects, including bed space construction, have ranged from \$9.5 million to \$148 million per fiscal year *since 1995*, with an average of \$45 million in expenditures per fiscal year.” That same report also discloses that “Funding for two new major facilities, the expansion of one major facility (Deerfield), and the completion of one replacement facility (St. Brides) was authorized in 2004 with a total appropriation of \$196,581,000. In the 2006 biennium funding for two new major facilities was requested totaling \$172,424,000. As of December 2005, the VA DOC was responsible for the supervision of approximately 89,000 state responsible offenders of which 53,000 are under Probation or Parole Supervision and 36,000 are in state custody.”⁽¹⁰⁾ In the Corrections “Master Plan” population forecasts, prisoners in Virginia are expected to increase by almost 5,000 by 2010.⁽¹¹⁾ This anticipated increase in the number of people in prison is consistent with state plans for constructing more prisons beginning with a new \$73.5 million dollar



medium security prison in Pittsylvania County, ⁽¹²⁾ another 1,024-bed, \$100 million dollar prison in Grayson County, ⁽¹³⁾ a prison in the Mt. Rogers Planning District, and another in Charlotte County. ⁽¹⁴⁾

The increasingly symbiotic relationship between private corporations and the prison industry (construction, maintenance, goods and services) - a relationship in which private corporations feed the punishment industry and the punishment industry yields enormous profits for private corporations;

“Keefe Commissary Network gives continued corporate support to the following organizations:

- Virginia Association of Regional Jails, Vice President Lou Barlow, Phone (804) 392-1601, fax (804) 392-1099
- VA DOC PO Box 26963, Richmond Virginia 23261-6963
- Virginia Correctional Association (VCA) - PO Box 361, Richmond Virginia 23218-0036
- Virginia Sheriffs Association and Institute, 701 East Franklin Street, Suite #706, Richmond Virginia 23219, Phone (804) 225-7162, vsavsi@virginiasheriffs.org ⁽¹⁵⁾

In 2003, the VA DOC contracted with the Keefe Corporation to run commissary operations in all but six of the corrections facilities. ⁽¹⁶⁾ In direct violation of nationally cherished “free-market” principles, Keefe has been granted monopolistic control over the “stable” and “secure” investment climate of prison commissary operations in Virginia. The Department of Corrections receives a 6.5% commission on all Keefe commissary sales. Although I have no financial reports to cite Keefe’s profit earnings, a first-hand account from Wallens Ridge State Prison of how Keefe and the Department of Corrections act in collusion to fleece prisoners’ loved ones of their hard-earned dollars should leave no doubt that privatized commissary operations in Virginia are corrupt to the core. Already dependent on the state for food and clothing, the Department of Corrections sought to capitalize on this vulnerability of prisoners in the service of Keefe Corporation and the Department’s own need to generate money partly to pay off the large sums of money for lawsuits resulting from the racist, sadistic, and murderous behavior of guards at Wallens Ridge State Prison and Red Onion State Prison (“ROSP”). ⁽¹⁷⁾

After securing a contract with Keefe in 2003, the VA DOC in 2004 then reduced the already miniscule food portions of prisoners by one whole meal, to just breakfast and dinner on weekends and holidays. As if this wasn’t enough, the VA DOC began feeding prisoners a very monotonous and limited selection of the poorest quality food they could obtain in order to stimulate commissary sales at Keefe. Exploiting popular notions that prison is a place where the food *must* be, just *has* to be the worst kind of food, (a notion that goes hand in hand with perceptions of prisoners as the worst kind of people on the planet), the VA DOC feeds prisoners exactly what we “deserve” and what we’ve all been conditioned to expect as well as accept. The VA DOC remains deliberately indifferent to the dietary needs of prisoners knowing we will seek amelioration of our condition by asking for more money from our loved ones. Our hunger pains, physical weakness, and weight loss are debilitating health effects that result from poor nutrition in solely relying on the VA DOC’s food trays. Thus the VA DOC and Keefe Commissary work together not only to exploit the dependency of prisoners, but even more shamefully, the sentiments of our loved ones on the outside who are sincerely concerned about our well-being.

Unlike other states that allow prisoners’ families to send them care packages that consist of things like coffee, tea, soups, long Johns, T-shirts, socks, etc., prisoners and our families in Virginia are forced to buy care packages at monopoly prices from Keefe. Our loved ones are not allowed to send us care packages that they put together themselves after shopping around and purchasing items at cheaper, perhaps bargain prices. Keefe’s monopoly is not limited to just food items but also covers clothing and electronic items as well. In 2007, Keefe began selling off-brand 13-inch color TVs to prisoners at WRSP for \$185. In a catalog for an outside vendor, ⁽¹⁸⁾ these exact same TVs are advertised for a much lower \$109. Because Keefe has a monopoly over commissary operations in Virginia’s prisons, it would not be illogical to expect corresponding uniformity across Virginia’s prisons concerning the type of commissary items Virginia’s prisoners are allowed to have, however this is not the case. To further assist Keefe in



financially exploiting prisoners, the VA DOC has devised a policy scheme that amounts to organized robbery.

VA DOC institutional rules discriminate against certain property items from prison to prison. So, upon transfer the “prohibited” property of a prisoner’s is officially confiscated and the prisoner is then forced to spend more money on new commissary items that are not too different (mostly name brand differences) from the items just confiscated. Conveniently these commissary items are confiscated in the name of “security” concerns. How much more of a threat is a six-foot headphone cord compared to a three-foot headphone cord? Or a pair of tennis shoes with shoestrings compared to tennis shoes with Velcro straps? Not satisfied with the already spectacular sums of money they [Keefe and the VA DOC] are making, the VA DOC has recently enhanced its role as a mercenary security force for Keefe Corporation by conducting random “shakedowns” of the prison population seizing stamps, cigarettes, and electronic items, all of which the Department of Corrections then turns over to Keefe who sells these same items back to the prison population! In August of 2005 when prisoners at WRSP held a boycott of commissary, correctional officers were actively going around to prisoners’ cells with commissary forms attempting to persuade us to spend money with Keefe. Not only that, the warden at WRSP at that time, David Robinson,⁽¹⁹⁾ made direct threats to several prisoners promising to punish them in the event that a boycott came to fruition. The Virginia Department of Corrections or the Virginia Department of Collections? Seeing as how as a matter of policy, the VA DOC is so “protective” of Keefe Commissary operations, one wonders if the DOC’s employees have personal financial investments (stocks, bonds, etc.) in Keefe Corporation? Maybe even as part of a DOC-initiated employee “profit-sharing” package.

A further example of mutually beneficial relations existing between the VA DOC and private corporations is to be found in Virginia Correctional Enterprises (VCE), the DOC’s manufacturing division. VCE was created in 1934 and reports that in 2001 it operated 15 industries in 16 state prisons. The industries range from wood furniture, vinyl binders, silk screening, and custom painting, as well as office furniture, optical devices, and automotive parts.⁽²⁰⁾ VCE reported \$33,987,011 in sales for fiscal year 1999.⁽²¹⁾

In 1994 the Virginia General Assembly, under pressure from then governor George Allen, who abolished parole the next year, changed state law to allow for “joint ventures” between VCE and private businesses. “Virginia’s Prisons. They are Wide Open to Business,” proclaimed a promotional brochure and trade magazine ads. Featuring a photo of a prison guard tower, the ads boasted of “willing, experienced workers,” and “no employee benefit packages to fund. No pensions, health insurance, vacations or sick leave.”⁽²²⁾

In this same article written by Dan Pens, published by *Prison Legal News* in November of 1998, it was reported that “In 1996 VCE received certification under the Federal Prison Industry Enhancement Program (PIE). The program exempts prison-made goods from interstate commerce restrictions if certain conditions are met, among them that prisoners be paid at least minimum wage.” However, in the VCE’s own audit for 2001 it states that “joint ventures differ from Prison Industry Enhancement programs in that they represent an agreement for services performed, for a private industry, instead of the actual production of a good or product. For joint ventures, VCE is not required to meet the federal regulations established for Prison Industry Enhancement programs; *including the requirement that they pay inmates the prevailing wage rate.*”⁽²³⁾

This special mention of not having to pay prisoners the prevailing wage rate appears to be some sort of signal to private corporations that VCE will protect the interests of corporations by minimizing costs, i.e., keeping prisoners’ wages minimal, while maximizing the profits of corporations. Prisoners employed in VCE are paid wages that start at 55 cents an hour and go no higher than 88 cents an hour.⁽²⁴⁾

In the VCE “Overview for the Public” it states: “For a few hard workers, there is an opportunity that must be earned. Non-violent inmates that apply for and win a job with Virginia Correctional



Enterprises learn some of life's most valuable lessons. Like...a regular work schedule, accountability for what they produce and teamwork are foreign concepts to many inmates. But with a full 92 percent of inmates returning to the streets from which they came, it is to your advantage and mine that we give them some legitimate way to survive in the modern American economy." Well, does this "legitimate way to survive" involve providing prisoners, upon release, with jobs at a living wage and benefits, at these same corporations that prisoners now slave for 12 hours out of the day, making between 55 and 88 cents an hour? Or is the labor of prisoners only needed while we're in prison cause it's so cheap? *Just askin.*

The reliance of many communities on prisons and jails for short term economic vitality, particularly in the aftermath of corporate migration to impoverished countries in Latin America, the Caribbean and Southeast Asia;

"Southwest Virginia is one of the most beautiful places in the country. It is the region settled by Jim Webb's Scots-Irish ancestors and to this day, Mr. Webb still has kinfolk living in the area. These rural Virginians and their neighbors in Eastern Kentucky have much in common. They have dug the nation's coal, cut the nation's timber and throughout our history have provided much of our country with more than their fair share of soldiers to fight our wars.

But beneath the romantic history and the scenic beauty of the mountain there have always been underlying economic struggles. The coal business has always been a feast or famine proposition, dependent on prices and demand and as coal is a non-renewable resource, there is no stable future for rural Virginians in coal mining. The family farms of the past are gone everywhere in rural America. Though many Americans picture a relaxed bucolic life away from the hustle and noise of the city, the reality of Southwest Virginia shows workers competing for minimum wage jobs, and those who do better sometimes spend eight hours a day or more just driving back and forth from work. Making a living in the mountains has never been more difficult than it is today for the people of southwest Virginia.

When George Allen was governor he had an answer for jobs in southwest Virginia. What the area needed was a new industry - an industry that would never shut down and one that would provide jobs for generation after generation of rural Virginians. But George Allen didn't bring Toyota or Ford into Southwest Virginia. There were no new high tech jobs for Wise County. The new industry coming to the Virginia mountains was the prison industry."⁽²⁵⁾

"On a flat patch of land 25 miles from the North Carolina border, the next chapter in Virginia's 10-year prison boom will soon rise over tobacco fields in a series of bunker-like buildings.

In Chatham, the State's Department of Corrections will build one of two new 1,024-bed prisons to house the expected increase in prisoners over the next decade. A similar facility will be built nearly 200 miles away in Southwest Virginia; two existing prisons will add a total of 1,400 beds. Altogether, this will create nearly 3,500 new prison beds in the Commonwealth by 2007."⁽²⁶⁾

What are we to think of those who, posing as our "leaders," pass laws that allow corporations to take jobs overseas then create an inflated criminal population domestically in order to use prisons as a "replacement industry" for nationally productive, life-enhancing work? The fact that in Virginia today there are significantly increasing numbers of people whose livelihoods have become directly dependent on arresting, detaining, managing, supervising, surveilling, and repressing other human beings, speaks to Virginia's lurid history as the first slave state in the U.S., heart of the racist Confederacy, and the most sordidly advanced state in controlling human populations.



The increasing political influence of prison guards, prison officials and conservative penologists;

As Virginia's economy has undergone changes that have led to it becoming more and more reliant on the usage of prisons to provide jobs to citizens of the state, the punishment industry gains ever-more economic importance because so many people's financial interests are being tied into it. So, while politicians run on "tough on crime" platforms arousing people's emotions and playing on their fears about "living next door" to a rapist or murderer (as if everyone who commits a crime or is locked up, it's for one or both), the reality is that these politicians are desperate to realize their political careerist aspirations. They need to satisfy the demands of their voting constituencies for job security to ensure a seat in office. It logically follows that the people working in the punishment industry come to constitute an odd kind of "interest group" that exerts pressure on politicians to protect their livelihood. And the cry for "Public Safety" easily becomes interchangeable with the cry for "Job Security." So that certain "concerned citizens" groups attending city-council meetings and legislative hearings sharply protesting and opposing the repeal of mandatory minimums, sentencing reductions, and the restoration of parole, are actually made up of police officers, correctional officers, probation and parole officers, etc.

"Like any industry, the prison economy needs raw materials. In this case, the raw materials are prisoners. The prison industrial complex can grow only if more and more people are incarcerated for longer periods - even if crime rates drop. 'Three strikes' and mandatory minimums (harsh, fixed sentences without parole) are two examples of the legal superstructure quickly being put into place to guarantee that the prison population will grow and grow and grow."⁽²⁷⁾

Once you then factor in the out-of-state prisoner population which brought in an estimated \$100 million for Virginia in 2001, all doubts about the special importance those in Virginia's punishment industry have in the State Capitol and The Governors Mansion quickly dissolve. Even Virginia's Attorney General in 2005, Jerry Kilgore, wanted to secure funds for his campaign in the next gubernatorial race (2006) by promising to re-install Ronald Angelone,⁽²⁸⁾ "as either head of prisons or state director of Public Safety," after Angelone had already retired as Director from the VA DOC in 2002.⁽²⁹⁾ Ain't nothin like the good ol days huh Jerry? Criminologists like Richard P. Kern, who helped craft George Allen's parole-abolishing legislation, eager to prosper from the prison boom, scurry to inject "scientific" rationalization into public discourses on crime that are profoundly unscientific - except to the extent that science contains an element of methodical calculability. This explains why, after helping to double the number of people in prison from about 18,000 in 1994 to 36,000 in 2005, he [Richard P. Kern] can make tauntingly smug statements like, "I think we've done a good job in keeping the inmate population lower than it could have been, but there are still more things we can do."⁽³⁰⁾

The collaboration of politicians and the corporate controlled dominant media in the wholesale criminalization of all communities of color (and particularly youth of color) and in the representation of prisons as a catch-all solution to social problems (problems created by capitalism in the first place).

"We are on the verge of having a forest fire, and we have got to do something now."

-- Richard Cullen, former federal prosecutor and co-chairman of Virginia's Commission on Parole Abolition and Sentencing Reform in 1994 (Associated Press, 8-16-94)

"This is just very practical, common sense logic...If they are in prison, they are not out murdering, raping or viciously assaulting."

-- former governor of Virginia, George Allen, speaking on parole abolition in Virginia (Washington Post, 1-2-00)

"Why do they think they ought to be released early? And do they want them living next door?"

--former Governor George Allen (Washington Post, 1-2-00)



As governor in 1995, George Allen abolished parole under the pretext of removing murderers, rapists, and vicious assaulters from the streets of Virginia. So what explains the existence of an overwhelming number of people who are in prison for reasons *other than* the excuses given by politicians for abolishing parole? This is not the result of a “very practical, common sense logic.” In portraying every person who commits a crime and/or is in prison as a rapist, murderer, and vicious assaulter, politicians attempt to conceal the fact that prisons are filled with Black, poor, undereducated, and marginalized people whose sole motivation for breaking the law is financial. Acknowledgement of this fact exposes the reality of prison as an institution designed to contain the surplus population of people, primarily Black, who are excluded from the formal job market in a capitalist economy. When we hear about corporate “downsizing” we are witnessing people lose jobs. Full employment of every person with living wages is incompatible with capitalists’ preoccupation with realizing more and more and more profits. When corporations implement “cost-cutting” measures like “downsizing” (reducing their workforce via layoffs) or “outsourcing” (moving jobs overseas), or taking away retirement benefits, not providing health-care benefits, or pension plans - the people running these corporations are saying that the survival and well-being of Ford, Keefe, Kellogg, General Electric or Wal-Mart, is more important than yours and mine. To compound the problems we already face being at the mercy of our corporate overlords, politicians then pass tax laws to ensure that the wealth, produced by the multitude of working people is concentrated and remains in the hands of a few CEOs and CFOs. The social and economic consequences of such policies are to be seen in the unemployment lines; in the larger numbers of people locked up for financially motivated crimes; the rising numbers of stressed out and insecure people; in the infant mortality rates; in the expansion of the sex/pornography industry where people (predominantly women) who either have skills that are not wanted in the formal economy or who have no skills, resort to selling their bodies to make ends meet; it can be seen in the overcrowded homeless shelters and jails (which explains people deliberately getting locked up just so they can get meals, showers and a bed to sleep in). People in power don’t want to confront this reality head-on because that would be tantamount to them confessing to their sins of neglect, indifference, racism, and utter failure as political and moral leaders. So they conveniently blame somebody else because they *can* - they are in power, they’ve “made it,” there’s no way in hell they could be wrong. So I become the scapegoat for society’s problems, the Black, the poor, the undereducated/unskilled person with little to no control over the circumstances surrounding my life.

If you take a deeper look, though, you’ll see through the rhetoric of politicians and come to see that we are not sociopathic deviants who are obsessed with inflicting pain on others. Rightly, you’ll see that we are human beings who “used criminal acts to right wrongs un-redressed by law or politics.” People in power never explain crime as the logical outcome of poverty mixed with a capitalist value-laden desire to out compete one’s fellow humans, undergirded by a natural striving to attain social worth, which in this society is dependent on how much money one has. (“If you ain’t got no money take your broke ass home.”)

It is the humanity of our responses to poverty, racism, injustice, and degradation which people in power seek to conceal when they employ exaggerated language about “living next door” to “violent predators” and the like. This sort of ploy is aimed at severing any possible bonds of identification between people from different backgrounds who could possibly unite on the basis of shared feelings of oppression, marginalization and exclusion. As a perfect illustration of this point, take for example the events surrounding the opening of Red Onion and Wallens Ridge State Prisons in Southwest Virginia, a predominantly white-populated region. Let me first bring attention to the fact that the Southwest region of Virginia was once the operating site of many a coal-mining company who brutally exploited the white people of this area for generations. Many white people lost their lives in possibly preventable coal mining accidents and many more succumbed to “black-lung” disease, which is contracted from too much exposure to coal dust (a likely result of being overworked for the benefit of coal companies). Many whites in this area lack basic running-water facilities in their homes, while many others who do possess running-water facilities, cannot even use them as their water supply is non-drinkable due to deadly contaminants in the water. Residents without clean running-water facilities are forced to collect rainwater as a pitiful substitute for government-provided clean running



water. The town of Big Stone Gap has itself had several water shortages in the past three years, all of which have affected WRSP, which is located in Big Stone Gap.

The Southwest area of Virginia, along with the whole Appalachian region, was once described as the “Poverty Belt” and in many respects it still is. The heartfelt song by Tracy Chapman “Fast Car,” which is a song about a small-town girl longing to escape the predictable dead end future awaiting her, epitomizes the aspirations of many a southwest Virginian yearning to avoid an unfulfilling future in an economically depressed area. However, none of this hardship experienced by whites in southwest Virginia, at the hands of the powerful privileged whites, was a firm basis for identification with, and correspondingly just treatment of, Black prisoners housed at ROSP and WRSP. Many of us Black prisoners come from inner cities that are plagued with problems similar (in some cases worse than) to those experienced by whites in southwest Virginia. Tracy Chapman’s song “Fast Car” resonates with many of us too. It should be recalled that the opening of ROSP and WRSP was accompanied by a media storm heralding the prisons as soon to be home to the “worst of the worst,” and the state’s most “violent predators,” etc. In effect, the media hype served to whip up a perverse white “overseer” psychosis amongst the residents of this region. This led to prisoners at ROSP and WRSP being the objects of the most ruthless, racist, and rogue Corrections-sanctioned violence at the hands of the poor, marginalized white people. The road to this terrifying state of affairs was paved by the dehumanization and demonization of predominantly Black prisoners in the media. Furthermore, the fact of prison as a setting which is already marked by age-old antagonisms between guards and prisoners has been taken to the extremes of a physical and psychological war being waged against the prisoners at ROSP and WRSP, under conditions where racial and cultural domination and hostility are legally sanctioned under the cover of “security” and “Public Safety.” As for the few whites who don’t participate in, nor condone this racist violence, they deserve full recognition, especially the ones who’ve testified in court on behalf of prisoners fortunate to get official public figures bearing witness to our plight through such testimony.

The prison by its very nature cannot help humanity to solve the complex dilemmas and problems that we face. The over-simplistic and uncaring, unloving attitude embodied in the expression “lock em up and throw away the key” is inconsistent with life-affirming values of forgiveness, respect, love, and commitment to individual and social betterment. The nature of prison is exactly that - to imprison you. Prisons deny the fact that people can and actually do change. This includes people who have taken other people’s lives. Soldiers and police kill people all the time, lots of times under dubious pretexts (RIP Sean Bell), yet they are allowed to continue in their official capacity with the power to kill again. One’s humanity can never be affirmed by being held prisoner whether it be through actual physical imprisonment or a lifetime of disenfranchisement. We become free from our anti-social tendencies when we are atoning for our wrongs in the service of those we have wronged. Confronted with the human pain of our actions we are awakened to the spirit of communion that binds us all and the desire to realize in practice, justice, yes, but on a higher plane of valuing every other person’s life just as much as you value your own.

The ultimate question is whether we will ever live in a society where this kind of healing interaction will be given precedence as part of a restorative justice crime policy that emphasizes individual accountability within the context of holistic community accountability. That kind of crime policy could only exist in a larger society where human differences of race, gender, culture, age, etc. are no longer exploited to maintain oppressive relations of domination and insensitivity. Additionally, I must say that although I am in prison with rapists, I do not, under any circumstances, condone the act of rape. I do not and cannot identify with a desire to forcibly have sex with any person. The overwhelming numbers of my peers will agree with this view. The one thing I do stress is to consider the relevant circumstances surrounding any criminal act. Only then can we make accurate judgments about guilt or innocence. While I believe the criminal justice system to be fundamentally unjust, sadly, there are people who are clearly guilty of the crimes they are accused of. In the community where I’m from, rape is emphatically an unjust immoral act. The taking of someone’s life is equally detestable, but when it does occur it can most likely be directly attributed to the need for respect and the territorial disputes that arise out of a cut-throat illegal drug trade. Murder and assault are evidence that people



have disagreements, disputes, conflicts, and in that sense that's very human. However, we are not happy or comfortable with the fact of murder or assault taking place in our community. But we know that such acts are in no way comparable to the tragedies of the Columbine school shooting or the Virginia Tech school shooting, or the malicious D.C. area sniper shootings. In saying this, I'm not condoning one kind of murder against another; my only intention is to illuminate the particular circumstances of we people from impoverished urban environments where hopelessness and lovelessness, combined with material deprivation, existing within an overarching materialistic value system, work to ensure the persistence of crime in our community.

The Virginia Department of Inhumane Connections to Slavery

Perhaps many will cringe in disbelief at the reality that I am about to describe. Some will recoil like snakes, because they've been exposed as the architects of such a great human misery. Others will wince, experience a sudden shortness of breath at having their fanciful notions of a free and just society slip from their romantically unrealistic grasp on life. And many more will simply reconnect with their selves, and take on a defiant attitude of the "I told you so!" characteristic of people languishing under injustice. Aside from economic developments, the ending of pre-Civil War slavery was pushed along by shocks in the consciousness of people aware of the brutality of slavery; therefore it is wholly accurate to say that the new prison-based slavery will meet its demise at the hands of human beings weary from its blood-sucking evils. So, let the truth telling begin.

Like slavery, prison is an institution concerned with the management, maintenance, control, and discipline of human beings. Both institutions demand complete subjection of the human being as a prerequisite to institutional stability or "security," and thus remain preoccupied with "breaking in" a person, destroying one's spirit. Used as tools for racial repression of African Americans, the justifications for holding us captive in both are merely variations of the same racist logic. Under Chattel slavery, we were "natural born slaves." Under the new, modern regime of prison-based slavery, we are vilified as "natural born criminals." The state of Virginia transferred its historical role as capital of the Confederate slave states to the prison setting. This transference was accelerated by the shift in Virginia's penal philosophy and policy practices, which took place around 1995 with the abolishment of parole, from one of rehabilitation to imprisoning people for the sole purpose of punishment. Not only does this mean that prisoners now exist for the sole benefit of the state (much like slaves existed for the sole benefit of their individual masters), this period also marked the elimination of programs (vocational and educational) that would help us stay "free" upon release. These measures work to keep prisoners uneducated, unskilled, and devoid of any industrious desire for self-betterment except within the Corrections-drawn and corporate-influenced boundaries of Consumerism. In other words, while the Virginia prison system is characterized by the brutality and rigid discipline of a slave plantation, it is featured by the availability of a wide assortment of "free-world" corporate goods forced on the prison population in the face of deliberate cutbacks in spending on prisoners' food, healthcare, and education. Prisoners are always subjected to intensifying forms of control, supervision, surveillance, perpetually kept in "our place," warehoused, on lockdown, held indefinitely in segregation, routinely strip searched and shook down, under-fed, verbally and physically abused. The demoralizing effects of this repressive exercise in mass "behavior modification" have left many of us spiritually broken, paralyzed by fear, struggling to cope with stress and degradation. Our coping mechanisms consist of a number of addictions: addictive reliance on caffeine, nicotine, TV, mind-altering prison-distributed psychotropic drugs, sugar-induced states of mild euphoria from gorging on artificially flavored commissary goods - anything to soften the blows of dehumanization. This is especially true at ROSP and WRSP where many prisoners remain on lockdown 21 to 24 hours out of the day, every day. Who benefits from all this? Certainly not us the prisoners, nor our families and the communities into which many of us will return. The obvious answer is the Keefe Corporation and their private security force the VA DOC who receives a bloodstained 6.5% commission for their repressive services. Below, I will outline several essential parallels between pre-Civil War Chattel slavery and the new, modern-day, prison-based slavery in Virginia. I will use sections from Kenneth M. Stampp's book, The Peculiar Institution: Slavery in the Antebellum South, which is exclusively about slavery, to draw out the similarities.



The Status of Prisoners/Slaves

“It is difficult to handle simply as property, a creature possessing human passions and human feelings...while, on the other hand, the absolute necessity of dealing with property as a thing, greatly embarrasses a man in any attempt to treat it as a person.”⁽¹⁾

The 13th Amendment of the U.S. Constitution abolished slavery “except as a punishment for crime whereof the party shall have been duly convicted.” Therefore, every person in prison is, by law, a slave. This legal fact is bolstered by the reality of prisoners being property of the state which has ownership rights to prisoners’ “time, labor, and services.” Prisoners are to obey all correctional staff’s commands and can be punished legally for “Disobeying an Order,” as well as refusing to work (VA DOC DOP 861.1).

Prisoner/Slave Trafficking in Virginia (From Export to Import)

“In their reckless but devastating criticism of southern inconsistencies, advocates of the renewal of the African trade attacked slave holders in the Upper South for opposing it. Though for the past half century Virginians had monopolized the domestic trade, they had no ‘vested right to perpetuate that monopoly.’ If the importing states could buy more cheaply in Africa than in Virginia, they had a ‘natural right’ to do so. Why was it immoral to import from Africa if it was moral to import from Virginia?”⁽²⁾

Under Chattel slavery, Virginia was the South’s undisputed “slave breeder” state. Virginia slaveholders enforced sexual habits on their black slave women and men aimed at increasing the number of slaves they owned for the express purpose of selling women, children and men to other slave states in the Deep South for a profit. Kenneth Stampp writes: “In the three decades between 1830 and 1860, Virginia exported nearly three hundred thousand - almost the whole of her natural increase.” This experienced in human trafficking, it makes sense, in some perverse kind of way, that Virginia today is the country’s leader in warehousing other states’ prisoners. In a February 25, 2001 *Richmond Times Dispatch* article entitled “Inmates Boost Virginia’s Revenue: Housing Other States Prisoners Yields Millions,” it was reported that the state of Virginia made an estimated \$100 million from this practice in 2001. In that same article, it was also reported that “as of Jan. 1, 1999, Virginia was housing 2,090 inmates for other agencies. The next closest state was Wisconsin with 603.” Dick Hickman, a member of the Senate Finance Committee staff, remarking on the out-of-state prisoner traffic said, “There is no profit here per se.” His words are reminiscent of historical efforts to deny the profitability of this barbaric practice by a Virginian who “published an essay, entitled ‘Estimates of the Expenses and Profits of Rearing Slaves,’ to prove that holding them exclusively for breeding purposes yielded meager returns and was therefore never done.”⁽³⁾

You be the judge. My question is: How is all this bed space available for other states’ prisoners when parole was abolished in 1995, under the pretense that Virginia had its own expansive population of “violent predators” who would be overflowing the states’ prisons and needed to be imprisoned immediately to prevent a “forest fire” of crime in Virginia?

Prisoner/Slave Disciplinary Hearings

“In colonial days they [slaves] were always arraigned before special “Negro Courts,” which were usually less concerned about the formalities of traditional English justice than about speedy verdicts and certain punishments.”⁽⁴⁾

In the Virginia prison system, when a prisoner receives a Disciplinary Infraction s/he will be given a hearing in what we have come to term as “Kangaroo Court.” This procedure is horribly unfair because questions of discipline and control “obscure considerations of even justice.” Correctional staff’s accounts of incidents, whether real or imagined, is the law. Prisoners are rarely, if ever, found not guilty. The only punishment deemed relevant to the VA DOC are fines, the taking of prisoners’ money.



(See VA DOC DOP 861.1, Section VIII; N). At these hearings, prisoners are not even permitted to request the presence of physical evidence for our defense (see DOP 861.1, section XVI; C).

Prisoner/Slave Isolation and Stigmatization

“Some also believed it undesirable to have groups of lower class whites living shiftlessly on the fringes of plantations where they could corrupt the slaves. Planters sometimes bought the lands of their poor neighbors to get them out of the way. Thus the plantation often became a kind of isolated, autonomous enclave.”⁽⁵⁾

Have you ever noticed how many prisons in Virginia are located in the most remote, hard to find areas? The physical removal of prisons from conspicuous public sight is literal implementation of the saying “out of sight, out of mind.” The less visible we are, the less society is inclined to ponder the larger questions of crime and prisons, not to mention how this physical distancing of prisons renders them “worlds within themselves” where the day-to-day happenings in prison are hidden from public view and inquiry. As if he were writing about modern day Virginia, Kenneth Stamp, writing about the slave plantation, writes: “There were, as one Southerner observed, ‘a thousand incidents of plantation life concealed from public view,’ witnessed only by slaves which the law could not reach. One of slavery’s ‘most vulnerable points,’ a defender of the institution agreed, was the helpless position of the slave when his master was ‘placed in opposition to him.’” The hidden, routine abuses taking place in rural isolated prisons such as ROSP and WRSP come to mind.

“The second step was to implant in the bondsmen themselves a consciousness of personal inferiority. They had ‘to know and keep their places,’ to feel the difference between master and slave, to understand that bondage was their natural status. They had to feel that African ancestry tainted them, that their color was a badge of degradation.”⁽⁶⁾

In the “collective imagination,” the anonymous, ever present “criminal” is represented by a person of color. Chattel slavery was Black slavery, represented as our “natural condition.” Following its own logic, the new prison-based slavery, which is a continuation of the old slavery and predicated on the racist rationale that Blacks are “natural born criminals,” must necessarily represent imprisonment as our new “natural condition.” Prisons are being designed with Black people in mind; it should come as no surprise that when people think of prison, they envision swarms of Black people and when they see Black people, they think we all have been in prison, or worse yet, they may hope we are on our way to prison. The 15th Amendment of the U.S. Constitution states, “The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or *previous condition of servitude*.” Because servitude, or slavery, is legal under the 13th Amendment of the U.S. Constitution for conviction of a crime, imprisonment meets the definition of a “condition of servitude.” However, even upon release from prison, ex-prisoners are denied the right to vote in 10 states, Virginia being one of them. The requirement that job applicants disclose that they have been convicted of a felony is a discriminatory practice aimed at keeping convicted felons, who happen to be overwhelmingly Black, from obtaining employment. Thus the stigma of being a convicted felon works neatly with the fact of being Black.

Prisoner/Slave Forced Separation From Loved Ones

“If the dissolution of families was one of the cardinal sins of the traffic, masters merited some of the opprobrium that was heaped upon the traders. They frequently sold their slaves knowing full well that families would be broken whenever the traders found it to their advantage to do so. Sometimes the masters themselves agreed to dissolve families.”⁽⁷⁾

Prisons are already separate, self-contained places of confinement from the larger outside world. In Virginia the greater number of prisons are deliberately placed on the outskirts of Virginia’s urban core silently lurking in “the bushes” waiting to devour another busload of inner-city prey. Once inside the “belly of the beast,” many of us lose vital ties to the outside world which become weakened from



being so far away from loved ones. Not to mention how collect calls to the outside world are so costly due to exploitative contracts the VA DOC maintains with private phone companies. Many of us have not seen loved ones in years. Many of us have not talked with loved ones in years. The VA DOC does not facilitate enduring connections between prisoners and our loved ones. In the VA DOC, contact with our loved ones via phone and visit is a *privilege, not a right*. We do not get extended visit “Family Days” to spend quality time with our loved ones nor are we allowed conjugal visits with our spouses. Currently, visits are strictly regimented “meetings” where everyone is so tense and nervous about being careful not to violate the numerous petty rules designed to discourage warmth, comfort, and loving communication between prisoners and loved ones. The mailroom is another site where contact between prisoners and loved ones is discouraged. Prisoners in Virginia are not allowed to receive pictures of our loved ones in casual clothing as this is interpreted by the VA DOC as somehow “sexually explicit” and thus a threat to “security.” Our loved ones send us pictures with them displaying gestures of love and celebration yet this too is a “security threat” as every gesture is perceived to be a “gang sign.” The VA DOC unremorsefully criminalizes people they know nothing about and when I have asked staff to please identify the alleged gang whose “sign” is supposedly being displayed in the pictures, they can never provide me with such information. All these measures are designed to destroy connections between prisoners and loved ones, and it’s not right, at all.

Closing Thoughts

Prison Abolition Necessitates Abolition of our Current Selves - They *abolished* parole didn’t they? Newly-freed slaves were so easily re-enslaved in the prison precisely because “they continued to be perceived as slaves.” We in prison today must begin to see ourselves as entitled to and deserving of a dignified, prison-free existence. This requires us to break with images of ourselves that accept imprisonment as part of “the game” and with it, the injustices of a larger oppressive society. We can begin now to abolish those aspects of ourselves that would have us only be for prison abolition because the prison inhibits our “underground” financial pursuits. We must see the bigger picture and realize that crime of any kind destroys our community and that in a truly FREE society, where humans are free from the desire to prosper at the expense of their fellow humans, where people are free from a perverse desire to construct positive images of themselves that are built on the debasement of others - the prison’s existence could not be legitimated. Prisons are not about stopping crime - they haven’t stopped it yet - prisons help maintain hierarchies of oppression. For our own sake, and the generations to come, we need to be involved in social, political, and economic struggles for justice - we can’t afford not to be.

Alliances Across Race - There are two major prison support organizations in Virginia right now - Resources Information and Help for the Disadvantaged (RIHD), which is primarily run by Black people, more specifically, a Black woman, Lillie Branch-Kennedy. Then there is Virginia Citizens United for the Rehabilitation of Errants (Virginia CURE), which is primarily run by white people, led in the person of Jean Aldridge. While RIHD is not an exclusively “Black” organization, its activities and agendas are formed out of the experiences of its predominantly Black constituent base. This is only natural. It is our experiences with oppression and racism that compel us to take on issues aimed at ending the same. People at Virginia CURE need to be cognizant of our particular circumstances. I’m not attempting to frame any differences between RIHD and Virginia CURE in simple black and white terms. I want to call attention to the fact that no progress is being made in the Virginia prison system, in a positive direction, and both groups, all groups, focused on the prisons, must develop lasting organizational ties amongst each other for all prisoners irrespective of race, color, gender, sexual orientation, mental or physical disability etc. You all must not repeat the errors of the past. When people “sit down at the table” and build relationships, the politicians, the media, the people who seek to mislead and divide you, cannot persuade you to betray your principles, as these will have been formed on the basis of real human solidarity and compassion, through meaningful interaction.



Notes

The Rush to Re-enslave Us

1. Black Baptist Minister recalling scene in Richmond. Quoted in Black Labor in Richmond, 1865-1890 by Peter Rachleff, U. of Illinois Press, 1989. p. 14.
2. Ibid
3. John T. O'Brien Jr. "From Bondage to Citizenship: The Richmond Black Community, 1865-1867" (Unpublished PhD Dissertation, University of Rochester, 1975), 73-185. Quoted in "Factory, Church, and Community: Blacks in Antebellum Richmond" by John Obrien, *The Journal of Southern History*, vol. XLIV, No. 4, Nov. 1978.
4. Henson, Story pp. 10-11, Ingraham (ed.), Sunny South p. 439; Caterall (ed.), Judicial Cases, I p. 298; III p. 632; V pp. 229-30; Loguen, Narrative, pp. 112-20; Andrews, Slavery and the Domestic Slave Trade, pp. 128-33. Quoted in The Peculiar Institution: Slavery in the Antebellum South by Kenneth Stampp, Vintage Press, 1956. p. 348.
5. Stampp, pp. 348-9
6. Black Labor in Richmond, 1865-1890, Rachleff, pp. 14-15
7. Ibid
8. Ibid
9. Ibid
10. Ibid
11. Ibid
12. Ibid
13. Ibid
14. Ibid
15. Black Labor in Richmond, 1865-1890, Rachleff, p. 147
16. Are Prisons Obsolete, Angela Davis, Seven Stories Press Open Media Series, April 2003

The Rise of Virginia's Prison Industrial Complex, 1995—?

1. Mother Jones.com, 2000
2. Bureau of Justice Statistics: Criminal Justice Institute, U.S. Census Bureau, 2000
3. Ibid
4. Ibid
5. Ibid
6. Agency Strategic Plan of DOC 2005
7. Public Safety, 2006–08 (Chapter 847, 2007 Acts of Assembly)
8. American Law/Oxford Companion, Kermit L. Hall, 2002
9. Agency Strategic Plan, DOC 2005
10. Ibid
11. 2004 DOC Audit
12. 2004 DOC Audit
13. Final Thesis Project, Jan 8, 2007, R. Sambol
14. 2004 DOC Audit
15. Keefe website, 2005, www.keefecommissary.net
16. 2004 DOC Audit
17. The Case of Larry Frazier, a Connecticut prisoner who was killed by guards at WRSP, is one major instance where the DOC was sued legally. The VA DOC reportedly settled out of court.
18. M&P Sales, 13213 Industry Lane, PO Box 683, Forest Hill MD, 21050-1683, (410) 893-8542
19. David Robinson was once warden at Nottoway Correctional Center, at WRSP in 2005 and is currently Eastern Regional Director for VA DOC.
20. Report on Audit of Virginia Correctional Enterprises 1-1-2001 to 12-31-01
21. 1999 Audit of VCE
22. "U.S.: Virginia Prisons Open for Business," Dan Pens, *Prison Legal News*, 11-1-98
23. 2001 Audit of VCE, p. 3



24. New Job for Powhatan Inmate Tag Shop, *Richmond Times Dispatch*, Sept 22, 2007, Frank Green
25. <http://www.raisingkaine.com/showDiary-do?diaryId=4753> by Nick Stump, 9-27-06
26. "Ten Years After it Eliminated Parole, Virginia Considers Costs," *Washington Post* 12-25-04 by Chris L. Jenkins
27. "The Prison Industrial Complex and the Global Economy", Eve Goldberg and Linda Evans
28. Ronald Angelone was the Director of the VA DOC from 1994 to 2002. He is now Director of the prison contracting company Compudyne. Angelone oversaw the construction of ROSP and WRSP in Southwest Virginia where Jerry Kilgore is from - hailing the Supermax prisons as housing for the "worst of the worst" inmates. When he found, once they were built, that Virginia lacked sufficient "violent predators" with which to fill them, he changed the Department's inmate classification system so that more prisoners would fit the bill. In addition, he opened up the supermaxes for business, bringing in prisoners from overburdened facilities in the District of Columbia, Vermont, Connecticut, New Mexico, Virgin Islands and Hawaii. Under his watch the Virginia prison system became "the most violent, the most racist, the most ready to resort to force" as prisoners were killed, tortured, and brutalized without one word of objection from Angelone. Source: "Abu Ghraib in Virginia" by Laura Lafay, *Southern Exposure*, 32 (Winter 2005).
29. "Abu Ghraib in Virginia," *Southern Exposure*, 32 (Winter 2005)
30. *Washington Post* 12-25-04

The Virginia Dept. of Inhumane Connections to Slavery

1. All quotes in this section (1-7) are taken from The Peculiar Institution: Slavery in the Antebellum South, Kenneth Stampp, 1956.



Where is the Love? Part II Towards Positive Human Development in the Virginia Prison System

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Forward

In the popular view, prison is an institutional manifestation of justice. The idea that one must suffer consequences for their doing harm to others is as old as humankind itself. However, when the public institution called prison is a tool for the wealthy and powerful to advance their own private interests, then whatever measure of justice exists in the social act of imprisoning people is fraudulent; a travesty.

Whatever positive value the prison has for society at large in the way of redeeming the hearts and minds of us who've committed crimes is corrupted with the unleashing of "market forces" into the domain of human rehabilitation. Under these conditions, the masses of people held captive in prison are reduced to nothing more than a commodified means to a "bottom line" end. And the mentally ill are too criminalized, further boosting corporate earnings projections.

Note the conspicuous use of corporate language in the VA DOC's own Agency Strategic Plan of 2005, which eerily refers to citizens of the Commonwealth as its "customer base." Lawmakers in Virginia spend over a billion dollars a year just to maintain an extensive prison infrastructure while having the audacity to remind people in commercials that the Virginia Lottery is "helping Virginia's public schools."

So the educational needs of citizens of the Commonwealth, particularly the poor, black and Hispanic youth, are met to the degree that enough dispirited working people compulsively spend their hard-earned dollars in hopes of realizing their frustrated aspirations for advancement through a luck-filled draw of numbers.

With numerous studies and statistics showing that the cost of imprisoning people far exceeds the financial cost of sending people to college, one is forced to question why lawmakers in Virginia are intent on wasting tax dollars and valuable human lives incarcerating ever-greater numbers of people.

Is this the full scope of Public Safety? The vast majority of prisoners in Virginia come from the major urban centers of Virginia, namely, Richmond and the Tidewater area. These cities suffer from a host of problems, making the residents of these locations the primary population base from which the VA DOC draws its prisoners.

In 'Where Is the Love? - Massive Resistance To Positive Human Development in the Virginia Prison System,' I cited a November 20, 2007 '[Richmond Times Dispatch](#)' article titled "Putting The Future Together - A Path for the Richmond Region" by Dr. James A. Crupi. Here I will quote sections of that article to clarify and strengthen my argument that the Virginia prison system, in its present form, is not the outcome of a sincere concern to stop crime, but rather, an institutional continuation of Virginia's longstanding history of white racial oppression of non-white people.

The concentration of Blacks and other non-whites in Virginia's cities, and for that matter, the nation at large, is conditioned by a number of factors. Namely, the historical migration of newly-freed slaves to what were then the urban industrial centers of the U.S. during the early 1900s. Not to mention the general availability of work, (although low-wage), in cities that existed in a once thriving capitalist America in the Pre-NAFTA era.



Describing the Richmond area today, Dr. James A. Crupi writes:

“The city has some unique challenges because it has a small physical geography, a high concentration of poverty, poor public schools, the highest crime rate in the region, and sizable government, non-profit and educational bases that are tax-exempt.”

Comparing the city of Richmond to surrounding counties like Goochland, Chesterfield and Henrico, Dr. Crupi goes on to note that:

“Furthermore, there are significant cultural, ethnic, political, educational and economic differences among the major jurisdictions. Culturally, it is a “tale of two cities.” It is Dr. Jekyll and Mr. Hyde. The counties have strong public schools, the city does not. The counties have a growing resource and population base, the city does not. The counties are very strong financially, the city less so. The city is urban, the counties are suburban. The city has aging infrastructure, the counties have relatively new infrastructure. The counties have resources, the city has needs.”

While the ‘Massive Resistance’ of today does not involve white people physically shutting down schools, protesting racially progressive laws, and perpetrating acts of terrorism against non-whites like lynching and hangings, its core essence remains the same.

Today’s Massive Resistance has taken the form of institutional racism. Through gerrymandering (manipulating political boundaries), keeping politicians in public office who express a racially coded “tough on crime” stance, and a refusal to view Public Safety except as a repressive, never-ending proliferation of prisons, jails, and law enforcement officials is how the Massive Resistance of today operates.

This allows whites to maintain racial inequalities, and the life-conditions that engenders crime (which lead so many non-whites to prison), from distant enclaves of white-privilege.

For more insight into this state of affairs, I refer to Dr. Crupi’s article again, where he writes:

“Most citizens and their political leaders are pre-conditioned not to think and their political leaders are pre-conditioned not to think and coordinate regionally. It is counterintuitive to do so. They have grown up with a mindset and orientation that has been honed by the way in which Virginia has chosen to structure its government. This impacts tax and revenue sharing and means that without regional cooperation, large scale projects are not likely to happen. In many county elections, people who advocate regionalism get defeated because regionalism in the metro area is a code word for “what’s good for the city of Richmond. To quote one community leader in the suburbs: “It is very difficult to get the soccer moms in Henrico and farmers in Hanover to send money to the city” [original emphasis].

There is a collective unwillingness to honestly and consistently think and act as a region. The view is that they are separate jurisdictions that happen to border one another. This structure, when coupled with the Dillon rule [a state law that requires that localities must obtain permission from the state before enacting certain kinds of legislation], means that local jurisdictions lack the flexibility and tailored response capability that they need in a rapidly changing world to address local challenges without first going to the state assembly. In effect, the rule serves to prevent progressive local governments from going beyond the status quo to deliver services in an efficient and high-quality manner.”

Further along in the same section, Dr. Crupi goes on to say that:

“The jurisdictions need to cooperate but are not required to. Too many people are opposed to things instead of creating them, Even when the opportunities are recognized, the structure



makes joint decisions difficult and they are further complicated by the historical, emotional roots associated with annexation - a process that was laced with racial and political overtones.”

What you've just read is a sanitized description of how injustice of every shade, color, and dimension is built into Virginia's political, social, economic, and racial system. Following the popular wisdom that "the fruit doesn't fall far from the tree," it shouldn't be difficult to see that the Virginia prison system is an extension of that larger injustice. Virginia's prisons should rightly be viewed as "extended communities" of the desolate urban environments from which the majority of prisoners come from.

Prison policies are designed to facilitate the corporate exploitation of prisoners and our families. The massively disruptive effect of the prison-industrial complex on poor, non-white communities has exacerbated the already harsh conditions in which we live. Through the prison, our collective wealth and resources, (human, financial, intellectual), are "extracted" from our own communities and diverted to the coffers of corporations like Keefe Commissary, World Wide Automotive, Global Tel-Link, the Corrections Corporation of America and a host of other capitalist enterprises.

Needless to say, the owners, stockholders, and investors of these capitalist institutions are insulated from the realities of poor, working-class communities. Their families and friends are going to college, have good paying jobs, adequate health care, live in crime free and environmentally safe neighborhoods. They could care less about people in prison being rehabilitated because they benefit from mass imprisonment, recidivism, and crime in general. Their communities don't have to confront the hopelessness and desperation of people returning to the street in worse condition than when they came to prison -5, 10, 15 years ago. They see no benefits in the prison systems having parole/early release, college and vocational programs, art classes and the overall space for people in prison to develop our human potential in a new, community-oriented direction.

What's sad is that Virginia state officials have been entrusted with the duty and responsibility of fulfilling their obligation of accountability to the public, and in a very criminal like manner have instead opted to pursue their own selfish, greedy desires in the form of corporate "kickbacks" and other capitalist "incentives" (bribes).

All in the name of Rehabilitation and Public Safety. Seeing as how present notions of Rehabilitation and Public Safety are a real impediment to human progress, what is to follow is a number of proposals for change aimed at making real strides towards positive human development in the Virginia prison system. The totality of the following proposals should be viewed within a Restorative Justice framework. However, these proposals are grounded in the realities of the poor, black, non-white people who inhabit these prisons. With that in mind, the focus and orientation of these proposals are centered on helping people in prison cultivate our higher potential for the purpose of addressing the collective challenges we face coming from and returning to problem-ravaged communities.

It is in our best interest to advocate prison policies that tend to produce assets, living solutions to our own common plight. Many prison policies perpetuate and intensify the larger societal exclusion experienced by so many poor, marginalized people. Therefore, it is not uncommon to encounter prisoners whose hearts have been hardened by years of abuse, neglect and indifference to their needs as human beings. If the currently exclusionary policies of the VA DOC and the state at large are allowed to continue, then the public should not expect people to be civic-minded, productive citizens upon release from prison. Especially after years of being brutalized, shot, killed, tazered, underfed and otherwise literally rotting away mentally, emotionally, and physically from a life of non-productivity. Rehabilitating human beings is a serious undertaking. It involves nurturing the human spirit, giving it positive content - not suppressing it, subjecting it to an ongoing succession of abuses.



That's why Public Safety cannot rest on authoritarian principles of dominance and subjection, superiority and inferiority. Public Safety must be founded on a basic respect for the lives of others reflected in job security, a living wage, universal healthcare, and a world without poverty, exploitation, and oppression. In such a world who would even consider engaging in activities that endanger Public Safety?

Proposals to Restructure the VA DOC

1. Abolish Keefe's Monopoly on Commissary Operations

- A publicly owned, DOC operated commissary is sufficient to meet the needs of prisoners. Any private vendor should only serve as a wholesale supplier to the VA DOC. Contracts with local state vendors should be sought out.
- Prisoners' families should be allowed to send commissary boxes to prisoners containing food, underclothing, and sneakers every ninety days.
- Prisoners are paying \$15-\$20, plus shipping and handling, for music CDs from outside vendors. These same CDs can be bought on the internet for \$5-\$10 on average. The VA DOC should seek to secure a contract with an internet company like F.Y.E. to supply the prison population with affordable music. Designated staff can place prisoners' orders on the internet from computers at the prisons.
- Electronic items like TVs and CD players cost almost two times as much in prison as they do outside of prison. Technology is changing rapidly and relatively new model electronics are rendered "old" within a very short period. Yet, prisoners are paying top dollar for low quality, old modeled electronics.

The VA DOC should secure contracts that are most beneficial to prisoners' families - the working class people of Virginia, whose hard earned dollars make such purchases possible. Until these changes take place, the 6.5% commission the VA DOC receives from Keefe should be increased to 30%. Keefe should also be required to provide indigent prisoners with monthly indigent bags, (to replace the present DOC issued, tax-payer funded indigent bags), containing the highest quality items. Also, Keefe should be required to supply all Virginia prisoners with free holiday packages every year they continue to operate in these prisons.

2. Implement a New Good Conduct Allowance System

Parole should be restored along with a four-level good time classification system as follows:

- Class level I shall earn GCA at a rate of no more than 30 days credit for each 30 days served.
- Class level II shall earn GCA at a rate of no more than 20 days credit for each 30 days served.
- Class level III shall earn GCA at a rate of no more than 10 days credit for each 30 days served.

Additional good time may be earned through Compassion Time, except in those situations where certain crimes, (sex crimes, e.g. rape, child molestation, and premeditated murder), prohibit the awarding of Compassion Time. It will be earned as follows:

Compassion Time I: A prisoner's sentence is reduced by an additional two (2) days per month for being enrolled in short term community work assignments and/or participating in specific training programs requiring a minimum of four hours of productivity per day.

Compassion Time II: A prisoner's sentence is reduced by an additional four (4) days per month for successful participation in community work assignments and/or carrying out training program duties in an exemplary manner requiring a minimum of six hours of productivity per day.



Compassion Time III: A prisoner's sentence is reduced by an additional six (6) days per month for successful completion of community work assignments and/or training programs with requirements for special skills or specialized responsibilities requiring a minimum of eight hours per day.

Social Responsibility Time: If prisoners work more than 40 hours per week, work in bad weather, or work under emergency conditions, the DOC should award additional Compassion Time Credits. These credits will be based on one day of Social Responsibility Time for each eight hours worked.

Programs for Compassion Time should consist of efforts to clean up Virginia's cities, parks, lakes, streams, rivers, including reforestation projects. All initiatives should be guided by a strong ecological environmental focus

Imprisonment should never be an end, in and of itself. At such a point, it then becomes a means to a more destructive end known as human misery.

3. Minimum Wage for All Prisoners Employed in the VA DOC

While it serves people in power to promote the capitalist myth that prisoners' having jobs means less jobs for people outside of prison, the fact is that there are no fixed number of jobs that can be created to meet the needs of every U.S. citizen. What is important is not to allow prisoners labor to depress the wages of workers outside of prison. Allowing corporations to exploit prisoners by paying us slave wages to perform duties they would otherwise have to pay non-prisoners a living wage to perform does just that. Therefore, prisoners should be paid minimum wage.

4. Safe Sex Initiatives

There's a lot of talk about preventing prison rape, but there's no serious discussion about the consensual same-sex relations that take place in prison. The distribution of condoms to prevent the spread of HIV/AIDS is needed. Also, prisoners must be required to take an HIV/AIDS Awareness class. Additionally, before release, prisoners should submit to mandatory blood testing to determine if they have HIV/AIDS or any other STD. The Black community is disproportionately affected by HIV/AIDS and prison is only one front in this multi-faceted struggle to ensure our health and survival.

5. Visits and Phone Calls Made a Right

Currently, visits and phone calls in the VA DOC are a privilege. This policy is founded on the notion that prisoners are property of the VA DOC, a relic of Virginia's history as the pioneer of slavery in the U.S. This legal status assigned to prisoners as property of the VA DOC is the legal basis for the destruction of prison/loved ones relationships. This policy is rooted in the historical practice, originating under U.S. slavery, of ripping Black families apart when members were sold off and separated at the whim of slave masters who were merely exercising their property rights. Any truly rehabilitative agenda must make contact and healthy familial relationships between prisoners and loved ones a right - a human right.

6. Abolish Virginia's Grooming Policy

The VA DOC has a grooming policy that was implemented in the name of "security." How is it that a prisoners having goatees, cornrows, or dreadlocks poses a threat to security? This is one example of how the cultural expressions of non-whites are criminalized. The policy is a subtle form of cultural imperialism that forces a predominantly non-white prison population to adopt the grooming habits of clean-shaven, sideburn-less, white male professionals, businessmen and politicians. Don't forget about the extraordinary sums of money prisoners spend on razors, shave creams and electric shavers, trying to comply with grooming policies. Furthermore, African Americans often request medically-approved



shaving passes due to the severe irritation caused to their skin by shaving which is not a common negative health issue amongst white men.

7. Flat Rate Fee for Phone Calls

Notice that no phone company is asking to be bailed out by the federal government, particularly MCI and AT&T, who have lucrative contracts across prisons nationally. The VA DOC should secure a contract with a phone company to establish a flat rate fee system as follows: no more than \$6 (six) dollars for out of state calls; \$3 (three) for long-distance calls in the state; and \$2 (two) for local calls. Right now a long-distance call from prison costs more than an identical call for someone outside of prison. Does that sound like the VA DOC and MCI and Global Tel-Link want prisoners to maintain healthy connections to our families?

8. Abolish VA DOC Operating Procedure 803.1, Section IV A. 9.

This policy governs prisoner mail and reads in part: “Only while it is in the possession of the Postal Service is correspondence mail considered mail and subject to Postal Services Regulations.” This policy is the legal basis for all kinds of abuse of prisoner correspondence. How is it that prisoners receiving nude or semi-nude pictures from our spouses and companions, that they voluntarily send us, a “security threat?” Yet, I can order Playboy Magazine and a variety of other sex-oriented pictorials that contain the same exact material the VA DOC prohibits prisoners from receiving from their loved ones.

9. Human Restoration through Education

Article 1, Section 15 of the Virginia Constitution states in part: “That free government rests, as does all progress, upon the broadest possible diffusion of knowledge, and that the Commonwealth should avail itself of those talents which nature has sown so liberally among its people by assuring the opportunity for their fullest development by an effective system of education throughout the Commonwealth.”

Attention should be given to raising the intellect of those who have broken the law, often because of a lack of knowledge and the attendant opportunities for advancement that come with having an education.

In addition to Basic Literacy Programs, College Programs, and Vocational Trades, the VA DOC should also provide: Ecological Literacy Programs to equip prisoners with the knowledge and skills to help combat the global environmental crisis; Anti-Sexist classes to eradicate sexist attitudes and beliefs among male prisoners which will prevent crimes against women like rape and domestic abuse; Human Dignity Classes to instill prisoners with values that, while condemning criminal acts as lessening the value of our own lives as well as others, also promote moral standards that uphold social justice as an essential condition to Human Dignity.

10. Universal Healthcare in the VA DOC

Lack of adequate healthcare in prison can be traced to the glaring non-existence of a national universal healthcare program in the U.S. There are working people on the outside of prison with only “emergency room” health coverage, just imagine what prisoners get.

11. Close Down Red Onion & Wallens Ridge State Prisons

These prisons were hailed as Virginia’s super maximum security solutions to Virginia’s “urgent” crime problem. Truth is, state officials used crime as a pretext to provide jobs to its white constituents in Southwest Virginia displaced by a then faltering coal industry in this region. Virginia officials also saw a market for housing other states prisoners. They embarked on a prison building spree in anticipation of the loads of human chattel, reaping \$100 million in 2001 from this traffic.



These prisons in fact became home to the “worst of the worst” - correctional officers, that is. Shooting prisoners eyes out, tazing prisoners to death, kicking prisoners teeth out, disfiguring prisoners with brutal beatings, depriving prisoners of food, keeping prisoners in isolation for years, are just a few things prison staff at ROSP and WRSP have done to uphold law and order (see ‘Up The Ridge’ film documentary).

Both prisons are a financial drain on public resources and pose formidable traveling difficulties for prisoners’ families yearning to see their loved ones. Close these prisons down! These prisons should be closed down by 2012 to coincide with the opening of a Coal Fire Power Plant now under construction in Wise County where these prisons are located.

Also, job creation should not be guided by racial bigotry. These prisons were built in a predominantly white region for the added purpose of perpetuating racial hostilities. And we all know where such a road will lead humanity - NOWHERE. Just ask the residents of Wise County where the poverty rate is 19.2% (the highest in the region) and per capita income averages only about \$14,000 a year, (November 9, 2008 Washington Post Magazine article, ‘Hidden Hurt’). On top of that, a great number of residents in the region don’t have universal healthcare but instead are reliant on once a year check-ups for three days from the non-profit Remote Area Medical Volunteer Corps at the Wise County Fairgrounds.

12. Send All Out-of-State Prisoners Home Immediately

Citizens of Virginia, imagine that your loved ones in prison were shipped to Connecticut, Hawaii, Wyoming, The Virgin Islands, Vermont, or New Mexico. How often could you visit? How many collect calls could you accept from such a long distance at current telephone rates? Then, your loved ones in these out-of-state prisons are subjected to the cruelest abuses known to humankind at the hands of officials sworn to Public Safety. Well, that’s exactly what out-of-state prisoners and their families have been and/or are experiencing. Put yourself in their shoes. Furthermore, this practice is solely motivated by money. The inherent dangers to human life should be readily apparent. Moreover, how is it that public officials can “outsource” their crime problems? Where’s the responsibility in that?

13. Create a Virginia Citizens Prison Review Board

This Board will be an independent entity that evaluates the VA DOC’s performance in reducing recidivism, prisoner rehabilitation, monitoring DOC spending, food service practices, health services, and investigating claims of prisoner abuse.

This board will consist of four members, each appointed by mayors in the cities of Richmond, Roanoke, Norfolk, and Alexandria. The members will be paid a stipend of twenty percent of the Virginia Parole Boards total salary to be divided amongst the four members evenly, amounting to five percent for each member. Members of the Board will receive the stipend for as long as they are on the Board, with a full term being one year. Members can only be re-appointed once.

Members will be subject to popular recall, requiring two-thirds of the prison population to submit to the VA DOC ombudsman Head, notarized statements calling for said member to step down.

Members of the Board will have the power to suspend and/or fire DOC staff upon discovery of misconduct utilizing newly-established investigative procedures, requiring three-fourths of Board Members approval for such action. The Board will also make recommendations to the Virginia governor and the Director of the VA DOC concerning operational changes needed in the VA DOC. All four members will publish a yearly Public Finding on the State of the VA DOC to be presented to the governor and made available for general public reading by the last day of January each year. Members of the Virginia Citizens Prison Review Board will have full, legally-authorized access to all Virginia prisons at any time.



14. **Funding for Restructuring the VA DOC**

All monies will come from the following:

- Closing down ROSP and WRSP.
- All profits from commissary contracts, including the proposed commission increase from Keefe Commissary.
- Monies garnered from investments of prisoners account dollars made by the Director of the VA DOC under Code of Virginia J3.1-44
- The creation of a Conjugal Visit Program where prisoners pay \$20 for a 48 hour on-site prison trailer stay with family and loved ones.
- All monies obtained from contracts Virginia Correctional Enterprises has secured with various private corporations and public agencies employing prison labor.
- All monies obtained from contracts the VA DOC acquires from contracts with any telephone company.
- All monies obtained from the prison population for violations of institutional rules under Operating Procedure 861.1, Section VIII, paragraph N.

**This material was written by Frank E. Reid and distributed by
The Beautiful Struggle, PO Box 2211, Fairfax, Virginia 22031**

Mission Statement

The Beautiful Struggle seeks to provide support, ideas,
comfort and suggest resources
to family members and friends of loved ones in prison.

We seek to give voice to the silenced, companionship to the lonely,
compassion to the sinner, respect to the scorned
and hope to the hopeless.

We have no funds to provide you, no legal credentials to fight for you,
no magic wand to solve your problems
and no ability to change your past.

We DO have big hearts and sincere compassion
for those who have decided to change their lives
It is not for us to judge or convict you
but for you to make peace with those you have offended.

If you need a friend in The Beautiful Struggle, we will be there for you.

Hebrews 13:3: Remember those in prison as if you were their fellow prisoner, and those who are mistreated as if you yourselves were suffering.

The Beautiful Struggle ("TBS") does not endorse any particular faith group or political party. We are a dedicated group in solidarity with those behind prison walls.

Gayle Mansuy, Moderator of TBS