# K – Lawfare/Abolition

## 1NC Abolition Short

#### Legal remedies miss the forest for the trees—tinkering with legal doctrines legitimizes police racism and fails to eradicate the institutional root causes. The neg calls for abolition of police racism as a prerequisite to the aff.

McLeod 16 [ALLEGRA M. MCLEOD (Professor of Law, Georgetown University Law Center). “Introduction: Confronting the Carceral State.” *THE GEORGETOWN LAW JOURNAL* 1406 [Vol. 104:1405, 2016] http://georgetownlawjournal.org/files/2016/08/mcleod-carceral-state.pdf // WWXR]

Although legal remedies in the aftermath of police violence, like “pattern and practice” investigations pursued by the U.S. Department of Justice, may bring about certain improvements in police practices, Butler shows why civil rights and procedural remedies are inadequate to realize the more fundamental transformation necessary to redress racial profiling, excessive force, and antiblack racism. For example, Butler underscores that after federal investigations of police practices in Los Angeles, the level of policing actually increased substantially—resulting in more stops and frisks and more arrests.33 Instead, Butler contends the police should simply “stop it”—stop engaging in racially predatory policing and physical brutality in favor of more affirmative and less oppressive interventions to address significant crime.34 In this regard, Butler aligns his analysis with the Black Lives Matter movement and others who call for a third reconstruction, prison abolition, and effective dismantling of institutional racism and inequality.35 This abolitionist call serves as a framing provocation for this symposium to which we will return soon.36 Devon Carbado introduces another explanatory account of the persistence of police abuse of African-Americans. In Blue-on-Black Violence: A Provisional Model of Some of the Causes, Carbado demonstrates how various social factors converge to expose African-Americans to excessive police contact and scrutiny: racial segregation, relative economic disenfranchisement, racial bias, the vast criminalization of minor misconduct, and minimal constraints on policing of petty street-level infractions.37 This increased exposure to police surveillance renders African-Americans more vulnerable to police violence, primarily because they are subject to more frequent police encounters.38 At the same time, the organizational culture of police departments often implicitly encourages the use of force. After police have used force—even deadly force—judges and other legal actors evaluating police conduct frequently regard the use of force as legally justifiable. Legal doctrines such as qualified immunity further inhibit successful legal challenges to police abuse while immunizing police from financial consequences for their actions.39 In combination, these barriers to legal sanctions or other remedies communicate to police officers that there will be minimal penalties, if any, for a failure to exercise care in deploying violent force.40 Carbado suggests that these features together render blue-on-black violence a structural problem requiring structural reform, rather than measures that address only the behavior of errant officers.41

#### The role of the ballot is to political engage with prison abolition. Political discourse in scholarship must promote a politics of imagination of envisioning the end of the prison. Public discourse in the academy serves a unique role, Rodríguez 10

Professor and Chair of Ethnic Studies @ UC Riverside [Dr. Dylan Rodríguez, “The Terms of Engagement: Warfare, White Locality, and Abolition,” Critical Sociology 36(1) pg. 151-173

What were the fundamental concerns of our progressive organizations and movements during this time, and were they willing to comprehend and galvanize an effective, or even viable opposition to the white supremacist state’s terms of engagement (that is, warfare)? This radical accountability reflects a variation on anticolonial liberation theorist Frantz Fanon’s memorable statement to his own peers, comrades, and nemeses: Each generation must discover its mission, fulfill it or betray it, in relative opacity. In the underdeveloped countries preceding generations have simultaneously resisted the insidious agenda of colonialism and paved the way for the emergence of the current struggles. Now that we are in the heat of combat, we must shed the habit of decrying the efforts of our forefathers or feigning incomprehension at their silence or passiveness. (Fanon 2004 [1963]: 146) Lest we fall victim to a certain political nostalgia that is often induced by such illuminating Fanonist exhortations, **we** ought to clarify the premises of the social ‘mission’that our generation of USA-based progressive organizing has undertaken. In the vicinity of the constantly retrenching social welfare apparatuses of the US state, much of the most urgent and immediate work of community-based organizing has revolved around service provision. Importantly, this pragmatic focus also builds a certain progressive ethic of voluntarism that constructs the model activist as a variation on older liberal notions of the ‘good citizen’. Following Fanon, **the question is whether and how this mission ought to be fulfilled or betrayed**. To respond to **this political problem requires an analysis** and conceptualization of ‘the state’ **that is far more complex** and laborious **than we usually allow in our** ordinary **rush of obligations to build campaigns**, organize communities, and write grant proposals. **We require**, in other words**, a** scholarly activist framework **to understand that the state** can and must be radically confronted on multiple fronts by an abolitionist social theory. Effectively contradicting, decentering, and transforming the popular consensus (for example, destabilizing assertive assumptions common to progressive movements and organizations such as ‘we have to control/get rid of gangs,’ ‘we need prisons,’ or ‘we want¶ better police’) is, in this context, dangerously difficult work. Although the truth of the matter is that the establishment US left, in ways both spoken and presumed, may actually agree with the political, moral, and ideological premises of domestic warfare. Leaders as well as rank-and-file members in avowedly **progressive[s]** organizations can and **must reflect on how they might actually be supporting and reproducing existing forms of racism, white supremacy, state violence, and domestic warfare in the process of throwing their resources behind** **what they perceive as ‘**winnable victories**’**, in the lexicon of venerable community organizer Saul Alinsky. Arguably, **it is precisely the creative and pragmatic work of** political fantasy/political vision/political imagination **that is the** most underdeveloped **dimension of the** US establishment **left’s organizational modus operandi and public discourse**. While a full discussion is best left for sustained collective discussion, **we might consider the** **post**-19**60s** **history of** the reactionary, neoconservative, and Christian fundamentalist US right, **which has fully and**¶ **eagerly engaged in these political labors of** fantasy/vision/imagination**, and has seen the desires of their wildest dreams met or exceeded in their struggles for political and cultural hegemony**. **It might be useful to begin by thinking of ourselves as existing in a relationship** **of deep historical obligation to** the long and recent, faraway and nearby historical legacies of **radical, revolutionary, and liberationist struggles that have made the abolition of oppressive violence their most immediate and fundamental political desire**. Pg. 165-170

## 1NC Abolition Long

#### Legal remedies miss the forest for the trees—tinkering with legal doctrines legitimizes police racism and fails to eradicate the institutional root causes. The neg calls for abolition of police racism as a prerequisite to the aff.

McLeod 16 [ALLEGRA M. MCLEOD (Professor of Law, Georgetown University Law Center). “Introduction: Confronting the Carceral State.” *THE GEORGETOWN LAW JOURNAL* 1406 [Vol. 104:1405, 2016] http://georgetownlawjournal.org/files/2016/08/mcleod-carceral-state.pdf // WWXR]

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#### **Jurisprudential and legislative reform creates a vacuous notion of accountability that misses the situation on the ground—police are an occupying force and the face of the CJS. Whatever law scholars do in their ivory tower, people are dying now.**

Smith 16 [Smith, Johnathan. Associate Dean, University of DC School of Law. Former litigation chief of Civil Rights in the US Department of Justice. “CLOSING THE GAP BETWEEN WHAT IS LAWFUL AND WHAT IS RIGHT IN POLICE USE OF FORCE JURISPRUDENCE BY MAKING POLICE DEPARTMENTS MORE DEMOCRATIC INSTITUTIONS” Michigan Journal of Race & Law 21.315 (YEAR). // WWJL]

There are many causes for this breakdown in trust.10 Police officers are the faces of a criminal justice system that has dramatically disproportionate negative effects based on race and economic status. Practices like stop-and-frisk and broken windows policing12 have put people of color in hostile contact with law enforcement on a daily basis. The imposition of excessive fines and court fees in some communities has created severe criminal consequences often for traffic or other minor offenses.13 These practices have driven a wedge between the police and those most likely to be policed. When federal civil rights investigators entered a Cleveland, Ohio, police substation, they found a sign that read “Forward Operating Base.”14 The investigators noted that “[t]his reference to a military outpost in enemy territory was posted in the station’s vehicle bay.”15 The sign, in a graphic way, illustrates that far too often both police and communities believe that law enforcement is a hostile occupying force. A significant factor in this mistrust is that police conduct is infrequently reviewed, and as a result, police officers and police departments are not held accountable for abuses. Judicial decisions are responsible, at least in part, for substantially erod[e]ing the protections provided by the Constitution against the excessive use of force by police.16 As is demonstrated below, the Fourth Amendment is increasingly interpreted as creating very limited rights for persons subjected to the use of force by police. Moreover, the Supreme Court has constructed procedural barriers, including strict standing rules and qualified immunity, to make judicial review of police practices difficult.17 The Court has placed outside of judicial review police conduct that communities perceive as excessive and that erodes the trust between these communities and law enforcement officers.18 The Court’s jurisprudence in this arena has created a substantial gap between what is lawful and what is right. Moreover, criminal prosecutions, which are critical for individual accountability, are rare19 and thereby fail to hold police institutions accountable for systemic failures. As the law tilts heavily in favor of officers, prosecutors are reluctant to charge and juries are hesitant to convict. Civil and criminal legal actions that create police accountability are instrumental to reform. However, it is inherently insufficient to address the national crisis in policing. This Article will describe the jurisprudential and practical limits to relying on the civil and criminal legal processes to control police behavior and create accountability and will offer recommendations on the need to democratize police departments through transparency and robust community oversight. Part I will explore barriers to private civil litigation and to criminal prosecutions in achieving reform. Part II will offer recommendations on measures to ensure that police departments are responsive to a meaningful democratic process that can overcome some of the failures of the current systems of accountability.

#### Voting negative is a pedagogical act. Your ballot contributes to a larger continuum of liberation movements that are not constrained by what is “practical” or “possible.” A radical break from the prison and the police is prior to any other question---policy changes need to be put on the backburner. As teachers you are obligated to betray the modern technologies of genocide management present in the prison.

Rodríguez 10

(Dylan, Professor and Chair of the Department of Ethnic Studies at UC Riverside, “The Disorientation of the Teaching Act: Abolition as Pedagogical Position,” Radical Teacher, Number 88, Summer 2010, Project MUSE)//a-berg

Finally, the horizon of the possible is only constrained by one’s pedagogical willingness to locate a particular political struggle (here, prison abolition) within the long and living history of liberation movements. In this context, “prison abolition” can be understood as one important strain within a continuously unfurling fabric of liberationist political horizons, in which the imagination of the possible and the practical is shaped but not limited by the specific material and institutional conditions within which one lives. It is useful to continually ask: on whose shoulders does one sit, when undertaking the audacious identifications and political practices endemic to an abolitionist pedagogy? There is something profoundly indelible and emboldening in realizing that one’s “own” political struggle is deeply connected to a vibrant, robust, creative, and beautiful legacy of collective imagination and creative social labor (and of course, there are crucial ways of comprehending historical liberation struggles in all their forms, from guerilla warfare to dance). While I do not expect to arrive at a wholly satisfactory pedagogical endpoint anytime soon, and am therefore hesitant to offer prescriptive examples of “how to teach” within an abolitionist framework, I also believe that rigorous experimentation and creative pedagogical radicalism is the very soul of this praxis. There is, in the end, no teaching formula or pedagogical system that finally fulfills the abolitionist social vision, there is only a political desire that understands the immediacy of struggling for human liberation from precisely those forms of systemic violence and institutionalized dehumanization that are most culturally and politically sanctioned, valorized, and taken for granted within one’s own pedagogical moment. To refuse or resist this desire is to be unaccountable to the historical truth of our moment, in which the structural logic and physiological technologies of social liquidation (removal from or effective neutralization within civil society) have merged with history’s greatest experiment in punitive human captivity, a linkage that increasingly lays bare racism’s logical outcome in genocide.[18](http://muse.jhu.edu/journals/radical_teacher/v088/88.rodriguez.html#f18) Abolitionist Position and Praxis Given the historical context I have briefly outlined, and the practical-theoretical need for situating an abolitionist praxis within a longer tradition of freedom struggle, I contend that there can be no liberatory teaching act, nor can there be an adequately critical pedagogical practice, that does not also attempt to become an abolitionist one. Provisionally, I am conceptualizing abolition as a praxis of liberation that is creative and experimental rather than formulaic and rigidly programmatic. Abolition is a “radical” political position, as well as a perpetually creative and experimental pedagogy, because formulaic approaches cannot adequately apprehend the biopolitics, dynamic statecraft, and internalized violence of genocidal and proto-genocidal systems of human domination. As a productive and creative praxis, this conception of abolition posits the material possibility and historical necessity of a social capacity for human freedom based on a cultural-economic infrastructure that supports the transformation of oppressive relations that are the legacy of genocidal conquest, settler colonialism, racial slavery/capitalism,[19](http://muse.jhu.edu/journals/radical_teacher/v088/88.rodriguez.html#f19) compulsory hetero-patriarchies, and global white supremacy. In this sense, abolitionist praxis does notsingularly concern itself with the “abolition of the prison industrial complex,” although it fundamentally and strategically prioritizes the prison as a central site for catalyzing broader, radical social transformations. In significant part, this suggests envisioning and ultimately constructing “a constellation of alternative strategies and institutions, with the ultimate aim of removing the prison from the social and ideological landscape of our society.”[20](http://muse.jhu.edu/journals/radical_teacher/v088/88.rodriguez.html#f20) In locating abolitionist praxis within a longer political genealogy that anticipates the task of remaking the world under transformed material circumstances, this position refracts the most radical and revolutionary dimensions of a historical Black freedom struggle that positioned the abolition of “slavery” as the condition of possibility for Black—hence “human”—freedom. To situate contemporary abolitionism as such is also to recall the U.S. racist state’s (and its liberal allies’) displacement and effective political criminalization of Black radical abolitionism through the 13th Amendment’s 1865 recodification of the slave relation through the juridical reinvention of a racial-carceral relation: Given the institutional elaborations of racial criminalization, policing, and massive imprisonment that have prevailed on the 13th Amendment’s essential authorization to replace a regime of racist chattel slavery with racist carceral state violence, it is incumbent on the radical teacher to assess the density of her/his entanglement in this historically layered condition of [End Page 15] violence, immobilization, and capture. Prior to the work of formulating an effective curriculum and teaching strategy for critically engaging the prison industrial complex, in other words, is the even more difficult work of examining the assumptive limitations of any “radical pedagogy” that does not attempt to displace an epistemological and cultural common sense in which the relative order and peace of the classroom is perpetually reproduced by the systemic disorder and deep violence of the prison regime. In relation to the radical challenging of common sense discussed above, another critical analytical tool for building an abolitionist pedagogy entails the rigorous, scholarly dismantling of the “presentist” and deeply ahistorical understanding of policing and prisons. Students (and many teachers) frequently enter such dialogues with an utterly mystified conception of the policing and prison apparatus, and do not generally understand that 1) these apparatuses in their current form are very recent creations, and have not been around “forever”; and 2) the rise of these institutional forms of criminalization, domestic war, and mass-scale imprisonment forms one link in a historical chain of genocidal and proto-genocidal mobilizations of the racist state that regularly take place as part of the deadly global process of U.S. nation-building. In other words, not only is the prison regime a very recent invention of the state (and therefore is neither a “permanent” nor indestructible institutional assemblage), but it is institutionally and historically inseparable from the precedent and contemporaneous structures of large-scale racist state violence. Asserting the above as part of the core analytical framework of the pedagogical structure can greatly enable a discussion of abolitionist possibility that thinks of the critical dialogue as a necessary continuation of long historical struggles against land conquest, slavery, racial colonialism, and imperialist war. This also means that our discussions take place within a longer temporal community with those liberation struggles, such that we are neither “crazy” nor “isolated.” I have seen students and teachers speak radical truth to power under difficult and vulnerable circumstances based on this understanding that they are part of a historical record. I have had little trouble “convincing” most students—across distinctions of race, class, gender, age, sexuality, and geography—of the gravity and emergency of our historical moment. It is the analytical, political, and practical move toward an abolitionist positionality that is (perhaps predictably) far more challenging. This is in part due to the fraudulent and stubborn default position of centrist-to-progressive liberalism/reformism (including assertions of “civil” and “human” rights) as the only feasible or legible response to reactionary, violent, racist forms of state power. Perhaps more troublesome, however, is that this resistance to engaging with abolitionist praxis seems to also derive from a deep and broad epistemological and cultural disciplining of the political imagination that makes liberationist dreams unspeakable. This disciplining is most overtly produced through hegemonic state and cultural apparatuses and their representatives (including elected officials, popular political pundits and public intellectuals, schools, family units, religious institutions, etc.), but is also compounded through the pragmatic imperatives of many liberal and progressive nonprofit organizations and social movements that reproduce the political limitations of the [End Page 16] nonprofit industrial complex.[22](http://muse.jhu.edu/journals/radical_teacher/v088/88.rodriguez.html#f22) In this context, the liberationist historical identifications hailed by an abolitionist social imagination also require that such repression of political-intellectual imagination be fought, demystified, and displaced. Perhaps, then, there is no viable or defensible pedagogical position other than an abolitionist one. To live and work, learn and teach, and survive and thrive in a time defined by the capacity and political willingness to eliminate and neutralize populations through a culturally valorized, state sanctioned nexus of institutional violence, is to better understand why abolitionist praxis in this historical moment is primarily pedagogical, within and against the “system” in which it occurs. While it is conceivable that in future moments, abolitionist praxis can focus more centrally on matters of (creating and not simply opposing) public policy, infrastructure building, and economic reorganization, the present moment clearly demands a convening of radical pedagogical energies that can build the collective human power, epistemic and knowledge apparatuses, and material sites of learning that are the precondition of authentic and liberatory social transformations. The prison regime is the institutionalization and systemic expansion of massive human misery. It is the production of bodily and psychic disarticulation on multiple scales, across different physiological capacities. The prison industrial complex is, in its logic of organization and its production of common sense, at least proto-genocidal. Finally, the prison regime is inseparable from—that is, present in—the schooling regime in which teachers are entangled. Prison is not simply a place to which one is displaced and where one’s physiological being is disarticulated, at the rule and whim of the state and its designated representatives (police, parole officers, school teachers). The prison regime is the assumptive premise of classroom teaching generally. While many of us must live in labored denial of this fact in order to teach as we must about “American democracy,” “freedom,” and “(civil) rights,” there are opportune moments in which it is useful to come clean: the vast majority of what occurs in U.S. classrooms—from preschool to graduate school—cannot accommodate the bare truth of the proto-genocidal prison regime as a violent ordering of the world, a primary component of civil society/school, and a material presence in our everyday teaching acts. As teachers, we are institutionally hailed to the service of genocide management, in which our pedagogical labor is variously engaged in mitigating, valorizing, critiquing, redeeming, justifying, lamenting, and otherwise reproducing or tolerating the profound and systemic violence of the global-historical U.S. nation building project. As “radical” teachers, we are politically hailed to betray genocide management in order to embrace the urgent challenge of genocide abolition. The short-term survival of those populations rendered most immediately vulnerable to the mundane and spectacular violence of this system, and the long-term survival of most of the planet’s human population (particularly those descended from survivors of enslavement, colonization, conquest, and economic exploitation), is significantly dependent on our willingness to embrace this form of pedagogical audacity.

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What were the fundamental concerns of our progressive organizations and movements during this time, and were they willing to comprehend and galvanize an effective, or even viable opposition to the white supremacist state’s terms of engagement (that is, warfare)? This radical accountability reflects a variation on anticolonial liberation theorist Frantz Fanon’s memorable statement to his own peers, comrades, and nemeses: Each generation must discover its mission, fulfill it or betray it, in relative opacity. In the underdeveloped countries preceding generations have simultaneously resisted the insidious agenda of colonialism and paved the way for the emergence of the current struggles. Now that we are in the heat of combat, we must shed the habit of decrying the efforts of our forefathers or feigning incomprehension at their silence or passiveness. (Fanon 2004 [1963]: 146) Lest we fall victim to a certain political nostalgia that is often induced by such illuminating Fanonist exhortations, **we** ought to clarify the premises of the social ‘mission’that our generation of USA-based progressive organizing has undertaken. In the vicinity of the constantly retrenching social welfare apparatuses of the US state, much of the most urgent and immediate work of community-based organizing has revolved around service provision. Importantly, this pragmatic focus also builds a certain progressive ethic of voluntarism that constructs the model activist as a variation on older liberal notions of the ‘good citizen’. Following Fanon, **the question is whether and how this mission ought to be fulfilled or betrayed**. To respond to **this political problem requires an analysis** and conceptualization of ‘the state’ **that is far more complex** and laborious **than we usually allow in our** ordinary **rush of obligations to build campaigns**, organize communities, and write grant proposals. **We require**, in other words**, a** scholarly activist framework **to understand that the state** can and must be radically confronted on multiple fronts by an abolitionist social theory. Effectively contradicting, decentering, and transforming the popular consensus (for example, destabilizing assertive assumptions common to progressive movements and organizations such as ‘we have to control/get rid of gangs,’ ‘we need prisons,’ or ‘we want¶ better police’) is, in this context, dangerously difficult work. Although the truth of the matter is that the establishment US left, in ways both spoken and presumed, may actually agree with the political, moral, and ideological premises of domestic warfare. Leaders as well as rank-and-file members in avowedly **progressive[s]** organizations can and **must reflect on how they might actually be supporting and reproducing existing forms of racism, white supremacy, state violence, and domestic warfare in the process of throwing their resources behind** **what they perceive as ‘**winnable victories**’**, in the lexicon of venerable community organizer Saul Alinsky. Arguably, **it is precisely the creative and pragmatic work of** political fantasy/political vision/political imagination **that is the** most underdeveloped **dimension of the** US establishment **left’s organizational modus operandi and public discourse**. While a full discussion is best left for sustained collective discussion, **we might consider the** **post**-19**60s** **history of** the reactionary, neoconservative, and Christian fundamentalist US right, **which has fully and**¶ **eagerly engaged in these political labors of** fantasy/vision/imagination**, and has seen the desires of their wildest dreams met or exceeded in their struggles for political and cultural hegemony**. **It might be useful to begin by thinking of ourselves as existing in a relationship** **of deep historical obligation to** the long and recent, faraway and nearby historical legacies of **radical, revolutionary, and liberationist struggles that have made the abolition of oppressive violence their most immediate and fundamental political desire**. Pg. 165-170

#### Only an abolitionist pedagogy that challenges the invisibility of domestic state violence can build a non-killing future world

Loyd 11

Faculty Fellow in the Humanities @ Syracuse University [Dr. Jenna M. Loyd, (PhD in Geography from UC Berkeley. Has held postdoctoral positions with the Island Detention project in the Department of Geography @ Syracuse University, the Center for Place, Culture and Politics @ CUNY Graduate Center, and in the Humanities Center @ Syracuse University) “American Exceptionalism, Abolition and the Possibilities for Nonkilling Futures,” Nonkilling Geography, Edited by: James Tyner and Joshua Inwood (2011)

The relative invisibility **of domestic state violence** vis-à-vis war constrains the imagination and imperative **for building just, free, and peaceful futures, internationally and domestically**. Domestic practices of state violence (namely policing and **imprisonment**) are frequently treated as inherently more legitimate than war-making because these practices are founded in popular sovereignty. Yet, these **institutions reproduce racial, gender, class, and sexual relations of hierarchy and domination that contribute to family separation, community fragmentation, labor exploitation and premature death**. **Building a** nonkilling future, thus, **means challenging** the state’s organization for violence that are practiced domestically in the form of defense (military-industrial complex) and in the form of **prisons** and policing **as the “answer” to social and economic problems** ranging from poverty, to boisterous youth, to human migration, and drug use (Braz, 2008; Gilmore and Gilmore, 2008). It takes sustained ideological work to contain “war” as the only form of state violence and to contain the good sense that war’s harms cannot be confined to weapons, neatly demarcated battlefields, and declarations of wars’ conclusions. **Building critiques of and movements against state violence means** confronting hegemonic frames **that understand state violence as exceptional, rather than as normal practices structuring** both international relations and **domestic governance.** It means asking why denunciations of the “war at home” sound hyperbolic to some Americans. It means asking in what ways domestic practices of state violence are practiced elsewhere and international practices are imported. Such cross-boundary traffic in practices (and personnel) of policing, imprisonment and war-making are important for showing that the lines between foreign and domestic, war and peace, civilian and military are constantly blurred. This in turn highlights the tremendous ideological work that goes into maintaining these boundaries, and the material consequences such geographical imaginations have on people’s lives and the places in which they live. This is not to say that the war at home and war abroad are the same or necessarily have the same intensity. Rather it is to trace the frame of exceptionalism that structures the relations between these places in ways that facilitate violence in both places. As we have seen, **the invisibility and naturalization of** state violence in the form of **the prison is** one of **the most overlooked sites of** American exceptionalism, critiques **of US state violence**, and of antiwar efforts. **For precisely this reason, attentions should be placed** **on challenging the prison regime** as one aspect of building nonkilling futures. For this historical moment, Dylan Rodríguez argues that **undoing the naturalization** of such commonplace violence, **centers squarely on an** abolitionist pedagogy **that works “against the assumptive necessity, integrity, and taken-for-grantedness of prisons**, policing, **and the normalized state violence they reproduce**” (2010: 9). **Dismantling prisons is about dismantling relations of white supremacy, heteropatriarchy and economic exploitation that undermine the possibilities for freedom and human flourishing.** **Prison abolition has an** expansive antiviolence imperative **that necessarily demands an end to connected practices of war, colonial dispossession, and imperial rule. Abolitionist imaginations** challenge violent suppression **of human freedom and offer** important visions for forging links **among different sectors of anti-violence organizing**. **We might look for example to** **the** nineteenth century international **slavery abolition movement** **or** more recently to **the nonaligned movement** of (formerly) colonized nations, **which regarded ending the Cold War as a condition for political autonomy and fulfilling human needs** (Prashad 2007). Likewise, for civil rights organizers in the US South, the abolition of Cold War annihilation was predicated on domestic peace, which could only be won through freedom, that is overthrowing the legal and extralegal relations of white supremacy (Loyd, 2011). Creating the possibilities for nonviolent resolution of social conflict is a recognized aim of antiwar or peace organizing. **Prison abolition** too **is premised on dismantling the prison as a solution for social conflict and for creating the possibilities for freedom and human flourishing.** As Andrew Burridge, Matt Mitchelson, and I (2009-2010) write: “**Building economies and community institutions that foster creativity, care, self-determination and mutual responsibility are among the abolitionist visions** for a just society. That is, **abolition is a vision for the future that can guide current action for making communities that create real safety and meet people’s needs**.” **Abolition links dreams of peace and freedom.** **Abolitionism critically analyzes how dominant categorizations of governance and sovereignty are premised on** **(categorical) unfreedom. Making these links** in practice **means recognizing how the** prison underpins violent domination on a world scale. **Abolition** is thereby **offers** imperative theoretical vision and practical means **for building nonkilling futures**. Pg. 119-121

## Extra

### Link—Qualified Immunity

#### [tag omitted]

McLeod 16 [ALLEGRA M. MCLEOD (Professor of Law, Georgetown University Law Center). “Introduction: Confronting the Carceral State.” *THE GEORGETOWN LAW JOURNAL* 1406 [Vol. 104:1405, 2016] http://georgetownlawjournal.org/files/2016/08/mcleod-carceral-state.pdf // WWXR]

Although legal remedies in the aftermath of police violence, like “pattern and practice” investigations pursued by the U.S. Department of Justice, may bring about certain improvements in police practices, Butler shows why civil rights and procedural remedies are inadequate to realize the more fundamental transformation necessary to redress racial profiling, excessive force, and antiblack racism. For example, Butler underscores that after federal investigations of police practices in Los Angeles, the level of policing actually increased substantially—resulting in more stops and frisks and more arrests.33 Instead, Butler contends the police should simply “stop it”—stop engaging in racially predatory policing and physical brutality in favor of more affirmative and less oppressive interventions to address significant crime.34 In this regard, Butler aligns his analysis with the Black Lives Matter movement and others who call for a third reconstruction, prison abolition, and effective dismantling of institutional racism and inequality.35 This abolitionist call serves as a framing provocation for this symposium to which we will return soon.36 Devon Carbado introduces another explanatory account of the persistence of police abuse of African-Americans. In Blue-on-Black Violence: A Provisional Model of Some of the Causes, Carbado demonstrates how various social factors converge to expose African-Americans to excessive police contact and scrutiny: racial segregation, relative economic disenfranchisement, racial bias, the vast criminalization of minor misconduct, and minimal constraints on policing of petty street-level infractions.37 This increased exposure to police surveillance renders African-Americans more vulnerable to police violence, primarily because they are subject to more frequent police encounters.38 At the same time, the organizational culture of police departments often implicitly encourages the use of force. After police have used force—even deadly force—judges and other legal actors evaluating police conduct frequently regard the use of force as legally justifiable. Legal doctrines such as qualified immunity further inhibit successful legal challenges to police abuse while immunizing police from financial consequences for their actions.39 In combination, these barriers to legal sanctions or other remedies communicate to police officers that there will be minimal penalties, if any, for a failure to exercise care in deploying violent force.40 Carbado suggests that these features together render blue-on-black violence a structural problem requiring structural reform, rather than measures that address only the behavior of errant officers.41

#### [tag omitted]

Whitehead 16 [John W. Whitehead (The Rutherford Institute). ‘We the Prisoners’: The Demise of the Fourth Amendment. <http://www.informationclearinghouse.info/article45036.htm> 2016.]

“Our carceral state banishes American citizens to a gray wasteland far beyond the promises and protections the government grants its other citizens… When the doors finally close and one finds oneself facing banishment to the carceral state—the years, the walls, the rules, the guards, the inmates—reactions vary. Some experience an intense sickening feeling. Others, a strong desire to sleep. Visions of suicide. A deep shame. A rage directed toward guards and other inmates. Utter disbelief. The incarcerated attempt to hold on to family and old social ties through phone calls and visitations. At first, friends and family do their best to keep up. But phone calls to prison are expensive, and many prisons are located far from one’s hometown… As the visits and phone calls diminish, the incarcerated begins to adjust to the fact that he or she is, indeed, a prisoner. New social ties are cultivated. New rules must be understood.”—Ta-Nehisi Coates, The Atlantic In a carceral state—a.k.a. a prison state or a police state—there is no Fourth Amendment to protect you from the overreaches, abuses, searches and probing eyes of government overlords. In a carceral state, there is no difference between the treatment meted out to a law-abiding citizen and a convicted felon: both are equally suspect and treated as criminals, without any of the special rights and privileges reserved for the governing elite. In a carceral state, there are only two kinds of people: the prisoners and the prison guards. With every new law enacted by federal and state legislatures, every new ruling handed down by government courts, and every new military weapon, invasive tactic and egregious protocol employed by government agents, “we the people”—the prisoners of the American police state—are being pushed that much further into a corner, our backs against the prison wall. This concept of a carceral state in which we possess no rights except for that which the government grants on an as-needed basis is the only way I can begin to comprehend, let alone articulate, the irrational, surreal, topsy-turvy, through-the-looking-glass state of affairs that is being imposed upon us in America today. As I point out in my book Battlefield America: The War on the American People, we who pretend we are free are no different from those who spend their lives behind bars. Indeed, we are experiencing much the same phenomenon that journalist Ta-Nehisi Coates ascribes to those who are banished to a “gray wasteland far beyond the promises and protections the government grants its other citizens” : a sickening feeling, a desire to sleep, hopelessness, shame, rage, disbelief, clinginess to the past and that which is familiar, and then eventually resignation and acceptance of our new “normal.” All that we are experiencing—the sense of dread at what is coming down the pike, the desperation, the apathy about government corruption, the deeply divided partisanship, the carnivalesque political spectacles, the public displays of violence, the nostalgia for the past—are part of the dying refrain of an America that is fading fast. No longer must the government obey the law. Likewise, “we the people” are no longer shielded by the rule of law. While the First Amendment—which gives us a voice—is being muzzled, the Fourth Amendment—which protects us from being bullied, badgered, beaten, broken and spied on by government agents—is being disemboweled. For instance, in a recent 5-3 ruling in Utah v. Strieff, the U.S. Supreme Court opened the door for police to stop, arrest and search citizens without reasonable suspicion or probable cause, effectively giving police a green light to embark on a fishing expedition of one’s person and property, rendering Americans completely vulnerable to the whims of any cop on the beat. In a blistering dissent, Justice Sonia Sotomayor blasted the court for holding “that the discovery of a warrant for an unpaid parking ticket will forgive a police officer’s violation of your Fourth Amendment rights.” Sotomayor continued: This Court has allowed an officer to stop you for whatever reason he wants—so long as he can point to a pretextual justification after the fact. That justification must provide specific reasons why the officer suspected you were breaking the law, but it may factor in your ethnicity, where you live, what you were wearing, and how you behaved. The officer does not even need to know which law you might have broken so long as he can later point to any possible infraction—even one that is minor, unrelated, or ambiguous. The indignity of the stop is not limited to an officer telling you that you look like a criminal. The officer may next ask for your “consent” to inspect your bag or purse without telling you that you can decline. Regardless of your answer, he may order you to stand “helpless, perhaps facing a wall with [your] hands raised.” If the officer thinks you might be dangerous, he may then “frisk” you for weapons. This involves more than just a pat down. As onlookers pass by, the officer may “‘feel with sensitive fingers every portion of [your] body. A thorough search [may] be made of [your] arms and armpits, waistline and back, the groin and area about the testicles, and entire surface of the legs down to the feet.’” If you still can’t read the writing on the wall, Sotomayor breaks it down further: “This case allows the police to stop you on the street, demand your identification, and check it for outstanding traffic warrants—even if you are doing nothing wrong… So long as the target is one of the many millions of people in this country with an outstanding arrest warrant, anything the officer finds in a search is fair game for use in a criminal prosecution. The officer’s incentive to violate the Constitution thus increases...” Just consider some of the many other ways in which the Fourth Amendment—which ensures that the government can’t harass you, let alone even investigate you, without probable cause—has been weakened and undermined by the courts, the legislatures and various government agencies and operatives. Breath tests, blood draws: Americans have no protection against mandatory breathalyzer tests at a police checkpoint, although mandatory blood draws violate the Fourth Amendment (Birchfield v. North Dakota). Ignorance of the law is defensible if you work for the government: Police officers who violate the law can be granted qualified immunity if they claim ignorance of the law (Heien v. North Carolina). That rationale was also applied to police who clearly used excessive force when they repeatedly tasered a pregnant woman during a routine traffic stop and were granted immunity from prosecution (Brooks v. City of Seattle). High-speed car chases: Police officers can use lethal force in car chases without fear of lawsuits (Plumhoff v. Rickard). No-knock raids: Police can perform a “no-knock” as long as they have a reasonable suspicion that knocking and announcing their presence, under the particular circumstances, would be dangerous or futile or give occupants a chance to destroy evidence of a crime (Richards v. Wisconsin). Legal ownership of a firearm is also enough to justify a no-knock raid by police (Quinn v. Texas). Warrantless searches by police: Police can carry out warrantless searches on our homes based on a “reasonable” concern by police that a suspect (or occupant) might be attempting to destroy evidence, fleeing or hurt, even if it’s the wrong house (Kentucky v. King). Police can also, without a warrant, search anyone who has been lawfully arrested (United States v. Robinson) as well as their property post-arrest (Colorado v. Bertine) and their vehicle (New York v. Belton), search a car they suspect might contain evidence of a crime (Chambers v. Maroney), and search a home when the arrest is made on its premises (Maryland v. Buie). Forced DNA extractions: Police can forcibly take your DNA, whether or not you’ve been convicted of a crime. Innocent or not, your DNA will then be stored in the national FBI database (Maryland v. King). Strip searches: Police can subject Americans to virtual strip searches, no matter the “offense” (Florence v. Board of Chosen Freeholders of the County of Burlington). This “license to probe” is now being extended to roadside stops, as police officers throughout the country have begun performing roadside strip searches—some involving anal and vaginal probes—without any evidence of wrongdoing and without a warrant. Seizures: For all intents and purposes, you’re “seized” within the meaning of the Fourth Amendment from the moment an officer stops you (Brendlin v. California). Search warrants on a leash: Police have free reign to use drug-sniffing dogs as “search warrants on leashes,” justifying any and all police searches of vehicles stopped on the roadside (Florida v. Harris), but the use of a K-9 unit after a reasonable amount of time has passed during a stop does violate the Fourth Amendment (Rodriguez v. United States). Police and DUI Checkpoints: Police can conduct sobriety and “information-seeking” checkpoints (Illinois v. Lidster and Mich. Dep't of State Police v. Sitz). Interrogating public transit passengers: Police officers are free to board a bus, question passengers, and ask for consent to search without notifying them of their right to refuse (U.S v. Drayton). Warrantless arrests for minor criminal offenses: Police can arrest you for minor criminal offenses, such as a misdemeanor seatbelt violation, punishable only by a fine (Atwater v. City of Lago Vista). Stop and identify: Refusing to answer when a policeman asks “What’s your name?” can rightfully be considered a crime. No longer do Americans, even those not charged with any crime, have the right to remain altogether silent when stopped and questioned by a police officer (Hiibel v. Sixth Judicial District Court of the State of Nevada). Traffic stops: As long as police have reasonable cause to believe that a traffic violation occurred, they may stop any vehicle (Whren v. U.S.). If probable cause justifies a vehicle search, then every part of the vehicle can be searched (U.S. v. Ross). A vehicle can be stopped even if the driver has not committed a traffic offense (U.S. v. Cortez). Anonymous tips, careful driving, rigid posture and acne: Police officers can stop cars based only on “anonymous” tips (Navarette v. California). Police can also pull you over if you are driving too carefully, with a rigid posture, taking a scenic route, and have acne (U.S. v. Westhoven). What many Americans fail to understand is the devastating amount of damage that can be done to one’s freedoms long before a case ever makes its way to court by government agents who are violating the Fourth Amendment at every turn. This is how freedoms, long undermined, can give way to tyranny through constant erosion and become part of the fabric of the police state through constant use. Phone and email surveillance, databases for dissidents, threat assessments, terror watch lists, militarized police, SWAT team raids, security checkpoints, lockdowns, roadside strip searches: there was a time when any one of these encroachments on our Fourth Amendment rights would have roused the public to outrage. Today, such violations are shrugged off matter-of-factly by Americans who have been assiduously groomed to accept the intrusions of the police state into their private lives. So when you hear about the FBI hacking into Americans’ computers without a warrant with the blessing of the courts, or states assembling and making public terror watch lists containing the names of those who are merely deemed suspicious, or the police knocking on the doors of activists in advance of political gatherings to ascertain their plans for future protests, or administrative government agencies (such as the FDA, Small Business Administration, Smithsonian, Social Security, National Oceanic and Atmospheric Administration, U.S. Mint, and Department of Education) spending millions on guns and ammunition, don’t just matter-of-factly file it away in that part of your brain reserved for things you may not like but over which you have no control. It’s true that there may be little the average person can do to push back against the police state on a national level, but there remains some hope at the local level as long as we retain a speck of our independence and individuality—as long as we can resist the defeatist sense of double-consciousness (a phrase coined by W. E. B. Du Bois in which we view ourselves as inferior through the prism of our oppressors)—as long as we continue to cry out for justice for ourselves and those around us—as long as we refuse to be shackled and made prisoners—and as long as we continue to recognize that the only way the police state can truly acquire and retain power is if we relinquish it through our negligence, complacence and ignorance. Unfortunately, we have been utterly brainwashed into believing the government’s propaganda and lies. Americans actually celebrate with perfect sincerity the anniversary of our independence from Great Britain without ever owning up to the fact that we are as oppressed now—more so, perhaps, thanks to advances in technology—than we ever were when Redcoats stormed through doorways and subjected colonists to the vagaries of a police state. You see, by gradually whittling away at our freedoms—free speech, assembly, due process, privacy, etc.—the government has, in effect, liberated itself from its contractual agreement to respect our constitutional rights while resetting the calendar back to a time when we had no Bill of Rights to protect us from the long arm of the government. Aided and abetted by the legislatures, the courts and Corporate America, the government has been busily rewriting the contract (a.k.a. the Constitution) that establishes the citizenry as the masters and agents of the government as the servants. We are now only as good as we are useful, and our usefulness is calculated on an economic scale by how much we are worth—in terms of profit and resale value—to our “owners.” Under the new terms of this one-sided agreement, the government and its many operatives have all the privileges and rights and “we the prisoners” have none. As Sotomayor concluded in her ringing dissent in Utah v. Strieff: By legitimizing the conduct that produces this double consciousness, this case tells everyone, white and black, guilty and innocent, that an officer can verify your legal status at any time. It says that your body is subject to invasion while courts excuse the violation of your rights. It implies that you are not a citizen of a democracy but the subject of a carceral state, just waiting to be cataloged. We must not pretend that the countless people who are routinely targeted by police are “isolated.” They are the canaries in the coal mine whose deaths, civil and literal, warn us that no one can breathe in this atmosphere. They are the ones who recognize that unlawful police stops corrode all our civil liberties and threaten all our lives. Until their voices matter too, our justice system will continue to be anything but.

### Link—Body Cameras

[omitted]

### Link—Police

#### Police historically were created to oppress

Smith 16- [Smith, Johnathan. Associate Dean, University of DC School of Law. Former litigation chief of Civil Rights in the US Department of Justice. “CLOSING THE GAP BETWEEN WHAT IS LAWFUL AND WHAT IS RIGHT IN POLICE USE OF FORCE JURISPRUDENCE BY MAKING POLICE DEPARTMENTS MORE DEMOCRATIC INSTITUTIONS” Michigan Journal of Race & Law 21.315 (2016). // WWJL]

Since the Europeans enslaved the first Native American in 1492, official force has been used to subjugate people of color.138 The slavery of Africans was enforced by State power even in the face of a movement for abolition; police were used to ensure that slave owners sustained their dominion over the people they claimed as property.139 The naked use of police to enforce White supremacy extended through the period of Jim Crow and was apparent to the Kerner Commission in 1968, when it concluded that police “symbolize white power, white racism and white repression” to many in the Black community.140 With the advent of the civil rights movement, the enactment of the Civil Rights Act141 and other anti-discrimination laws, de jure discrimination by police was outlawed. But Whren’s permission to use pretext to obscure “driving while Black/Brown/Native American,” the disproportionate criminalization of communities of color during the War on Drugs, and the opacity of the police department operations have enabled the oppression of communities of color to continue. Outward uses of shocking force, like Bull Connor’s dogs and fire hoses, have been replaced by stop and frisk, warrant squads, jump out teams, and SWAT. The application of these measures are perceived by many to be applied in a discriminatory fashion.142 Every year, more than one in four people in the United States encounter a police officer.143 But African Americans are significantly more likely to interact with police than Whites, and African Americans are significantly more likely to view their encounters as unjustified.144 Much of White America is screened from the experience of African Americans and other people of color in police encounters. Implicit, and in some cases explicit, biases allow the majority electorate and those in political power to avoid the reality of the African-American community.

Every few years, a high profile case brings the problem of excessive force and racial bias to the forefront of the Nation’s consciousness. There is a flurry of reform initiative but far too quickly the country returns to business as usual. [since] 1984, Eleanor Bumpurs was killed by the New York City police while they were evicting her for being behind in rent.145 While an officer was charged in Bumpurs’s death, he was acquitted.146 Reforms of police practices were implemented in the wake of this shooting.147 In 1992, the acquittal of the officers who beat Rodney King set off a rebellion in Los Angeles.148 In 1994, Ernest Stayon was suffocated and died while Staten Island police handcuffed him, and a grand jury refused to indict.149 Abner Louima, a Haitian immigrant, was beaten and sexually tortured by New York City police in 1997,150 setting off marches and demonstrations.151 In 1999, four officers shot unarmed Amadou Diallo with forty-one bullets in New York.152 Their jury acquittal led to a protest movement.153 The availability of video evidence of police abuse has been a gamechanger and may make modern-day cases different. It is now beyond contention that these are not isolated incidents but institutional failures and that racial bias is built into the system. Cell phone, body-worn, and dashcam videos have made it impossible to deny Black voices and Black testimony regarding abuse during police encounters. Videos have also allowed for media coverage, the importance of which cannot be overstated. This coverage has validated the daily experiences of people in communities of color that have largely been ignored. Since the death of Michael Brown in August 2014, there has been a relentless stream of videos of police shooting unarmed persons, using excessive force, or otherwise engaging in misconduct. This epidemic of misconduct did not just emerge—it has been there all along. The television reports and newspaper photographs of police suppression of the 1950s and ‘60s civil rights movement and of the enforcement of Jim Crow laws had an enormous impact on the success of the passage of the Civil Rights Acts.154 The videos we see today will also be important when we look back at this time from the vantage point of history. At the same time that the videos expose a problem with policing, they reveal a deeper issue about why the reports and the testimony of people of color have not been believed by the media, political leaders, or the courts. In answering this question, we will find a solution that creates accountability in policing and that will genuinely address the rift in trust between police and the communities they are sworn to protect and serve.

#### The modern criminal justice system follows its colonialist and racist roots

Kennedy 16 [Kennedy, Liam. “’Today they kill with the chair instead of the tree’: forgetting and remembering slavery at a plantation prison.” Sage Journal of Criminology and Pedagogy. (2016). // WWJL]

Examining if and how the USA’s history of slavery and racial inequality is acknowledged and represented in the nation’s penal tourism industry is important given claims of a “post-racial” or “color-blind” USA (see Murakawa and Beckett, 2010). As Winant (2015) argues, these proclamations of colorblindness obscure the continued existence of racial inequality and violence. Thus, today we find ourselves in an era of “color-blind racism”, where race is presumably no longer a consideration anywhere, particularly in criminal justice policy and practice, but where black Americans remain disproportionately surveilled, policed, prosecuted, and imprisoned, and where skin color justifies this discriminatory treatment (Alexander, 2010; Brewer and Heitzeg, 2008: 633). Mass incarceration plays a key role in the reproduction of racial inequality in the USA, enabling the continued control, marginalization, and discrimination of black Americans (see, for example, Alexander, 2010; Brewer and Heitzeg, 2008; Frampton et al., 2008; Wacquant, 2000, 2001; Weatherspoon, 2007). It [the criminal justice system] is a, and perhaps the primary, “race-making” institution in the USA, helping distinguish “us” from “them” (see, for example, Alexander, 2010; Frampton et al., 2008; Goodman, 2008; Wacquant, 2001, 2002). Investigating how Angola’s plantation history is acknowledged and represented by prison officials takes seriously the various, oftentimes subtle, ways that racism continues to operate in the criminal justice system (see Murakawa and Beckett, 2010; Ward, 2015). In fact, in examining the penal tourism industry this project encourages us to broaden our ideas about the different forms that state “race crime” take (Ward, 2015).

In an extensive study, Eichstedt and Small (2002) examine the rhetorics used at 122 plantation museums in Virginia, Louisiana, and Georgia. They find that plantation tourist sites, on the whole, present the antebellum South as “genteel, honorable, and romantic” (Eichstedt and Small, 2002: 258). While a small number incorporated discussions of slavery in their tours or presented information about slavery at separate displays or tours, the majority either ignored or minimized it [slavery] in a practice the authors refer to as “symbolic annihilation” (Eichstedt and Small, 2002: 10). Eichstedt and Small (2002: 258) also toured 20 sites designed to challenge the dominant narrative and tell the stories of African-Americans, but conclude that the approach taken by “mainstream” plantation museums exposes and reproduces a system of discrimination and subjugation based on race. These findings reveal the propensity for ignoring or forgetting a portion of US history that is upsetting and objectionable, in what some scholars have called “social/collective amnesia” (Timothy and Boyd, 2006: 3). For those interested in how the USA penal tourism industry deals with slavery, Angola is the logical choice for a case study. For one, the Deep South, as Angolite staffer Douglas Dennis (1996d: 30) writes, “has always set the tone, practice and legal framework of sanctioned racial injustice in America”. Moreover, the land on which the Louisiana State Penitentiary now sits was at one point in time a group of plantations, home to slaves “who cut sugar cane and picked cotton for the master” (Nelson, 1995: 20, 2001). At contemporary Angola some prisoners—the vast majority of whom are black—continue to “work five eight-hour days a week in the fields, much of that time tending crops or scraping sides of ditches with hoes or mowing down Johnson grass with swing blades” (Nelson, 1998: 20). In other words, there are clear parallels between the past (slavery) and the present (racialized prisoners participating in forced labor). In what follows, I explore how actors at Angola navigate its history, including whether and how slavery is remembered or commemorated by administrators as well as prisoners, and if memories of slavery shape prisoners’ understandings of their incarceration today.

After the abolition of slavery, convicts worked the land under the supervision of Confederate Major Samuel James, who leased all of Louisiana’s prisoners from 1869 to 1901 3 (Dennis, 1997a). The Angola Story notes that James purchased the Angola plantation in 1880 and relocated some convicts there, housing them in the Tenant Farmer Quarters, which would later become Camp A (Louisiana State Penitentiary Museum Foundation, 2011). The prison in modern times, writes Angolite contributor Burk Foster (1993: 47), “survives as a lasting memorial” to both Major James and his accomplishments. The welfare of the “prisoner-slaves”—who worked on farms and plantations, cut timber, performed household servant duties, and helped construct railroads and Mississippi River levees—was disregarded throughout James’ rule (Foster, 1993; The Angolite, 1982c: 61). The focus was on turning a profit, and this meant that life was “harsh and often deadly” for these convicts (Butler, 1991: 70). Louisiana purchased the land and put an end to the convict lease system at the beginning of the 20th century (Nelson, 1998, 1999). Angola became a state penitentiary (or penal farm or plantation prison). Yet, prisoners continued to work long, hard hours in the fields under the threat of physical violence (Nelson, 1995, 1998, 1999). In other words, this was a change “in name only” as James’ strategy informed the approach to corrections in Louisiana for decades after the end of the lease—predominantly black prisoners were still “crowded into large wooden buildings and work[ed] from sunup to sundown in sugar cane and cotton fields—rain or shine, 12–14 hours a day, seven days a week” (Foster, 1993; Nelson, 1995: 20). Profit, and not rehabilitation or reformation, remained the primary concern (Foster, 1993). Management controlled prisoners and maintained order through the use of beatings and floggings (Nelson, 1995; The Angolite, 1985). For the first half of the 20th century “Angola remained a hellhole of dilapidated quarters, inedible food, political patronage, overwork, corruption, racism and brutality” (Dennis, 2001: 34). It was these conditions that motivated prisoners to cut their heelstrings in the early 1950s, an act that drew attention to their plight (Wikberg, 1991). While reforms followed, they only lasted until 1962, when concerns about the budget and politics negated any progress (Wikberg, 1991). Conditions deteriorated and by the early 1970s “Angola was a full-blown monster” with “violence […] woven into the very fabric of the prison’s daily life” (Foster, 1988: 23; The Angolite, 1984: 15; Wikberg, 1991). A federal court order and a new warden helped bring about real, lasting change in the mid-1970s: additional staff was hired, overcrowding was reduced, the practice of racial segregation ended, and violence subsided (Glover, 1991; Mason, 1987; The Angolite, 1984). The federal court decision is a pivotal moment in Angola’s history, believed to have finally brought “the prison out of its ‘dark ages’” (Foster, 1988: 23) and credited with having inspired a “massive clean-up effort” (The Angolite, 1982b: 43) that “resulted in the institution’s progress and change” (Mason, 1987: 28).

### Alt—Abolition

#### Voting negative is a pedagogical act. Your ballot contributes to a larger continuum of liberation movements that are not constrained by what is “practical” or “possible.” A radical break from the prison and the police is prior to any other question---policy changes need to be put on the backburner. As teachers you are obligated to betray the modern technologies of genocide management present in the prison.

Rodríguez 10

(Dylan, Professor and Chair of the Department of Ethnic Studies at UC Riverside, “The Disorientation of the Teaching Act: Abolition as Pedagogical Position,” Radical Teacher, Number 88, Summer 2010, Project MUSE)//a-berg

Finally, the horizon of the possible is only constrained by one’s pedagogical willingness to locate a particular political struggle (here, prison abolition) within the long and living history of liberation movements. In this context, “prison abolition” can be understood as one important strain within a continuously unfurling fabric of liberationist political horizons, in which the imagination of the possible and the practical is shaped but not limited by the specific material and institutional conditions within which one lives. It is useful to continually ask: on whose shoulders does one sit, when undertaking the audacious identifications and political practices endemic to an abolitionist pedagogy? There is something profoundly indelible and emboldening in realizing that one’s “own” political struggle is deeply connected to a vibrant, robust, creative, and beautiful legacy of collective imagination and creative social labor (and of course, there are crucial ways of comprehending historical liberation struggles in all their forms, from guerilla warfare to dance). While I do not expect to arrive at a wholly satisfactory pedagogical endpoint anytime soon, and am therefore hesitant to offer prescriptive examples of “how to teach” within an abolitionist framework, I also believe that rigorous experimentation and creative pedagogical radicalism is the very soul of this praxis. There is, in the end, no teaching formula or pedagogical system that finally fulfills the abolitionist social vision, there is only a political desire that understands the immediacy of struggling for human liberation from precisely those forms of systemic violence and institutionalized dehumanization that are most culturally and politically sanctioned, valorized, and taken for granted within one’s own pedagogical moment. To refuse or resist this desire is to be unaccountable to the historical truth of our moment, in which the structural logic and physiological technologies of social liquidation (removal from or effective neutralization within civil society) have merged with history’s greatest experiment in punitive human captivity, a linkage that increasingly lays bare racism’s logical outcome in genocide.[18](http://muse.jhu.edu/journals/radical_teacher/v088/88.rodriguez.html#f18) Abolitionist Position and Praxis Given the historical context I have briefly outlined, and the practical-theoretical need for situating an abolitionist praxis within a longer tradition of freedom struggle, I contend that there can be no liberatory teaching act, nor can there be an adequately critical pedagogical practice, that does not also attempt to become an abolitionist one. Provisionally, I am conceptualizing abolition as a praxis of liberation that is creative and experimental rather than formulaic and rigidly programmatic. Abolition is a “radical” political position, as well as a perpetually creative and experimental pedagogy, because formulaic approaches cannot adequately apprehend the biopolitics, dynamic statecraft, and internalized violence of genocidal and proto-genocidal systems of human domination. As a productive and creative praxis, this conception of abolition posits the material possibility and historical necessity of a social capacity for human freedom based on a cultural-economic infrastructure that supports the transformation of oppressive relations that are the legacy of genocidal conquest, settler colonialism, racial slavery/capitalism,[19](http://muse.jhu.edu/journals/radical_teacher/v088/88.rodriguez.html#f19) compulsory hetero-patriarchies, and global white supremacy. In this sense, abolitionist praxis does notsingularly concern itself with the “abolition of the prison industrial complex,” although it fundamentally and strategically prioritizes the prison as a central site for catalyzing broader, radical social transformations. In significant part, this suggests envisioning and ultimately constructing “a constellation of alternative strategies and institutions, with the ultimate aim of removing the prison from the social and ideological landscape of our society.”[20](http://muse.jhu.edu/journals/radical_teacher/v088/88.rodriguez.html#f20) In locating abolitionist praxis within a longer political genealogy that anticipates the task of remaking the world under transformed material circumstances, this position refracts the most radical and revolutionary dimensions of a historical Black freedom struggle that positioned the abolition of “slavery” as the condition of possibility for Black—hence “human”—freedom. To situate contemporary abolitionism as such is also to recall the U.S. racist state’s (and its liberal allies’) displacement and effective political criminalization of Black radical abolitionism through the 13th Amendment’s 1865 recodification of the slave relation through the juridical reinvention of a racial-carceral relation: Given the institutional elaborations of racial criminalization, policing, and massive imprisonment that have prevailed on the 13th Amendment’s essential authorization to replace a regime of racist chattel slavery with racist carceral state violence, it is incumbent on the radical teacher to assess the density of her/his entanglement in this historically layered condition of [End Page 15] violence, immobilization, and capture. Prior to the work of formulating an effective curriculum and teaching strategy for critically engaging the prison industrial complex, in other words, is the even more difficult work of examining the assumptive limitations of any “radical pedagogy” that does not attempt to displace an epistemological and cultural common sense in which the relative order and peace of the classroom is perpetually reproduced by the systemic disorder and deep violence of the prison regime. In relation to the radical challenging of common sense discussed above, another critical analytical tool for building an abolitionist pedagogy entails the rigorous, scholarly dismantling of the “presentist” and deeply ahistorical understanding of policing and prisons. Students (and many teachers) frequently enter such dialogues with an utterly mystified conception of the policing and prison apparatus, and do not generally understand that 1) these apparatuses in their current form are very recent creations, and have not been around “forever”; and 2) the rise of these institutional forms of criminalization, domestic war, and mass-scale imprisonment forms one link in a historical chain of genocidal and proto-genocidal mobilizations of the racist state that regularly take place as part of the deadly global process of U.S. nation-building. In other words, not only is the prison regime a very recent invention of the state (and therefore is neither a “permanent” nor indestructible institutional assemblage), but it is institutionally and historically inseparable from the precedent and contemporaneous structures of large-scale racist state violence. Asserting the above as part of the core analytical framework of the pedagogical structure can greatly enable a discussion of abolitionist possibility that thinks of the critical dialogue as a necessary continuation of long historical struggles against land conquest, slavery, racial colonialism, and imperialist war. This also means that our discussions take place within a longer temporal community with those liberation struggles, such that we are neither “crazy” nor “isolated.” I have seen students and teachers speak radical truth to power under difficult and vulnerable circumstances based on this understanding that they are part of a historical record. I have had little trouble “convincing” most students—across distinctions of race, class, gender, age, sexuality, and geography—of the gravity and emergency of our historical moment. It is the analytical, political, and practical move toward an abolitionist positionality that is (perhaps predictably) far more challenging. This is in part due to the fraudulent and stubborn default position of centrist-to-progressive liberalism/reformism (including assertions of “civil” and “human” rights) as the only feasible or legible response to reactionary, violent, racist forms of state power. Perhaps more troublesome, however, is that this resistance to engaging with abolitionist praxis seems to also derive from a deep and broad epistemological and cultural disciplining of the political imagination that makes liberationist dreams unspeakable. This disciplining is most overtly produced through hegemonic state and cultural apparatuses and their representatives (including elected officials, popular political pundits and public intellectuals, schools, family units, religious institutions, etc.), but is also compounded through the pragmatic imperatives of many liberal and progressive nonprofit organizations and social movements that reproduce the political limitations of the [End Page 16] nonprofit industrial complex.[22](http://muse.jhu.edu/journals/radical_teacher/v088/88.rodriguez.html#f22) In this context, the liberationist historical identifications hailed by an abolitionist social imagination also require that such repression of political-intellectual imagination be fought, demystified, and displaced. Perhaps, then, there is no viable or defensible pedagogical position other than an abolitionist one. To live and work, learn and teach, and survive and thrive in a time defined by the capacity and political willingness to eliminate and neutralize populations through a culturally valorized, state sanctioned nexus of institutional violence, is to better understand why abolitionist praxis in this historical moment is primarily pedagogical, within and against the “system” in which it occurs. While it is conceivable that in future moments, abolitionist praxis can focus more centrally on matters of (creating and not simply opposing) public policy, infrastructure building, and economic reorganization, the present moment clearly demands a convening of radical pedagogical energies that can build the collective human power, epistemic and knowledge apparatuses, and material sites of learning that are the precondition of authentic and liberatory social transformations. The prison regime is the institutionalization and systemic expansion of massive human misery. It is the production of bodily and psychic disarticulation on multiple scales, across different physiological capacities. The prison industrial complex is, in its logic of organization and its production of common sense, at least proto-genocidal. Finally, the prison regime is inseparable from—that is, present in—the schooling regime in which teachers are entangled. Prison is not simply a place to which one is displaced and where one’s physiological being is disarticulated, at the rule and whim of the state and its designated representatives (police, parole officers, school teachers). The prison regime is the assumptive premise of classroom teaching generally. While many of us must live in labored denial of this fact in order to teach as we must about “American democracy,” “freedom,” and “(civil) rights,” there are opportune moments in which it is useful to come clean: the vast majority of what occurs in U.S. classrooms—from preschool to graduate school—cannot accommodate the bare truth of the proto-genocidal prison regime as a violent ordering of the world, a primary component of civil society/school, and a material presence in our everyday teaching acts. As teachers, we are institutionally hailed to the service of genocide management, in which our pedagogical labor is variously engaged in mitigating, valorizing, critiquing, redeeming, justifying, lamenting, and otherwise reproducing or tolerating the profound and systemic violence of the global-historical U.S. nation building project. As “radical” teachers, we are politically hailed to betray genocide management in order to embrace the urgent challenge of genocide abolition. The short-term survival of those populations rendered most immediately vulnerable to the mundane and spectacular violence of this system, and the long-term survival of most of the planet’s human population (particularly those descended from survivors of enslavement, colonization, conquest, and economic exploitation), is significantly dependent on our willingness to embrace this form of pedagogical audacity.

#### The role of the ballot is to political engage with prison abolition. Political discourse in scholarship must promote a politics of imagination of envisioning the end of the prison. Public discourse in the academy serves a unique role, Rodríguez 10

Professor and Chair of Ethnic Studies @ UC Riverside [Dr. Dylan Rodríguez, “The Terms of Engagement: Warfare, White Locality, and Abolition,” Critical Sociology 36(1) pg. 151-173

What were the fundamental concerns of our progressive organizations and movements during this time, and were they willing to comprehend and galvanize an effective, or even viable opposition to the white supremacist state’s terms of engagement (that is, warfare)? This radical accountability reflects a variation on anticolonial liberation theorist Frantz Fanon’s memorable statement to his own peers, comrades, and nemeses: Each generation must discover its mission, fulfill it or betray it, in relative opacity. In the underdeveloped countries preceding generations have simultaneously resisted the insidious agenda of colonialism and paved the way for the emergence of the current struggles. Now that we are in the heat of combat, we must shed the habit of decrying the efforts of our forefathers or feigning incomprehension at their silence or passiveness. (Fanon 2004 [1963]: 146) Lest we fall victim to a certain political nostalgia that is often induced by such illuminating Fanonist exhortations, **we** ought to clarify the premises of the social ‘mission’that our generation of USA-based progressive organizing has undertaken. In the vicinity of the constantly retrenching social welfare apparatuses of the US state, much of the most urgent and immediate work of community-based organizing has revolved around service provision. Importantly, this pragmatic focus also builds a certain progressive ethic of voluntarism that constructs the model activist as a variation on older liberal notions of the ‘good citizen’. Following Fanon, **the question is whether and how this mission ought to be fulfilled or betrayed**. To respond to **this political problem requires an analysis** and conceptualization of ‘the state’ **that is far more complex** and laborious **than we usually allow in our** ordinary **rush of obligations to build campaigns**, organize communities, and write grant proposals. **We require**, in other words**, a** scholarly activist framework **to understand that the state** can and must be radically confronted on multiple fronts by an abolitionist social theory. Effectively contradicting, decentering, and transforming the popular consensus (for example, destabilizing assertive assumptions common to progressive movements and organizations such as ‘we have to control/get rid of gangs,’ ‘we need prisons,’ or ‘we want¶ better police’) is, in this context, dangerously difficult work. Although the truth of the matter is that the establishment US left, in ways both spoken and presumed, may actually agree with the political, moral, and ideological premises of domestic warfare. Leaders as well as rank-and-file members in avowedly **progressive[s]** organizations can and **must reflect on how they might actually be supporting and reproducing existing forms of racism, white supremacy, state violence, and domestic warfare in the process of throwing their resources behind** **what they perceive as ‘**winnable victories**’**, in the lexicon of venerable community organizer Saul Alinsky. Arguably, **it is precisely the creative and pragmatic work of** political fantasy/political vision/political imagination **that is the** most underdeveloped **dimension of the** US establishment **left’s organizational modus operandi and public discourse**. While a full discussion is best left for sustained collective discussion, **we might consider the** **post**-19**60s** **history of** the reactionary, neoconservative, and Christian fundamentalist US right, **which has fully and**¶ **eagerly engaged in these political labors of** fantasy/vision/imagination**, and has seen the desires of their wildest dreams met or exceeded in their struggles for political and cultural hegemony**. **It might be useful to begin by thinking of ourselves as existing in a relationship** **of deep historical obligation to** the long and recent, faraway and nearby historical legacies of **radical, revolutionary, and liberationist struggles that have made the abolition of oppressive violence their most immediate and fundamental political desire**. Pg. 165-170

#### Only an abolitionist pedagogy that challenges the invisibility of domestic state violence can build a non-killing future world

Loyd 11

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The relative invisibility **of domestic state violence** vis-à-vis war constrains the imagination and imperative **for building just, free, and peaceful futures, internationally and domestically**. Domestic practices of state violence (namely policing and **imprisonment**) are frequently treated as inherently more legitimate than war-making because these practices are founded in popular sovereignty. Yet, these **institutions reproduce racial, gender, class, and sexual relations of hierarchy and domination that contribute to family separation, community fragmentation, labor exploitation and premature death**. **Building a** nonkilling future, thus, **means challenging** the state’s organization for violence that are practiced domestically in the form of defense (military-industrial complex) and in the form of **prisons** and policing **as the “answer” to social and economic problems** ranging from poverty, to boisterous youth, to human migration, and drug use (Braz, 2008; Gilmore and Gilmore, 2008). It takes sustained ideological work to contain “war” as the only form of state violence and to contain the good sense that war’s harms cannot be confined to weapons, neatly demarcated battlefields, and declarations of wars’ conclusions. **Building critiques of and movements against state violence means** confronting hegemonic frames **that understand state violence as exceptional, rather than as normal practices structuring** both international relations and **domestic governance.** It means asking why denunciations of the “war at home” sound hyperbolic to some Americans. It means asking in what ways domestic practices of state violence are practiced elsewhere and international practices are imported. Such cross-boundary traffic in practices (and personnel) of policing, imprisonment and war-making are important for showing that the lines between foreign and domestic, war and peace, civilian and military are constantly blurred. This in turn highlights the tremendous ideological work that goes into maintaining these boundaries, and the material consequences such geographical imaginations have on people’s lives and the places in which they live. This is not to say that the war at home and war abroad are the same or necessarily have the same intensity. Rather it is to trace the frame of exceptionalism that structures the relations between these places in ways that facilitate violence in both places. As we have seen, **the invisibility and naturalization of** state violence in the form of **the prison is** one of **the most overlooked sites of** American exceptionalism, critiques **of US state violence**, and of antiwar efforts. **For precisely this reason, attentions should be placed** **on challenging the prison regime** as one aspect of building nonkilling futures. For this historical moment, Dylan Rodríguez argues that **undoing the naturalization** of such commonplace violence, **centers squarely on an** abolitionist pedagogy **that works “against the assumptive necessity, integrity, and taken-for-grantedness of prisons**, policing, **and the normalized state violence they reproduce**” (2010: 9). **Dismantling prisons is about dismantling relations of white supremacy, heteropatriarchy and economic exploitation that undermine the possibilities for freedom and human flourishing.** **Prison abolition has an** expansive antiviolence imperative **that necessarily demands an end to connected practices of war, colonial dispossession, and imperial rule. Abolitionist imaginations** challenge violent suppression **of human freedom and offer** important visions for forging links **among different sectors of anti-violence organizing**. **We might look for example to** **the** nineteenth century international **slavery abolition movement** **or** more recently to **the nonaligned movement** of (formerly) colonized nations, **which regarded ending the Cold War as a condition for political autonomy and fulfilling human needs** (Prashad 2007). Likewise, for civil rights organizers in the US South, the abolition of Cold War annihilation was predicated on domestic peace, which could only be won through freedom, that is overthrowing the legal and extralegal relations of white supremacy (Loyd, 2011). Creating the possibilities for nonviolent resolution of social conflict is a recognized aim of antiwar or peace organizing. **Prison abolition** too **is premised on dismantling the prison as a solution for social conflict and for creating the possibilities for freedom and human flourishing.** As Andrew Burridge, Matt Mitchelson, and I (2009-2010) write: “**Building economies and community institutions that foster creativity, care, self-determination and mutual responsibility are among the abolitionist visions** for a just society. That is, **abolition is a vision for the future that can guide current action for making communities that create real safety and meet people’s needs**.” **Abolition links dreams of peace and freedom.** **Abolitionism critically analyzes how dominant categorizations of governance and sovereignty are premised on** **(categorical) unfreedom. Making these links** in practice **means recognizing how the** prison underpins violent domination on a world scale. **Abolition** is thereby **offers** imperative theoretical vision and practical means **for building nonkilling futures**. Pg. 119-121

## 2NR Frontlines

### 2NR Alt OV

### AT Perm

### AT Focus on Policy Details