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# Roundtable

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## T R A N S C R I P T

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*"THE 13<sup>TH</sup> AMENDMENT  
PUNISHMENT CLAUSE  
AND MASS INCARCERATION."*

17 March 2017

THE NATIONAL UNDERGROUND  
RAILROAD AND FREEDOM CENTER.  
CINCINNATI, OHIO

C O N V E N E R  
**The Organization on Procedural  
Justice (OPJ)**

Commissioned by

THE DIOCESE OF SOUTHERN OHIO  
CHRIST CHURCH CATHEDRAL

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*A Roundtable Discussion Transcript  
The 13<sup>th</sup> Amendment Punishment Clause and  
Mass Incarceration*

The Organization on Procedural Justice (OPJ),  
Convener

Diocese of Southern Ohio  
Christ Church Cathedral  
318 East Fourth Street  
Cincinnati Ohio 45202-1817

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## A B S T R A C T

### Section 1. Amendment XIII. Ratified December 6, 1865

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, nor any place subject to their jurisdiction."

### Section 1. Amendment XIV. Ratified July 9, 1868

"All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor deny to any person within its jurisdiction the equal protection of the laws."

On 17 March 2017, a Roundtable on *The 13<sup>th</sup> Amendment Punishment Clause and Mass Incarceration* was held at the National Underground Railroad and Freedom Center in Cincinnati. It was convened by the Organization on Procedural Justice (OPJ), a commission of The Diocese of Southern Ohio Episcopal and Christ Church Cathedral.

The objective of the Roundtable was to bring together scholars--discussants from an array of disciplines and perspectives: history, academia, medicine, re-entry politics, religion, and law among them—for the purpose, not only of examining the features of the 'punishment clause' of the 13<sup>th</sup> Amendment to the U.S. Constitution, but to unearth and acknowledge its historic and toxic effects on certain families and communities of citizens, and then act. Thus, the primary mission goal of the Roundtable is to provoke a movement to expunge the "...except as punishment for crime..." clause from the language of the 13<sup>th</sup> Amendment to the U.S. Constitution, an aftermath currently authorizing mass incarceration: Slavery past 1865.

To that end, the four (4) topics of the Roundtable combined in their contributions to the identification of requisite bodies of legal expertise and grassroots advocacy to achieve expungement mission goal. In short, the Roundtable 1) identified challenges to repeal of the 13th Amendment "...except as punishment for crime..." clause; and 2) simultaneously recommended solutions for ending the reign of terror also known as The Prison Industrial Complex, 'school-to-prison pipeline', mass incarceration, and prison slavery profiteering---all manifestations of 13<sup>th</sup> Amendment Constitutional language.

As example, the issue of 'school-to-prison' patterns and practices prompted one Scholar to exclaim in her Roundtable presentation: "...I had read about the school-to-prison pipeline, and then I showed up to that school and I saw it. I had never seen so many police officers at a school in my life."

**Question:** Where the government legally authorizes schoolhouse-based law enforcement presence in schools---engendering daily threat of instant police arrests of children in settings where, under law, underage citizens have a right to be---are not such underage citizens entitled to immediate on-the-spot *due process*? To on-the-spot *access* to legal representation in face of arrests---*Miranda* law equal protections furnished by schoolhouse-based law offices? Otherwise, do children, underage citizens, shed their citizenship rights at the schoolhouse door? Can it be argued that schoolhouse arrests give clear pathways to prison slavery? But is it also true that cessation of existence of the 13<sup>th</sup> Amendment's "...except as punishment for crime..." language, its residual forms and conditions undergoing *univocal* or *unambiguous* abolishment will, in irrevocability, remove Wall Street authority to lockup our youngest children? For profit. Who is entitled to the benefits of Unpaid Labor?

Merelyn B. Bates-Mims, PhD.; Fulbright Scholar  
Founding Chair, The Organization on Procedural Justice (OPJ)  
Roundtable Facilitator and Committee Chairperson

## I N T R O D U C T I O N

The Organization on Procedural Justice (OPJ,) commissioned jointly by the Offices of the Bishop of The Diocese of Southern Ohio and Dean of Christ Church Cathedral in Cincinnati, is one example of the church's response towards injustice. The scholarly roundtable, convened by the OPJ is the culmination of a movement that began when Bishop Breidenthal asked Dr. Merelyn Bates-Mims to submit a substantive research based paper on racial bias.

Ostensibly, the roundtable focused on an anti-mass incarceration effort. However, beyond this surface is the deeper question of who benefits from unpaid labor? The discussion points contained in this document substantively point out the nexus between mass incarceration and unpaid labor.

The church has been described as the *ekklesia* or called out community. As the *ekklesia* or the called out community, the church is called to bear witness to the Lord of life who liberated the Hebrew people from slavery in Egypt. This fundamental identity stems from the church's remarkable difference in its ethical and moral foundations from the cultural mores and perspective of the societies that incubated the early church. Jesus, as the Lord of the *ekklesia*, through baptism gives us an understanding of what it means to uphold life and justice as they are grounded on upholding human dignity. Humans are created in the image of God (Genesis 1:26-28.) The church believes that through the work of the Holy Spirit and a re-shaped consciousness, restored humanity will live into the second part of the God's vision for humanity: the vision of living into the "likeness of God."

Our entry point for a vision of restored humanity is the sacrament of baptism. Through baptism, we are born anew and through the anointing of oil and chrism we are set apart or marked as Christ's own to live into our Baptismal Covenant.

As a foundational document for Episcopalians, we affirm our creedal beliefs through the affirmation of faith, commitment to scriptural study, fellowship, and the Sacrament of Eucharist. In addition, the covenant asks us to live into the implications of these ritual practices through resisting evil and serving Christ in all persons by striving for justice and peace among all people and respecting the dignity of every human being. Thus, it is a moral imperative that the church, when faced with the reality of racial inequity and injustice, to research and offer ways we can work with other people of faith in living into the Common Good. The document presented herewith is not merely an academic exercise; it is a theological reflection centered on our humble attempt to live into the image and likeness of our loving God as we seek to strive against the hegemony of evil that enslaves other human beings.

The Reverend Canon Manoj Mathew Zacharia, PhD Candidate  
Sub-Dean, Christ Church Cathedral  
Co-Chair, The Roundtable Committee  
*The 13<sup>th</sup> Amendment Punishment Clause & Mass Incarceration*

ROUNDTABLE DISCUSSION TRANSCRIPT

17 MARCH 2017

*THE 13<sup>TH</sup> AMENDMENT PUNISHMENT CLAUSE AND MASS INCARCERATION*

DIOCESE OF SOUTHERN OHIO EPISCOPAL - CHRIST CHURCH CATHEDRAL.

NATIONAL UNDERGROUND RAILROAD AND FREEDOM CENTER.

C O N V E N E R:

The Organization on Procedural Justice (OPJ)

Commissioned by

The Bishop of the Diocese of Southern Ohio

The Dean of Christ Church Cathedral, Cincinnati

Merelyn B. Bates-Mims, PhD, Facilitator

R O U N D T A B L E M O D E R A T O R S:

RICHARD BURNETT, M.Div., Rector, Trinity Church on Capitol Square Columbus, Ohio

CLARENCE G. NEWSOME, PhD, President, National Underground Railroad and Freedom Center

A G E N D A

R O U N D T A B L E T O P I C S & S C H O L A R S

Topic I. NEO-SLAVERY: THE 13<sup>TH</sup> AMENDMENT PUNISHMENT CLAUSE

Alvaro Hasani, JD. Author; **Setting the Stage: "You Are Hereby Sentenced to a Term of...Enslavement?"**

Permission granted for use and discussion of his script; presented by **Moderator Clarence G. NEWSOME, PhD**

Topic II. ETHNONATIONALISM: THEOLOGY & DOCTRINES

John H. Grate, M.Ed., Chairman, the Cathedral Native American Ministry Council; Board Member, Camping & Education Foundation operating camps Kooch-i-ching and Ogichi Daa Kwe in International Falls, Minn; Former Adviser, U.S. Depart. of Education. **"The Doctrine of Discovery."**

Adam Clark, PhD, Associate Professor, Department of Theology, Xavier University, **"Prison Slavery: Theological education in the twenty first century must function as a counter-story."**

Amina Darwish, PhD, Muslim Chaplain. University of Cincinnati. **"Looking from the confines of prison to the heavens above: Wisdoms of Islam."**

Rabbi Abie Ingber, Executive Director, Center for Interfaith Community Engagement, Xavier University. **"Who is entitled to the benefits of Unpaid Labor?"**

Topic III. REFORMING JUSTICE

Charles O. Dillard, MD, Internal Medicine. Brigadier General of the Army, Ret. **"Some lifetime effects of incarceration on prisoners and families."**

Samuel Abu Baki, Assoc. Degree. **"Three (3) times a returning citizen from adolescence to adulthood."**

Ronald E. Stubblefield, MS. Law Student, New York University School of Law '17. Chair, OPJ Millennials Committee. **"Millennials: A Movement toward School to Prison Reforms."**

General L. Parker, Central Illinois Coalition of Black Trade Unionists. **"Labor's Involvement with Mass Incarceration."** Paper. Text inserted into Roundtable Transcript by Facilitator Bates-Mims. Pg .32

Topic IV. AN INTERDISCIPLINARY INTERACTIVE DISCUSSION

Section 1. Amendment XIII. Ratified December 6, 1865

**"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, nor any place subject to their jurisdiction."**

THE REV. RICHARD BURNETT: Well, good morning and welcome. My name is Richard Burnett. I'm an Episcopal priest serving in the Diocese of Southern Ohio, and a rector of Trinity Church on Capitol Square in Columbus, Ohio, for the last 20 years. It's my delight to usurp the work of our host, the Reverend Dr. Clarence Newsome, President of the National Underground Railroad and Freedom Center, who has offered very kindly to join us as moderator. Dr. Newsome, thank you for your hospitality today.

THE REV. DR. CLARENCE G. NEWSOME: Well, thank you, Reverend Burnett. I'm delighted to be a part of this wonderful, wonderful project and roundtable discussion. I also extend my welcome to each and every one of you to your National Underground Railroad Freedom Center. Welcome.

R. BURNETT: Thank you. We'll begin. The ground rules are simple, but they are serious. We have a number of scholars who have offered sizable work, papers, and all sorts of materials. We need to make sure that what we have presented today is not a reading of the whole text, but rather a summary inside of ten minutes – absolutely no longer than ten minutes, and we have a timer who will really be keeping us close to that. If, in fact, you don't need ten minutes to present, all the better because we'll have more time to be able to talk with one another, and that's the roundtable design.

As Dr. Bates-Mims has said to us today and said in writing, the main goal of this day is to prepare and deliver a transcript of this roundtable. Dr. Bates-Mims is the Founding Chair of The Organization on Procedural Justice (OPJ), the Convener of this Roundtable on the 13<sup>th</sup> Amendment Punishment Clause and mass incarceration. So, everything we say will be recorded and then transcribed into a written transcript for future study. The added benefit is if we make new relationships, and I have to say, in my life, that really is the primary gift of a day like this. So, let's get on without further ado; let's get on with the agenda.

The agenda is printed, and under Topic No. 1, the overall theme is "Neoslavery – The 13<sup>th</sup> Amendment Punishment Clause." A legal scholar named Alvaro Hasani, JD, has authored a document, "You Are Hereby Sentenced to a Term of...Enslavement?", and we would like to ask the Reverend Dr. Clarence to read this statement into the transcript.

## Topic I. NEO-SLAVERY: THE 13<sup>TH</sup> AMENDMENT PUNISHMENT CLAUSE

NEWSOME: Thank you. ALVARO HASANI, JD: "In considering prison slavery, the purpose of the utilitarian theory of punishment cannot be served, and is inconsistent with the notion of prison slavery as punishment. Certainly, the purpose of rehabilitation would not be served. There is no conceivable scenario where an inmate will become rehabilitated as a result of sexual assaults and sexual coercions. If anything, the enslavement of inmates will cause more harm than good. The same could be said with respect to isolation and deterrence. One does not need to enslave an inmate in order to isolate him from society. Indeed, the mere incapacitation as served by the inmate's actual imprisonment is sufficient to achieve the objective. Some may argue that prison slavery would indeed serve the purpose of deterrence. Certainly, some would be deterred from committing crimes based solely on their concern that they will be enslaved once they are imprisoned. However, this is a weak argument at best.

First, there are legitimate concerns as to whether deterrence actually works, since we currently have a high rate of recidivism. Second, if deterrence works, the mere fact of incapacitation – restriction of movement and freedom – should be sufficient to deter the general public without having to rely on a regime of enslavement of inmates. Accordingly, using the utilitarian calculus, prison slavery does not seem to advance the principles of punishment."

R. BURNETT: We'll certainly have an opportunity to discuss the responses, the various other papers that will be offered, and other comments that will be offered through the morning, but I will invite anyone who might have any kind of reaction to this. I want to begin by asking that we take seriously Dr. Hasani's concern about a presumed utilitarian benefit.

So often, we look at social policy in America – increasingly in a fragmented and market-driven environment – as utilitarian and nothing else. “The greatest good for the greatest number,” to summarize the thinking of Bentham, Mill, and others in the 19<sup>th</sup> century – 19<sup>th</sup> century liberalism. I'm just wondering if utilitarianism and the concern around the exception clause – the punishment clause – in the 13<sup>th</sup> Amendment – if that might be an interesting provocation for our discussion, if utilitarianism might be a frame that we want to carry through this morning. Are there any thoughts on that around the table? Yes, ma'am. Please say who you are so the people –

AMINA DARWISH: My name is Amina Darwish. I'm the Muslim chaplain at the University of Cincinnati. I feel like the arguments of most religions make us feel for justice – and not for the benefit for the majority as much as it is the benefit for everyone. In treating that individual, finding out their issue, and solving their problem, you solve the larger problem of society. I feel like part of the problem is we stopped seeing people as individuals; hence the lack of justice. That's what got us here in the first place. So, I would argue for justice over the benefit of the majority.

R. BURNETT: Thank you. Other thoughts on this?

JUDGE A. BURNETT: With 31 years on the bench as a judge and almost 50 years as a lawyer, indeed, the concept of slavery in prison is contrary to the idea of rehabilitation and recidivism. As a judge, I've seen many defendants return because indeed, psychologically, it makes them anti-society when they go back into the community. They commit recidivism because we treat them like lepers and people tarred for life as pariahs, and we – in a sense, society – by rejection of them, push them back into committing more crime. So, from a judicial perspective, the whole idea of slavery in prison is totally counterproductive.

R. BURNETT: Thank you, judge. We want to be able to hear from people on the phone as well as people on the table. So far so good. Are there any other comments around the table? Please, tell us who you are.

SAMUEL ABU BAKI: My name is Samuel Abu Baki, and I'm a returning citizen. I began this process – as the judge was speaking about it – at 14 years old in 1963; and I've had three returning citizen labors placed. I don't think it is understood that this is something that started a long time ago, versus the way you look at it now, as a modern-day kind of thing. But, we were being locked up a long time ago, in the '40s and in the '50s.

So, if you look at it from a historical perspective, the Black Codes, the segregation – it never changed; they just changed the name, so to speak. Now, an ex-con comes home; he has a felony. It's the same thing as having a – that stigma is still there. So, we're basically dealing with the same things when you started prison as we did then, and I agree with the judge that once the stigma is placed there, it is very difficult to readjust into society.

So, you asked about recidivism. If you think about the slave, very few slaves ever actually escaped. So, prisons, you don't get away from. You go back, you get caught, you go back, you get

caught, you go back – the same thing happened, if you look at the scenario in terms of slavery.

Some of us come out, and some of us do well. You have one Malcolm that we talk about, but you have 100,000 Malcolms who survived the prison system, but never to be well.

That psychological piece – that spiritual destruction that occurs in a 14-year-old – which is what I was the first time – was still there when I was 24, and was still there when I was 34. And I can tell you at 68 that still, the healing process goes on. You don't get over it. You learn to live with it.

R. BURNETT: Thank you, sir. That is a very apt segue to Professor Randall – Emeritus Professor of Law at the University of Dayton – her presentation. Her piece is, “Mass Incarceration is the Symptom; Neoslavery is the Disease.” I think what Brother Samuel said is a kind of summary of that very thesis. Is Professor Randall on the phone? No? Okay. Well, in that case, let's just think long and hard about what Brother Samuel said, because that really lays out the very essence of that topic. “Mass Incarceration is the Symptom; Neoslavery is the Disease.”

Michelle Alexander's *The New Jim Crow* – required reading in Christian divinity schools this era for sure, and Rabbi, I imagine it's read in rabbinical school as well, and other places, and Muslim training schools as well. If you have not read *The New Jim Crow*, do so, please. Many of us have it on our to-do list, on our Kindles, or on our library shelves, but this would be a very important season to go ahead and read that in order to get the gist of what I'm sure Professor Randall was going to offer us, and what Brother Samuel has given us. Dr. Newsome, I think we're ready to move to Topic No. 2.

## Topic II. ETHNONATIONALISM: THEOLOGY & DOCTRINES

NEWSOME: Thank you. The second topic is ethnonationalism, theology, and doctrines. We have a wonderful group of people committed to discuss this topic. We have John H. Grate, Chairman of Cathedral Native American Ministry Council, whose article and topic is “The Doctrine of Discovery.” We have Adam Clark, Associate Professor at the Department of Theology at Xavier University, whose topic is “Prison Slavery: Theological Education in the 21<sup>st</sup> Century Must Function as a Counter-Story.”

We have Amina Darwish, PhD, Muslim chaplain at the University of Cincinnati, whose topic is “Looking from the Confines of Prison to the Heavens Above: Wisdoms of Islam.” And, we have Rabbi Abie Ingber, Executive Director, Center for Interfaith Community Engagement at Xavier University, whose topic is “Who is Entitled to the Benefits of Unpaid Labor?” Very good. So, I think – is John Grate with us?

JOHN GRATE: Right here.

NEWSOME: Okay, you go. Thank you. We'll let you go first.

GRATE: I'm John Grate, and my topic is “The Doctrine of Discovery,” and I'll point to its effect on indigenous peoples. “The Doctrine of Discovery” refers to the legal and religious justification for explorers to seize and occupy foreign lands if there were no Christians present. The doctrine first appeared in the 15<sup>th</sup>-century papal bulls or edicts of 1452 and 1493. It came to be known as “The Doctrine of Christian Discovery.”

These edicts allowed Christian monarchies to claim discovered lands and forcibly convert or perpetually enslave indigenous peoples. In 1496, King Henry VII, as head of the Church of England, issued a royal charter to John Cabot to claim, on behalf of England, lands occupied by



heathens and infidels. It continued to be invoked in the court cases and amended to start new policies of governments and other institutions that led to colonization of the lands of indigenous peoples, disrupting their way of life.

Many people are unaware that for hundreds of years, the Christian church – with the governments of the Western Hemisphere as well as Europe – were legally justified in the theft of indigenous lands, murders of indigenous women, men, and children; and the denial of human rights through subjugation and enforced relocation, denial of self-determination through the destruction of Native American economic resources, their cultures, and their religion, and the involuntary assimilation and attempted extermination of native identity.

The Doctrine – and its more secular form as the Manifest Destiny, and in the U.S. Supreme Court decisions – still defines U.S.-Indian law today. It is reflected in broken promises and treaties. It's reflected in the boarding school era that broke apart native families and crushed native languages and cultures. It is reflected in the way government institutions deal with water rights and sacred lands, even to this day. By many statistics – such as poverty, income, health, education, and incarceration – it's indicated that the historical trauma suffered by Native Americans is still very present today.

Throughout North and South America, complex and painful history of settlement and conquest exists. Our history books fail to deal with that history in adequate ways. For instance, they talk about Indian massacres, referring to native people killing people of European ancestry, but far too often, the Indian massacres meant the killing of native men, women, and children by the colonizers. Now, some people think this is all ancient history – it was over in the 1800s – but it goes on today.

To give you an example of that process, starting with the – I'm losing my place here. To give you an idea of how that has forwarded to today, the old treaties and the papal bulls that resulted in the colonizers taking over land – those treaties got traded off to other sovereign nations through wars and that sort of thing. In the U.S., it came down to those treaties and edicts being played out in the transfer of land as we moved West, as we were in wars with other nations. So, the sovereignty of the U.S. over native lands was transferred in the Treaty of Paris between the British and the U.S. government.

How does it affect us today? How is it affecting indigenous peoples today? Well, the year after I graduated from college, the Supreme Court decision between the Tahltan Indians and the United States at Tlingit in Alaska – the Supreme Court decision came down that those Indians were still in the hunting and fishing stage of civilization. They only had a limited right to occupancy, and therefore, the U.S. was not required to reimburse them for timber harvested from their lands. As recently as 1978, the Congress passed the American Religious Freedom Act. Until that time, they were forbidden to practice their native religions. The constitutional principle was finally extended to Native Americans.

As recent as 2005, the U.S. Supreme Court decision in the *City of Sherrill v. Oneida Indian Nation of New York* again relied on the doctrine of discovery, this time limiting that nation's sovereignty. The Oneidas had documented their sovereignty through U.S. treaties, but the U.S. Court ruled that due to an interval of non-occupancy, the land in question was not sovereign Oneida territory, even though they had been pushed out of their land by the European citizens of this country.

Canada, on the national level, has made major strides of the healing and reconciliation of First Peoples of their country. The U.S. has a long road to go in promoting healing and reconciliation. Many religious organizations have now put forth resolutions favoring indigenous rights. In 2007, the U.N. passed the Declaration on the Rights of Indigenous Peoples. Starting in 2009, a number of religious denominations began passing resolutions repudiating the Doctrine of

Discovery. The Episcopal Church, the World Council of Churches, the Methodist Church, the Unitarian Universalists, the United Church of Christ in New York, and the New York Meeting of Friends have passed such resolutions.

Recently, the Pope has asserted the importance of indigenous rights, but failed to repudiate the Doctrine of Discovery. Unfortunately, it seems that social justice is low on the priority list of many of our government institutions. The Doctrine of Discovery is alive and well in the laws of our land.

NEWSOME: Thank you, thank you, thank you. We'll go next to Dr. Adam Clark. Is Dr. Clark on the phone? Oh, he's not here. Okay, then. Dr. Darwish, thank you.

DARWISH: Hi, thank you for having me. It's great to be here. Can everyone hear me? Okay. Part of the discussion today is really about religious and spiritual services that are provided to people in the prison system. It's very interesting – I was listening to a story of a young man that yesterday celebrated one year out of prison, and really, his story was the idea of freeing the mind before you can free the body.

Even though he was still in the prison system for nine years, there was a point where he – he saw so many different people. Again, you would see the people whose lives have just taken them down a very dark path and are continuing that path, and then, he'd see certain people that were just sitting there, talking very calmly, and he's like, "Who are these guys? What are they doing?" That was his introduction to the Islamic spiritual tradition. He was looking at these people that have found a way to conquer their mind, conquer their self-discipline, and conquer their own spirit, which I found truly amazing, and that's part of the Islamic tradition.

There is a point where Prophet Muhammad – during his time, there was a battle, and they had a number of prisoners of war. During the time of the Arabs, you would pay huge ransoms to free the prisoners of war, or they would actually kill the prisoners of war. Prophet Muhammad came up with a different idea, and said, "Hey, if you teach a Muslim how to read and write, you have earned your freedom, and you will be sent home."

That was part of the methodology that was used both for the prisoners themselves – the people who were in prison – to show them their own self-worth, but also gain a benefit for the larger society and say, "You actually have something that you can give to the larger society, and we're going to use that."

So, the problem isn't that prisoners are working. The problem is that they're not getting paid; hence, the concept of slavery in the first place, especially when the rest of society is carrying the burden that a lot of prisoners have families. The families are not being taken care of. That burden falls on the single parent that is outside of prison, or on a foster system where there isn't a parent available. Ultimately, that price is paid somewhere in society, it's just not paid to that individual person.

Again, if we take that individual person, help them gain their own freedom of mind and freedom of spirit, and also pay them for the work that they're doing, then you actually create the solutions in the larger society. Actually, as of two months ago, I was able to visit Sierra Leone. Sierra Leone is basically the British version of Liberia, where there were a number of freed slaves that were dropped off on the coast of West Africa and told, "Good luck." It's very stunning because the effects of that are still reverberating in the country, but at the same time – like you said – they are the Malcolms in that society.

There's a 190-year-old university in Sierra Leone. It's the oldest Western university in West Africa, and it was opened by an African-American. Even in the same way, the language is really

important. When I was there, saying, “These were freed slaves,” they said, “No, we don’t use that word.” It was a learning process for me because, standing on the other side of that, the language that they were using and the story they were telling is still very different. Before the coast of West Africa was known as the Slave Coast, it was known as the Gold Coast.

One of the stories that they had shared – and again, because West African tradition is an oral tradition and not a written tradition, a lot of times, it’s left out of history books. So, one of the stories they were telling me – most people know Mansa Musa. He was really famous, and very rich, and had gone east. Very few people know the story of Mansa Abu Bakr, who, 200 years before Columbus, was just as rich as Mansa Musa, except he went west.

He had landed in the West Indies, and there are so many stories – even of Columbus himself – documenting the black traders that were in the New World trading, because this was part of the Muslim tradition, the way that Islam spread to a lot of places like Malaysia and Indonesia. It was in the same way that it spread through trade. Essentially, this group of Muslims was doing the same thing where they were coming here, introducing their religion and traditions to the New World, and trading, and doing it through trade.

It’s very difficult to find these little snippets, because the only thing we are using as documented history are Columbus’ journals, and he clearly did not have an interest in documenting the indigenous people that were already there. But, in very few of his writings, he said that he heard the Muslim call to prayer, that there were traditions that were already existing, and part of this liberation that I feel needs to happen to destroy neoslavery is to give another narrative – to tell the narrative of the people, how they ended up in that place in the first place, what failures happened in the system, but also what their own story is.

I feel like, as a Muslim – I’m from North Africa, originally – being able to understand the spiritual history and the spiritual struggle here actually gave my spirituality newfound meaning. I feel like it’s important to know that story. The other thing I wanted to talk about – I actually taught at what we would now call an inner-city high school, and it was a fascinating program. My PhD is actually in chemical engineering, not in theology, which is a fun story on its own. Long story short, I had a spiritual crisis halfway through my PhD. I completely changed what I was doing.

But, one of the things that really caused that – I was teaching at an inner-city high school. It was an engineering-focused high school, and it was amazing, because you have the college prep schools, but unless you can actually give someone a job at the end of their college career, you leave them more financially disadvantaged than if they had never gone to college in the first place. So, this school was trying to say, “What if we sent people to engineering school because they’re far more likely to get a good-paying job at the end of it where they will not end up in debt?”

It was really a beautiful program. They shut them down the year after I left because they missed their attendance quota by half a percentage point. I feel like I had read about the school-to-prison pipeline, and then I showed up to that school and I saw it. I had never seen so many police officers at a school in my life. There were so many points – you could see the breakdowns in the system so often.

I remember one of the classes – I know we’re limited on time, but – I remember being told, “This is the class – these students have failed every standardized test. These are the students” – they tried to politely say that society has given up on these kids. I walked into the class, and they’re like, “Oh, yeah, by the way, sometimes, they throw things at the teacher. Good luck.” I walk into this class, terrified.

But, one of the things that I remember showing them was teaching them about the world water crisis and showing them people in West Africa that were carrying dirty water, on average,

for six hours a day. We built water filters, and I remember telling these students, “You are more privileged than a third of the world because you have a toilet that flushes.” These students looked at me. No one had ever told them they were privileged before, that they could contribute to society, that they could do something that was meaningful to help both themselves and someone else.

There was a point where one of the students’ filter broke. He got frustrated; he said, “I don’t care about this.” The other students yelled at him. “You don’t care about kids dying in Africa?” I was like, “Oh, my God.” I had never imagined that reaction from the students. I don’t think I have ever gone to sleep smiling bigger in my life. It starts with the education system, and it really, at its base, is seeing people as humans. It’s telling their narrative instead of being told, “You don’t fit the mold; therefore, we need to remove you from society because we don’t know what else to do with you.”

NEWSOME: Thank you very much, Dr. Darwish. Dr. Clark has now joined us. I don’t know if you’re ready to go now. We can go to Rabbi Ingber, and then come back to you?

ADAM CLARK: Yes...

NEWSOME: So, Rabbi, we’ll go with you at this point.

RABBI ABIE INGBER: Thank you, Dr. Newsome. I’ve been arrested, and I’ve been to jail many times, but the two parts of that sentence – those two clauses – are not connected. I grew up in the ‘60s, and while I would love to get rid of a few extant hippie-type pictures, I would not change the experience of thinking we could change the world for anything. Most of my protests were connected to human rights and religious freedom. I have to be honest, though: We didn’t change the world, but we did change ourselves.

The one time I was formally arrested was when I organized a human rights protest outside of a Soviet consulate on Christmas morning, 1970. The Soviet consul general called the police, and my insistence that Jews always wear human rights placards on Christmas morning fell on deaf ears, so off to the police station I went. And, I’ve been to jail many times. Each time, it was to visit with an inmate. Some were unabashedly guilty; others proclaimed their innocence. Many were Jews; some were not.

I was privileged to be an editor for the religious handbook for the Ohio prison system, and with those connections, to enter repeatedly into the Lebanon correctional facility. Many of those times, I was bringing food into the prison to enable Jewish inmates to observe Passover – ironically, the Festival of Freedom. You cannot imagine the insanity when I show up with large soup pots filled up with hot chicken soup and matzo balls. Metal detectors were impossible to navigate, and only an inspected and tasted matzo ball got us through the security.

My most recent visit was to prison in Dayton, Ohio with Tyra Patterson. Tyra is a beautiful woman, now in her 40s. She has spent half her life behind bars. Tyra was convicted in 1994 for being in the wrong place at the wrong time. While she was involved in a robbery, she is not a murderer, but when you are young and black have with little to live for, it just doesn’t go your way, ever. Jewish tradition preserves a most special place in the personal responsibility and in collective communal obligations to redeem the captive.

In the worst of days, during the Middle Ages, Jewish communities would set aside money to redeem Jews who had been taken captive by brigands and robbers. We no longer live in that world, but the obligation to redeem captives remains. Our criminal justice system is not working

for everyone. It certainly is not working for Tyra. The gold bracelet she picked up during a robbery changed her life, but as she tells it, it also saved her life. She knows she would have died on the streets were it not for being in prison.

*Teshuva*, the Hebrew word for repentance is one of Judaism's core principles. Jews believe – we must all believe – that people can always repent from their bad choices and their mistakes. Our society should be encouraged to encourage that process. How many years of free labor should Tyra provide to a bankrupt system? How many prison guards must she please? How many other women prisoners must she calm down before the system opens its doors?

Until Tyra is free and, symbolically, everyone, until Tyra is returned to her family and community, her repentance, her healing is all for naught. She remains a slave to a prison authority. Mass incarceration is our generation's slavery.

President Trump visited Andrew Jackson's home two days ago. Trump called Jackson "the people's president." Trump apparently did not tour nor referenced the 150 slaves who labored on President Jackson's 1000-acre Hermitage plantation. I've been there. When he laid a wreath at President Jackson's grave, he was ten feet away from the burial site of his house slave. Without those slaves – and Jackson enjoyed their brutal beatings – not a single ounce of cotton could have been farmed and sold.

President Trump not only ignored the historical brutality of African slavery, he ignored the contemporary enslavement of African-Americans at the Riverbend Maximum Security Prison, the Tennessee Prison for Women, and the Tennessee State Prison, all in Nashville.

The Bible begins with the assertion that all human beings are created in the image of God. We may not like to see God reflected in the humanity that populates our prisons, but these men and women are created in God's image. This lost generation of young adults has a direct and immediate impact on our national economy, as well as long-term effects on the health of our communities. Playing on fears about race, class, and violence, mass incarceration maintains the vision in our society.

What kind of a world do we live in where we are prepared to spend billions of dollars on mass incarceration? Instead of educating and caring for children who will grow up and be productive and healthy members of our society, we are investing in incarcerating their parents and preparing their children for their own incarceration. Restorative justice, victim's rights, and reintegration must become our mantra instead of "Lock them up and throw away the key."

If our God is the God of mercy, when we emulate God's characteristic of mercy, we bring redemption to our fragile world – a world that is hardly at peace. I'm with you this morning to tell you we will not be truly human until we are free. We will not be truly free until every human being is free.

I come before you this morning to tell you that turning a deaf ear to the message of the Hebrew prophets will bring destruction as it did to those who dismissed Isaiah and Hosea, Amos and Jeremiah. I come before you to tell you in the words of our contemporary prophet, Dr. Martin Luther King, Jr., that "A new day is a-coming, a day with faith that we will be able to transform our nation into a beautiful symphony of brotherhood, to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day." Thank you.

NEWSOME: Thank you, Rabbi.

SAMUEL: I may add a side note. You're sitting next to a descendant of a slave who's from a plantation right next to Hermitage. My people were slaves on [Travellers Rest] – John Overton, Andrew Jackson's Secretary of State. We're here sitting next to each other.

President Andrew Jackson, Owner  
Hermitage Slave Plantation



John Overton, Secretary of State under President Jackson  
Owner of Travellers Rest - Neighboring Slave Plantation



NEWSOME: That speaks for itself. We'll come back to it. Dr. Clark.

ADAM CLARK: Yeah, I always thought it was strange that over 2000 years ago, Jesus – the poor man – came from the wrong side of the tracks, harassed by the Roman police, criminalized and persecuted for things he didn't do, thrown in jail, incarcerated, and received the death penalty by the state, yet people who bear his name as witness still continue to do the same thing to black and people of color. I thought that was a very strange twist that there's not a recognition about the very center of faith – in terms of state incarceration and persecution – is not sensitized in the population of faith.

Part of it has to do with the public imagination. Prison hasn't always been – at least in its modern form – a societal institution. There were times when people relied on each other instead of cages and incarceration, and even now, we don't have to worry just about prison – we have to worry about the prison-industrial complex, which is an interlocking network of private business and industry, private prisons, and government. The kind of insidiousness that happens is that it's seen as a solution to social problems such as homelessness, unemployment, drug addiction, mental illness, and illiteracy.

People are waking up and starting to connect the dots, because the struggle is not just against incarceration. It's also the drug war and the unequal enforcement of law that reinforces poverty. There is a larger percentage – the United States imprisons a larger percentage of black folk in the United States than did South Africa at the heart of apartheid. Blacks represent 13 to 14 percent of the population, yet it's about 40 percent of the prison population. That's pretty stunning. We're not just talking about incarceration. We're also talking about arrest, bail treatment, public defenders, conviction, and sentencing.

So, if you grow up black in America, you know something is wrong because you see – especially over the last 10 to 15 years – a declining crime rate, yet you see exploding prison budgets. But, it wasn't until the publication of Michelle Alexander's *The New Jim Crow* that people started really connecting the dots here. One of the essential insights she has that I think is so powerful is that she argues that mass incarceration is not a system of crime control; it's a system of racial and social control. I'll say that one more time. Mass incarceration is not a system of crime control; it's a system of racial and social control that ultimately creates the racial caste system.

She traces this history back to 1675, with Bacon's Rebellion. Bacon's Rebellion was a rebellion where you had white indentured servants and enslaved Africans, and they got together and came against the elite white planter class, and it scared the bejesus out of all of them. So, what happened is that because of the fear of that type of class unity happening to fight for a new alternative, they had what some scholars call "the racial bribe," where elite aristocratic whites actually convinced indentured white servants and working-class whites to police, surveil, and control enslaved Africans. She says that is the initial apparatus for the contemporary police state, in terms of that. She traces it all the way back to that.

So, she argues that blacks never had a level playing field. It was never even. It's always been legal – and this is why looking at the 13<sup>th</sup> Amendment becomes so important, because the 13<sup>th</sup> Amendment, as we all know, outlaws slavery except for those convicted by crimes. So, what happens – what that allows – is convict laws. These laws legalize the practice of anybody's being convicted – you can refuse shelter, housing, you can prevent voting, accepting money for electoral office, you can keep folks off jury duty –

You can also limit the right to public education. You can deny public benefits such as Social Security, Medicare, and Medicaid. You can outlaw guardianship and executor rights. You can reject employment. You can also bar people from buying weapons for self-defense – Second Amendment rights. So, bear in mind that there are 2.3 million people currently incarcerated, and you can double to 4.8 if you're talking about people who have been released, paroled, or are on probation because of the convict laws.

So, that's nearly one third of black men who are likely to spend time in prison at some point – that's a statistic; one third of black men – only to find themselves in second-class citizenship because their rights have been curbed. That's what she's calling a racial caste system. You're actually not a full citizen, and that's what she calls the subtitle of *The New Jim Crow*. You're talking about a whole class of people who are permanently barred from full American citizenship.

So, some of the things that people have been doing in terms of trying to intervene on that is that we can no longer have first-class prisons and second-class schools. Some people refer to this as the school-to-prison pipeline, where you have these elite, high-tech prisons and these Bantu education schools that fund the prison population. So, if you go – I lived in New York City for ten years, and you go to some of these public schools, the prison infrastructure is at the school.

You have surveillance equipment. You see lines down the block. It takes 20 minutes to get into the schools. You have surveillance equipment, fingerprint scans, body searches, checks; you have a prison officer, a parole officer, a probation officer. You have all this type of – the prison apparatus has been transplanted from the prison to these high schools, and you're disciplining the body and mind not to prepare them for education and cultivation of their human potential, but you're cultivating them for more incarceration.

So, a lack of literacy – if you don't read by age eight, people are starting to put stocks and money into seeding and expansion of the prison system, and two more – one question I'll say – can we imagine to responses to abuse or injustice in any way that doesn't put a privilege on punishment, and can we imagine punishment outside containment? One of the things I want to do really quickly is reimagine what "safety" means. Instead of safety being a premise on more prisons and more police, why don't we talk about "safety" in terms of more housing, more food, more education?

We know that the lowest crime rates happen in neighborhoods that look like that, so we need to work on creating communities that do that. Also, the drug problem in the black community is seen as a criminal problem. In the white elite community, it is seen as a medical problem. We need to actually talk about drugs as a public health problem for everybody, and also, thinking of shifting from a redistributive justice system to a restorative justice system where we talk about repair more than punishment.

NEWSOME: Thank you, Dr. Clark, thank you. Are there comments or questions in response to the presentations by our panelists? Any comments or questions at this point in time?

GRATE: I have one.

NEWSOME: This is John Grate speaking.

GRATE: The idea of control race on the basis of race – it's not just in the black community. The same thing in the Native American community and others. The Native American community's incarceration rate is equally as high as in the black community, except in the area of young black men. The other piece of it is that our prison system creates trauma and becomes part of the historical trauma that gets transferred from generation to generation.

NEWSOME: Any other comment? Yes, Dr. Darwish?

DARWISH: One more thing, because we are talking about religiosity in general. I was having a conversation with a woman who is studying to be a civil rights lawyer. She's a black woman that is – this is literally her struggle. I remember having a conversation with her, and she was saying, "I would hope that fewer of the people incarcerated are Muslim."

I remember talking to her, and I'm like, "The problem is that you're associating it with morality, and not with race." If you are associating it with morality, then that would make sense, but this isn't – one in three isn't someone getting drunk and doing something stupid. This is buying coffee. This is the most mundane tasks because it is about race, not about morality, not about anything else, and I feel like part – just because we're having this discussion, racism is so deeply ingrained in so much of what we're doing, that even within the religious structures, it's really important to make that distinction. This is not about morality at all.

NEWSOME: That's a very helpful comment, Dr. Darwish, because it dovetails with something that I wanted to say, and you've forced me to make a careful distinction here. For me, race is a moral issue, particularly for the church – the church universally. Historically, the native population in the West Indies, and then, later, the African population, was enslaved on the rational grounds theologically put forth – particularly by Bishop Bartholomew Las Casas – on the basis that the natives and the Africans were morally degenerate.

They were, in some sense, a subspecies, and so then, it was thought that it was perfectly morally proper for a particular group of people in the world to claim ownership of a subspecies in order to help the advance of civilization. We have not gotten away from that. That is still at the very root of it.

So, the notion of moral law is predicated upon the premise that there exists an ultimate reality, which we very often refer to as God, without me going into other kinds of language. In other words, there is such a thing as an absolute sovereign. If that is the case, then slavery is a denial of the sovereignty of the absolute, because only the absolute can lay claim to that which the absolute created.

This clause in the 13<sup>th</sup> Amendment is there partly because even Senator Sumner, who was a celebrated abolitionist, thought that it was helpful to provide a means for getting debtors in a position to repay their debt – not necessarily to society, but to the people who were due their return of goods, so to speak.

It's been exploited in all sorts of ways, particularly along the line of the kind of argument that Bartholomew Las Casa put forth. Now, later, Las Casas recanted, seeing the brazen inhumanity of the whole enslavement process, but he opened Pandora's Box, and Pandora's Box has not yet been closed.

So, you have such an excessive number of people from different groups – I sometimes stay away from the concept of race because it itself is a false concept – but even at best, you have this



great disparity in our criminal justice system right now because there is still regnant in our society this notion that there are subspecies-type folk – if you call them people, then they’re people – but there is this sense that there is this group that is less than human in need of control and oversight consistent with what you were saying, Dr. Clark.

So, as we talk about the theology and doctrine piece of it, I want to put that on the table. Until we can uproot this, our legal system, in terms of the rule of law by way of civil law, is going to be greatly impeded by a limited and faulty understanding of the rule of moral law, and we’ve got to come down on that – as church people – as heavy-handed as we possibly can.

JUDGE BURNETT: My comment pertains to the idea of private prisons being a return to the plantations of the past, and the fact – again, playing into the hands of prisoners being subhuman – the fact that the workers make the wealthier and the superior people even better off. One of the things we’re missing is that the idea of private prisons is a way of using people who are uneducated for physical labor and production of industry – factories and so forth – compares to farming 200 years ago. The second idea is that the public does not recognize that many blacks in this country have contributed greatly to the culture, and are of superior intellect. Most of you may not know this, but my son is the inventor of a medical product. His mother is Native American, and I am African-American, and in many instances, blacks have been pioneers of modern medical procedures; and yet, it is not recognized.

NEWSOME: What I just want to say very quickly to that – I personally know of which you speak in that I have a –well, I say “friend.” I know him very well. Once I found out that he owns a private prison in Pennsylvania, our relationship became problematic. So, what you are saying, I know in a firsthand way on the basis of how he has represented this ownership as a money-making proposition, and why.

CLARK: I would like to add something. The new administration just initiated the green light to go ahead with more private prisons. They’re trying to roll back on the idea of private prisons. The thing that’s so insidious about that, especially if you talk about racial justice – there’s no racial justice vision that doesn’t include the ending of this type of mass incarceration. It’s a flagship issue of the Corrections Corporation of America, which started out at \$8.00 a share, and now it’s over \$30.00 a share.

You can’t have a reduction of this mass incarceration state without addressing the idea of profit in prison, and the private prisons don’t even have to follow the same laws as the federal prisons and the government-run prisons. We have to actually look at the profit incentive carefully because what’s happening is that there’s a privatizing of almost all government agencies, and prison is one institution that is also going to the private sector that needs to be – we need to have a type of social movement to make people conscientious, to really resist that move.

R. BURNETT: Thank you, Professor Adam Clark from Xavier University, and before that, our co-moderator, Dr. Newsome, our host here at the Freedom Center. It kicked off a very fruitful discussion. I see there are a couple of people who want to say something, and then we need to move into our – we’re shifting to our fourth topic area. For the third area, unfortunately, neither of our speakers are available for us. One is ill today, and the other was just not able to get on the line. But, Dr. Darwish, I believe, has a comment on this discussion.

DARWISH: To your point – the more the system becomes economically ingrained, the harder it is – and

as much as we can, we have to do it as fast as we can, because it's not just a social issue, it's an economic issue. Part of the reason – It's been 150 years since the 13<sup>th</sup> Amendment was passed, but the descendants of the slaves are still being discriminated against 150 years later because at initiation, that system was not put into place to maintain people's economic rights. So, the economics of it go directly hand-in-hand with the social movement, because if you can't fix that part of it, people literally will fight and die for money.

R. BURNETT: We will be moving into an area that might present a little more difference – if not straight-out discord – on policy. We're going to move into more of a policy discussion. We certainly all – I don't know if I would necessarily call this a love-fest, but we all seem to be really on the same page on this theme. I wonder if it might help just for a moment – I took some notes – if we could just flag out some markers so we can come back as we move to this.

One was the discussion by John Grate, and I made a connection with the Standing Rock situation of the past months, and it still continues in terms of water rights, safety, and public policy, and frankly, a truculent administration that stands willfully in opposition to human rights in regard to Standing Rock. A second – I was struck by the Muslim commitment to education and restoration being inextricably linked, and I wondered, is that found directly in Quran?

DARWISH: It's directly in the tradition of Prophet Muhammad, and we believe him to be the embodiment of the Quran, so, yes. The single most repeated word in the Quran is the name of God. The second most repeated word in the Quran is knowledge.

R. BURNETT: Knowledge, thank you. And then, Rabbi Abie was saying the Jewish claim of an obligation to redeem the captive and the idea of redemption – that's an area that, for me, is important as we move forward in terms of public policy, just as markers. Professor Clark brought up the commercial organization Corrections Corporation of America, which has aesthetically delighted the world with a changed name. They are now known as CoreCivic.

Now, who's against CoreCivic, right? It's a little bit like the plantation names that had such beautiful sounds as we go around touring them. Monticello and Montpelier. Who wouldn't love a place that's so beautifully named? So, it's an insidious aesthetic move, and I think aesthetics is not something peripheral or insignificant here. I think if you really want to change hearts and minds, I think we have to change tastes in a lot of ways – basic aesthetic understanding of the moral implications.

I'd like to lay that out. That's maybe a sixth area – we'd be here until Saturday afternoon if we had all the areas I want to use – but aesthetics is part of what we're talking about here. And then, my last comment is Bacon's Rebellion, highlighted by Professor Clark and noted in Michelle Alexander's book – she has a wonderful phrase midway through that book where she talks about the police in America as "our domestic warriors." "Our domestic warriors." To me, the possessive term "our" should not be lost. They are doing – as Ta-Nehisi Coates says in *Between the World and Me* and others – they are doing what they're supposed to be doing for a society that is sick.

So, on that cheery note, let's move to reforming justice. Dr. Charles O. Dillard, internal medicine, Brigadier General of the United States Army, Retired. Your topic is some lifetime effects of incarceration on prisoners and families, but Dr. Dillard, you have earned the right to talk to us about anything you like to this morning.

### Topic III. REFORMING JUSTICE

CHARLES DILLARD: Well, the topic I was given, "Psychological Effects of Long-Term Incarceration," can be

summarized in one word, and that one word is “yes.” But, before I get into that, a few statistics that go a little farther than I just heard. It says here that the United States is home to about 5 percent of the world’s total population and about 25 percent of the world’s prison population. The U.S. imprisons more people than any other country on Earth and spends a quarter of a trillion dollars each year on this bloated, backward criminal justice system.

Over the past 30 years, the federal prison population has grown by 800 percent, and I have charts that just show that all of a sudden, it skyrocketed. It’s grown by 800 percent, and increased largely due to overly punitive sentences for nonviolent, low-level drug crimes, which we’ve heard. In fact, there are more people incarcerated in America today for drug offenses alone than all the people who were incarcerated nationwide in 1970, and there are numbers that can go along with that. I won’t bore you with the numbers, but think about the 800 percent, and 25 percent of the world’s prison population.

All these policies have disproportionately impacted people of color and in lower-income communities. In addition to undermining the potential of millions of Americans and exacerbating poverty, our criminal justice system places a huge burden on the taxpayers who foot the bill, and they gave a figure – the average American contributed about \$230.00 to corrections expenditures, which is sort of meaningless, but it just means that somebody has to pay for this system. For those Americans released from prison, the physical barriers encountered behind bars are often replaced by the economic barrier of trying to find a job with a criminal record. We’ve also discussed this.

The consequences – as this gentleman mentioned – suspension of the right to vote, obstacles in obtaining a job, inability to get a business license, problems with housing and education. Back to the psychology: When you take a 14-year-old kid who hasn’t developed his social training and put him into the prison system, he does not receive the direction to allow him to develop into a productive, mature adult. So this is what you’re going to end up with. Prison has been viewed as a home for the world’s criminals and outcasts. Many would argue – as some have mentioned here – that prisons are of great value to society because they serve to keep dangerous criminals away from the “normal” population.

However, as we have also pointed out, in recent years, the question has arisen of whether prison is more harmful than helpful. Prisons today can be seen as warehouses, geared solely to neutralizing social rejects by sequestering them from society. The purpose of the prison system has been to punish inmates harshly, and also – and maybe even more importantly – to make as much profit as they can by arresting more people and advocating for longer sentences.

Some laws – the Three-Strikes law, criminal career law statutes that serve as lifetime sentences to those who continue to be arrested for petty crimes – are harmful to those that fall into that category. Many inmates that are labeled “career criminals” are given life sentences for non-violent crimes. Many of them begin their journey in the prison system when their mind, morals, and so forth have not been established. They are forced to live in an environment with violent offenders under rules that they are not accustomed to.

Being forced into this new violent environment has many negative psychological effects on the inmates, and as I said, the title was supposed to be “The Psychological Effects of Long-Term Incarceration.” When you take people and put them into this type of violent environment, it will cause many psychological problems like post-traumatic stress disorder, suicidal ideation, aggravation of underlying mental disorders, and misguided personality disorders. I read several articles that mention the changes that are attempting to be made, but they don’t seem to be making any progress at all. So, rather than going into the specific psychological diseases and so forth – depression, suicide– the answer is ‘yes’, prison causes many psychological effects, and those under long-term incarceration would be exposed to it for the longest period of time.

R. BURNETT: Dr. Dillard, I wonder if you might say a little bit from your own clinical history – your own practice of medicine – in terms of this one.

DILLARD: Well, yes and no. For 48 and a half years, I've done inner-city primary care, so that I –

R. BURNETT: Which city, sir?

DILLARD: The inner city of Cincinnati – so, I primarily deal with women. Eighty percent of my patients are women, some of whom have been in prison. But, yes, I have had much contact with many people who have been in prison and who have exhibited the psychological effects – as I said, depression, self-incrimination, and so forth. There is medicine, there are antidepressants, but of what value they are is another question. So, yes, I've dealt with it the best way I could with medicine, which may or may not have been very effective.

R. BURNETT: Yes, Rabbi?

INGBER: I very much appreciated Dr. Dillard's words, and that refrain that the purpose of prison is to punish just triggers a very different response to me. I build that response on the time that I've spent with Native Americans, especially the Cheyenne – quite a bit of time in a spiritual embrace, as well as more of a holistic embrace. My own personal story is as a child of Holocaust survivors and knowing full well that my grandparents were slaughtered, my uncles, et cetera.

I would say that the purpose of prison is not as much to punish – even though that's what happens – but rather to remove what we don't want to see, what we don't want to confront, what we don't want to respond to, what we don't want to take the time to understand, what we don't want to restore. That's as foolish as getting a diagnosis of cancer and saying, "I don't want it. I don't want to hear about it. I don't want to read these pathology reports. I don't want to go see a doctor. Therefore, it doesn't happen."

So, hundreds of Native Americans that we forcibly picked up and removed from our view – just completely removed from our view. Dr. Clark and I can walk through Xavier's campus and say, "Does anybody know somebody who is Native American?", and the answer would be no. Therefore, the problem no longer exists. We can do the same thing – if we're fortunate enough – to incarcerate every single young African-American male. Then, we'll walk our streets safely and we won't have to deal with all these problems of violence. Or Jews, or Muslims, or whatever this "other" is.

If we really want to go to stupidity, let's just create a lottery where a third of our young people's population in every decade will just be arbitrarily arrested and put in prison, and let's just see how we like this particular world. That's what's happening to the prison population now, and the young people.

R. BURNETT: Dr. Darwish.

DARWISH: Can I just add to that? Cincinnati is still one of the most segregated cities in America. We're the second-worst city in terms of childhood poverty. We are respectively doing exactly that, and this is what I was saying, that racism has become so ingrained that the highway systems – in terms of separating communities from each other – It's not just the private prison system. There's so much that's ingrained that needs to be changed that – to your point – we just don't want to see something that will bother us.

R. BURNETT: Thank you. I think we're moving from 30,000 feet to the ground level, and that's a perfect segue for Brother Samuel to return to the conversation. But, before that, Dr. Dillard.

DILLARD: Before Brother Samuel returns – Brother Samuel and I are in an organization together called *A Few Good Men*, and one of the things we have done is gone to one of the inner-city schools – Dohn School – where the dropouts from all the other schools are warehoused, and I hope that Brother Samuel will tell about his experiences at that school. I'm giving you a heads-up – directing you.

SAMUEL: I'm Samuel Abu Baki, and my title here is a three-time returning citizen from an adolescent to adulthood. It's kind of funny, because I never thought of – for a long time, being a citizen was a misnomer because when you start at 14 and you're locked up – I was locked up in 1963, the year they killed Kennedy, and I remember I was locked up the Morrison Training School for Boys in Hoffman, North Carolina, up in the mountains. I know about Charlotte University, too. Charlotte was as cosmopolitan as could be in the 1960s in terms of for African-Americans, and to speak to the moral piece, nobody in my neighborhood was allowed or made to feel like it was okay to do wrong.

So, it wasn't an issue of coming from a bad family. Everybody on the street could tell you up to the question, but there was something about getting off the street when somebody came by, drinking from the colored water fountain, going to City Hall and having – that whole piece, for some of us in the South in the early '60s, had got to us, and I was beginning to feel what everybody felt about four or five years later when they took to the streets. I was that young kid who just was tired.

So, I began to do things that were not accepted in the neighborhood. Speaking to the Rabbi's community obligation, when I first got sent away in 1963, my foster mother – Judge Gatlin said, "If you send him away, Ms. Parker – we won't send him away." She said, "Send him away. It may do him good." Then comes that piece about even the African-American family would begin to believe that this place would do something for our child. Can you imagine?

So, that was 1963. Ten years later in 1973, as the Rabbi again was going to Lebanon, my class of Wilberforce University that I attended for four years was graduating in June, and I was going to Lebanon Corrections for my second bit in May. I'm telling you, this thing that happens to the spirit of a human being – and there's this fight in all of us. We could not have survived slavery unless there was something in us that is unique to us as a people and that is in our children also today, and I'll get to that.

So, in '73, when I'm going back in, I'm academically inclined, I'm an honor student in high school, but I can't put that pistol down. There was just this fight about the way they had treated me, I was not going to take it, and it didn't matter how much academics I had. I had no desire for the picket fence with two and a half kids. That wasn't on my mind. I would go to class and then go do robberies. The last time I went, in 1973, I did robberies in Columbus and went back to Wilberforce.

So, we have a [inaudible] from Columbus. So, after that – that first was one year, one month, two weeks, and three days. That was in '63. It was three years in '73. And then, in '83, I [inaudible], and I had been put back into college, and I got my kids, I got married – But, in '83, I still couldn't stop. I still had this fight, this vengeance about how we had been treated. But, if you notice, there was a period there where the prison population began to rise. The Panthers came. We were allowed to have guns. We had education. That was a fearful thing for America.

Not only were we smart, we had pistols, and it wasn't doing robberies – that's a bad choice.

We were liberating. We felt like we didn't get our 40 acres and a mule, so we were going to get it some other kind of way. It was a whole slew of us. So, America was like, "If we don't lock them up, we're going to lose this piece." Some of us were going to college and graduating, and some of us were going to prison. So, you had this whole slew of Malcolm's behind bars in the 60s, and you had another in the '70s, and then, in the '80s – now, if you watch the prison population, statistically, it began to go up.

They locked us up in the '70s, they locked us up – and then, Reagan and Bush, and even in the '90s, Clinton said, "We've got to do something with them." No longer were we the stupid kid standing on the corner. We know how to do some things. We're not all racing out with pistols. Now, we began to do white-collar crimes. We had grants from the time we were given the opportunity to have grants, and were tearing it up with that, too. We would get money from the federal government, we'd steal it, go buy a car, Cadillac, whatever. Now, go get some more.

So, there was a lot of ways we were going to prison. So, by the time they came up with these laws like the Black Code earlier – the laws have not changed, they just have a new name. They still have that same thing. There are ways to discriminate against us. "If you do this, you're going to go to jail for that." Standing on the corner as an ex-slave and standing on the corner as a 20-year-old with some crack in your pocket – it's the same thing. You're going to away to prison.

Morally, I think it's the piece – there is something wrong with America. There is something seriously wrong with this constitutional piece, because if you talk about three-fifths of anything and you're trying to put amendments to that, you never gave me the whole piece, and there's not a law in the constitution that deals with the African-American that has been executed properly. Not one. Every law they have made to make me go to prison – all your penal codes – they make me go quite well. You're still talking about whether I have the right to vote, and I have to keep coming up for voting.

So, we're sitting at the table, and I am so honored to be here as an ex-offender. I don't mind the conflict thing, or the returning citizen. It doesn't matter what you call me, just call me, because there's so many of us that don't get to decide. You guys are really special. I feel so wonderful sitting here, getting the chance to tell the story of a convict in person. I'm not writing a book; I'm living this process. I have six kids, I have 15 grandkids, I have five (5) grandkids that are college grads, I have two grandkids that have a master's, I have a daughter who has a master's, I have a granddaughter graduating from the University of Tampa *magna cum laude* this December.

So, it's not genetic. Not one of my kids, not one of my grandkids – With all those, you'd think – so, you can look at it and say, "As an African-American male, this guy has always –" You get to a point where you get tired, you get old, and you give in. That's like the slaves. They fought for so long, but what does it do for a man to be beaten in front of his wife, and he has to go back out in the field? How does it feel for the guy that everybody sees as 'inefficient'? How does it feel to work at a garbage company all your life and never have anything? The same thing.

You keep growing up. How does it feel when in the '60s, the guy finally gets hired at the Post Office? You keep on going, but you never get the chance to get that wholeness. It's the spiritual piece that's always missing. To the religious piece the doctor was talking about, when I went to prison in 1963, I was a Baptist. When I went to prison in 1973, I was Catholic. When I went to prison in 1983, I was a Muslim. The evolution of the spirit –

#### [Crosstalk]

SAMUEL: The only one I missed is you, Rabbi. But, it is true that when you're trying to kill the spirit, the spirit will fight back, because it's a moral dilemma. It's the spiritual piece. I, like many of us, have sworn to find out what makes me feel good about being me. How do I take all of this stuff – all these denials that Dr. Dillard spoke to? They did not give me the opportunity to buy a house, so my wife had the house in two names – I mean, we had two houses in her name when I was

married.

There are ways – when you do it, it creates a whole other mindset. Whatever you tell me I can't have, I'm going to sit there and find out how I can get it anyway. The right to vote – that's madness. It's enough of us just in the city of Cincinnati who have the right to vote, but don't have enough information that we can vote, that we can put any city councilor, any judge in or out of office if we chose to, if we just had that kind of information.

But, because it's an issue of mass social control, you put misinformation out – or alternative facts – that will keep the convict feeling that he's always going to be a convict. Do my children know who their father is? Do my grandchildren know who their father is? Do my great-grandkids? Yes, they do, because it's important that the one piece that I had to offer is that if this is not taught in their school system – if you don't start telling the teenager, like the ones he was speaking about at Dohn High School –

We went there a couple of times, and the last time I went, I lost it, because the kids were saying, "Well, you're going to have a good life." No, you're not. You're in Dohn. You're pretty much going to make it about here. Thirty percent of you won't have a job. The rest of you are going to get a girlfriend, get with her – and they were looking at me like I was crazy. I think because I didn't speak to my fluff – this is a bad place, man. I had been here like you, at the age you are. I had already done a bit by the time I was 16 – I was locked up at 14 years old.

That day, I left two of my business cards – I'm a landscaper by profession. I left two business cards. There were ten kids who wanted to get that card. Since then, I have hired three of those kids, and I have taken them out into the community, and to North Evendale, as a matter of fact. They have been so impressive to the people. What do they need? An opportunity to be told who you are. If you don't change your life, just ready for things to go real south for you. I went to pick them up one day, and I had three that were working, and I had one that was getting in the car.

He said, "I called you. Did my mama call you?" They actually wanted an opportunity not to be labeled as being kids at this bad school. They're just bad kids that have to be in school, and having had that personal experience, it was a great opportunity for me to bring those kids back to the neighborhoods. If we don't give these kids a clear example that some of us have gone south, that the world is not what you think it is, we're going to lose this fight because we're sitting here talking about the voting rights thing that was in 1965, and it's getting watered down.

So, if you think 13<sup>th</sup> Amendment – that whole piece about the legality part – I struggle with that because this is my first time at a roundtable like this, but most of the time, we don't get here. You guys get a chance to come and talk about how it is we feel, what we went through, and that kind of stuff. This is unique. I didn't tell a lot of my friends because I didn't know what to say. I didn't know how it was going to turn out because we don't get a chance to do this sort of thing. This morning, I was coming down Columbia Freeway telling you about, "Hey, we're supposed to do this kind of thing." So, when it comes out, I will take the chance to share this, and hopefully, this will be the first of many.

There is so much that you can learn from us, and that's not arrogance. You can talk, and you can come with the stats, but we're real people. Someone said that about humanizing the process, actually seeing what an ex-con can come out to be, actually hearing about how painful it was. I got introduced to homosexuality in 1963. The perversion that is in this society – I was seeing it as a teenager. I was like, "Wow!"

As Dr. Dillard was saying, you can't put a child who hasn't developed in that kind of thing. So, we're talking about the prisons. There's a juvenile system that perpetuates, too. It's called "junior high school to the high school", which is the prison. Those kids are being introduced to stuff they don't have a real clue about, that they may not have seen in the real world. I could go on and on, but I have ten minutes, so I'm going to stop.

R. BURNETT: Brother Samuel, we're very grateful to you, and I hope that you will accept my invitation to bring any of your children or grandchildren, with or without degrees, back to Columbus, and you join them, please. We'll always welcome you back to Columbus, any time. We'll have a chance to have conversation with all of the panelists, but we do have a person on the phone who's been very patient. I don't know if you're a student at New York University Law School – Mr. Ronald Stubblefield, Class of '17. So, it sounds like you're in the middle of final papers and exams, Mr. Stubblefield. Are you on the phone?

RONALD STUBBLEFIELD: Yes, sir. Can you hear me?

R. BURNETT: Yes, we're looking forward to hearing you. Everyone's excited about this panel, but you come with a particular star next to your name from Merelyn Bates-Mims, who said you are the man to speak to us about Millennials – a movement towards school-to-prison reforms. Is that agreeable to you, sir, today?

RONALD: Yes, it is, so let's get started. I'd first like to thank Dr. Bates-Mims for all her work setting up this roundtable discussion. I think it was very informative, and I think it was very nice to have this intersection of scholars because we're dealing with an interdisciplinary problem, and we're going to need to bring people from various disciplines if we want to create the solutions needed to address it.

As I start, I want to take a step back and look at the big picture of the problems we're facing today. It starts with the fact that we have incarceration increasing while crime is decreasing and hitting 20-year lows, currently. We hold 2.3 million people in 1,719 state prisons, 102 federal prisons, [inaudible] juvenile correctional facilities, 3,160 local jails, 76 Indian country jails, and countless immigrant detention centers, military prisons, civil commitment centers, and prisons in the territories.

R. BURNETT: Excuse me, Mr. Stubblefield. This is Father Burnett. I wonder if you could just slow your presentation a little bit because we're getting a bit of feedback on the phone. Please slow down. We're in good time, so no rush, sir. Relax. Thank you.

RONALD: Understood. The other thing of note is when we talk about the youth who are incarcerated today, 20 percent are locked up for offenses which aren't crimes. We've got to think. After the 2.3 million people we've been talking about, we need to remember that people go to jail over 11 million times per year. Think about that – over 11 million times per year, people are going to jail. Meanwhile, we only have [inaudible] walking out of prison gates, and when we think of this fact, we also have to think of all the people who are on probation and parole because there's a saying that inmates will constantly tell you – you never leave the criminal justice system once you enter into it.

For example, we have 4.56 million people currently who are still subject to sanctions from the criminal justice system dealing with parole and dealing with probation. While we're dealing with all this, we have to understand that the Department of Justice put a very nice report out, highlighting that if you want to deal with effective crime prevention, you need to start dealing with the socioeconomic factors that lead people to commit crimes and invest in social services for children, people with mental health issues, and drug addicts. Funding for a lot of those places has been cut, and as we can see, it's going to be further cut by the Trump administration.



Meanwhile, one thing that has increased is the number of School Resource Officers at schools. They are the fastest-growing profession in law. In a period of financial crisis, we are investing more in law enforcement, starting with children, and less in social services for children, and they're wondering why we're seeing more and more children being pushed out. We keep wondering why there's an educational achievement gap.

The Economic Justice Institute came out with a report about two days ago, highlighting that you cannot accomplish meaningful education reform until you deal with mass incarceration and the school-to-prison pipeline because it's pushing students out of schools, and when you push students out of schools, you have no education, and you have idle time on your hands. Nothing good happens when you have no education and idle time on your hands, because you've been denied your meaningful opportunity.

So, why did I go through all these stats? Let's think about it. A lot of the expansion happened in the '80s and '90s. This is when millennials came of age, and millennials came of age – it's an interesting dichotomy. We came of age in a world in which we were told if we work hard and play by the rules, we'll be fine, but what we saw was that under the same conditions, the rules weren't being equitably applied to us. Some of us, for the same behavior, were getting pushed out of school; others were getting resources invested in us. Some of us, people realized, "Oh, they're cries for help," and we did help; others would get pushed out of school and into the hands of school resource officers.

Many students would go to schools where if there are aggressive zero-tolerance disciplinary practices – which is the product of a congressional decision to say, "We will give public schools educational funding if they have certain zero-tolerance disciplinary practices where if people do certain behaviors, they will get pushed out," towards the criminal justice system. While we understand the desire for school safety, many of these types of issues were related to more socioeconomic factors and behavioral things which really warrant more social service interventions and mental health care, and not simply expulsion and judicial incarceration.

When you look at these things together, we realize how would millennials would want to solve them. When you look at every major millennial advocacy group out there, they want to focus on two key things. We want to end mass incarceration, and we want to naturally end the school-to-prison pipeline. What we also want to do is facilitate mass de-carceration and build a justice and opportunity pipeline for students.

What we mean by that is this: A lot of us remember the lack of investment a lot of our peers have received because of the system, and for those who didn't directly go through it, millennials had to group together to survive the Great Recession, and learned and became more sensitive to the struggles of their peers. You've seen this across the board. You've seen it with left-leaning groups like the Democratic Socialists of America; you've seen it with more centrist organizations such as the National Black Law Student Association, the Law Movement for Black Lives and various allied organizations, and you're even seeing it from certain conservative groups pushing for this, such as the Federalist Society.

So, based on this understanding, as the chairman of the Millennial Committee for OPJ, this is what I would like for us to focus on as an approach. It's a two-pronged approach. 1). How can we go ahead now and first stop the system of mass incarceration and the underlying disease, which is dehumanization and subjugation of people for the sake of economic profit and advancement? 2). How can we better restore the people who have been disparately impacted by this system?

Even if we do all the preventative work to end the system, it will be very limited if we do not address those and help those who have been affected by it. It's akin to what happened after slavery when we didn't make the investments in people when we freed the body. What good is it to free the body? When you don't empower and free the mind, you still perpetually create a

caste system of subjugated people.

Based on all of this, I'm going to take a three-pronged approach. First, I would like the Millennial Committee to focus on developing school- and community-based support clinic models and prison rehabilitative support programming to better help students going through school now in terms of making sure they get their needs met and get proper legal representation as they go through with disciplinary proceedings to make sure they're properly supported.

Students should be invested in, and they should be given as much of a chance for opportunity to grow as possible. If we're going to be punitive to a student, it had better be the last resort after all other methods have failed.

We also want to apply this to prisoners and give them meaningful opportunity. To quote Brother Samuel, who went before me, there are a lot of people who are prisoners out here who have gone to jail and desire to do more when they get out, but they're not positioned to get out. Why? Because they still haven't been provided meaningful training; they still haven't been provided meaningful healthcare services to work past the things and behaviors that led them into prison in the first place. So, many times, we're asking people to say, "Yeah, we're going to send you out; you're free. But, we didn't put you in a position to maximize the opportunity." We have higher recidivism as a result.

The second piece on this is we want to engage in policy advocacy education and research around this issue so we can stop these problems from continuing – not just the problem of mass incarceration and the school-to-prison pipeline, but to really get beyond that and end a culture which finds it okay to prepare and prime people for subjugation and dehumanization for the sake of economic exploitation.

The reason why this matters so much – and I think our conversations have illustrated this – a lot of people are just waking up to these issues and why they're problematic, but they don't fully understand them yet. As we said here, a lot of us are still not sure what is the optimal way to solve this problem. That's why we're here today. So, we need to really take some time to research the optimal solutions that are out here to address this.

I would like for that work to be, "Let's go and analyze and do that research." It finally starts serving as a feedback mechanism to roundtable discussions like this, because as we do this research and see these models, we can test out our solutions and programs. We can gain a lot of insights, and those insights can help drive conversations that we can then build up and build a larger movement nationwide to really address these issues once and for all.

The fear I have – and I think the fear that's been shared around people – is that if we just end the mass incarceration and school-to-prison pipeline in this form but don't get to the core drivers of it, we're going to see another variant of this problem come back up. History supports that proposition. When we ended slavery, we saw convict leasing, which was the original private prisons. When we ended convict leasing, we saw the state prisons using chain gangs, and using them for a lot of social work and work for the greater the community, but at the expense of their wellbeing, their welfare, and at the expense of further dehumanization.

When we moved past that, we've seen the rise of private prison. We've seen the rise of public prisons that are still poorly maintained, and so poorly run and operated that they really should be shut down. That's why Governor Cuomo of New York, for example, is calling for the shutdown of Rikers, because he realized that shoving people in a punitive environment is unhealthy for them while they're in the system, and it's definitely not helping them move out of the system, and it's definitely not good for society at large. Society is better off when we can empower everybody to maximize their potential. That only works if we can position people to make better choices and provide them a better alternative to choose from.

That's the work I want my Millennial Committee to focus on. Let's position people so they can make better choices, and let's work with them to identify better alternatives to choose from, and then let's work in an advocacy space within the educational space to get society behind what we're trying to do and come up with better ways for us to deal with the justice system. Let's accomplish these things so we can end mass incarceration, we can end the school-to-prison pipeline and all of its possible variants in the past, and help the people dream of the future. And, on that, I'm open to hearing any ideas, thoughts, or questions.

R. BURNETT: Mr. Stubblefield, thank you very much. This is Richard Burnett, co-moderator, and before I turn this over to Dr. Newsome, who will be inviting a broader roundtable for the last 20 minutes, we want to say thank you to you and to everyone who's presented. I wonder if you might just give me the inside word from NYU Law School on what nominee Neil Gorsuch might offer with regard to the considerations that you're hoping the Millennial Committee will be taking up. Will Gorsuch be a potential ally for you in any way?

RONALD: Let's put it this way: The general vibe at NYU Law School – and I'll preface this by saying it's a more left-leaning law school – is Gorsuch would not necessarily be a reliable ally long-term. The reason why that's the view from an NYU Law perspective – and I'll make it clear that it's an NYU Law perspective; other law schools may have other variants, naturally, based on their philosophies – is strictly because he has a lot of conservative-leaning policies and the fact that on certain related cases around these issues, the rulings have more or less been not the type of reform that millennials are really looking for.

Now, part of that can be tempered by the fact that as a judge, you are very limited on how much lawmaking power you have from the bench.

Part of that, too, comes from the fact that if you're getting nominated by President Trump, there's a higher level of skepticism, especially given Trump's recent decisions which are going to hurt minorities, such as – if you look at the federal budget – cutting HUD funding, cutting DOJ grant funding in key areas dealing with the type of research and programming that the Obama Administration created around these issues, and the general history of the conservative bloc on the bench around social justice and civil rights for the past 30 years is why we're not so optimistic of the prospects with him.

R. BURNETT: Brother Samuel had a comment.

SAMUEL: Yes, this is Samuel Abu Baki. Could you tell me – you made this statement, and I wasn't really clear. Eleven million times a year – who's locked up 11 million times a year?

RONALD: Great question. To go back, this is from one of the justice projects. The project that gave us the 2.3 million people incarcerated stat – this is where this also comes from. The main people you find getting incarcerated are usually for some type of pretext crime, such as vagrancy and loitering. What we typically find in these cases is that usually, it's disproportionately minorities – African-Americans, Latinos, other people of color, and various youth.

Most of these are usually involved – if you come here, we'll give you resisting arrest – very pretext crimes. These 11 million are usually drunk and disorderly. They're usually very young people and a lot of people of color, and they're overly targeted. They're the main people driving this 11-million-times visit. A lot of cases for these people never go forward – there's never a conviction, and they usually have to rest after three days and get sent out of the system.

## Topic IV. Questions And Discussions From The Table

### Section 1. Amendment XIII. Ratified December 6, 1865

**"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, nor any place subject to their jurisdiction."**

- What changes should be made to the wording of Section 1 of the 13<sup>th</sup> Amendment?
- What challenges to repeal do you envisage? From what sources?
- Identify the major solutions for ending mass over-incarceration profiteering.

NEWSOME: Well, thank you very much, Mr. Stubblefield. That's very enlightening. Thank all of you for your questions and comments up until this point. We're at a point now where we want to engage in an interdisciplinary interactive discussion, so that all of what has been presented and all that has been offered by way of response is on the table. We want to begin by having all of you consider this question initially: What changes should be made to the wording of Section 1 of the 13<sup>th</sup> Amendment? If you have some thoughts, would you please share them now? I will reserve mine until others have had an opportunity to speak. What changes do you think should be made to the wording of Section 1 of the 13<sup>th</sup> Amendment?

JUDGE BURNETT: Judge Burnett speaking. One of the thoughts that has been advanced in the Organization for Procedural Justice is to delete the phrase "except for those duly convicted" so that slavery and involuntary servitude would not even exist in prison, and along with that idea, that prisons should be changed to community college with training of people after they enter prison, so when they walk out of prison, they are capable of holding jobs that exist in the 21<sup>st</sup> century. That's part of the rehabilitation. Let's educate them to be experts in electronics, plumbing, and other activities so that when they walk out, they are capable of doing a job and leading a meaningful life.

NEWSOME: I agree with you on the piece of excluding that clause. That seems to me to be the straightforward way to go. A question arises in my mind, judge, in terms of the retribution theory of punishment. You have this practice of "an eye for an eye." In other words, the time should fit the crime. So, in the case of somebody who has murdered someone, what about your idea in terms of the prison being transformed into community colleges? I'd just love to hear your response on that quickly.

JUDGE BURNETT: Our thought on that issue basically is a matter of social justice and a matter of religion. Like Jesus said, "Those of you who have not sinned, throw the first stone," to the woman who was a prostitute. I think we need to rethink our humanitarian idea. Even a person who has committed a murder – or, quite frequently, an aid and abettor who didn't know the murder was going to happen but gets convicted of it on a legal technicality can come out and end up being a priest, end up being a PhD – Many people who have been in prison sometimes become Mother Teresas. They become Disciples of Christ. So, we need to bring into the focus our social value system.

NEWSOME: Thank you, judge. That's an enlightened jurist over there. Reverend Burnett. Thank you. I think the judge's comment also gives real flesh to the concept that Professor Clark offered in his presentation. He talked about reimagining punishment and safety. I was really taken by that idea. This is an invitation to reimagine. This is not tinkering around the ages. Ariel Miller, who is on the planning committee.

MILLER: The question that comes to my mind is who needs to be corrected? Going back to what you were saying, Rabbi, what white Americans don't want to be reminded of is that we have oppressed and exploited a lot of other people, so that's why we lock them out of sight and out of mind. One of the things that hasn't come up in this discussion but Merelyn Bates-Mims has brought up before is the role of the arts in awakening our empathy and our remorse. For me, seeing a movie like *Hidden Figures* was very powerful, especially the scene where the lead scientist discovers that there are colored-only bathrooms and goes with a sledgehammer to knock down the sign. We want more white Americans to have epiphanies like that.

NEWSOME: Rabbi Ingber.

INGBER: Thank you, Ariel. I think one of the great difficulties is that we and others of like mind will be challenged, especially in this next period, to say, "Choose. Choose. Fighting mass incarceration, fighting for rehabilitative justice or education." You can't have it all. We totally have to reject it in the same way that we had to reject offers of anything to the slaves from the white master or from that [inaudible] The Grey House made the offer.

That is not on the table, and I'm reminded of a beautiful human being – Samuel DeWitt Proctor, the grandchild of slaves, grew up knowing the slave story intimately. He received the GI Bill, coming back from having fought for American freedom, and comes back to a segregated country, is given a certain amount of modest funds to get his education – which, thank God he did – through the GI Bill, had to leave where he was studying and walk two and a half miles to get somebody who would cut a Negro's hair.

What did he say? He said, "The federal government invested x amount of small money every single month for four years. When I was the vice president of Rutgers University, I paid the federal government back that amount of money every day for the rest of my life. Where can you get an investment like that?"

NEWSOME: That's such a great story. Samuel DeWitt Proctor was a mentor, former president of Virginia Union, A&T, and helped to mentor Jesse Jackson. So, in terms of that return on investment, you can start filling in the blanks from there. Dr. Clark.

CLARK: Another challenge is – especially for the SAFE community – are we trying to do reformist measures in terms of prison, like trying to actually have better beds, a bigger TV set, or are we trying to imagine a world without prisons? I think we have to be clear. From a standpoint of Christian faith, most Christians say the Lord's prayer, "on Earth as it is in Heaven." If Heaven doesn't have any prisons, we ought to try to at least imagine a world without prisons.

But, a lot of our activity is about trying to do reforms within the prisons. We don't think outside of that. I don't think those are mutually exclusive goals; we can do both, but I think we ought to actually have a vision that's bigger than the actual act in terms of that.

NEWSOME: I have to speak very quickly. My mind goes very quickly to Romans 12:2. "Be ye not conformed to this world, but be ye transformed by the renewal of your mind so that you may prove that which is good, acceptable and perfect" – the will of God. Yes, Christians should have this lofty, higher sense of calling with the confidence that they have been empowered to make it happen.

On the practical scale, reform only makes a worse problem worse, and we've got to keep that in mind. The prison industry is so structured right now that you have so many people making so much money off of the industry that just tinkering with it only allows more opportunity to find more ways to make money off of it. The people who make the clothing, the people who make the

shoes, the people who make the plates that the people eat on, the people who provide the food – there's so many people with their hands in the bucket on this one right now that we've got to push the higher goal. That's my quick response.

R. BURNETT: I am happy to see in the preparation that Columbia University has divested from – now known as CoreCivic, formerly CCA. They made the divestment, and we know from the experience of anti-apartheid action in the late '80s and early '90s that it does make a difference. In this diocese, the Episcopal Church has had a heroic story and a less-than-heroic story with regard to courage around divestment. I hope that if we have in any way associated with that kind of investment in this diocese, I hope we'll attend to it right fast, and I'll take that issue to our social justice policy committee.

NEWSOME: Brother Samuel wants to say something, and then we're going to go to that second question about challenges to repeal the vision.

SAMUEL: This is Samuel Abu Baki. To the reform piece – you said it's all or nothing. Fair. Reforms do not work, because I was sitting here thinking: When I went in '63, I was working on the farm. When I went in '73, I was going outside to university. When I went back in '83, I was working in a clothing factory. So, the industry has changed over time, and when I went once, it was dormitory-style where everybody slept in the same room. When I went back in '73, it was single beds. You had television; you had outside college. When I went back in '83, people got their master's degree behind bars.

So, this reform piece does not work, because it just keeps perpetuating this idea that when we did something, [inaudible] that was in there. That was one of the impressions from the Ohio penal institution down in Lucasville. There was a lawyer who came out of the penal thing. But, look at it in 2017. It's horrendous compared to just 20 years ago. There's intentional injustice, and until you have all or nothing, then I don't think reform is the idea.

CLARK: The reason why I bring this up is that many people – especially young people – got introduced into the whole prison movement through looking at celebrity political prisoners like Mumia and Assata, that kind of thing. And then, people started to actually look at prisoners and say, "Well, how can I humanize your life? How can I make it better?" Those were reform cultures, and to the people in the prisons, that meant a lot to them. But, we've got to think of it structurally, because even if you release one political prisoner, you still have this corrupt system.

NEWSOME: We've got to free the system from itself. Let me go to the next question. What challenges to the repeal do you envisage – from what sources? We want to take just a quick response and then go to our third question. What challenges? Dr. Darwish?

DARWISH: Almost to recap – we talked about closing the ways in which people have been enslaved in the first place. This is part of Prophet Muhammad's model of ending slavery within the Arab society, closing all the doors in which people have been enslaved. I feel like that is the biggest piece. The second piece is creating avenues for people who are enslaved to leave that system, and the third piece is after they are freed, how to re-humanize them. I feel like it's a multi-pronged approach, but I still feel like fundamentally, the first thing is to close the ways in which people become enslaved in the first place.

NEWSOME: That was very helpful – your response fits our third question almost to a 'T'. Identify the major solutions for ending mass over-incarceration profiteering. I like that response. Maybe we'll

save another 30 seconds or so. Is there another response to that third question? Then, we'll go back to what challenges to repeal do you envisage? Identify major solutions for ending mass over-incarceration. Judge, do you have any thoughts on that?

JUDGE BURNETT: Absolutely. I think it's a part of the civil rights movement. The African-American, Hispanic American, Native American must unite and get people to vote, and vote in legislators both in the state government and in Congress who will accept our philosophy and our religious approach to this problem. The main thing is that we've got to protect ourselves against rollback of voting rights as well as civil rights, and the minority groups of America should all unite and not just – as Jesse Jackson says – “swim in separate streams.” We need to work together.

NEWSOME: I agree with you so much. Now, this is the question: What challenges to repeal do you envisage, and from what sources? This now brings us face to face with the opposition. What challenges to repeal do you envisage?

RONALD: Ron Stubblefield here with a thought. One thing to keep in mind that is that a lot of people talk about reform and repeal. They always think about the private prison side, but you have to think about the states. For example, the state of Colorado used its public prison population to establish tilapia problems that brought \$57 million in revenue to the state. Second, the reason why a lot of public benefit employees' unions are actually supporting mass incarceration is because major states like California, who are facing budget crises, are using prison labor – enslaved labor – to fill in budget holes in certain workmen's projects.

So, I mention that to say many states in this country are financially strapped and are envisioning using their prison population to be free labor on behalf of state needs. So, one of the things when you talk about trying to make repeal happen is you may get pushback from certain states for that particular reason, because it takes away a potential source of free labor supply for them.

NEWSOME: Thank you very much, Mr. Stubblefield. Ariel Miller, did you have a comment on that one?

MILLER: I'm interested in Mr. Stubblefield's point about the states because the states would have to ratify a Constitutional amendment. Can we change laws state by state so that mass incarceration is impossible in each state, one by one? Can we do it from the other direction without tackling a Constitutional amendment?

NEWSOME: Can anybody respond to that one? I'm not equipped.

JUDGE BURNETT: Of course, we can amend the state constitutions one by one, but that's 50 different states. If you do it in the federal government, it's a matter of constitutional override like the due process and equal protection doctrine. You can get it done for the nation. That's why I emphasize voting both in state legislatures – because the state legislatures, in fact, may be the ones that are acting on a proposed amendment. Instead of relying on state labor, they may very well rely on people working, making payments, and paying taxes that are in place of state labor. I think we have to challenge it on both levels.

NEWSOME: Thank you, Judge. Dr. Bates-Mims.

BATES-MIMS: In Ohio, there's a movement by the Ohio Legislative Black Caucus to remove “unless as a punishment for crime” language from the Ohio constitution. There is a book, “Prison Slavery” by

Esposito and Wood, which I have been studying for several years now, on prison slavery; it gives the list of those states that have expunged the prison clause from their constitutions. There are about 24 states where that 'exception' language remains. Ohio is one of them.

R. BURNETT: We have come to our noon hour, and before we say thanks to our hosts, I want to acknowledge the fact that we are gathered, not only symbolically and metaphorically, but deeply rooted in a place that retells a story. It's a story of tears and it's a story of great cheers. It's a story of pain and it's a story of promise. We know that your term as executive director is coming soon, but we want to thank you for your excellent leadership in the city and the nation, Dr. Newsome, for raising the bar on this museum and on this Freedom Center.

But, I want to say every one of us is here because somebody has shown us what it's like to work hard, care, and hang in there for another person. Every one of us has someone or a community that has reminded us of that. I want to say as easy as it would be for us to hold the Constitution in one hand, as I am doing right now, and throw it in the air, saying, "Let's just get rid of this phrase" – which should be gotten rid of – but I think that we also ought to remember that it didn't come about out of nothing.

A document that Dr. Bates-Mims gave me just a moment ago shows that on March 31, 1864, the Senate first debated this amendment, and then on April 4<sup>th</sup>, April 5<sup>th</sup>, April 6<sup>th</sup>, April 7<sup>th</sup>, April 8<sup>th</sup> – you think the Senate's inefficient today? They just kept at it over and over and over again. In the spirit of William Wilberforce of the British Parliament, they would not give up. They kept at it. Finally, on April 8<sup>th</sup>, 1864, the amendment was passed, and then it went to the House of Representatives. But then, on two days – June 14<sup>th</sup> and 15<sup>th</sup> of the same year, 1864 – it was debated and initially defeated by the House of Representatives.

This is not a slam dunk. This is not a "but of course." This is a long, stony road that was trod. Finally, on December 6<sup>th</sup>, 1864, Abraham Lincoln's expression of this in his speech, the *Congressional Globe* writes, "At the last session of Congress, a proposed amendment to the Constitution abolishing slavery throughout the United States passed the Senate but failed in the requisite two-thirds vote in the House of Representatives."

And then, it goes on through another series of debates, and finally, it was ratified in the winter of 1865. So, the amendment has – in many ways, it is the flagship of progress in American society, and yet, this [*except as punishment for crime*] phrase is regressive. So, our work is to stand on the shoulders of giants, if you will, and move forward to find a greater justice in our own day.

NEWSOME: Thank you very much, Reverend Burnett. I am so pleased to have served with you, and with all of my families, thank you for this rich conversation, and we will go on. Thank you all who were on the phone as well. Thank you, Dr. Bates-Mims.

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BATES-MIMS: NOTE

Here I have inserted a written presentation, appearing below, into the Roundtable record—powerfully moving words and views by General J. Parker, a longtime Trade Union member. Submitted on 17 March 2017; and received after the ending of the Roundtable. Owing to illness, Mr. Parker was absent from the online conversation. His name appears now among the list of Scholars under Topic III: Reforming Justice. "Labor's Involvement with Mass Incarceration." –M. Bates-Mims

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GENERAL L. PARKER: Good Morning Mr. Moderator, Fellow Panelists, and Distinguished Guests. It truly is an honor to speak before you today especially on an issue so near and dear to me. For that I want to thank Hon. Judge Arthur Burnett and Dr. Merelyn Bates-Mims for making this



opportunity possible. How can I compact a system 400 years in the making into 600 seconds--- but here goes.

In understanding slavery, mass incarceration and the 13th Amendment, we must first realize that each are only tools. They are a means to an end and that in is white supremacy which was once called colonization. Basically money. You can in any one of these and the elite will find another way to secure cheap labor and continue the system . Michelle Alexander spoke about this in her book. In fact they are positioning themselves right now just in case in the mass incarceration is successful. They are starting to take over the electronic monitoring and are lobbying for laws, with the help of ALEC, to incarcerate 4 people mostly black, for just that! Being poor. Not able to pay a fine.

Debtors prison, just like slavery, was supposed to be outlawed in this country and just like slavery it's called by another name. They are also involved with detaining illegal immigrant detainees. The Washington Post reported that some ice detainees claim to have been forced to perform Free Labor. Maybe the true reason behind president Trump building up such a fervor against Mexican and Muslim immigrants during his campaign. Again the driving force behind all these programs are grieved if we no longer made it profitable for corporations to benefit for free labor, all the prisoners would be kicked out faster than an abuse victim in a domestic violence shelter whose money has run out.

An October 10th, 2014 Atlanta Black Star article names these 13 mainstream's corporations as a top corporations, besides the private prisons, that benefit from prison labor. They are: Whole Foods; McDonald's; Wendy's; Walmart; Starbucks; Sprint; Verizon; Victoria's Secret; Fidelity Investments; J.C. Penny; K-Mart; American Airlines; Avis.

This list is in no way exhaustive, just the top mainstream corporations. So many of us unwittingly support prison labor just by patronizing these businesses, the subsidiaries and other businesses benefit from prison labor and not even know it. If we were to boycott just D13 corporations, it would affect the bottom line very adversely and thus change their practice of using prison labor.

In regards to organized labor, union jobs are being stolen and replaced if you will, with this cheap prison labor. This is really a back door to to get away with paying people less than minimum wage. The work these prisoners perform has stolen jobs on union workers belonging to the United Food and Commercial Workers, the CWA which are the Communication Workers, SEIU, Laborers, Garment Workers, etc. (Who sometimes have to replace imported clothing with Made In USA stickers.

They have replaced trained and certified workers and their benefits who make anywhere between \$12 to \$60 per hour plus benefits with inmates who make \$0.90 to \$4 a day. The 13th Amendment outlawed slavery and involuntary servitude except for punishment of a crime for which they have been duly convicted. I still haven't read where it empowers our government to pay people below the minimum wage. No, I'm not an attorney although I have won several cases *pro se*, but this is another angle that I believe should be challenged on its Constitutionality.

Governors sign contracts agreeing to keep the private prisons filled to at least 90% capacity when studies have shown that the private prisons cost States just as much to house inmates and sometimes more in some places. But Core Civic (formerly CCA) and GEO could care less about savings to the states. Their only interest is the corporation's bottom line at the end of every quarter. Whenever Dividends are the incentives for incarceration, conviction due to guilt or a fair trial, should always be questioned. We aren't positive that they are truly guilty; or whether it represents more profit to stock holders.

The State of Louisiana is the Prison Capitol of the world. Their for-profit, private prisons have 3x the incarceration rate as Iran and 7x the incarceration rate as China. Two of the most

oppressive regimes that violate human rights daily. These two countries, Iran and China, are the most populated country in the world; yet, the State of Louisiana's incarceration rate is 7 times higher. I guess there must not be financial incentive there. (End of sarcasm).

After passage of the MS [Emancipation] Proclamation; the 13th Amendment and the 15th Amendment, labor unions started organizing workers after the Civil War to exclude newly freed black men who they felt threatened their jobs. In 1869 the Knights of Labor was founded and became an important Force for organizing diversity and civil rights. After separating in 1937 the AFL-CIO came together again in 1955, the AFL-CIO became a force for the Civil Rights Movement.

Until 1964, White Supremacy had always managed to keep some covert plan, some legal tool they needed to continue their system of oppression and cheap labor. When the movement to end slavery began picking up steam, framers began crafting language to insert into the new law to in fact keep slavery alive on this soil.

Immediately after the supposed end to slavery, laws and ordinances (the Black Codes) began being enacted that basically criminalized being black. Former prisoners of these plantations ended up jail and some were returned to the very plantation they were just freed from for having no money and other minor infractions just to get returned.

Soon after, the Black Codes turned into Jim Crow laws. They were abolished in 1964 by the Civil Right Act. Nixon War on Drugs (War on Blacks actually) in 1972 started the ball rolling again for locking up Black men up for and cheap labor. Before the Civil Rights Act of 1964, 2/3 of the prison population was white non-Hispanic. Intact black families at that same time---around 85%.

Today, both of those situations have been inverted with black children having an 85% chance of being born into a single home and now white non-Hispanic prisoners comprise of one third of the prison population. Bill Moyer and Chris Petrella explains in the study that higher profits for young men of color end up in private prisons while older white gentleman are left in the state/government-run institutions. Annual Cost To House Inmates: 30 yr. old man of Color - 34k; 50 yr. Old white male - 68k.

Printing companies determine their profits by the number of prisoners they have. The more prisoners, behind the stock rating. "This continues to show how long and even contract your stipulations - that are on the surface race-neutral - continue to have a disproportionate and negative impact on communities of color" said Petrella.

There are 2.4 million people in U.S. prisons today as compared to the 375,000 prisoners just 35 years ago. About the time Reagan began his War On Drugs program. Of the roughly two and a half million incarcerated inmates, around 900,000 of them work. A lot the work is for the prison itself or the public sector, but Walmart, AT&T, and Victoria's Secret contract work to prisons also. Prison labor only makes 'cents' per hour. Corporations are estimated to make 'billions' from the output of prison labor.

I could be wrong, however, I do believe that I am the only member on this panel who was and still is affected by mass incarceration. I was convicted in 1984 for an auto theft in Illinois. I was released and finished serving my parole but the stigma, and the punishments are still in effect to this day, 33 years later. I have been denied jobs. I've been denied the opportunity to serve on a jury. It was used as an excuse to prevent me from participating venues in the 1996 Olympics in Atlanta. Intimidated and conspired against six and eight years ago when I tried running for city office and School Board here in Peoria. Even though Illinois has a law that restores all rights and privileges upon completion of sentence, a rogue prosecutor and his judicial co-conspirators, violated Illinois Law and then professional code of conduct to have my name illegally removed from the ballot for the office I sought.

Now you may think like most judgmental people and conclude that, he's crying for nothing because he's got a record and courts have upheld disenfranchisement of felons before. That may be right; however I remind you that Illinois has a law that restores all rights and privileges taken because of eviction upon release comma they wouldn't have violated my fifth and Fourteenth Amendment rights to due process, and *Tully vs Edgar* shows the Appellate Court in the 7th has ruled that "the right to vote is analogous to the right to be voted for."

Also keep in mind one city over, still in the county of Peoria--under the same prosecutor and judges jurisdiction--a white counterpart ran for and held the office of Mayor and served there for eight years before he resigned and came back; and he's still serving today and he had a felony from the Nineteen-Seventies for burning down somebody's building and it was considered a Terrorist Act; and I had an auto theft. But it wasn't a problem for a white formerly convicted person to run the City of Brimfield, IL---but this prosecutor and his co-conspirators refused to allow me, a black formerly convicted person, remain on the ballot. When asked about this disparate treatment, they hid behind judicial and prosecutorial discretion.

It was then I knew what Michelle Alexander meant by saying, "They can now legally discriminate against you once you have that X behind your name for felon."

Although I'm out of prison I'm still serving my sentence. I'm serving the same sentence as someone who committed murder. I repaid my debt to society over 30 years ago...how many more times do I have to pay for the one indiscretion? Shouldn't this be considered Cruel and Unusual Punishment? Nelson Mandela said "Poverty is not an accident. Like slavery and part-time employment, it is man-made and can be removed by the actions of human beings."

The same is true for mass incarceration. We must remain vigilant though, and insure the status quo doesn't slip in a new system to perpetuate the system of mass incarceration; because of their greed and lack of compassion for regular people like you and I. We must stop them from misusing other tools like child support arrearages, traffic tickets, fines or court costs, making bail, etc. or we'll be back 20 - 30 years from now trying to dismantle that system for our grandchildren.

Being a formerly incarcerated person, I was privy to be invited to a conference sponsored by FICPFM - The Formerly Incarcerated and Convicted Persons and Family Movement. It was held in Oakland, CA September 8-11th and organized by its Director, Mr. Dorsey Nunn. He also is the Director of Legal Services for Prisoners with Children (LSPC). He also can seen participating in the documentary "13th" on Netflix. On September 9, 2016, he also informed us of a nationwide prison strike taking place that day, the 45th anniversary of the Attica Prison Riot. Inmates across the country were striking for better treatment and a stop to working for slave wages.

If we were to coordinate with those organizers with the labor unions to strike again while fighting for the right to unionize and be represented in collective bargaining by organized labor, we will be well on the way to dismantling and reversing mass incarceration. Especially if we fight for inmates getting paid minimum wage and also fight to raise minimum wage to \$15 he.

A July 11, 2016 article written by Mike Elk of *The Nation* titled, "The next Step for Labor? People in Prison." He talks about how the Industrial Workers of the World (IWW) called for the national prison strike. He wrote that about 10 years ago. IWW launch Union drives at Starbucks and Jimmy John's when mainstream labor movement sat around wonder why because fast food workers had high turnover rates and supposedly would be impossible to organize; a decade later and now fast food workers and their fight for \$15 an hour minimum wage are the central focus of mainstream labor movement. Now many unions look to them for new organizing strategies.

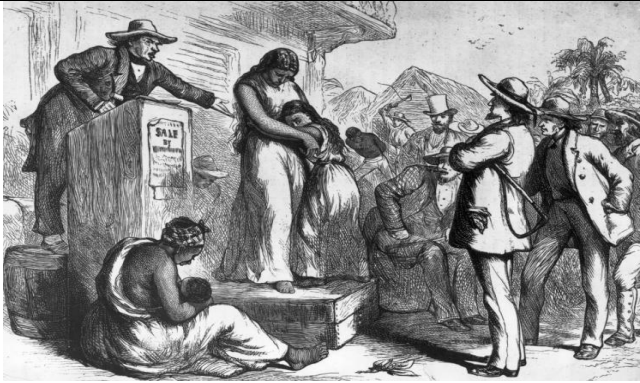
Richard Trumka, president of the AFL-CIO, said "Mass Incarceration has become a big business whose product is low wages and blighted lives and the time has come to do something about it". Just about 3-4 years ago, the AFL-CIO started their own program to educate workers

about mass incarceration in an effort to do something to reverse the over incarceration of people of color called Common Sense Economics. Having been through the training, I feel it falls a little short of what's needed to actually fight mass incarceration. That's why OPJ is needed along with Mr. Trumka and his force. If Labor, Organized Labor doesn't make an aggressive and very radical move soon, there may be no organized labor left. 6% of the total workforce is a far cry from its heyday in the 1950s when it reached it's pinnacle of 35% of the workforce.

A conservative administration seeking National Right To Work laws could also be the death knell of Organized Labor in America. Joining forces, we can be of as much help to labor as labor can be to us. So to answer the three round table discussion questions, my recommendations are as follows:

1. How would you rewrite the 13th Amendment:  
"Section 1. Neither slavery nor involuntary servitude, shall exist within the United States, or any place subject to their jurisdiction nor shall anyone within America's jurisdiction be paid less than minimum wage for work performed."
2. What are some of the challenges to repeal the Exception Clause? -.  
(A) Achieving/Securing the requisite number of Congressional members to hold a Constitutional Convention.  
(B) Organizing the required number of state legislators to ratify an amendment to the Constitution.  
(C) Money - Self explanatory. They have too much and we have too little.  
(D) Safety - What we seek is an even distribution of wealth. When it's all over and done. This talk alone has been rumored to have been the reason for the assassination of Dr. King and others. Do not underestimate the lengths the status quo will go to keep this system in place.
3. What solutions would you recommend for ending mass over incarceration and prison slavery profiteering?  
(A) I recommend forming an alliance with labor - IWW, AFL-CIO & CBTU.  
(B) Join the Fight for \$15 to raise minimum wage.  
(C) Organize inmates by partnering with International World of Workers (IWW), Formerly Incarcerated and convicted persons and family movement, just leadership, Pastor Kenneth Glasgow, and LSPC.  
(D) Lobby state to restore *all* rights of former inmates, upon completion of sentence or no later than five years upon completion of sentence.  
(E) Educate the public on European jails that have closed down because they concentrated more on Rehabilitation than Punishment.  
(F) Work to improve education for public schools and the demand that legal counsel be present before any SRO questions students or are they are being detained or arrested. Remove zero tolerance rules and fight to stem the flow of the School-to-Prison Pipeline.  
(G) Reach out to the Correctional Officers Union, AFSCME and P.E.R.B (Public Employee Relation).

Next Steps? I recommend fundraisers right away. We need to make a lot of money between now and our targeted date for final passage. We need to appoint someone almost right away. We have wasted two years now. Recruit a champion. My recommendations would be John Legend and Eric Holder. We started here because of Labor. Free labor. We can't be successful without labor. Organized Labor. Thank you very much for your time. **(END OF PARKER INSERTION)**



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### **The Organization on Procedural Justice (OPJ) – Roundtable Working Committee**

Chair, Merelyn B. Bates-Mims, PhD  
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Ernest Thompson, MS  
Charles O. Dillard, MD; Brig. Gen. Ret.  
Clark Handy, Thunderbird School of Global Management  
The Rev. Deniray Mueller, Deacon



### **The National Underground Railroad and Freedom Center - Around the Table**

*Left to right.* Amina Darwish, PhD; Charles O. Dillard, MD; Rabbi Abie Ingber; Moderator Rev. Richard Burnett; Moderator Clarence Newsome, PhD; John H. Grate, MEd; Samuel Abu Baki, Assoc. Degree (*back to camera*). *Not showing:* Adam Clark, PhD, Associate Professor; The Rev. Canon Manoj Zacharia, Co-Chair; Ariel Miller, Committee Member. *Online Speakers:* Ronald E. Stubblefield, MS. Law Student NYU School of Law; The Hon. Arthur Burnett, Judge Ret.; *Paper* by Alvaro Hasani, JD. Author; *Paper* by General L. Parker, Trade Unionist. *Standing:* Merelyn Bates-Mims, PhD, Facilitator. -17 March 2017

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**Constitution of United States of America 1789 (rev. 1992)**  
**A Resolution to be sent to the House and Senate**

**115<sup>th</sup> Congress**

**S.J. Res. NUMBER \_\_\_\_\_**

A bill to rescind and nullify the effect of the 13th Amendment's punishment phrase authorizing legal slavery in Section 1, Amendment XIII.

**SECTION 1. Rescission.**

Neither slavery of any form nor involuntary servitude, ~~except as a punishment for crime whereof the party shall have been duly convicted,~~ shall exist within the United States, or any place subject to their jurisdiction.

**SECTION 2.**

**No State shall make or enforce any law which shall abridge the privileges and immunities of Section 1 Rescission.**