



Resolution Supporting the Abolition of Prisons

We define the term “prison” to mean any institution where people are held against their will through coercion, force, or threat of force, including but not limited to: prisons; jails; police lock-ups; juvenile detention facilities; immigration detention facilities; and hospitals or nursing homes where people are held against their will for civil commitment, psychiatric treatment, or quarantine.

WHEREAS, the United States has the world’s largest prison population, with more than 2.2 million people currently incarcerated in the United States, composing fully one quarter of all prisoners on Earth; and in 2014, nearly 7 million people were under “correctional control”, the sorts of criminal legal system surveillance that include probation, parole, supervision, electronic monitoring and other increasingly common forms of “community” monitoring, including that conducted by private companies contracting with governments; and

WHEREAS, the United States spends an estimated \$80 billion on incarceration per a year, more than six times what the U.S. spends on education; states spend an average of 3 to 6 times more incarcerating an adult than they spend educating a young person; fewer than 20% of incarcerated people have a high school diploma; money dedicated to funding incarceration is money that could be spent on prevention and support of opportunities for those currently trapped in the criminal legal system; and

WHEREAS, prisons are used to criminalize and repress dissent and movements for liberation; many NLG members have been or currently are in prison for the expression of their political beliefs; the Guild has long supported many political prisoners such as Puerto Rican independence fighters (see *Puerto Rico resolutions 2009, 2010, 2011, 2012, and 2014*), the Cuban 5 (see *Cuban 5 resolutions, 2007, 2014*), Palestinian prisoners (see *resolutions to support Palestinian prisoners, 2007, 2011*), Black Panther Party and Black Liberation Army veterans, Leonard Peltier of the American Indian Movement, and current NLG Jailhouse Lawyer Vice-President Mumia Abu-Jamal; establishment of the NLG Political Prisoner Support Committee was approved in August 2015; and

WHEREAS, prisons further racism and classism, and people of color make up approximately 70% of the prisoners despite composing only 22% of the national population; Black women are the fastest growing group of prisoners, and Native American prisoners are the largest group per capita; prisoners are often subject to non-consensual eugenics practices and other medical experimentation; prisons punish poverty and crimes of survival, making individuals suffer for social conditions such as poverty, homelessness, and lack of access to mental healthcare and other resources; the proliferation of “quality of life offenses” associated with existence in public spaces disproportionately criminalizes homeless, precariously housed, and low-income people and transgender people of color; and

WHEREAS, prisons hurt workers; those who have been imprisoned are by law exempt from the Constitutional prohibition on human slavery; incarcerated members of our community are forced to work without pay and without the option to quit; prisoners create many of the country's most profitable consumer goods and do some of the most dangerous and physically demanding labor including fighting wildfires (in California) and being forced to do agricultural work on plantations (in Louisiana); incarceration is used to disrupt labor organizing and intimidate workers; companies use prison labor in order to avoid complying with labor and employment laws; construction of new prisons is been used to

distract from the impact of post-industrialization in impoverished rural places; prison guard unions receive special treatment by the state to the detriment of other workers and building a mass workers movement; and

Whereas, prisons are designed to maintain economic and racial inequality, legitimize capitalism, and feed corporate wealth; prisons are the state's primary tool for punishing the very people targeted by inequality developed and actively maintained by state and federal policy; blaming individuals for the conditions inflicted upon them by social policy denies appropriate social responsibility and enables both policy and popular rhetoric falsely claiming the existence of equal opportunity for success in the United States; prisons exploit inequality for profit and transfer resources from public use to private entities, including generating hundreds of millions of dollars per year to just two of the largest private prison companies; and

WHEREAS, prisons further ableism; people living with disabilities are more likely to be incarcerated than people without disabilities, and incarceration creates additional disabilities; people with disabilities are further punished while in prison and receive inadequate treatment; state prisoners report mental health conditions at five times the rate of the general adult population: 56.2% versus 11%; across the country, and 40% of individuals with a severe mental illness will spend time in jail, prison, or community corrections at some point; currently, 32 states and 2 territories explicitly criminalize even unintentional HIV exposure, perpetuating the stigma that people living with HIV are toxic and dangerous; and

WHEREAS, prisons further sexism, transphobia, and homophobia and women and LCBTQ-GNC people face unique forms of criminalization, are imprisoned disproportionately, and face undue harm once incarcerated; nearly 50% of Black transgender respondents reported some incarceration; women face criminalization and other punishment for drinking or using drugs while pregnant and for defending themselves against abusive partners; transgender women of color forced to fight back against transphobic violence are routinely punished in lieu of their attackers; women prisoners have experienced forced sterilization; prisons prohibit even consensual relationships between prisoners, using denial of sexuality as an additional element of punishment while permitting high rates of non-consensual sexual violence; transgender people in particular face extraordinarily high rates of violence while incarcerated, punishment for refusal to comply with gender norms, and denial of gender-affirming healthcare; and

WHEREAS, prisons further ageism and criminalize normal youthful behavior; the school-to-prison pipeline includes "zero tolerance" discipline policies, harsh suspensions and expulsions, and court involvement that pushes young people—especially youth of color and youth with disabilities—out of classrooms and into the juvenile and criminal justice systems; this pipeline reflects the prioritization of incarceration over education, decreases long-term access to employment, and increases the likelihood of later criminal legal system involvement; and

WHEREAS, prisons further marginalization of those with non-Christian religions; "anti-terrorism" legislation has been used to unfairly target, surveil, criminalize, and imprison non-Christians and particularly Muslims; many Muslim prisoners are subjected to solitary confinement for extended periods without explanation or justification; the operation of the Guantanamo Bay facility is in violation of international criminal law and has been the site of the extended imprisonment and cruel torture of non-Christian prisoners of the state; non-Christian defendants are less likely to receive fair trials, civilian jurisdiction, or shorter sentences than their Christian counterparts; and

WHEREAS, prisons have not stopped violence such as rape, war, child abuse, intimate partner abuse, murder, bombings, torture, and other atrocities; in fact, prisons sometimes worsen such violence by further traumatizing prisoners, disrupting their relationships with families and communities, and decreasing prisoners' ability to function socially; prisons do not support survivors or their agency and instead legitimize state violence in the name of victims and survivors; prisons do not make the individual or societal changes necessary for accountability and prevention of further violence; prisons detract from grassroots anti-violence strategies such as community accountability processes, restorative and transformative justice practices, and other survivor-centered efforts; and

WHEREAS, prisons actually cause violence; whether through solitary confinement, strip searches, overcrowding, denial of needed health care, beatings, rape, humiliation, or other tactics, prisons routinely use violence to control and dominate prisoners; prisons are the sites of countless daily human rights violations; the total state control and violence against human beings in prison violates all standards of human decency and, in many cases, international law; violence in prisons is not equally distributed and disproportionately affects youth, LGBTQ-GNC prisoners, and those with mental illness; transgender prisoners, for example, are sexually abused at nearly 10x the rate of prisoners in general: 39% versus 4%; and

WHEREAS, prison abolition is a strategy developed by radical (cis and trans) Black women, current and former prisoners, and trans and queer people of color; abolition is a demand of Ferguson Action and many other organizations; for example, Critical Resistance, INCITE! Women of Color Against Violence, Black and Pink, Justice Now, the Audre Lorde Project, the Sylvia Rivera Law Project, Philly Stands Up, Transformative Justice Law Project of Illinois, Communities United Against Violence, Transgender Gender Variant Intersex Justice Project, and California Coalition for Women Prisoners have all supported prison abolition and used prison abolitionist strategies in their work.

THEREFORE BE IT RESOLVED that the National Lawyers Guild at its 2015 Law for the People Convention calls for the dismantling and abolition of all prisons, and of all aspects of systems and institutions that support, condone, create, fill, or protect prisons. The NLG commits itself to supporting grassroots organizing efforts, policy initiatives, and litigation that promotes or moves toward abolition, including: the rights and organizing of prisoners, the defunding and closure of prisons and redirection of prison and policing budgets into social and human services as well as re-entry support; legalization of drug use and sex work; release of prisoners serving life without parole and other inhumane sentences, decreased use of solitary confinement, and efforts to prevent construction of new prisons.

Implementation

This resolution is to be implemented by the committees and individuals listed in support below, and in coordination with the NLG National Office. The individuals listed below will contact and coordinate with committees, chapters, and other NLG entities to assist them in educating their members and the public about this issue.

The National Office was consulted and has agreed to assist in implementation. Individuals active in the supporting committees agreed to assist in implementation within their committees and beyond.

Submitted by:

The Anti-Racism Committee of the National Lawyers Guild

The Mass Incarceration Committee of the National Lawyers Guild

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Kelly Lou Densmore, Co-Far West Regional Vice-President of the National Lawyers Guild

Heidi Ann Cerneka, Member, Loyola University Chicago School of Law NLG Chapter

Maggie Ellinger-Locke, Member at Large, National Lawyers Guild

Additional Resources:

<http://www.blackandpink.org/wp-content/uploads/Transforming-Carceral-Logic.pdf>

http://www.actionicopa.org/items/155-Coyle_Reasons_for_Penal_Abolition.pdf

<http://www.incite-national.org/page/incite-critical-resistance-statement>