

The Public Secret: Information and Social Knowledge

Sharon Daniel

Abstract

As the number of prisons increases, so does the level of secrecy about what goes on inside them. The secret of the abuses perpetrated by the Criminal Justice System and Prison Industrial Complex can be heard in many stories told by many narrators, but only when they are allowed to speak. After a series of news stories and lawsuits documenting egregious mistreatment of prisoners in 1993, the California Department of Corrections imposed a media ban on all of its facilities. This ongoing ban prohibits journalists from face-to-face interviews, eliminates prisoners rights to confidential correspondence with media representatives, and bars the use of cameras, recording devices, and writing instruments when conducting interviews. For the past three years, I have intentionally circumvented the California Prison media ban, gaining access to the incarcerated women by posing as a legal advocate. I have collaborated with non-profit, human rights organization, *Justice Now*.^[1] Together we have been documenting conversations with women prisoners at the Central California Women's Facility (CCWF) in Chowchilla, CA, the largest female correctional facility in the United States, and publishing their statements online at <http://improbablevoices.net>.^[2] The existence of the Prison Industrial Complex, its pervasive network of monopolies, its human rights abuses, are all extremely well documented yet wholly submerged and repressed. The growth of the prison industrial complex and the unimpeded violation of human rights within it are irrefutable testimony to the power of the *public secret*.^[3]

The Public Secret

Truth is not a matter of exposure which destroys the secret, but a revelation that does justice to it.
Walter Benjamin, *The Origin of German Tragic Drama*^[4]

If secrecy is fascinating, still more so is the public secret into which all secrets secrete ...
Michael Taussig, *Defacement*^[5]

Don't ask, don't tell
Bill Clinton, Public Law 103-160 prohibiting openly gay people from serving in the United States armed forces.

Secrets are the opposite of information. A secret is not open or public. Information is knowledge revealed. Information may be something (a message, a picture), which justifies change in a given construct. Secrets may

be inexplicable, incomprehensible. True, or not, neither secrets nor information necessarily conform to what is real or just.

There are secrets that are kept from the public and then there are "public secrets" – secrets that the public chooses to keep safe from itself, like, "don't ask, don't tell." The injustices of the war on drugs, the criminal justice system, and the Prison Industrial Complex are "public secrets."

The trick to the public secret is in knowing what not to know. This is the most powerful form of social knowledge. Such shared secrets sustain social and political institutions. "[K]nowing what not to know lies at the heart of a vast range of social powers and knowledges intertwined with those powers, such that the clumsy hybrid of power/knowledge comes at last into meaningful focus, it being not that knowledge is power but rather that active not-knowing makes it so."^[6] We fall silent, slip into denial, when faced with massive sociological phenomenon such as racism, poverty, addiction, abuse, torture, or economic and political forces like globalization, privatization, and militarization. We are troubled by our own complicity but we do not speak because we know that "without such shared secrets any and all social institutions – workplace, marketplace, state and family – would founder. [...] Where ever there is power there is secrecy, except it is not only secrecy that lies at the core of power, but public secrecy."^[7]

The growth of the prison industrial complex and the unimpeded violation of human rights within it are irrefutable testimony to the power of the public secret.

The public perception of justice – the figure of its appearance – relies on the public not acknowledging that which is generally known. Stolen elections, illegal wars, and state violence could be described as "unknown knows" – the unstated fourth term of Donald Rumsfeld's "redundant formulations."^[8]

As we know,
There are known knowns.
There are things we know we know.
We also know
There are known unknowns.
That is to say
We know there are some things
We do not know.
But there are also unknown unknowns,
The ones we don't know
We don't know.
Donald Rumsfeld – Feb. 12, 2002, Department of
Defense news briefing

Logically, Rumsfeld failed to mention "unknown knowns" – the ones we know but won't know we know, the public secrets.

What is known

Knowledge is the psychological result of perception, learning and reasoning. Knowledge, subordinated to the logic of capitalism, is commodified, manipulated, and exploited, as information. In an information society, such as is pre-dominant in the contemporary first-world, the creation, distribution and manipulation of information is a significant, if not the most significant, economic activity and politics trades in perception. Politics is located at the intersection of information and interpretation.

"Perception management" is a term originated by the U. S. military. The U.S. Department of Defense (DOD) gives this definition:

Perception management – Actions to convey and/or deny selected information and indicators to foreign audiences to influence their emotions, motives, and objective reasoning as well as to intelligence systems and leaders at all levels to influence official estimates, ultimately resulting in foreign behaviors and official actions favorable to the originator's objectives. In various ways, perception management combines truth projection, operations security, cover and deception, and psychological operations.[9]

Perception management is prevalent in the realm of domestic politics as well.

Ronald Reagan destroyed public perception of the program previously known as *Aid to Families with Dependent Children* with the tainted image of the "welfare queen."

Don Novey, president of the California Correctional Peace Officers Association (the prison guards union), exploited the public's horror at the abduction of young Polly Klaas from her white, middle class suburban home to produce the political hysteria and paranoia behind California's "three strikes and you're out" legislation. "Three strikes" mandates a sentence of 25 years to life
communitydomain.daniel.publicsecret.02

for any third felony conviction, not only kidnapping and murder, but crimes as minor as growing a marijuana plant or shoplifting a pair of boxer shorts.

As the United States continues to send terror suspects to be interrogated in countries known to practice torture, George W. Bush refuses to repatriate Guantánamo detainees (who he has unceremoniously stripped of their civil and human rights, tortured and abused) until he can be certain they will be "treated humanely in their home countries." [10]

There have been 41 suicide attempts by 25 detainees since the Guantánamo facility opened in 2002. Tragically, on June 10, 2006, three prisoners succeeded. They hanged themselves in their cells with nooses made of sheets and clothing. In late 2003, military officials at Guantánamo began to re-classify many of the suicide attempts as "manipulative, self-injurious behavior." Military officials have suggested that the three suicides were a form of a coordinated protest. "They are smart, they are creative, they are committed." Rear Adm. Harry B. Harris, Jr., the commander of the detention camp at Guantánamo, told reporters "They have no regard for life, neither ours nor their own. I believe this was not an act of desperation, but an act of asymmetrical warfare waged against us." [11]

Perception Management – there is a secret to it; if you can tell an outrageous lie without flinching (you must keep a straight face, and be willing to tell it over and over again), it won't be effectively contradicted.

"State power today is no longer founded on the monopoly of the legitimate use of violence – a monopoly that states share increasingly willingly with other non-sovereign organizations," [12] for example, multi-national corporations. State power is founded above all on the control of appearance and on terror.

The public secret is a reconfiguration of repression, an aporia,

... a state of doubleness of social being in which one moves in bursts between somehow accepting the situation as normal only to be thrown into a panic or shocked into disorientation by an event, a rumor, a sight, something said or not said – something that even while it requires the normal in order to make its impact, destroys it. You find this with the terrible poverty in a Third World society and now in the centers of US cities too, such as Manhattan; [and San Jose] people like you and me close their eyes to it, in a manner of speaking, but suddenly an unanticipated event occurs, perhaps a dramatic or poignant or ugly one, and the normality of the abnormal is shown for what it is. Then it passes away, terror as usual, in a staggering of position that lends itself to survival as well as despair.[13]

The public secret is an aporia – an irresolvable internal contradiction – between power and knowledge, between information and denial, between the task of politics "to cause appearance itself to appear"[14] and the goals of an open society, one in which the state is expected to act for the people as guarantor of human and civil rights.

The Public

Any interpretation of the political meaning of the term people ought to start from the peculiar fact that in modern European languages this term always indicated also the poor, the underprivileged and the excluded. The same term names the constitutive political subject as well as the class that is excluded – defacto, if not de jure – from politics... naked life (people) and political existence (People), exclusion and inclusion, zoë and bios.[15]

Where, traditionally, we have understood the political subject through the figure of the citizen of a sovereign nation-state, in our world at this moment the figure of the citizen is eclipsed by that of the consumer – the most powerful minority in a world population dominated by other figures,

the refugee
the homeless
the hiv positive
the addict
the squatter
the internally displaced
the impoverished
the queer
the black
the prisoner
the other

These figures – regarded as marginal – have become, as Giorgio Agamben says, "the decisive factor of the modern nation-state by breaking the nexus between human being and citizen." [16]

That there is no autonomous space in the political order of the nation-state for something like the pure human in itself is evident at the very least from the fact that, even in the best of cases, the status of refugee has always been considered a temporary condition that ought to lead either to naturalization or to repatriation. A stable statute for the human in itself is inconceivable in the law of the nation-state.[17]

The term "Nation-state" is derived from *nascita* – meaning "nativity" or birth. The trinity of nation–state–territory is founded on the principle of nativity or birth as pre-requisite for citizenship and justification of sovereignty. The

refugee, the undocumented worker, the immigrant, the racial other, the impoverished and now the prisoner, all of the small "p" people who are oppressed and excluded, produce a fundamental "bio-political fracture" - they fall outside the circle of *nascita* – and thus bring the original fiction of sovereignty into crisis.[18] Like the "final solution," the prison industrial complex (successor to the institution of slavery) attempts to resolve this crisis by disenfranchising, de-nationalizing, de-subjectifying, enslaving and essentially 'disappearing' the unassimilable and unrepresentable other – the secret third world within the first world that exemplifies inclusive exclusion. This excluded other is reduced to what Agamben calls "bare" or "naked" life.

In Agamben's analysis, the state can only assert its power and affirm itself by separating "naked life" or biological life from its "forms-of-life" or social and political agency – reducing the subject to a biological entity – a bare life preserved only as an expression of sovereign power. The prisoner is the quintessential example of "naked life." The prisoner is de-subjectified – in every sense of the word 'subject' – political, psychological, and philosophical. She is denied agency, stripped of her individuality, subjected to cruel and inhumane treatment, and quite literally objectified.

A prisoner's body becomes the property of the state. In California, a prisoner who attempts suicide unsuccessfully can actually be charged with destruction of state property. The prisoner's body is kept alive to represent state power – to both absorb and reflect state violence – proving that the state has the power to force the prisoner to live under any conditions.

Homo Sacre

When their rights are no longer the rights of the citizen, that is when human beings are truly sacred, in the sense that this term used to have in the Roman law of the archaic period; doomed to death.

Giorgio Agamben, *Means Without End: Notes on Politics*

Josephine Moore, CCWF has been in prison on a sentence of 15-to-life since 1977:

My family and children have gone on about their lives. I don't blame them after three decades – but I still cannot conceive of my life, of living, without the possibility of parole – I never thought I would be in prison this long – I took a plea bargain and the judge said I would be out in seven years... part of it is my own fault – I've learned everything negative, using drugs, everything, in prison – everything... but then again, I've been clean and straight since 1991 – 15 years – and I've been found suitable [for parole] twice [by the parole board] – but in 2003 [Governor] Davis said "no" and in 2004 Arnold [Governor Schwarzenegger] said "no" – I don't know

what they want from me – its like, I give up, I don't know what they want... people doing life have nothing... its like they put us in an empty room and say here, sit, forever, with nothing... I am tired, I am so tired.

A prisoner, regardless of the severity of their sentence, no matter how minor their legal infraction, is reduced from political life to biological life. The prisoner is kept alive, but barely, as naked life – a status that is tautologous with the deprivation of their human rights. Prisoners are thus ideologically acceptable victims of mal-treatment, neglect and abuse.

Information about the torture and abuse of prisoners at Guantánamo Bay and other US "detention centers" for enemy combatants has been well documented and widely disseminated. Detainees at Guantánamo have no rights, no recourse. They know, we all know, that they can be detained there, indefinitely, forever – for whatever reason, or for no reason at all – all at the will or whim of the state. This is a most extreme example of bare-life rendered ideologically appropriate as "terror" and a blatant example of state violence. Only 10 of the roughly 465 men held at Guantánamo since 2002 have been charged before military tribunals, and recently released documents indicate that many have never been accused even in administrative proceedings of belonging to Al Qaeda or attacking the United States. It is no wonder that over one eight-day period in August 2003, 23 detainees tried to hang or strangle themselves, including 10 on a single day. Hunger strikers have been force fed in restraint chairs.[19] As many detainees repeatedly attempt to take their own lives – medical personnel rush in to revive them – the state has the power to force the prisoner to live under any conditions.

Biomedical subjects

When universal access to adequate health care does not exist outside prisons – medical malpractice and neglect are easily justified inside them. An investigation of the California Department of Corrections in 2005 determined that the prison medical service was killing an average of one inmate a week through malpractice or neglect. The federal judge who, last summer, ordered the system into receivership was so shocked by testimony that he characterized the attitude and behavior of medical staff toward prisoners as "at times outright depravity." [20]

Prison Doctors and medical staff regularly mis-treat or ignore prisoners' medical needs because they choose not to believe prisoners' accounts of their own symptoms. Doctors and staff consistently characterize prisoners as "drug-seeking," [21] "malingering," or simply not worthy of attention. In many cases a minor condition, which goes untreated escalates into a tragic loss. Medical malpractice and malfeasance can result in the defacto conversion of a prison sentence to a sentence of death.

At least one Doctor in the CDC system is currently under investigation for performing unnecessary surgery on a number of women prisoners over a period of several years. Genea Scott was a victim of one such unnecessary procedure (removal of a lymph gland) and suffered complications. She is a type 1 diabetic. Diabetes is a serious, degenerative disease that can affect every organ in the body. A diabetic must keep her blood sugar in balance to avoid or delay the onset of severe complications such as kidney failure, heart disease, blindness, nerve damage, and loss of circulation. The balance of blood sugar can only be controlled by measured and timely use of insulin in relation to a strictly controlled diet. In California, diabetics in prison are not offered a diabetic diet and insulin doses are frequently delayed or withheld. Diabetic prisoners are not allowed to handle needles to inject themselves so they must wait for medical staff. There are approximately 100 insulin dependent diabetics at CCWF.

Genea's prison job, cutting cloth strips that are sewn into American Flags, requires her to stand in place all day on a concrete floor. A diabetic's circulatory system deteriorates when the blood sugar spikes and drops leaving the extremities vulnerable to sores, injury and infection. Genea's blood sugar level is extremely volatile given the prison diet and lack of control over her own insulin doses. She has developed sores on her feet, diabetic ulcers, and has been advised by medical staff to purchase special protective and ventilated shoes for diabetics. The \$55.00 price of the shoes (which must be ordered through the prison industries catalogue) is more than three months worth her total salary in the flag factory.

I'm getting calluses and sores standing in the med line so long – an hour and 15 minutes waiting for my insulin – [a guard told me I can go for a day without my insulin and survive, he doesn't know] – by then my sugar would be dropped all the way down and I'd be comatose – I still haven't gotten my special shoes They told me I'd have to buy them myself – I have no money – how the hell am I going to get myself those special shoes... I have a diabetic ulcer on my toe. The same thing F_____ had. So, yes, I'm scared. Right now it's getting to the point that I don't even tie my shoes up its hurting so bad... They told me I have neuropathy... I don't have enough circulation points in my toes – that's why I have this sore on my toe. I don't want my leg to end up like F_____ 's. I was in the infirmary with her when they did that to her. Yeah, they cut off her toe. It didn't heal. Then they said they would have to cut off her foot. She said "no." Then he talked her into it – he told her they would just take another small part of her foot. And when she woke up they had cut off her leg. They cut off her leg. Then they told her it was her fault...

Bare life is a form of life that is only survival; the prisoner has no agency and the state and its agents are free to ignore their ethical responsibility to her. This freedom is an expression of the power of the state; it can force the prisoner to live under any conditions – the conditions of the state of exception.

The Secret

States of Exception

Walter Benjamin wrote, "The tradition of the oppressed teaches us that the 'state of emergency' in which we live is not the exception but the rule."

The state of exception is the temporary suspension of the rule of law that is revealed instead to constitute the fundamental structure of the legal system itself.

Agamben, Means Without End: Notes on Politics

State violence of every possible variety is enacted within the space of the prison – where anything is possible. Consider, Guantánamo, "rendition," the "Detainee Treatment Act," the "secure boarder initiative," and the permanent "global war on terror" but also consider corruption and exploitation in post-Katrina "reconstruction," as well as emergency measures in the domestic "war on crime" like "three strikes and you're out" sentencing legislation and the California state prison media ban – all are emergency exceptions to the legal protection of human and civil rights, primarily those of people of color.

Although blacks account for only 12 percent of the U.S. population, 44 percent of all prisoners in the United States are black. One in four prisoners in the United States is serving time for a non-violent drug law violation. These are prisoners of war – the US war on drugs – which is essentially a war on race, a war on gender, a war against the socio-economic "other."

The state of exception has become a permanent arrangement through which the state can insure its pure nativity and sovereignty. This addresses so-called "problems" of immigration and so-called "problems" of race and class – "problems" that have to do with inside and outside, identification and transgression. "It is in jurisdiction – the doctrine governing who has power to decide

what and where – that the public/private distinction finds its natural home." [22] This is the line that includes by excluding. "A state is a sovereign. This means that it is defined by a public / private line at its border, which is principally territorial, such that what happens within is private, meaning that it is the exclusive domain of the patriarchal order called government." [23] One of the most common mistakes "is the tacit confusion of ethical categories and juridical categories. [...] As jurists well know, law is not directed toward the establishment of justice. Nor is it directed toward the verification of truth. Law is solely directed toward judgment, independent of truth and justice." [24]

In the US, there is little or no difference between the prison and the camp – violence and right – the arbitrary enforcement of the state of exception is the only rule.

"Because of the persistent power of racism, 'criminals' are, in the collective imagination, fantasized as people of color." [25] In poor communities of color, prison sentences – especially for young people – are an inevitable fact of life. For poor persons of color, the violation of their human rights – to economic security, personal safety, education, housing, privacy, adequate medical care – leads to crimes of poverty, frequent engagement with regimes of enforcement, and subsequent high rates of incarceration.

Prisons in the United States are monuments to the criminalization of poverty, and human repositories where the public secrets of economic and political power are kept safe.

The "prison industrial complex," like its namesake – the military industrial complex – is collaboration between the state and multi-national corporations, the corporate-state. While the military industrial complex promotes imperialist aggression for the purpose of financial gain, the prison industrial complex is designed to profit from the incarceration of marginalized communities on a massive scale, and to enforce their continual political disenfranchisement by law – thus assuming the role historically played by the institution of slavery.

Although blacks account for only 12 percent of the U.S. population, 44 percent of all prisoners in the United States are black. One in four prisoners in the United States is serving time for a non-violent drug law violation. These are prisoners of war – the US war on drugs – which is essentially a war on race, a war on gender, a war against the socio-economic "other." "This is the ideological work that prison performs – it relieves us from the responsibility of seriously engaging with the problems of our society, especially those produced by racism and, increasingly, global capitalism." [26] The prison is the space that opens up when the state of exception becomes the rule...

The ideological space of the prison

... where the arbitrariness of power butts the legitimation of authority, where reason and violence do their little duet.

Michael Taussig, *The Nervous System*[27]

The prison is the "materialization" of the state of exception that can only be understood as a "topological perforation" like a mobius strip or a Klien bottle where exterior and interior "in-determine" each other.[28] The prison as a "political space" is both a hole – like a sinkhole – and a mobius-like protrusion. Experiencing this doubleness of perception is much like encountering an anamorphosis, for example, the "memento mori" in Holbein's painting *The Ambassadors*, in which a smear, or "blot"[29] mars or perforates the illusion of three-dimensional space. Yet, when seen from the *proper* perspective – a specific physical location outside the space depicted in the painting – this "blot," or smear (hole or protrusion) resolves into the image of a skull. Recognition of the blot-as-skull skews the symbolic order of the painting (exposing the nullity of the objects of art and knowledge represented therein) unmasking its truth "in a manner that does justice to it." [30]

The space of the prison is the space of emptiness and exile – sinkhole and protrusion – a no-man's land that perforates the space of the state, acting back into it. Anyone, prisoner or police, who enters the space of the prison "moves about in a zone of indistinction between outside and inside, exception and rule, licit and illicit, in which every juridical protection had disappeared." [31] It is the space of the state of exception where anything or nothing is possible depending on where you stand.

In as much as its inhabitants have been stripped of every political status and reduced completely to naked life, the [prison] is also the most absolute biopolitical space that has ever been realized – a space in which power confronts nothing other than pure biological life without any mediation.[32]

A three-million-dollar razor wire fence separates California Correctional Women's Facility from the middle of nowhere – its site is an agri-business desert. "The State bought devalued rural land – mostly formerly irrigated agricultural land and assured small depressed towns now shadowed by prisons that the new recession proof, non-polluting industry would jump-start local redevelopment." [33] Between the metal detector at the fence and the visiting room there is an uncannily suburban, perfectly manicured, lawn complete with a rose-lined path and built in sprinkler system – it is like a mirage surrounded by razor wire glinting in the relentless heat, a perforation, an anamorphic image intended to reinscribe the symbolic order of the space of the prison as a safe, calm, domesticated space. You can only see it if you are coming in from the outside – a specific political

communitydomain.daniel.publicsecret.06

location as well as a physical one – like that necessary to interpret the anamorphosis in the Holbein painting. Inside, beyond the visiting room, where visitors never go, the yards are treeless, there are no roses, no grass or shade, no sprinkler system. Despite the razor wire inside and outside "indetermine" each other. This is apparent in the way the prison "acts back on" the space outside it – beyond the edge of agri-desert impoverished communities of color are eviscerated, and the prison industrial complex expands.

Guards and prisoners alike are brutalized in the ideological space of the prison.

... the police – contrary to public opinion – are not merely an administrative function of law enforcement; rather, the police are perhaps the place where the proximity [...] between violence and right that characterizes the figure of the sovereign is shown more nakedly and clearly than anywhere else. [...] The rationales of "public order" and "security" on which the police have to decide on a case-by-case basis define an area of indistinction between violence and right that is exactly symmetrical to that of sovereignty.[34]

A recent headline in *The New York Times* "US agent dies in shootout with Prison Guard" tops the story of a federal grand jury indictment against five prison guards accused of engaging in a "sex ring" – in which the guards traded drugs, alcohol and money for sex with female inmates. These guards threatened to plant contraband in inmates' belongings if they did not participate or have them sent to other institutions farther from their families. They monitored inmates' telephone calls in order to identify and then intimidate anyone who attempted to report their conduct; showed prisoners information about themselves and other prisoners on Bureau of Prison computers to prove that they could be tracked anywhere within the BOP system; and used what the indictment called "cleaning products" to destroy evidence of sexual contact.[35] The story in *The Times* focused on a shootout between the guards and Federal agents at the prison. When federal agents attempted to arrest the indicted guards one of them pulled a "personal weapon," shot, and killed one of the arresting agents. A federal agent then killed the shooter and another prison guard was wounded in the crossfire – high noon at the OK corral. These deaths are certainly shocking and tragic. The offenses detailed in the indictment are equally shocking and tragically common in prisons and detention centers across the nation, and rarely revealed.

During a prison visit at CCWF two days after the Florida shootout made headlines an inmate laughed ironically, "maybe that will slow the guys here down a little ... they may start to think they actually need to watch their backs." The story is so common, the details so atrocious. Guards bring in drugs and alcohol, sneak in cell phones cameras, and take surreptitious photos of

female prisoners, coerce prisoners into sexual slavery, and promote violence for their own amusement. Prisoners who are subjected to such treatment have little recourse. A woman at CCWF recounted that for months she was forced to have sex with a guard under threat of a false accusation, which would have resulted in an extension of her sentence. First he accused her of hitting him. Then he told her he would drop the charge in exchange for sex. It was his word against hers. As the frequency and brutality of the guard's sexual demands increased the woman collected physical evidence, what she hoped would prove to be DNA evidence to support a complaint. As a prisoner she was forced to first file a complaint through the prison administration. Once the paper work was filed, her abuser knew that she had physical evidence. Guards have the option of searching and destroying any prisoner's personal belongings at any time. Her room and her locker were searched and all of her evidence was destroyed. As Benjamin puts it,

The assertion that the ends of police violence are always identical or even connected to those of general law is entirely untrue. Rather, the "law" of the police really marks the point at which the state... can no longer guarantee through the legal system the empirical ends that it desires at any price to attain.[36]

The regulation of prisoners, their rights, and their living conditions is left to state governments who appoint governing boards to oversee prison administrations. Prisoners' lives are in the hands of politicians, prison administrators and guards – "interested parties" who are economically dependent upon the growth of the prison industrial complex. Both inside and outside the prison, the fox is guarding the hen house.

A market economy for prisons has led to a market demand for prisoners (a strong lobby for ever-tougher sentencing to satisfy the need for more cheap labour and maintain the corrections economy):

Companies that service the criminal justices system need sufficient quantities of raw materials to guarantee long-term growth. [...] In the criminal justice field the raw material is prisoners, and industry will do what is necessary to guarantee a steady supply. For the supply of prisoners to grow, criminal justice policies must ensure a sufficient number of incarcerated Americans regardless of whether crime is rising or the incarceration is necessary.[37]

Coincident with the boom in prison construction in the 1980s, there was a dramatic shift in attitude toward crime and punishment in the US. Despite an overall decrease in crime, crime became an emergency and victims' rights were seen as justification for emergency measures. Lawmakers dismantled programs designed

to help rehabilitate criminals and passed new sentencing laws that put more people in prison for lesser crimes and for longer periods of time.

As a result of California's "three strikes and you're out" law, inmate populations have expanded exponentially and so has the prison industrial complex.[38] Prisons are "serviced" by giant corporations, like MCI and Marriott, with monopoly contracts for catering, telephone service and medical care. For example, families of prisoners in California must have MCI as their long-distance carrier if they want to receive collect calls. If they have MCI available in their neighbourhood and have the credit rating required for account activation their calls are interrupted every 15 seconds by a recording reminding them that they are speaking to a prisoner of the CDC. MCI's rates for collect calls from prisons are 7 times the normal cost of a collect call from anywhere else in the state.

Symbolic Labor

The fundamental premises and goals of the institution of slavery are now realized though the prison industrial complex. Inmates in state and federal prisons are often employed by private corporations for extremely low pay. In California, many inmates are employed by the Prison Industry Authority. PIA operates over 60 industries at 22 of California's prisons. PIA's revenue comes from the sale of its products and services. At CCWF PIA operates a textile factory for the production of California and United States flags. On January 1, the 254th anniversary of Betsy Ross's birth, Beverly Henry, who works in the PIA flag factory, wrote the following:

Like Betsy Ross, I sew American flags. But I do my work for 55 cents an hour in an assembly line inside the Central California Women's Facility, one of the largest women's prisons in the world. I was sentenced to prison for 15 years after being convicted of selling \$20 worth of heroin to an undercover cop. I sew flags to buy toiletries and food.

From the time I was a little girl, I was taught to put my hand over my heart when pledging allegiance to the flag. I emphatically believed in the values of independence, freedom and equality the flag represents. But as time went on and I grew older, I learned that these values do not apply equally to all Americans. As a black girl, I attended segregated schools without enough resources to provide a quality education. As an adult, I struggled continuously with drug addiction, but there were no resources available for me to get help. Instead, I was sent to prison. [...] America has become a country that imprisons those it fails, blaming poverty, drug addiction or homelessness on individuals rather than recognizing and addressing the conditions that give rise to them. In California, more than 70 percent of women in prison are serving time for nonviolent, property or drug-related offenses. The 3,000 women

in my prison are disproportionately poor and minority. Prison marks the separation in our society between the haves and the have-nots, between those who walk free and those of us held captive.... Betsy Ross sewed a flag that represented a vision of an equal and just society. And we, as Americans, pledge allegiance to a flag I sew, dedicating ourselves to "one nation, under God, indivisible, with liberty and justice for all." To honor this flag we must resolve to make America a country where all people can thrive.

Despite the slave-labor conditions under which Beverly sews the flag, it still symbolizes, for her and many others, something beyond (or perhaps, above) the sovereignty of the nation-state, "liberty and justice for all" – **all**. Beverly does not enjoy the status of a citizen, like many others who work for slave wages in textile "sweatshops" around the world. Her status is alien, "illegal," un-representable in the symbolic order depicted by the flag she sews – outside the lines of "justice for all."

The symbolic order of the flag (sovereignty), "status" (the legality or illegality of persons), and labor are inextricably bound together as an aporia.

Recently on NPR's "Talk of the Nation" the topic was the previous day's national demonstrations against pending immigration legislation:

"We have a caller on the line, Tara (from Las Vegas, Nevada)"

"I was just calling because I used to support the immigrants who are here now becoming legalized – after these demonstrations – if they want to flash Mexican – carry Mexican flags – flash gang signs – they can take the proper steps to become legal immigrants – I'd have respected them more if they had burned the American flag because at least they're exercising their right of free speech – our government and the corporations have allowed them to be here for the last 25 years without taking action – and if they want to be Americans fine it was the American constitution that gives them the right to protest – their act is so disrespectful – and I'm not alone – a lot of folks – I told my senator, yeah, I want the tough restrictions – I want them to be sent back – if they are going to keep doing it without becoming legal – they can go to jail."

On the same day the AP reported:

"House conservatives said ... that prisoners rather than illegal farm workers should pick America's crops and denounced the use of Mexican flags by protesters. 'I say let the prisoners pick the fruits,' said Rep. Dana Rohrabacher of California, one of more than a dozen Republicans who took turns condemning a Senate bill that offers an estimated 11

million illegal immigrants an opportunity for citizenship."

Rohrabacher later claimed his suggestion was serious, not sardonic. "It is not in the interest of our country to legalize the status of anyone who is in the country illegally," he said. "We have a massive resource with prisoners. Prisons quite often are near agricultural areas." Even Democrats, like Diane Feinstein, who rejected the proposal because she claimed that farmers do not want "rapists and murderers" in their fields, near their families, did not bother to register alarm at the image it evokes and the historical parallel – the disproportionately high black prisoner population forced to pick the crops, black men and women in chains, under guard, laboring in the fields.

The paradoxical doubleness, the aporia of the public secret, is embodied in this anecdotal evidence. Such stories produce a montage of contradictions and connections between labor, the flag, prisoners, and immigrants; between symbolic labor and slave labor; between small "p" people and big "P" people. What sort of symbolic economy is required to sustain the status quo of the sovereign state of emergency? It seems to come down to a question of "security." The suffering and mental breakdown (and subsequent suicides) of tortured detainees in Guantánamo, the transformation of poor and racially dominated individuals into imprisoned bodies-for-profit, the exploitation and criminalization of immigrants, are all traded in the balance against the "security" and sovereignty of the state and a false image of safety and well-being in middle-and-corporate America.[39]

How could we not think that a system that can no longer function at all except on the basis of emergency would not also be interested in preserving such an emergency at any price?[40] The emergency requires that the poor, the prisoner, the immigrant, the refugee must be pushed outside the law and polity and thus reduced to the barest biological existence – "one that can be ignored and neglected, or extinguished with impunity precisely because it is the law that renders it expendable." [41] In her introduction to *Are Women Human?*, Catherine MacKinnon sums up, with razor sharp precision, the process by which the law and perception management collude in the public secret:

Before atrocities are recognized as such, they are authoritatively regarded as either too extraordinary to be believable or too ordinary to be atrocious. If the events are socially considered unusual, the fact that they happened is denied in specific instances; if they are regarded as usual the fact that they are violating is denied: if it's happening, it's not so bad, and if it's really bad, it isn't happening. The given status of certain people is seen as tautologous with, even justified by the deprivations of their human rights. Law often collaborates by making an unusual

or extreme form of a common violation illegal, so that what is illegal almost never happens, yet the law appears to stand against the violation. Victims are thereby ideologically rendered appropriate to their treatment, the unequal treatment serving to confirm their ontological status as lesser humans. When nothing is done, the treatment and social status accordingly, confirm and create who one is. [...] While disbelief and associated impunity rein, the violated are – systemically and effectively speaking – rendered not fully human legally or socially. When and where this denial is overcome and rights against the extreme and the normal are recognized, the treatment is defined as inhuman and the victims human.[42]

The public secret masks an oscillation between denial and amazement – amazement that such atrocities are "still" possible and denial of that which is apparently impossible to address. The injustices of the justice system, the existence of the prison industrial complex – its pervasive network of monopolies and its human rights abuses – are extremely well documented yet wholly submerged and repressed. Everyone knows, and knows they know, but then, "How could things be otherwise?"

Utopias

Utopias are non-fictional even though they are non-existent.

Fredric Jameson, "Politics of Utopia"

Jameson points out that, if utopia no longer has a social function, it is because of the

extraordinary historical dissociation into two distinct worlds, which characterizes globalization today. In one of these worlds the disintegration of the social is so absolute – misery, poverty, unemployment, starvation, squalor, violence, and death – that the intricately elaborated social schemes of utopian thinkers become as frivolous as they are irrelevant. In the other unparalleled wealth, computerized production, scientific and medical discoveries unimaginable a century ago as well as an endless variety of commercial and cultural pleasures, seem to have rendered utopian fantasy and speculation as boring and antiquated as pre-technological narratives of space flight.[43]

In his recent essay on the "Politics of Utopia" for the *New Left Review*, Frederick Jameson claims, "'the system' at its most stable is the best context for the imaginative speculation of the most powerless in resistance to it." [44] This certainly describes the relation of the prison industrial complex and its inmates. How, then, can prisoners, their families resist? How can we imagine a world without prisons? How can we imagine "a system in which punishment is not allowed to become

the source of corporate profit? How can we imagine a society in which race and class are not primary determinants of punishment? Or one in which punishment itself is no longer the central concern in the making of justice?" [45]

Jane Dorotik, a prisoner at CCWF wrote,

A world that doesn't rely on prisons would require a culture shift and social, behavior changes. Our society is pretty much choked by fear and domination – and this mindset is simply magnified in prison. We need to shift toward an underlying culture of partnership and trust and away from a culture of domination. [...] It's well documented that the incidence of violence is significantly decreased in countries that have highly developed social support systems – welfare, health care, etc. – until we as a society give up the idea of 'judge and punish' for a more humanitarian 'support, nurture and rehabilitate' [approach] we'll continue to build prisons. I think every member of society needs to be helped to have his or her needs met so that he or she can make a contribution that will be judged worthy by society. So... I think that we have to ... help people to understand that there is a big difference between keeping society safe and locking up people who might have made a mistake – a lot of the mistakes that we lock people up for are societal mistakes. That is what we have to change.

Our most radical demand should be decarceration.

Jane Dorotik's suggested shift from a "culture of domination" to a "culture of participation" opens up a utopian imaginary. The fundamental premise of systems is that the one thing that cannot be challenged or changed is the system itself. The function of a utopian imaginary is to "reveal the ideological closure of the system in which we are somehow trapped and confined and thus prompt us to make the most radical demands we can possibly make on our own system." [46] To fulfill this demand for a culture of participation would transform "the system" beyond recognition and engender "a society structurally distinct from this one in every conceivable way, from the psychological to the sociological, from the cultural to the political." [47]

Our most radical demand should be decarceration. Decarceration means:

- disarticulating crime and punishment, race and punishment and gender and punishment;
- decriminalizing poverty, addiction, sex-work, and autonomous immigration;

- demilitarizing schools and neighborhoods;
- developing a justice system based on reparation and reconciliation instead of retribution and punishment, and a constellation of free community based drug, alcohol, mental health and domestic violence treatment programs;
- using the funding currently spent on prisons to establish job, living wage and community recreations programs;
- contesting racial profiling and other practices of social domination that result in race and class based disparities in arrest and imprisonment rates
- decriminalizing communities that have been criminalized because of their race and class;
- and finally, disallowing economic and for-profit relationships among policing and correction systems, transnational corporations, media conglomerates, guard's unions, the courts, and law-makers.

The "topological perforation" which is the ideological space of the prison "acts back" on the state, twisting and turning inside out, background to foreground – like an anamorphosis – the thing that make sense of that which it ruptures or obscures.

Only in a world in which the spaces of states have been thus perforated and topologically deformed and in which the citizen has been able to recognize the refugee [or prisoner] that he or she is – only in such a world is the political survival of humankind today thinkable.[48]

Sharon Daniel
Film and Digital Media
University of California Santa Cruz

References:

- [1] *Justice Now* is a human rights organization that works with women in prison and local communities to build a safe, compassionate world without prisons; <http://jnow.org>
- [2] All quotes and stories by and about women prisoners in the body of the text were recorded or heard by the author and are incorporated in the online audio archive. Currently this archive is available at <http://improbablevoices.net>. A new, expanded site, titled Public Secrets will be launched in November, 2006, in the fourth issue of *Vectors Journal of Culture and Technology in a Dynamic Vernacular* at <http://vectors.aml.annenberg.edu/>
- [3] My discussion of the "public secret" owes much to Michael Taussig's *Defacement: Public Secrecy and the Labor of the Negative* (Stanford University Press: Stanford, 1999).
communitydomain.daniel.publicsecret.10

[4] Walter Benjamin, *The Origin of German Tragic Drama*, trans. John Osborn (New Left Books: London, 1977).

[5] Michael Taussig, *Defacement: Public Secrecy and the Labor of the Negative* (Stanford University Press: Stanford, 1999).

[6] *Ibid.*, p. 5.

[7] *Ibid.*, p. 5.

[8] Katherine Hayles, "Narrating Bits," *Vectors: Journal of Culture and Technology in a Dynamic Vernacular, Issue 1* (Winter 05), <http://vectors.aml.annenberg.edu/index.php?page=7&projectCurrent=Narrating%20Bits&projectId=6&issueCurrent=1>

[9] "Perception management," Wikipedia: The Free Encyclopedia, http://en.wikipedia.org/wiki/Perception_management; accessed July 1, 2006.

[10] Tim Golden, "U.S. Says It Fears Detainee Abuse in Repatriation," *New York Times*, April 30, 2006, http://www.nytimes.com/2006/04/30/world/30gitmo.html?_r=1&th=&oref=slogin&emc=th&pagewanted=print

[11] Tim Golden and James Risen, "3 Prisoners Commit Suicide at Guantánamo," *New York Times*, June 11, 2006, <http://select.nytimes.com/gst/abstract.html?res=F10812F739550C728DDDAF0894DE404482>

[12] Giorgio Agamben, *Means Without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino (University of Minnesota Press: Minneapolis, MN, 2000), p. 95.

[13] Michael Taussig, *The Nervous System* (Routledge: New York, NY, 1992), p. 18.

[14] *Ibid.* [12].

[15] *Ibid.*, pp. 31-32.

[16] *Ibid.*, p. X.

[17] *Ibid.*, p. 20.

[18] *Ibid.*, p. 21.

[19] *Ibid.* [11].

[20] James Sterngold, "U.S. seizes state prison health care. Judge cites preventable deaths of inmates, 'depravity' of system," *San Francisco Chronicle*, July 1, 2005, <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2005/07/01/MNGOCDHPP71.DTL>; accessed July 1, 2006.

[21] Psychotropic drugs, however, are readily available and dispensed liberally as means of controlling behavior. There is a significant increase in prisoners with mental health disorders but the use of psychotropic drugs exceeds this demand and has increased since the ban on smoking was put in place. These issues will be addressed in detail via statements made by women in the expanded audio database *Public Secrets in Vectors Journal of Culture and Technology in a Dynamic Vernacular* at <http://vectors.aml.annenberg.edu/>, which will launch in November 2006.

[22] Catherine A. MacKinnon, *Are Women Human? And Other International Dialogues* (Harvard University Press: Cambridge, 2006).

[23] Ibid.

[24] Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive*, trans. Daniel Heller-Roazen (Zone Books: New York, NY, 2002), p. 18.

[25] Angela Y. Davis, *Are Prisons Obsolete?* (Seven Stories Press: New York, NY, 2003), p. 15.

[26] Ibid.

[27] Michael Taussig, *The Nervous System* (Routledge: New York, NY, 1992), p. 9.

[28] Giorgio Agamben, *Means Without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino (University of Minnesota Press: Minneapolis, MN, 2000), p. 25.

[29] The use of the term "blot" for anamorphosis comes from Slavoj Žižek, "The Hitchcockian Blot" in *Looking Awry: An Introduction to Jacques Lacan Through Popular Culture* (The MIT Press: Cambridge, 1992), pp. 89-91.

[30] Walter Benjamin, *The Origin of German Tragic Drama*, trans. John Osborn (New Left Books: London, 1977), p. 31.

[31] Giorgio Agamben, *Means Without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino (University of Minnesota Press: Minneapolis, MN, 2000), pp. 40-41.

[32] Ibid., p. 41.

[33] Gilmore, qtd. in Angela Y. Davis, *Are Prisons Obsolete?* (Seven Stories Press: New York, NY, 2003), p. 14.

[34] Ibid. [31], pp. 104-5.

[35] Details come from the Indictment filed in US District Court for the Northern District of Florida, Tallahassee intelligent agent 06.02

Division, Case 4:06-cr-00036-RH-WCS, Document 1 Filed 06/20/2006, <http://www.cbsnews.com/htdocs/pdf/062106indictment.pdf>

[36] Walter Benjamin, *Reflections*, trans. Edmund Jephcott (Schocken Books: New York, NY, 1986), p. 312.

[37] Steven Donziger, qtd. in Angela Y. Davis, *Are Prisons Obsolete?* (Seven Stories Press: New York, NY, 2003), p. 94.

[38] Under "three strikes," a person who commits a felony and has one previous "violent" or "serious" felony conviction (which includes burglary of an unoccupied dwelling, possession of a controlled substance, solicitation for prostitution, check-kiting etc.) is sentenced to twice the term prescribed by law for each new felony. If the person has two previous violent or serious felony convictions, he or she is sentenced to life.

[39] See Susan Willis, "Logics of Guantánamo," *New Left Review* 39 (May/June 2006), pp. 123-131, for discussion of "intelligence" as prison labor and the "symbolic economy" of Guantánamo.

[40] Giorgio Agamben, *Means Without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino (University of Minnesota Press: Minneapolis, MN, 2000), p. 6.

[41] Eduardo Mendieta, Introduction to Angela Y. Davis, *Abolition Democracy: Beyond Empire, Prisons, and Torture* (Seven Stories Press: New York, NY, 2005).

[42] Catherine A. MacKinnon, *Are Women Human? And Other International Dialogues* (Harvard University Press: Cambridge, 2006), p. 3.

[43] Fredric Jameson, "Politics of Utopia," *New Left Review* 25 (Jan/Feb 2004), p. 35.

[44] Ibid., p. 46.

[45] Angela Y. Davis, *Are Prisons Obsolete?* (Seven Stories Press: New York, NY, 2003), p. 107.

[46] Ibid. [43], p. 37.

[47] Ibid.

[48] Giorgio Agamben, *Means Without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino (University of Minnesota Press: Minneapolis, MN, 2000), p. 26.