

CENTER FOR CONSTITUTIONAL RIGHTS

- Leah: [00:00](#) Welcome to the Activist Files, the Center for Constitutional Rights' podcast. Today, I'm joined by two legendary people doing very transformative work around issues of prison, of intimate-partner violence, policing, and many other forms of violence. I'm really excited to introduce both of you and have you join us on this episode. So, thank you so much to Victoria Law and Mariame Kaba for joining us. I invite you both to introduce yourselves to our audience.
- Mariame Kaba: [00:27](#) Hi, I'm Mariame Kaba. I am an educator and an organizer. I am the director of an organization called Project NIA. Project NIA is a grassroots organization with a long-term vision of ending youth incarceration, in particular. I've been part of and have co-founded several organizations over the years. I am originally from New York City. I lived in Chicago for over 20 years and I returned back to New York City a couple of years ago. A lot of my work focuses on addressing prisons and policing and forms of surveillance. I am happy to be here joining you for this conversation, alongside Vicky who I admire quite a bit as well for organizing and working over the years as well. So, thank you for having me.
- Victoria Law: [01:27](#) My name is Vicky Law. I am a freelance journalist and author with a focus on the intersections of incarceration, gender, and resistance. Or, my usual shorthand is women in prison. I am the author of "Resistance Behind Bars: The Struggles of Incarcerated Women," which looks at the resistance and organizing happening in women's prisons across the United States. I am the co-author of an upcoming book with Maya Schenwar who is the editor-in-chief of "Truthout" and our book is called "Your Home Is Your Prison," and it looks at ways in which popularly-proposed alternatives to incarceration often have the effect of increasing the carceral state rather than actually shrinking prisons' reach into our homes, our communities and our lives. And I am a parent of a wonderful daughter who sasses me on Twitter and is in her first year of college down south. And, I am the co-editor of an anthology called "Don't Leave Your Friends Behind: Concrete Ways to Support Families in Social Justice Movements and Communities," based on some of my own experiences and the experiences I've heard other parents and caregivers talk about when they are trying to organize and care-give at the same time.
- Leah: [02:52](#) Great. Well, thanks to both of you. So, first off, since you gave us a little bit of background, do you want to tell our listeners a little bit about how you got involved in the work you're involved in? As I understand, it involved personal experiences that you had with these issues?

Victoria Law: [03:05](#) Well when I was in high school - so I grew up in Queens, New York, and I grew up in the 1990s when, unless you were a super smart and you were able to get into one of the, like, top public high schools, like the ones where you take a special tests, and you have to be like the top, you know, you'd have to ace the test to get into, you went to your zoned high school, which meant that you were in a certain neighborhood and you were supposed to go to a certain high school. My zoned high school was, for some reason, not the high school that was four blocks away from my house, but it was in Jamaica, Queens. So, it was several subway stops away. It was an overcrowded high school. It was mostly black/brown immigrant kids whose families did not know, just like my mother did not know that in order to get into the high school that was a few blocks away from my house, you borrowed somebody else's address so that you were technically zoned for that school.

Victoria Law: [03:59](#) So these were kids whose families didn't have social capital or social resources, didn't have connections, didn't have this kind of information. It was the kind of school that we would now call a "school-to-prison pipeline school". But at the time we didn't have any such terminology. So, it was just a school in which there were metal detectors and airport X-ray machine bag things where you, like, put your bag through the scanner every morning and they X-rayed your bags. There were security guards who sometimes reacted to students by doing things like throwing them down the stairs or brutalizing them. It was a school that was overcrowded. So if you were not the best in your class, or if you didn't somehow catch the teacher's attention, they kind of couldn't care or didn't care whether or not you were there. So, a lot of times if you just showed up every day and like put your head down and slept or doodled in your notebook, you would just pass and you just get passed along to the next grade.

Victoria Law: [04:54](#) And this was also in the 1990s and probably even before that, a perfect recruiting ground for gangs. So a lot of my friends got recruited to join gangs, dropped out of high school, ended up getting arrested. The families, who had been unable to navigate the public school system, also were unable to come up with the \$500 to \$1000 required for bail. So they ended up going to Rikers Island, which your listeners probably know is the notorious island jail complex right outside of Queens. And that was the start of my direct experience with criminalization and incarceration was through my friends getting arrested, going to jail and me going to visit them at Rikers Island. And for listeners who have ever been to visit a jail, you know that when you go to

visit somebody at a jail, particularly if you go to visit them at Rikers Island

Victoria Law: [05:47](#)

I don't know what it's like if you listen - if you go to a smaller jail system, you spend a lot of time waiting and waiting and waiting and waiting and waiting. You are not allowed to bring things with you into the waiting room. So it's not like a doctor's office or dentist's office where you can bring your book or your -well we didn't have cell phones then- you could bring your book or you could bring a magazine or something else. You literally had to lock everything in a locker. And then you just sat in this waiting room and you waited for your friend or family member's last name to be called. And you would sometimes wait three, four, five hours for your one hour visit. And so what do you do in that time or what did I do during that time? And what did everybody in the waiting room do during that time? Is you make friends with the people around you. You strike up conversations. And then this topic turns to, like, "what are they arrested for?"

Victoria Law: [06:37](#)

And they start talking about that. And what I was hearing again and again and again is that they were being arrested for drugs. They were being arrested for, you know, like small petty things that they wouldn't have done if they had had access to more resources. You know like so drug dealing, drug using, drug possessing, burglary, robbery. Things that people would not have done if there had been some other things for them to do for them to be able to survive and thrive in society. Nobody had murdered a whole bunch of people and chopped them up and put them in their freezer. Nobody had decapitated a whole bunch of people. These were all regular people and their loved ones, mostly women of color, or regular people trying to visit their loved ones and maintain contact, and at the same time I started reading about prisons because suddenly there was this new issue, this new thing in my life that had never been in my life before and everything I read about the systemic racism and the way in which prisons, police and prisons, target certain communities, people from certain income and ethnic demographics, matched up to everything I saw three times a week: when I was waiting for the Rikers bus; when I was riding the Rikers bus, when I was waiting in all those waiting rooms; when I was sitting in that visiting room; when I was like waiting to come back. This all matched up, like, week after week after week.

Victoria Law: [07:54](#)

So I began to see that this wasn't just an anomaly, this wasn't the way that the New York Post would say people's individual responsibility and individual moral failings that led to, you

know, them then being arrested and locked up and subject to these kinds of conditions. This was systemic. Of course, I didn't come to that realization overnight. It took, you know, months and years. But that was the start of me becoming involved in prison issues and beginning to educate myself about them.

Leah: [08:24](#) I know Mariame, you also have a story that I would love to hear and maybe, as you talk about it, maybe we can introduce the concept that I know both of you have written and spoken about a lot of "carceral-feminism" and, and maybe we can also talk a little bit about that, how that's kind of influenced your story and your work.

Mariame Kaba: [08:45](#) You know, it's hard to really talk about one thing that made the difference. There really wasn't for me. I grew up here, in New York City on the Lower East Side. I had lots of friends who kind of came into conflict with the law through just regular teenage stuff and not-so-regular teenage stuff. I really didn't have an analysis for that as a teenager. I think I had a racial analysis in my kind of mid-teen years, but I still didn't really connect that racial analysis to prisons so much as I did to policing. I was- when I was around 12 or so, Michael Stewart was killed by this New York City police, and he was a young person who was tagging a wall and the cops beat him and he ends up dying. I was a teenager when Eleanor Bumpers was killed. And I have a recollection of that. So, I had a real kind of understanding of the police as an occupying force. I never- I didn't really have an officer friendly experience with the cops, but I didn't connect that then to criminalization and a railway to jail and prisons.

Mariame Kaba: [10:08](#) And I didn't ask myself why the people I went to school with who were, I went to a private school on the Upper West - Upper East Side of New York. And why my friends there, who were rich and connected were doing many of the same exact actions as those who were, it was living the size and the width, at home. and they were doing the same things and they were ending up, locked up. I didn't have an analysis for that, but it was happening. It wasn't until I was older and I came across various injustices - cases where young people were being threatened with being charged as adults - that I started noticing discrepancies around that particular issue and the unfairness of the system, basically. Then I had family members start getting caught up in the system, ending up either arrested or locked up. That also was an eye-opener for me and a kind of direct linkage.

Mariame Kaba: [11:16](#) And then I have pen pals who were prisoners and I don't know, I think my first - the first person I ever wrote to who was in prison that I can remember was Mumia Abu-Jamal and I was a

teenager at that point. So I think, you know, there were lots of different ways and places that raised my awareness, opened my eyes, got me asking questions about why things were the way they were. I was always a young person and a kid that was concerned with fairness. I paid a lot of attention to things I thought were unfair. and that kind of held me in good stead.

Leah: [11:58](#)

Great. And I know that a lot of your work, and I think a bit of Vicky's work as well, touches on the concept of carceral feminism. So maybe you can define that for our listeners and how it kind of folds into the work that you do.

Victoria Law: [12:10](#)

So carceral feminism is a term that I struggle with, because you bring it up, and then you have people who are carceral feminists, who just, their knee jerk reaction, is "I'm not a carceral feminist" and it's like, "but you are." It's a way in which people believe that locking people up, you know, we'll actually like solve or decrease or is a way to address and prevent gender-based violence, whether it's sexual violence, family violence, domestic violence, but the solution is not, you know, how do we address these forms of violence at their root causes or what causes people to do this type of harm and how do we stop that? But instead, looks at prisons and arrests and prosecutions and all the arms of the carceral state as the solution instead. So we see this, you know, in the 1980s with the rise of mandatory-arrest laws, in which when police are called for domestic violence, that they have to arrest somebody regardless of what actually happened? We see this with the rise of in the very few cases in which rapes are reported and prosecutors bother to prosecute, rape survivors being locked up because they refuse to testify. We see this in the outcry against the six-month sentence that Brock Turner was handed - was sentenced to by a judge - in that people wanted a longer prison sentence for him even though that was not going to address the violence, the sexual violence he inflicted on the girl that he assaulted. So we see carceral feminism as a way in which people believe that this is what's going to keep women safe, not how do we change the conditions and how do we change the societal attitudes that enable these conditions in order to keep everybody free from this kind of violence.

Mariame Kaba: [13:57](#)

I would just add that when you're thinking about the idea of carceral feminism, the people who subscribe to it, as Vicky talked about, subscribe to the thinking that the way to end violence is through more violence and namely the violence of the state, they don't see themselves as, quote-unquote, like nobody would call themselves a carceral feminist. People would not describe themselves as that. And I think it's really

important, to kind of put that out on the table and to say that it's an analysis of a set of beliefs and values that people have that we're talking about when we're talking about carceral feminism. You know, it's not an identity, it's a set of principles, values, ideologies that people subscribe to about how you're going to actually end violence of various sorts, mostly interpersonal forms of violence. For me, I've always had like, feminism is actually not, for me, an identity.

Mariame Kaba: [15:00](#)

It's actually a set of political beliefs that I have about power and the way that it operates in the world and about inequalities and the ways in which those also operate in the world through gendered, classist and racist ways. Right? And also ways focused on sexual orientation. So you know, it's a political project with a set of ideologies and ways of thinking and values and all of that stuff.

Victoria Law: [15:44](#)

Oh, one other thing is that adherents to carceral feminism - even if like, you know, nobody says, "Hey, I'm a carceral feminist" - also ignore the ways in which women of color are often targeted by these same systems or these same systems of oppression actually make it so that women of color are the victims and the targets of this kind of violence. So I'm thinking specifically of Oklahoma City police officer named Daniel Holtzclaw, who targeted at least a dozen black women in low-income neighborhoods whom he believed - whom he either believed or knew - had past arrest records, and he would go through their neighborhoods, pull them over, and then sexually assault them. And he specifically chose those women because he realized that the system was stacked against them, that they were least likely to report his violence because they were black, because they were low income, because he was a police officer. So, they would be a lot less credible victims. And in a lot of cases, they themselves had arrest records or run-ins with the police before, which then made them less likely to be believed and more likely to be further targets of police violence if they dare to speak out against another police officer. So, we can see ways in which this supposed reliance on the criminal legal system actually also works against people, and works in favor of people who might perpetrate violence by targeting many of the same people that the criminal legal system locks up and targets again and again.

Leah: [17:06](#)

Actually, talking about this. I have two directions I want to go in that are sort of two opposite directions. One is I'd love to hear, because Mariame, I know you've been doing a lot of work looking at instead of these cycles of violence leading to more violence but not dealing with harm, just looking at other ways

that people have tried to engage people have caused harm but not using the criminal legal system. But at the same time, I also would love to hear from both of you and maybe from Vicky, you know, how this rush and reliance on policing and prison is actually affecting prison policy and how that falls out for women, for parents, for trans people, for HIV affected people. So, maybe they see you want to start, Mariame, and talk a little bit about that work you've been doing and then maybe we can look at the other side of it.

Mariame Kaba: [17:54](#)

I don't know. Honestly, this could go on for a really long time. So, I mean it can be its own podcast, honestly. So, what I'll say is because I have had a commitment to an abolitionist horizon for many years, I have chosen to try to figure out ways to transform harm when it occurs in my communities, at least to be present in that transformation in ways that can be helpful. And through that, I have relied on community accountability strategies to address harm when it does arrive in my communities. And I don't see that as a - It's not an alternative to incarceration. It is not for me. You know, it is not, that's not the way that I'm thinking about this. I believe that in order to be able to uproot violence in our communities, everybody has to be involved.

Mariame Kaba: [19:01](#)

So, I think it's gotta be all of us getting together and making a collective decision that we're not going to tolerate harms that are caused to other people in our circles and being active participants in making sure that that is the case. Trying to build a culture where we actually want people to take accountability for harm. And we then also, therefore, are engaged with those people to take accountability. So, we recognize that we're not going to be able to make people accountable, that they have to choose to be accountable. That means that's a huge amount of work that we need to do as a culture to make it so that people would want to do that. Currently, there's - I don't - I always ask people, I'm like, "What, in our culture, encourages people to say, 'Yes. I did this' when they do something harmful?" Almost nothing, everything, the system encourages you to lie and deny, minimize.

Mariame Kaba: [20:02](#)

You know, the, our communities really kind of want you to do the same thing. So, I've been engaged in facilitating community accountability processes in my communities for over 15 years now. I see it as a way of prefiguring the world in which I want to live. So that's why I do it. It isn't a job. I don't get paid. It's not, you know, so it's part of why I'm - I'm more hesitant now I think than when I was starting to do this work to talk about the work publicly in a weird way because the culture has moved in this, at least language-wise, to act as though it really wants

transformative justice and these other forms. Like, what I really think people are invested in punishment. And I actually think that people really feel a need for that while saying that they actually want something else.

Mariame Kaba: [21:02](#) So I've been struggling a little bit lately with what this all means in a public way. And that's why I'm engaged in having conversations with people about what they're doing, how they're doing it, co-sponsoring convenings, which I've been doing for many years now, where we can talk together and think together. I think we're better when we have a collective angle on things. What we're saying is, "Why is everything where harm occurs, the only solution being offered is criminalization?" We're saying that's a problem. Well, then the opposite also has to be true that if you want to offer, quote-unquote, a solution, that makes no sense. It's gotta be many types of solutions, very much focused on the communities themselves and what they decide is culturally appropriate and desirable for them and coming to consensus around that in some way. So, it's gonna look different for different things, for different harms, for different people. That's not satisfactory to people because they just want a one-size-fits-all answer. And there isn't one.

Leah: [22:09](#) I actually really appreciate you talking about, some of the struggles, because I think you're right that people really do want to hear that there's just some other solution we haven't quite instituted, and in fact, it's very hard work. I know that you've also recently at least put together the "Transform Harm" website, which is a really incredible resource for people who are interested in learning more about these visions and seeing how they've been practiced by different people who have documented. I know that's such a gift that I'm certainly very grateful for. So I hope that that's at least been kind of a helpful way as you struggle with this to educate more about the work.

Mariame Kaba: [22:47](#) Absolutely. Thank you for bringing up transformharm.org. Really, transformharm.org is my response to the flood of emails that I get on a weekly basis from people who want something about transformative justice or evolution and I've just been exhausted by it, honestly. And I was just like, "Let me just make one thing and put a bunch of things in it and when anybody asks me something, just send them the link." That was what that is.

Leah: [23:15](#) I mean, but that's real labor. Vicky, I know you've spoken on this, too. So, I'd also want to invite you to share any thoughts on how you've seen this play out and, and you know how that may be counter to how you've seen prison play out for people who,

you know, might have experienced harm themselves, for women, for trans people.

Victoria Law: [23:37](#)

What we've seen with the explosion of mass-incarceration over the decades is that it's not - even though literature and media about prison still primarily focuses on men - you know, there are different ways in which people are criminalized. There are similar ways in which people are criminalized. And then there are the gendered ways in which women trans folks, gender-nonconforming folks, immigrants, survivors of violence are also criminalized and swept up into the net. And one of the things I wanted to add to what Mariame was saying about transformative justice not being just, like, one size fits all, is that you know, prisons have done, and I'm going to quote things Mariame has said earlier, is that prison also strips away or our imagination. So we think like, oh, we just have, we have to have this one thing, this one monolithic answer to all sorts of harm. You know, when it's not like think outside the box. Like how do we actually address harm in instance A, with person X and person Y and person Z?

Victoria Law: [24:36](#)

You know, and that might look very different than we, when we look at harm that was done by person A, person J, and person M in some other city in some other scenario. Like, you can't have a one-size-fits-all type of thing because it just, you know, like that's not the way harm - and that's not the way that trying to address harm looks like, but the, you know, like this reliance on prison that has developed, you know, over decades has stripped us of the idea that communities can come together to do something that people should be doing something other than picking up the phone and calling 911. Like, if you hear your next door neighbor being assaulted by their loved one, you know, like it strips us of the idea that perhaps there's something we can do other than pick up the phone and call 911.

Victoria Law: [25:26](#)

So I think that that's really important to note. And then I think we also need to remember, too, that like we have, as a culture, have been raised on revenge fantasies. You know, like all the Westerns and all of this, that and the other. Like it's all about revenge. It's never like addressing, it's never addressing harm. It's like this person was assaulted or their house was burned down or their family was killed and then they come back and they exact their revenge, either through to criminal legal system or because they were like shooting it out in the wild, wild west. We've been conditioned from a really, really early age to embrace this idea of revenge and vengeance, you know, against the person that harmed you. And that's really difficult to shake off if you've been harmed. You know, I can probably think of like

half a dozen instances when I've been harmed, when really, my knee jerk reaction is "I want to hurt you back."

Victoria Law:

[26:15](#)

You know, like my knee jerk reaction is not like "How do we address the harm and make sure it doesn't happen again and make sure you don't do this to somebody else?" It's, "No, I want to take your head off." Like first that's my go-to instinct. And that is from like me watching things from a very, very, very young age that reinforces this notion of, you know, if you are hurt, you should go seek revenge. You just hurt this person back. Not how do we make sure this doesn't happen again? How do we make sure this person doesn't hurt anybody else and makes reparations to the person or the people that they've harmed. But going back to your question about how this expands, I mean, we see this with survivors of domestic and sexual violence and one of the many networks, coalitions, organizations that Mariame has founded has been Survived and Punished, which supports survivors of violence who have been criminalized and incarcerated.

Victoria Law:

[27:05](#)

And this includes a number of people who have endured months, if not years of domestic violence at the hands of somebody who said that they love them. And in many instances tried to call 911, tried to get, you know, the person either arrested or got a restraining order or try to get them into a batterer's intervention program or try to through to the legal system to get the harm to stop. Maybe they don't necessarily want this person locked up for life, but they want this person to stop doing the harm. And again, this is where the criminal legal system says we are the only answer and you shouldn't do anything else except come to us for the answer. Except, in all of these instances, the criminal legal system either did nothing or did next to nothing, which might as well have been nothing, because what it showed people who - their abusers was that they could just continue to abuse with impunity and maybe go to jail for two nights, come out, be mad, continue the violence.

Victoria Law:

[27:57](#)

And when they finally fought back, tried to escape, defended themselves, then they ended up being the ones who are criminalized and prosecuted and gone after with the kinds of vengeance that the criminal legal system goes after people for, but only in certain instances. Like, we don't see the criminal legal system going after Harvey Weinstein with the same vengeance they did for the five young kids that became known as the Central Park Five, you know, like we don't see them going after the white, millionaire movie mogul with tons of power and tons of connections, in the same way, that they went after five young, black kids who had been falsely accused of sexual

assault. So we see ways in which people get targeted based on race, based on class or people don't get targeted because of who they are because they have connections.

Victoria Law:

[28:47](#)

Because you know, like there's this unwillingness to believe that certain types of people can do certain types of harm or oh, they didn't mean it. Like, you know, like let's give them a second chance. People made decisions not to go after Harvey Weinstein. People made decisions to go after these five young kids and like, you know, like, there are so many instances in which this happens that are just everyday routine instances and never make the news that we never hear about.

Mariame Kaba:

[29:13](#)

I think it's - I would just add one thing, too, that I think is important for people to think about. and we're talking about the impacts of incarceration. I think, you know, I like to use the term mass-criminalization over mass-incarceration. Just because I think the scope of the problem is much, much greater. Like, the thing we focus on because we rightfully should is part incapacitation and incarceration because that's such a drastic, response to harm, to take somebody's liberty from them and basically confine them to social death that, you know, that's such a major thing. So we pay a lot of attention to that. But what's happened over the last 50 years in the US is an epidemic of mass-criminalization. And I think when we talk about mass-criminalization over mass-incarceration, we can see gender in a very different way because then we're looking at people "just being arrested." Well, an arrest has an impact on your life. Giving you a record, putting you in the system, making you more vulnerable to other forms of contact with the system. Any contact with the system whatsoever puts you in a bad place. And so, you know, I always think if we widen the lens, that means that we actually can capture more people in terms of seeing how these things impact both.

Mariame Kaba:

[30:45](#)

It also makes, it forces us to look at, you know, charging decisions being made by prosecutors who don't end up, it forces us to look at parole, and probation, and other forms of surveillance that don't necessarily land somebody behind bars. And so, I really feel like when we talk about mass-criminalization, then we're able to look at the kind of the specific frailties that are created and exacerbated by criminalization specifically to women, trans- and cis-, to people who are gender nonconforming, etc. And we also then, when you think about criminalization, we have to look at post-release. We have to look at what happens to people when they get out because criminalization really is like, to me, it looks at what happens before you end up potentially in the system. And it

then looks at what happens to you after your churned through the system.

- Mariame Kaba: [31:47](#) So, the afterlife of incarceration is something that we really, really, really do a poor job in this country of addressing. Right? Like, the ways in which you continue to be punished, the perpetual punishment that the system imposes on you, even when you still called have done your time. Right? Your inability to find a job, your ability to not find housing that's stable. Your- the ways in which the money that you're earning potential for the years that you are most at the point when you could earn money were curtailed because you end up, actually - a lot of people, mostly, are ending up - when you end up in jail and prison, you're young, relatively. Now I know we have people in long-term sentences who ended up being elderly in prison. We have a whole crew of folks, but that's the minority compared to the majority of folks who are of, quote-unquote, productive age when they end up locked up and taken out of the system.
- Mariame Kaba: [32:48](#) So, you don't have the years of having accumulated some level of financial cushion that would allow you to, quote, retire. These kinds of things. I don't think we have yet grappled with what this is going to do. There's already lots of pain, lots of suffering, lots of injustice because we had so many people criminalized over the last 50 years. I don't think we've begun to see the effect of it. It's going to be a ripple upon ripple upon ripples - that it not just impacts the criminalized. But impacts their communities, their families, the people who are in close proximity to them, the people who are three steps removed from them? Everybody's implicated. And that, to me, is not a message that people really are willing to hear, yet. Even after all these years of people supposedly interested in the New Jim Crow and this and that. People don't get it!
- Mariame Kaba: [33:43](#) They still really, it's still - I found some horrendously huge number of people close to like, 70 million people with a criminal record in the U.S. We have a population of what? 320 million? That's a lot of people. Something like one out of two black women has a family member or loved one incarcerated or in the criminal punishment system ensnared in some way. When you think of numbers like that, I don't think we can really grasp what that means. So I know we don't have that much more time, but I just wanted to expand and add to what Vicky's saying, which is like this is a massive problem that is just, people are still really not getting.
- Victoria Law: [34:30](#) And I think it's a problem that, also, prison system politicians, people who have a vested interest in mass-surveillance and

mass-control, whether it's, you know, like through brick-and-mortar prisons and jails or these new, kinder, softer, quote-unquote, alternatives to confinement have seized upon, because we're not thinking of the kinds of mass-criminalization that Mariame has just been talking about. So, now we have these discussions about things like electronic monitoring, in which you have a giant device strapped to your ankle that tracks your moving via GPS, you know, at any given time. And you have to get permission to do any little thing like going to the grocery store, taking your kids to school, you know, going to a parent-teacher conference or not, going to church or not. You know, like going to your job at such and such time, but you know like having to get permission for all of these things. And these are being touted as alternatives to incarceration and if you're not thinking about mass-criminalization and you're not thinking of mass-incarceration as a system of control and surveillance, but you're just thinking of it as a brick-and-mortar prison, that are horrendous and awful and deplorable and people should not be in, then you missed the next metamorphosis of this system into these like kinder, gentler things, where yes, it is great to actually be able to be home and like go and open your refrigerator and get a soda whenever you want, and not have to sit up in your bed five times a day and recite your state ID number every time there's, you know, every time the guards are doing a count, or not have your stuff be violently thrown all over the prison any time a guard is having a bad day.

Victoria Law:

[36:18](#)

Yes. These are all preferable to being in prison is being in your house, if you have a house. But that's not addressing the wider system behind all of this. It's just letting it transform from the brick-and-mortar jails and prisons into things that we're not thinking about and we're not aware of and because they sound better like bamboozle people into saying like, "Well, yes! Of course, this is a great alternative to incarceration. Let's do this without seeing the ways in which this just then expands prisons, and surveillance, and control into our communities and our lives and normalizes these kinds of systems into our daily lives."

Mariame Kaba:

[36:57](#)

I also think the important thing, here is that you know, Vicky brings about e-carceration and these other forms being pitched as alternatives to prison. Key: alternatives to prison. Right? So, these things are being pitched out there in this very specific kind of way. I just want to point to two really big things that are to me that keep me up at night as we're moving in this direction more and more, and as people are like, yeah, this is definitely better than being locked up in a cage. And I'm saying people really have got to think. Okay? We have got to be critical

thinkers. And I'm thinking about all of the people who A: are already disenfranchised and already divested from, who will not have a home to be caged in. Therefore, cementing the inequality of what gets offered as alternatives to people in that way too, which is: I don't have a home to be caged in. I can't afford to pay. Because remember these electronic monitoring things are not free. They're at the cost of the person being incarcerated. Right? Overwhelmingly. So I don't have the cash to pay \$300 a month or every two weeks to a case manager, quote-unquote, for EM monitoring.

Mariame Kaba:

[38:23](#)

I don't have that. So how can to be able to access it. So that's one angle of it. The - just the kind of the inequality of inequalities, right? So that's going to be one aspect of it. The second thing is: we talk about prison being places where people are locked up and thrown away and we don't get to see them, quote-unquote, like, you know, they put prisons in rural communities where we'll have people have to wait six hours in order to visit their family. Think about just how it's the visible invisibility of EM and other kinds of alternatives is that- You're in your home. That means that people expect things of you they don't expect of you when you're locked in a prison. For example, judges will start saying this, well "You're at home. You gotta work." So now maybe your only access to work is not, you can't go out.

Mariame Kaba:

[39:17](#)

You're going to be doing telephone marketing or other forms to like feed capitalist production but from your home. So you are going to be paying. Right? Paying the state to have the option of, quote-unquote, EM but then imposing work requirements on people that'll be very limiting, because people really won't be able to do them, because they're going to be under so much surveillance and control. And then we're going to say to people, you also have to take care of all your needs, now. Yeah, so the food is horrible at prison, like but you are being provided health care. Sometimes they're doing stuff with copays, but sometimes they're not. You're doing all sorts of stuff that now it's just going to be privatized. It's in your home. You're responsible. Think about the divestment of responsibility if we're caging people, and we are not having to like actually provide even the bare, horrible minimum that we currently provide for people in the public system. Right?

Mariame Kaba:

[40:17](#)

Like, I just think people are not thinking this stuff through. So the visible invisibility thing that I mean is, you might be able to see your friend if you come home - that you'd come and visit them according to probation's willingness to allow you to do so. Right? You've might come and visit this person at their home,

but the larger society, well these people will become even more - they'll be so invisibilized because we won't even see them as prisoners. Right now, prisoners aren't invisibilized but we know there's a class of people that are prisoners. And we have like a vision of that. We don't know what this, quote, class folks who are going to be on e-monitoring are. I mean they're human beings clearly, right? We believe that. We believe like - but like, are they prisoners? Is that what prison is going to be for us in the 22nd century? Like, what is this class of people that are going to be locked in their homes? So I really worry, like, what does that mean for advocacy? Who is going to advocate?

Mariame Kaba:

[41:22](#)

Who are going to be the activists that are going to be trying to get people free from their house. Like, I just - I feel like we don't get it, as a culture, as a society. I think you know people who are making deals with the devil, literally, to get people basically to say like "These are the good things. This is reform. We should be pro it." We're not thinking this stuff through. This could become so insidious. We are not going to even know how to fight it. We won't be able to, we won't be able to have enough power to come together to overturn something that will be so difficult for us to characterize.

Leah:

[42:05](#)

I really appreciate the way that you've both set up this vision for the real challenges that we have ahead and just really giving a more concrete context for the generational harm of the prison policy in the mass-criminalization as you call it, that we have and I appreciate that term. I know that we're wrapping up and I wondered if it's possible to change tacks just a little bit and see if you know, as you think generationally about this, if you see any sort of openings or room for us to be getting ahead of the system. I know we didn't get to talk a lot about the whole range of your work and I know you have history through Project NIA, working with youth. I don't know if that work has given you certain visions that you can share with us or ideas for how can we meet these challenges ahead. But if you have anything sort of to leave us with as we close out.

Victoria Law:

[42:55](#)

Well, I think that what Mariame said earlier about reframing that we talk about the issue. So it's not mass incarceration as like the, again, the physical buildings in which people are confined in and separated and made invisible, but looking at it as mass criminalization and saying like, how do we fight this system? Or how do we chip away at the system while also keeping in mind that there are people locked up in these systems right now? So we can't say like, you know, "Hold on 2.2 million people in jails and prisons and you know, 700- or 800 thousand people in immigrant detention while we, you know,

figure out how to abolish the entire system." But how do we do this in a way that then doesn't expand the system? How do we do this in a way that doesn't screw people over either now or in the future?

Victoria Law:

[43:38](#)

So how do we do this in ways in which we are transforming society so that A: we're looking at addressing issues of harm differently and how do we do this in ways in which we're also talking about shifting resources. So if people need resources, we're not talking about building a mental health jail, which is what they were talking about in Los Angeles, or building a new women's jail because so many women are getting arrested and going through the criminal legal system, even if it's just for a day, or a night, or a week. You know, but not saying like "Our solution is to build a mental health jail, and then you can go there and you can get your mental health needs taken care of." But only after you have police contact and you get arrested and you were sent there and you can't walk in and walk out. You don't get to like go in there and then it's like, "Oh I have a therapist appointment, and I have my meds" and then walk out. No. You are there and you are churned through the system. Even if eventually you are let out. Meanwhile, people in the community can't just walk into this new mental health jail and say, "Hey, you know, I ran out of meds and I need to re-up my meds and by the way, can I also have a counseling session?" Like, so thinking about ways in which we reframe these questions and also ways in which we're advocating for resources when we identify problems.

Victoria Law:

[44:48](#)

If over 50% of people in jails have mental health issues that have gone unaddressed, let's talk about mental health treatment that's available and accessible on the outside. And let's talk about the fact that we don't have a medical or mental health care system in place nationwide for people. Like, why don't we have that? Why don't we have universal access to healthcare or mental health care, you know, that people can access? Why are we looking at prisons or jails or something, you know, some punitive system to provide because people are being swept up in the net for it.

Mariame Kaba:

[45:23](#)

You know, I want to say something about, you know, people often talk about mass-incarceration, mass-criminalization. And what people really want, especially when I give talks is like, "Well, what's the hopeful part? Like, where is the hope in all of that." And I just - I feel in some ways, like I when I'm like on my worst days, I just want to turn to people and be like, you know, I'm not your pastor. But I understand the feelings that folks have, the desires that people have to want to feel like there's

light at the end of the tunnel somewhere. And that it's not all just a whole mess of harm and suffering. Like I, I get that. And so with that in mind, I want to just say that to me, the hope in this whole entire thing is in us, in our willingness or unwillingness, depending on where we're at, to refuse things to be like we are - "No. This actually doesn't make any sense."

Mariame Kaba: [46:39](#)

"No, we're, you know, we're going to fight like hell. You're not going to build a new jail in our community. Yes, we believe in closures of prisons. You must do so." Even though people, quote-unquote, think prisons are job - you know - are job creators. Right? Like, we have to challenge everything. All the time. I mean there's just no other - there's nothing else for really us to leave people with, but that we have to fight, and we have to fight always all the time. Now, the same people don't have to fight always all the time. We all should be tagging in where we can when we can, and taking short breathers or long breathers as we need them. But we need more people. We need more people engaged. We need more people fighting on every level, all the time, in the places that they can. And sometimes it's in the unlikely places.

Mariame Kaba: [47:35](#)

I don't think that you know - just because Vicky and I happen to work in an arena where we're focused on criminalization, per se. People who are doing environmental justice work are working on my issue. People who are doing work on living wages are working on my issue. People were ensuring that our children have good schools are working on my issue. All of these things. To me, it's one thing. It's connected. It's like, close your eyes and there's an elephant in front of you and each of us are picking apart and saying, "Oh, that's the rope. Oh, this is a trunk for a tree. Oh, this is whatever." But it's one elephant. You know? And I think that that's where we need to be. We all need to be fighting in our place where we are, how we can, with ethics, with good analytical questions guiding us, insisting that we don't expand these horrible systems, but that everything we're doing is towards shrinking that. We'll be okay if that's where we're headed.

Leah: [48:38](#)

Well, thank you both so much for your time and all of this knowledge that you've shared. I've really appreciated hearing from you and I know our listeners will as well. So thanks so much for this.

Mariame Kaba: [48:50](#)

Great. Thanks for having us.

Victoria Law: [48:52](#)

Yeah, thanks for having us.