

# THE EXECUTED GOD

## The Way of the Cross in Lockdown America

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**An Inaugural Address  
Princeton Theological Seminary  
December 8, 1999**

**Summary:** In this inaugural address, Professor Taylor begins with his beliefs regarding Christianity, and more specifically, Jesus Christ crucified, executed by first century Roman powers. He then continues with an examination of the American prison structure and its statistical and social impact upon American culture. Professor Taylor concludes his address by drawing a connection between Christianity and its role in countering the “terror” established by modern American penal paradigms.

The God of Christians is the executed God. Biblical faith and much Christian theology has noted that the God of Jesus Christ - though risen and living, powerful, grace-full, liberating and reconciling, salvific - is the One who was also crucified. That God, in the language of the still-potent book by Jurgen Moltmann, is *The Crucified God*.<sup>1</sup> Thus to speak of God as crucified is to focus on the passion and death of the concrete Jesus of Nazareth. A God entangled in crucifixion is an antidote to pieties and theologies that would seek their God above the earth and its suffering peoples. It is, instead, to know God in the humanity that has been abandoned, rejected, struggling, and despised. All this is a familiar emphasis of theologies of the cross, or speech regarding a crucified God.

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<sup>1</sup> JURGEN MOLTSMANN, *THE CRUCIFIED GOD* (1974).

To speak of God as executed does something more. Over centuries of Christian discourse, crucified has tended to signify only Jesus' general experience of suffering and death.<sup>2</sup> The phrase, the executed God, reminds us that God bound up with the life of Jesus of Nazareth, was exposed to material conditions so malignant that he was executed. He did not die accidentally, as a culmination of disease, nor because it was the necessary end of all humans. Nor was it because Jesus possessed, in E. P. Sanders' language, some will to die in order to make a redemptive death.<sup>3</sup> No - he was put to death. Along the way he was tortured and humiliated. He was done in by executioners.<sup>4</sup>

Comedian Dick Gregory once said, with an enlightening twinkle in his eye, that if Christians understood the meaning of Jesus' cross, they would wear around their necks, and hang from their earlobes, little electric chairs. I think he is right. The fact that his suggestion seems morbid, and that many of us persist in hanging a silver or gilded cross from our bodies, suggests we have lost touch with the ugly dimension of execution. In Jesus of Nazareth, God embraced not just death, but execution, i.e. state-sanctioned execution. God, we might say, entered into Rome's and Palestine's state-sanctioned theatrics of terror, and from within that theater of violence, made life wherever crucified peoples still clamor for life.<sup>5</sup>

Is there an organized theater of violence today? Do crucified peoples exist now who still need life? I answer yes. To make my case, permit me three moves in this lecture today: first, to portray lockdown America and the theatrics of terror constituting it; second, to offer an account of why America is using a theatrics of terror today through prisons, death penalties, and paramilitary policing; and then, third, to show how Christians embodying a liberating practice informed by the executed God might give rise to a theatrics of *counter*-terror. I begin by introducing lockdown America.

## I. INTRODUCING LOCKDOWN AMERICA

In my own church, Anadje raises all of her thirteen years of age to share a concern before the adults go to their Prayers of the People during Sunday morning worship. "We had a hard week in school," she says, "for two days we were on lockdown."

### **Out of the Mouths of Babes . . .**

Today's children and youth routinely use the metaphors of prison life to portray their own lives outside of prison. Twelve year-old Jeremiah, interviewed by Jonathan Kozol,<sup>6</sup> contrasted

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<sup>2</sup> See, e.g., EBERHARD JUNGEL, GOD AS THE MYSTERY OF THE WORLD 201-225 (1983).

<sup>3</sup> E.P. SANDERS, JESUS AND JUDAISM 332-33 (1985).

<sup>4</sup> See MARTIN HENGEL, CRUCIFIXION IN THE ANCIENT WORLD AND THE FOLLY OF THE MESSAGE OF THE CROSS (1977).

<sup>5</sup> JON SOBRINO, JESUS THE LIBERATOR: A HISTORICAL-THEOLOGICAL REVIEW 254-71 (1993).

<sup>6</sup> JONATHAN KOZOL, AMAZING GRACE: THE LIVES OF CHILDREN AND THE CONSCIENCE OF A NATION (1995).

his own poor community (Bronx, New York) with the more northern and wealthier one of Riverdale. “Life in Riverdale is opened up,” he said. “Where we live, it’s locked down.”<sup>7</sup> When asked by Kozol to elaborate, Jeremiah and other youth point to city parks you cannot play in; schools without learning where the police teach you how to walk the halls; libraries you see into but cannot go into because they are locked and barricaded; shopping malls you cannot get into because you cannot get past security vigilance; Bloomingdale stores at Christmas-time that chase you away because you look black, Latino, or poor.<sup>8</sup>

Then there is the homeless street poet that Kozol encounters in a Bronx city park, who, amid his life of struggle, dares language to interpret the whole metropolis: “I see New York as a symbolic city. . . . These buildings are our concrete prisons piled up like Babel. A Satanic technology surrounds us. What we see is apparatus, not humanity.”<sup>9</sup>

Whether from the mouths of youth or homeless elders, today’s prison-speak is not just the result of metaphorical dexterity or poetic license. It is rooted in the material, economic, political, and social conditions of our times.

The Bronx children interviewed by Kozol,<sup>10</sup> for example, live across from Rikers Island<sup>11</sup> in the East River, the largest penal institution in the world. Ninety-two percent of its caged people are black or Hispanic.<sup>12</sup> People in the Bronx community and elsewhere have family members cycling in and out, know friends who have been, are, or will be there, as either inmates or employees.

New York City spends \$58,000 annually on each caged adult, \$70,000 for each juvenile.<sup>13</sup> This is ten times what the City spends on each child in its public schools.<sup>14</sup> In trying

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<sup>7</sup> *Id.* at 32.

<sup>8</sup> *Id.* at. 32-39.

<sup>9</sup> *Id.* at 75.

<sup>10</sup> KOZOL, *supra* note 6, at 142.

<sup>11</sup> There are 10 separate jails on Rikers Island. They are: the North Infirmery Command, the James A. Thomas Center, the Correctional Institution for Men, the George Motchan Detention Center, the Adolescent Reception and Detention Center, the Anna M. Kross Center, the Otis Bantum Correctional Center, the Rose M. Singer Center, the George R. Vierno Center, and the West Facility. For a full overview of all of the prison facilities on Rikers Island, see New York Department of Corrections, *Ten Jails on Rikers Island* (visited Apr. 1, 2000) <<http://www.ci.nyc.ny.us/html/doc/html/jailist1.html>>.

<sup>12</sup> KOZOL, *supra* note 6, at 142.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* This disproportionate spending between prisons and education has also spread into spending on public colleges and universities. According to a recent ABCNEWS.com analysis of U.S. Census data, from 1977-95, spending for higher education rose by 374% while spending on prisons rose by 823%. See ABCNEWS.com, *Prison Funding Explodes in Growth* (visited May 16, 2000) <<http://more.abcnews.go.com/sections/us/DailyNews/prisoneducaton980707.html>>.

to justify these expenditures, an educational administrator at Rikers says bluntly:

Without [Rikers] island, the attractive lives some of us lead in the nice sections of New York would simply not be possible. If you want to get your outcasts out of sight, first you need a ghetto and then you need a prison to take pressure off the ghetto. . . . Short-term terror and revulsion are more powerful than long-term wisdom or self-interest.<sup>15</sup>

This is not just the isolated statement of some twisted staff person, caught speaking out of place. It is, in fact, a window out onto the dynamics that are driving our nation's use of prisons, and the ready use of the death penalty that is applied in the prison house. Quite frankly, the administrator is saying, short-term terror and revulsion are now necessary as a mode of control, an essential mode of governance. We thus have a Gulag<sup>16</sup> America.

### A. GULAG AMERICA

The United States of America has become, in Christian Parenti's words, "A Big House Nation."<sup>17</sup> Prisons are growing in number, and are big business. Over 1.8 million U.S. citizens are in prison.<sup>18</sup> The figure may be 7.5 million by early next century. Another three million are doing time today in an outer prison of regimented society, under care of the court system, exposed to unannounced visits from parole and probation officers, mandatory urine tests, home detention, or the invisible tether of electronic bracelets.<sup>19</sup> Just since 1980, the prison population has tripled, constituting the largest and most frenetic correctional buildup of any country in the history of the world.<sup>20</sup>

Millions more are connected to the incarceration system from the outside.<sup>21</sup> Many outsiders make their living directly or indirectly off the economic stimuli provided to communities

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<sup>15</sup> KOZOL, *supra* note 6, at 142.

<sup>16</sup> A gulag is a forced labor camp or prison, especially for political dissidents. Historically, gulags have been associated with strong and oppressive governmental systems. For an overview of gulags in the modern world, visit Boulder Creek Electronics, *The Gulag* (visited Apr. 16, 2000) <[http://www.gulag.com/gulag\\_about.html](http://www.gulag.com/gulag_about.html)>.

<sup>17</sup> CHRISTIAN PARENTI, *LOCKDOWN AMERICA: POLICE AND PRISONS IN THE AGE OF CRISIS* 163 (1999).

<sup>18</sup> *Id.* at 167.

<sup>19</sup> *Id.*

<sup>20</sup> *THE REAL WAR ON CRIME: THE REPORT OF THE NATIONAL CRIMINAL JUSTICE COMMISSION* 31 (Steven Donziger ed. 1996).

<sup>21</sup> *But see* MICHEL FOUCAULT, *DISCIPLINE AND PUNISH: THE BIRTH OF THE PRISON* (Alan Sheridan trans., Vintage Books 2d ed. 1995) (1978). Michel Foucault proposes that societies that organize massively for incarcerating citizens leave an outside for no one. *Id.* at 301.

by the lockup craze. Administrators at Rikers Island tout themselves as a huge employment opportunity for the South Bronx. While caging their inmates, Rikers employs 10,000 people, 8000 as guards.<sup>22</sup>

Small towns in economic slump regularly seek recovery by organizing to host a big prison. Crescent City, California, for example, organized to get the \$277.5 million Pelican Bay State Prison,<sup>23</sup> a super-mean maximum security institution. They also got population growth, new garbage contracts, a battery of counseling offices and services (including prison chaplains, of course), an Ace Hardware store, a new area hospital, a 90,000-square-foot K-Mart, and jobs.<sup>24</sup>

Parenti reports that yearly expenses from the correction industry are between \$20 and \$35 billion annually, with more than 523,000 full-time employees working in American corrections - more than in any Fortune 500 company except General Motors.<sup>25</sup> More than \$7 billion annually has been spent on prison building in the 1990s.<sup>26</sup> In 1996 alone, twenty-six Federal and ninety-six State prisons were begun.<sup>27</sup> The National Criminal Justice Report found that nearly 5% of rural population growth between 1980 and 1990 was due to transfer of prisoners to the country, captured in the cities and exiled to the new carceral arcadia.<sup>28</sup>

Convention center hotels also play host to Prison Expo conventions. The American Correctional Association<sup>29</sup> held one of these in Nashville, more than 600 booths touting the very

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<sup>22</sup> KOZOL, *supra* note 6, at 143.

<sup>23</sup> PARENTI, *supra* note 17, at 212. The Pelican Bay State Prison employs 1317 workers and has an annual operating budget of \$83.8 million. The Pelican Bay State Prison's Mission Statement reads as follows:

Located in the Northwest corner of California, Pelican Bay State Prison is designed to house the state's most serious criminal offenders in a secure, safe and disciplined institutional setting. About half of the prison houses maximum custody inmates in a general population setting. The other half is housed in two Security Housing Unit (SHU) facilities for problem offenders. The SHU is a state-of-the-art design for inmates who are management cases, habitual criminals, prison gang members and violence-oriented maximum custody inmates. The prison contains a 200-bed minimum custody unit.

California Department of Corrections, *Pelican Bay State Prison (PBSP)* (last modified Apr. 2000) <<http://www.cdc.state.ca.us/facility/instpbsp.htm>>. For investigators' criticisms of the Pelican Bay Security Housing Unit facilities, visit Corey Weinstein and Eric Cummins, *The Crime and Punishment: Pelican Bay Maximum Security Prison* (visited May 30, 2000) <[http://www.thirdworldtraveler.com/Prison\\_System/CrimePunish\\_Pelican.html](http://www.thirdworldtraveler.com/Prison_System/CrimePunish_Pelican.html)>.

<sup>24</sup> PARENTI, *supra* note 17, at 212.

<sup>25</sup> *Id.* at 213.

<sup>26</sup> According to a recent ABCNEWS.com analysis, the average price per cell is approximately \$54,000 before factoring in any additional finance costs from public bond issues. ABCNEWS.com, *Prison Funding Explodes in Growth* (visited May 16, 2000) <<http://more.abcnews.go.com/sections/us/DailyNews/prisoneducaton980707.html>>.

<sup>27</sup> PARENTI, *supra* note 17, at 213.

<sup>28</sup> *Id.*

<sup>29</sup> See Corrections Corporation of America, *The American Correctional Association* (visited May 22, 2000)

latest in prison innovation and technology to more than 5000 conventioners.<sup>30</sup> The *New York Times* article on the convention<sup>31</sup> discusses the buying-spree culture among those who have to keep up with lockdown America's frenetic pace of incarceration. For the warden who has run out of room, says the article, there are temporary cells at \$40,000 a piece.<sup>32</sup> For hard-to-handle inmates, there is the latest in restraining chairs, ballistic batons, and plastic handcuffs. And for those who simply prefer to delegate, there are companies that do it all, from designing cellblocks to determining staffing, from setting up a dispensary to beefing up security.<sup>33</sup>

The phenomenal growth of the prison industry is often seen as justified, since it is reducing violent crime.<sup>34</sup> As Tom Wicker has documented, however, the decline of crime is not even roughly equivalent to the massive prison build-up.<sup>35</sup> In fact, the build-up is due more to locking

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<<http://www.correctionscorp.com/aca.html>>.

30 Donatella Lorch, *The Utmost Restraint and How to Exercise It: The Incarceration-Minded Meet to Buy Mobile Cells, Ballistic Batons and More*, N.Y. TIMES, Aug. 23, 1996, at B1.

31 *Id.*

32 *Id.*

33 *Id.* For information about the American Correctional Association and its upcoming convention in San Antonio in August 2000, visit The Corrections Connection Network, *The Official Site of the Corrections Industry* (visited May 12, 2000) <<http://www.correctionscorp.com/aca.html>>.

34 These drops in violent crime vary from state to state. See, e.g., the below statistics for South Carolina:

OFFENSE	1994		1995		1996	
	NUMBER OF CRIMES	PERCENT CHANGE FROM 1993-94	NUMBER OF CRIMES	PERCENT CHANGE FROM 1994-95	NUMBER OF CRIMES	PERCENT CHANGE FROM 1995-96
Murder	366	-8.5	292	-20.2	332	13.7
Rape	2084	4.4	1820	-12.7	1833	0.7
Robbery	6954	-0.9	6573	-5.5	6252	-4.9
Aggravated Assault	29,663	2.6	287	-4.6	28,234	-0.2
Breaking or Entering	48,846	-0.6	452	-0.8	46,523	0.2
Larceny	124,576	5.1	131	2.1	129,128	1.6
Motor Vehicle Theft	14,208	5.7	256	0.3	15,675	10.0
<b>STATE TOTAL</b>	<b>224,697</b>	<b>3.4</b>	<b>224,811</b>	<b>0.1</b>	<b>227,977</b>	<b>1.4</b>

South Carolina's Information Highway, *South Carolina Crime Index Trends: 1994-1996* (visited May 12, 2000) <<http://www.sciway.net/statistics/scsa98/cj/cj1.html>>. One may also find overall, national crime statistics at U.S. Department of Justice, *Bureau of Justice Statistics* (last modified July 9, 1999) <<http://www.ojp.usdoj.gov/bjs/>>.

35 Tom Wicker, *the American Gulag*, THE EARTH TIME, Opinion, Apr. 16-30, 1999.

up minor offenders, while the crime decline is usually talked about as putting violent offenders away.<sup>36</sup> No, to understand the build-up, we have to see its character as inspiring terror.

## **B. The Theatrics of Terror: Its Six Dimensions**

As the administrator at Rikers Island put it, short-term terror and revulsion are necessary.<sup>37</sup> The Gulag, and the punitive measures relating to it, make up a house of horrors, a structure for the practice of a political theatrics of terror. Let me explain this in terms of six dimensions.

### **Dimension I: Time**

There is, first of all, the way prisons transform the human experience of time. The prison should be seen as a kind of theater in which time is turned into a weapon of terror.

In most theatrical performances, in the interaction between the play, players and audience, there is a transformation of time - perhaps, a suspension of ordinary time, a creation of a new time that enables a particular insight, often another kind of experience.<sup>38</sup> In the prison theater, time is transformed in a particularly new and destructive way. There is not simply a loss of time. Nor is this just some more intense form of being sent to your room, for time out. It *is* that, and so, time is lost, with mothers and fathers, aunts and uncles missing out seeing children grow into adulthood. Mumia Abu-Jamal,<sup>39</sup> a resident on Pennsylvania's death row for seventeen years, observes about prison time, that, "Once loving relationships wither into yesterday's dust. Relatives die, their loss mourned in silent loneliness. Times, temperaments, mores change, and the caged move to outdated rhythms."<sup>40</sup>

Yet, beyond this lost time and lost experience, there is a more crucial transformation, i.e.,

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<sup>36</sup> *Id.*

<sup>37</sup> See *supra* note 15. For a news story of physical abuse by Rikers Island guards against prison inmates, see CNN.com, *Rikers Island guards beat inmates for years* (visited Apr. 1, 2000) <<http://www.cnn.com/US/9808/16/prison.beatings/>>.

<sup>38</sup> H.G. GADAMER, *TRUTH AND METHOD*, 110-15 (2d ed. 1989).

<sup>39</sup> See Refuse & Resist, *Stop the Legal Lynching of Mumia Abu-Jamal* (visited Apr. 16, 2000) <<http://www.walrus.com/~resist/mumia/index.html>>:

Mumia Abu-Jamal is an African-American journalist now on death row in Pennsylvania. Abu-Jamal was sentenced to death in 1982 as a result of a . . . trial in which he was convicted of shooting a Philadelphia policeman. The prosecution demanded the death sentence on the basis of Abu-Jamal's political beliefs . . . Mumia's appeal has been denied by the Pennsylvania Supreme Court. On October 13, 1999, PA Governor Ridge signed a new death warrant against Mumia. Mumia's attorneys have filed a habeas corpus petition in Federal district court and the Federal judge has issued a stay of execution while that petition is being considered.

<sup>40</sup> Mumia Abu-Jamal, *Killing Time*, *FORBES MAGAZINE*, Nov. 30, 1998, at 106.

the routinization of time, a transformation intentionally cultivated by prison authorities to make every day like another. Amid routinization, the very perception of time is deadened. As Abu-Jamal says in an essay called *Killing Time*, intentionally constructed regimens yield a hypnotic sameness.<sup>41</sup> Time in prison, then, becomes a thick, dull mallet that pounds consciousness into a coma.<sup>42</sup> As a mallet, time thus yields a kind of spirit-death. The mind-numbing, soul-killing savage sameness that makes each day an echo of the day before, with neither thought nor hope of growth, makes prison the abode of spirit-death that it is for over a million men and women now held in U.S. hell-holes.<sup>43</sup>

Time as the devourer of flesh and life is born witness to by countless others. There is the poem by Ojibwa Sioux,<sup>44</sup> political prisoner, Leonard Peltier, imprisoned for twenty-three years in Federal Prisons for killing two FBI agents, whose killer the prosecutor actually has admitted remains unknown.<sup>45</sup> Twenty-three years have given him this viewpoint on time in prison:

Doing time creates a  
demented darkness of my  
own imagination.

Doing time does this thing  
But, of course, you  
Don't do time.

You do without it. Or  
rather, time does you.

Time is a cannibal that  
devours the flesh of your  
years  
day by day, bite by bite.

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<sup>41</sup> *Id.* at 107.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> LEONARD PELTIER, *PRISON WRITINGS: MY LIFE IS MY SUN DANCE* (Harvey Arden ed. 1999).

<sup>45</sup> World religious leaders, over 60 U.S. Congressional representatives, Amnesty International, and many others, have called for clemency and unconditional release be granted to him. For the most detailed documentary of Peltier's case, in the context of the U.S. government's war on the American Indian Movement, see PETER MATTHIESSEN, *IN THE SPIRIT OF CRAZY HORSE* (1991). For a full overview of the Peltier case, including statements from his attorneys, news articles, current plans of action, names of famous supporters, and artistic works by Peltier himself, visit *The International Office of the Leonard Peltier Defense Committee* (visited May 12, 2000) <<http://www.freepeltier.org/>>.

## **Dimension II: When Punishment Feels Unjust**

The claims to innocence by Abu-Jamal, by Peltier, and by their world-wide supporters, are well known.<sup>46</sup> Many others are in a similar situation, however, if not because they are innocent, but because the forced experience of the mallet of prison-time, and the subsequent spirit-death, seem out of proportion to the wrong they have done. This is a second dimension of prison terror: to know you are wrong and fail in life, yet to be exposed to spirit-death for the error, a punishment often felt to be grossly unjust.

One inmate in the system doing life for burglary, known only as John J., exclaims, “I admit that I have a serious drug problem and am no angel - but I am *not* an animal that needs to be locked up for the rest of his life!”<sup>47</sup>

John J.’s situation, having a drug problem and now doing life for burglary, raises the question of who is being incarcerated today and for what. Politicians and pundits who justify the lockdown craze often argue that we are ridding our streets and neighborhoods of violent offenders and feared super-predators.<sup>48</sup> Actually, only 29% of all prison admissions are for violent offenses such as rape, murder, kidnapping, robbery, and assault. <sup>49</sup> The other 71% are for various non-violent crimes: 31% for property offenses such as fraud, burglary, auto-theft, and larceny; another 30% for drug offenses (possession and trafficking); then, 9% more for public order offenses, like drunk-driving and arms possession.<sup>50</sup>

The result is, that among the burgeoning number of our citizens exposed to spirit-death, the majority of these are not perpetrators of violent crime. I am not diminishing the seriousness of any of these crimes at this point. I am simply noting the sense of injustice felt by many who are experiencing spirit-death as punishment for committing non-violent crimes. In most cases, the terror is more than the error.

## **Dimension III: Racial Degradation**

The theatrics of terror in a big-house nation offer up a spectacle in living color, in more ways than we might like to think. Primarily, I have in mind the way our prisons are implicated in America’s long-standing cruel sickness of white supremacy. Poor people of color, especially African Americans, are the majority of residents in today’s carceral archipelago.<sup>51</sup> In the year

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<sup>46</sup> See generally *supra* notes 39 and 45.

<sup>47</sup> John J. cited in PARENTI, *supra* note 10, at 211.

<sup>48</sup> See, e.g., PARENTI quoting Governor Lawton Chiles: “This is one of those win-win propositions. . . . We’re determined to see that bad people stay in prison a lot longer.” PARENTI, *supra* note 17, at 215. Interestingly, some politicians did more than simply speak anti-crime rhetoric. For example, former Senator Alfonse D’Amato and then Assistant US Attorney Rudolph Giuliani actively engaged in their own undercover drug buys to show the problems of drug crimes in New York City. *Id.* at 57.

<sup>49</sup> BUREAU OF JUSTICE STATISTICS, SOURCE BOOK 568 (1996) cited in PARENTI, *supra* note 10, at 167.

<sup>50</sup> *Id.*

2000, it is estimated that 1 in 10 black men will be in prison.<sup>52</sup> At least one-third of all African-American men aged eighteen to thirty-four are under the supervision of the criminal justice system - in jail, prison, probation, parole, or court supervision.<sup>53</sup> At present, although African Americans make up only 12% of this country's population,<sup>54</sup> half of all prisoners are black according to Parenti,<sup>55</sup> 41% according to Wicker.<sup>56</sup> Whoever has it right, the figures are wildly disproportionate.

The disparity of arrests, conviction, and incarceration of African Americans cannot be explained simply by greater incidence of crime in black communities. The disparity is so great now, as the National Criminal Justice Report has noted, that cumulative racial bias at all points of the criminal justice system must now be seen as the major cause of the disparity in our prisons.<sup>57</sup>

This report minces no words in also warning that we risk social catastrophe with this disparity.<sup>58</sup> Virtually everyone in inner-city minority communities lives with the knowledge of having family in the prisons. Children often visit prisons to see loved ones more often than they have school field trips. Talk on the street is of a kind of a new age slavery, with predominantly black populations caged and housed in the prisons. Rappers refer to the big prisons as the new slave galleons of our time.<sup>59</sup> Street-talk about slavery today, is not pure hyperbole, given that

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51 See *supra* note 10.

52 PARENTI, *supra* note 17, at xii. See also the U.S. Bureau of Justice Statistics, *Lifetime Likelihood of Going to State or Federal Prison*:

An estimated 1 of every 20 persons (5%) can be expected to serve time in prison during their lifetime. The lifetime chances of a person going to prison are higher for men (9%) than for women (1%) and higher for blacks (16%) and Hispanics (9%) than for whites (2%). At current levels of incarceration newborn black males in this country have a greater than a 1 in 4 chance of going to prison during their lifetimes, while Hispanic males have a 1 in 6 chance, and white males have a 1 in 23 chance of serving time.

U.S. Bureau of Justice Statistics, *Lifetime Likelihood of Going to State or Federal Prison* (last modified Mar. 1997) <<http://www.ojp.usdoj.gov/bjs/abstract/lgsfp.htm>>. But compare the raw statistics of the actual racial composition for 1997. At the end of that year, there were 3209 sentenced black male inmates per 100,000 black males in the United States, 1273 sentenced Hispanic male inmates per 100,000 Hispanic males, and 386 white male inmates per 100,000 white males. U.S. Department of Justice Bureau of Statistics, *Prison Statistics* (last modified Apr. 20, 2000) <<http://www.ojp.usdoj.gov/bjs/prisons.htm>>.

53 DONZIGER, *supra* note 20, at 42.

54 For up-to-date population estimates, see U.S. Census Bureau, *Population Estimates* (visited Apr. 2, 2000) <<http://www.census.gov/population/www/estimates/pepest.html>>.

55 PARENTI, *supra* note 17, at xii.

56 See *supra* note 36.

57 DONZIGER, *supra* note 20, at 99-129.

58 *Id.*

when U.S. prisons emerged after slavery, they became the major way for continuing racist domination over black life and labor.<sup>60</sup>

As the 1996 National Criminal Justice Report summarizes, we are moving closer to a racial abyss that has little to do with the creation of a safe society.<sup>61</sup> Gulag America is a special terror to black, Latino, and indigent communities.

#### **Dimension IV: Sexual Violation**

The prison world is also one of sexual violation. The theater of terror is inscribed into the very bodies of the confined. The media does, indeed, feature occasional discussion of prison-rape.<sup>62</sup> Prison cinema often gives a glimpse of the violation. What is often overlooked is that

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59 See, e.g., THE ROOTS, *Clones*, on ILLADELPH HALFLIFE, (Uni/Geffen 1996):

From off the pavement,  
I hate getting locked up  
cause that upstate bus  
reminds me of the slave ships.

See also, e.g., TUPAC SHAKUR, *Cradle to The Grave*, on THUG LIFE: VOLUME 1 (Interscope Records 1994):

Did I sell my soul as a young kid?  
All the things I did  
Wishin' someone held me  
but they never did.  
I can't take it  
will I make it to my older age?  
Before I'm shot up or locked up in a fuckin' cage.  
Lord help me, guide me, save me!  
Cause that's the way that Daddy raised me  
crazy  
....  
The beginning is an ending, am I just a slave?  
So I got to be brave from the cradle to the grave.

60 C. GEORGE CAFFENTZIS, AFTER SUCH KNOWLEDGE, WHAT FORGIVENESS?: FOUCAULT, RACISM, AND THE DEATH PENALTY (1998); cf. LAWRENCE FRIEDMAN, CRIME AND PUNISHMENT IN AMERICAN SOCIETY (1993).

61 CAFFENTZIS, *supra* note 60, at 129.

62 See, e.g., *All Things Considered* (National Public Radio broadcast, Jan. 16, 1997):

Many of the men in American prisons find the roughest part of their sentence is not the confinement . . . it's rape. Many prisoners say they are sexually assaulted in prison, and that prison officials pay little attention to the crime. [Although] rape in prison isn't new, the growth of gangs in prison may be turning it into a business as gangs sell the sexual favors of new inmates. Prison officials say the problem is grossly exaggerated by prisoners, but . . . one of the biggest problems with prison rape is that few prisoners are willing to report it because of the stigma attached to rape victims.

prison culture is a systematically maintained and nurtured rape culture.

Rape occurs systematically in our burgeoning prisons not only because prisons' denial of human contact is made worse today by greater restrictions on conjugal visits<sup>63</sup> and healthy human touch. Nor is it only because of the deprivation of heterosexual interchange in prison environments. It is mainly because guards and supervisors use rape to divide and subdue the imprisoned population, which otherwise would be unmanageable. In other words, guards and supervisors connive with a thriving sex chattel system in which many men are made female sexual slaves, punks to other men.<sup>64</sup> Moreover, guards and supervisors themselves use powers over the imprisoned for their own sexual gratification, especially male guards supervising females.<sup>65</sup>

Parenti argues that there are roughly 200,000 male inmates in America raped every year, and many of them raped daily.<sup>66</sup> A movement in the prisons, called Stop Prisoner Rape,<sup>67</sup> puts the figure at 290,000, noting that most studies of prison rape do not look at those who pair off for protection or at the high incidents of juvenile rape in facilities.<sup>68</sup>

The systematic, and officially sanctioned, dimensions of rape are dramatized by an account by Dr. James Gilligan, a doctor and psychiatrist working in the Massachusetts Department of Corrections.

In one prison holding close to 700 inmates, one of the prison administrators, who was in a position to know, informed me that, out of that total number, probably no more than half a dozen men failed to engage in some form or other of regular sexual encounter with other men. How did he know that? Because in that prison an observation gallery overlooks every cell in the three tiers of its maximum-security wing so that the correction officers can observe what goes on within each and every cell.<sup>69</sup>

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<sup>63</sup> See, e.g., AB 369, which was introduced by Assembly Member Havice. It was later amended on February 11, 1999, and is currently pending before the California State Assembly:

An act to add Section 2602 to the Penal Code, relating to prisoners. LEGISLATIVE COUNSEL'S DIGEST AB 369, as amended, Havice. Prisoners: rights. Existing law specifies the terms and conditions of imprisonment for persons sentenced to the state prison. This bill would provide that a person sentenced to imprisonment in the state prison *for a violent felony, as specified*, does not have a right to, and shall not be allowed, conjugal visits.

<sup>64</sup> PARENTI, *supra* note 17, at 185.

<sup>65</sup> *Id.* at 190-93.

<sup>66</sup> *Id.* at 185.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> JAMES GILLIGAN, M.D., *VIOLENCE REFLECTIONS ON A NATIONAL EPIDEMIC* 164 (1996).

The use of this sexual terror to divide and control the inmate population, is just one such use of violence for administrative purposes. It is further well-known that supervisors and guards also work with gangs internal to the prison system, using and encouraging ethnically-constituted groups against one another - such as the Aryan Brotherhood, the Black Guerrilla Family, Mexican Mafia, Bloods and Crips, et al.<sup>70</sup> - all with the aim of keeping the big house a veritable Balkans in a box.<sup>71</sup> It is crucial to the maintenance of our carceral archipelago that terror be used to divide the imprisoned in these ways.

### **Dimension V: Execution**

The theatrics of terror is dramatically played out also in those rooms where state-sanctioned executions take place. I believe we need to see the widespread use of the death penalty in the context of creating spectacles in a theatrics of terror.

In 1999, we have been executing citizens at a rate of two per week, with the total of the executed now being more than in any year in the last forty years.<sup>72</sup> With over 3500 on U.S.

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<sup>70</sup> For an overview of some of today's most popular prison gangs, complete with gang symbols and known enemies, visit Gang and Security Threat Group Awareness, *Major Prison Gangs* (visited Apr. 16, 2000) <<http://www.dc.state.fl.us/pub/gangs/prison.html>>.

<sup>71</sup> PARENTI, *supra* note 17, at 193-210.

<sup>72</sup> Although many prisoners live on death row, the number of prisoners actually executed proportionate to those living on death row is low. The chart below shows the number of prisoners executed in the United States since 1976, the year in which the United States Supreme Court, in *Gregg v. Georgia*, 428 U.S. 153 (1976), held that the death penalty did not, under all circumstances, violate the Eighth and Fourteenth Amendments.

<b>State</b>	<b>Executed since 1976</b>
Texas	206
Virginia	75
Florida	44
Missouri	41
Louisiana	25
South Carolina	24
Georgia	23
Arkansas	21
Alabama	20
Arizona	20
Oklahoma	22
North Carolina	15
Illinois	12
Delaware	10
Nevada	8
California	7

death rows now, the total is expected to be near or over 4000 people by the end of the year 2000.<sup>73</sup> With new laws expediting the death penalty taking effect by then, we could be seeing annual execution totals in the hundreds for a single year, two or three being dispatched in a day.

The extensive use of the death penalty is a ritual enactment of the State's alleged right to take life, its right to hold power of life and death over its citizenry. Its major function is to register terror deep in the citizen unconscious.<sup>74</sup> This function persists, even while many debate the various theories of deterrence, retribution or today's most-popular just desserts theory (Ultimately, I do not think any of these hold up). The tremors of terror are felt, first of all, in the prison house itself, in which the death penalty is carried out. The tremors are also felt and evident in public attention that surrounds an execution. It is not uncommon for executions to attain the status of a spectacle, involving radio DJs and other talk-show commentators, and then also the pro- and anti-death penalty crowds outside the prison walls.<sup>75</sup>

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Indiana	7
Utah	6
Mississippi	4
Maryland	3
Nebraska	3
Pennsylvania	3
Washington	3
Kentucky	2
Montana	2
Oregon	2
Colorado	1
Idaho	1
Ohio	1
Wyoming	1
<b>Total</b>	<b>612</b>

Kuno Sandholzer, *Death Penalty USA Pages* (last modified Feb. 17, 2000) <<http://www.agitator.com/dp/>>.

<sup>73</sup> Texas, California, and Florida have the largest death row populations. Three thousand, four hundred fifty-two offenders were under sentence of death in the United States as of December 31, 1998. Texas Department of Criminal Justice, *Death Row Facts* (last modified May 16, 2000) <<http://www.tdcj.state.tx.us/stat/drowfacts.htm>>. For thorough information on capital punishment, visit Death Penalty Information Center, *Death Penalty Information Center* (visited May 30, 2000) <<http://www.essential.org/dpic/>>. For information about capital punishment in Canada, visit Dave Parkinson and Tracy Lamourie, The Canadian Coalition Against the Death Penalty, *The Death Penalty in Canada* (last modified May 5, 2000) <<http://www.ccadp.org>>.

<sup>74</sup> *But see* Albert Camus, *Death Penalty* (visited May 12, 2000) <<http://www.aclu.org/issues/death/isdp.html>> (stating, “[T]he death penalty as practiced in the U.S. . . . has no proven deterrent value. And many miscarriages of justice have been documented over the years in which people have been put to death for crimes they did not commit.”).

<sup>75</sup> *See, e.g.*, Jefferson City News Tribune Online State News, *Roberts Executed* (visited May 10, 2000) <[http://www.newstribune.com/stories/031099/sta\\_0310990061.html](http://www.newstribune.com/stories/031099/sta_0310990061.html)>:

True, we do not have the kinds of execution spectacles that we had with public hangings and ritualized torture of the past. The present mix, however, of shrouding and revealing the reports of execution has a function of rendering execution spectacular. It attains a mysterious, everyone-knows-about-it-but-doesn't-quite-know-about-it sensibility. Being both widely present and applied, and yet cloaked, executions take on a spectral awe. The carefully orchestrated release of information about executions might in fact be more effective than outright public display.

## **Dimension VI: Paramilitary Policing**

In close articulation with all the dimensions I have mentioned, we must note a final dimension of lockdown America and its theatrics of terror, paramilitary policing.

A whole host of other operations used by present U.S. authorities also mobilize spectacle and display awesome power. In the late 1980s, for example, massive and dramatic raids and sweeps by U.S. city police forces began a war on users of drugs.<sup>76</sup> Among these were Operation Sting in Miami (1986) tallying nearly 2600 arrests; Operation Snow Ball in Orange County, California (1986); Operation Clean Sweep in Washington, D.C. (1987) involving 28,000 arrests, catching 1,400 adolescents who were apprehended for minor dealing and possession; Operation Pressure Point in New York City (1987), where police once a week conducted sweeps, stings, and buy busts, cooperating with Federal agents.<sup>77</sup> Perhaps most famous was Operation Hammer in Los Angeles in which 14,000 people - mostly young black men - were arrested and booked in

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Pleas from religious leaders and protests by death penalty opponents couldn't stop the execution of Roy "Hog" Roberts, convicted of killing a prison guard in 1983. Roberts, 46, died by injection at 12:07 a.m. today [March 10, 1999] at the Potosi Correctional Center. His last words repeated a refrain he's made for the past 16 years. "You're killing an innocent man," Roberts said.

See also Nando Times News, *Amnesty International protests U.S. death penalty at American embassy* (visited May 12, 2000) <[http://www.nandotimes.com/newsroom/ntn/world/070498/world4\\_3765\\_body.html](http://www.nandotimes.com/newsroom/ntn/world/070498/world4_3765_body.html)>, which describes protests in places other than outside prison walls:

Wielding an 18-foot high papier-mache Grim Reaper, several dozen demonstrators protested outside the U.S. Embassy on Saturday to denounce the use of the death penalty in the United States. The demonstrators, affiliated with the human rights group Amnesty International, held banners listing the 468 people who have been executed in the United States since the U.S. Supreme Court reinstated the death penalty in 1976. Noa Kleinman, Amnesty's coordinator for the United States and Canada, said the rally was intended to show support for recent anti-death penalty demonstrations outside the U.S. Department of Justice in Washington. Capital punishment is allowed in 38 U.S. states. The protesters also wanted to draw attention to the case of Kenneth Richey, currently on death row in an Ohio prison awaiting the outcome of his federal court appeals.

<sup>76</sup> See generally alt.culture, *War on Drugs* (visited Apr. 16, 2000) <<http://www.altculture.com/aentries/w/warxonxdru.html>>. For criticism of some of the policies in the War on Drugs, visit Mavericks of the Mind, *Politics of Failure With Dan Baum* (visited May 30, 2000) <<http://www.levity.com/mavericks/bau-int.htm>>.

<sup>77</sup> PARENTI, *supra* note 17, at 58-60.

mobile command centers during a massive paramilitary occupation of south LA's deindustrialized ghettos.<sup>78</sup> More black youth were arrested here than at any time since the 1965 Watts Rebellion.<sup>79</sup>

Kids are humiliatingly forced to kiss the sidewalk or spreadeagle against police cruisers while officers check their names against computerized files of gang members. . . . [T]he kids are processed in mobile booking centers, mostly for trivial offences like delinquent parking tickets or curfew violations. Hundreds more, uncharged, have their names and addresses entered into the electronic gang roster for future surveillance.<sup>80</sup>

As impressive as the simple number of arrests might be, it is the drama and spectacle of these inner city actions that is most important. The aim is to create a sense of drama, of total surveillance. As one sergeant of a California SWAT team said about sweeps, "They see our big gray SWAT bus, and the weapons, and they know we mean business."<sup>81</sup> The logic is clear: knowing the seriousness of police plans is rooted in a spectacular seeing.

The interest in what Christian Parenti has called the political theatrics of terror has been extended in the 1990s from inner city U.S. neighborhoods, where it still continues, to the border region with Mexico. There, Operation Last Call,<sup>82</sup> a vigorous round-up of Mexican-looking people, occurred in Texas (1998). It was a state-wide assault by the INS and police agents, descending upon hundreds of homes, catching 116 immigrants in El Paso alone, over 600 more throughout the state. The captured included a few hardened criminals but, reportedly, just as many model, non-citizens.<sup>83</sup>

The practice is repeated throughout the country. The key is surprise and drama, especially sudden, unexpected violence. In 1996, border agents and local police used a massive mobile force to sweep through Jackson Hole, Wyoming, yanking Latino workers from restaurants, homes, and off their bicycles.<sup>84</sup> One hundred fifty-three of them were rounded up, confined in a holding pen, and then given ID numbers, scrawled on their forearms by large black markers. Over fifty were eventually released after this trauma when distraught family and friends could produce papers of proof. Those who could not were, according to local papers, transported to INS detention

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<sup>78</sup> *Id.* at 58.

<sup>79</sup> Historically an impoverished black ghetto, the Watts section of Los Angeles, California was the site of six days of race riots in 1965 that claimed 34 lives and caused over \$200 million in property damage.

<sup>80</sup> MIKE DAVIS, *CITY OF QUARTZ: EXCAVATING THE FUTURE IN LOS ANGELES* 268 (1990).

<sup>81</sup> PARENTI, *supra* note 17, at 135.

<sup>82</sup> *Id.* at 144.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.* at 152.

centers in a manure-strewn cattle truck.<sup>85</sup> (INS Detention centers, by the way, are a supplemental prison archipelago in the U.S.A. today holding 20,000 people who suffer conditions often criticized by Amnesty International for human rights violations.<sup>86</sup>) Parenti again expresses a concern here: “The jumble of tropes at work in this real life allegory [in the Jackson Hole, WY operation] are as obvious as they are grotesque: mass arrests, numbered forearms, cattle cars . . . .”<sup>87</sup>

Employing a theatrics of terror, through prisons, death penalties and paramilitary policing of cities and borders, presupposes an intent to do so. Without turning this essay into an explanation of all the historical causes of today’s booming prison archipelago, I want to briefly clarify my own understanding as to why we are seeing this theatrics of terror.

## II. WHY DO WE HAVE THE THEATRICALS OF TERROR?

The rise of big house nation, this house of terrors, is a kind of damage control. It seeks to control and contain those who are left behind by the American dream as a result of an increasing bifurcation between classes in the United States.

Accompanying today’s dream economy,<sup>88</sup> is an economic disparity documented again and again, most recently by Harvard sociologist, William Julius Wilson.<sup>89</sup> This is actually a process that has developed across the better part of three decades, most intensively in the last two. The steady increase of U.S. government legislation and executive action, which has given rise to the present police-prison-death penalty structure, parallels a process of unusual concentration of wealth in U.S. upper classes.<sup>90</sup>

National columnist and Republican campaign aid in 1968, Kevin Phillips, has analyzed the growing disparity of economic wealth and opportunity at the outset of the 1990s.<sup>91</sup> It was

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<sup>85</sup> *Id.*

<sup>86</sup> AMNESTY INTERNATIONAL, UNITED STATES OF AMERICA: RIGHTS FOR ALL 87-98 (1998).

<sup>87</sup> *See supra* note 84.

<sup>88</sup> “With plentiful jobs, rising incomes, stock markets gains and low inflation, Americans have been feeling in the mood to spend. In the first three months of this year, consumer spending - the engine of the roaring economy - rose at an annual rate of 8.3%, the biggest jump in nearly 17 years.” USA Today, *Economy Track, Income outpaces spending in March* (last modified Apr. 26, 2000) <<http://www.usatoday.com/money/economy/econ0019.htm>>.

<sup>89</sup> WILLIAM JULIUS WILSON, THE BRIDGE OVER THE RACIAL DIVIDE: RISING INEQUALITY AND COALITION POLITICS (1999).

<sup>90</sup> *See* Arlene Jimenez, *An Article Review: Who Rules America Now? By G. William Domhoff* (last modified Feb. 5, 1999) <<http://www.tamucc.edu/~whatley/PADM5302/theo46b.htm>>.

<sup>91</sup> KEVIN PHILLIPS, THE POLITICS OF RICH AND POOR: WEALTH AND THE AMERICAN ELECTORATE IN THE REAGAN AFTERMATH (1990). In this work, Phillips documents how the Reagan administration accelerated dynamics already under way since the Nixon/Carter decade of the 1970s and unleashed new forces of economic instability and inequality.

marked by an increasing concentration of wealth in the upper 1% of the population. Between 1977 and 1997, the average family income for the lowest 10% of U.S. wage-earners dropped by 10.5%, while at the same time the upper 1% of the population (making an average of \$174,498) actually increased their wealth by a whopping 74.2% in the decade.<sup>92</sup> The recent studies by sociologist Wilson confirm these statistics.<sup>93</sup> While employment, inflation and growth still look good in this year's so-called economic boom, statistics on the real lives of people do not look so good. Household debt has increased for U.S. families from 59% of disposable income in 1973 to an astonishing 94.8% in 1997.<sup>94</sup>

Other indicators are also troubling. Over the last two decades, the U.S. has had the most rapid growth of wage inequality in the Western world.<sup>95</sup> The number of those without healthcare is on the increase, and the numbers of those not getting food stamps while living in poverty is on the rise.<sup>96</sup> The U.S. has the smallest and fastest shrinking middle class among the seventeen industrialized nations.<sup>97</sup> While more wealth circulates in the United States than in any country in the world, a higher percentage of our citizens live in poverty than in the other industrialized countries.<sup>98</sup> The Children's Defense Fund<sup>99</sup> has just documented that according to its most recent studies of the government's own reports, over 400,000 new children slipped into extreme poverty, as many of the Republican Party's provisions for cutting welfare and social services in its Contract with America,<sup>100</sup> began to take effect under President Clinton's signature.<sup>101</sup>

With this kind of bifurcation of the class terrain in the United States, systems that seek to maintain social order go into overdrive. The bifurcation of wealth creates wreckage that needs to be dealt with. In the 1970s, criminologist Steven Spitzer divided this wreckage into two types,

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<sup>92</sup> *Id.* at 14.

<sup>93</sup> WILSON, *supra* note 89, at 25.

<sup>94</sup> *Id.* at 26.

<sup>95</sup> *Id.* at 27.

<sup>96</sup> Doug Henwood, *The Nation Indicators*, NATION MAGAZINE, Dec. 6, 1999, at 10.

<sup>97</sup> Keith Bradsher, *Widest Gap in Incomes Research Points to the U.S.*, N.Y. TIMES, Oct. 27, 1995, at D2.

<sup>98</sup> RICHARD JOLLY, ET AL., THE HUMAN DEVELOPMENT REPORT 1998 2 (1998).

<sup>99</sup> "The mission of the Children's Defense Fund is to Leave No Child Behind and to ensure every child a Healthy Start, a Head Start, a Fair Start, a Safe Start, and a Moral Start in life and successful passage to adulthood with the help of caring families and communities." Children's Defense Fund, *Children's Defense Fund : America's Strongest Voice for Children* (visited Apr. 1, 2000) <<http://www.childrensdefense.org/>>.

<sup>100</sup> Engineered by then United States Representative Newt Gingrich, the 1994 Contract with America was signed by more than 300 Republican congressional candidates. It promised the American people that, if voted in, Congress would pass a variety of new laws within the first 100 days of their tenure. Some of these promises included tax cuts, a balanced budget amendment, term limits, reduced government regulation, and the line-item veto.

<sup>101</sup> Arloc Sherman, *Extreme Child Poverty Rises Sharply in 1997*, CHILDREN'S DEFENSE FUND (1999).

social junk and social dynamite.<sup>102</sup>

Social junk (a deplorable term for any human) refers to those whose lives are broken and beaten: the mentally ill, alcoholics, drug addicts, cast-offs, impoverished seniors, lonely and beaten drifters. When systems no longer are geared to care for such ones as these, then you need mechanisms to get them out of the way. They must be driven away from the beaches, malls, and shopping areas of resort towns, financial districts, and the pleasure zones of theme park cities.<sup>103</sup> These rarely pose a threat to the system, but their very being is a kind of ontological marker of a problem in a system. They rarely unite and orchestrate a potent resistance.

It is a different matter with the social dynamite. This is a part of the population also left behind by class bifurcation, but who threaten to explode. Included here are the impoverished low-wage working class and unemployed youth<sup>104</sup> who often are not picked up by statistics, but whose spirits are not bowed and broken and who intend to be socially included and will fight to be so. In other words, social dynamite *does* constitute a very real threat to the system, especially to a system made up of class and racial hierarchies.

These groups have always been with us. They include the Black Panthers and the Young Lords of the sixties, and later gangs.<sup>105</sup> In the 1930s there were the councils of the unemployed that forcibly stopped evictions in New York's Lower East Side.<sup>106</sup>

Controlling social dynamite yields the kind of policing, imprisoning, and executing we see today. Parenti's words are again effective:

Controlling [social dynamite] requires both a defensive policy of containment and an aggressive policy of direct attack and active destabilization. They are contained and crushed, confined to the ghetto, demoralized and pilloried in warehouse public schools, demonized by a lurid media, sent to prison, and at times dispatched by lethal injection or police bullets. This is the class - or more accurately the caste, because they are increasingly people of color - which must be constantly undermined, divided, intimidated, attacked, discredited and ultimately kept in check with what [Frantz] Fanon called the language of naked force.<sup>107</sup>

It is the need for this naked force to control the social wreckage of economic disparity,

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<sup>102</sup> PARENTI, *supra* note 17, at 45; cf. Steven Spitzer, *Towards a Marxist Theory of Deviance*, SOCIAL PROBLEMS vol. 22 (1975).

<sup>103</sup> PARENTI, *supra* note 17, at 46.

<sup>104</sup> *Id.*

<sup>105</sup> For more information about the Black Panthers, visit Black Knowledge Archive's, *Black Panthers Online* (visited Apr. 16, 2000) <<http://gtcy.com/BourbonStreet/Delta/2686/minority/panthers/index.htm>>. For an overview and history of the Young Lords, visit The Young Lords Party, *Who Were the Young Lords* (visited May 12, 2000) <<http://www.voiceoftheghetto.com/ylp/ylpbio.html>>.

<sup>106</sup> PARENTI, *supra* note 17, at 46.

<sup>107</sup> *Id.*

which accounts for why we see a political theatrics of terror in paramilitary policing, runaway prison-building, and ready-use of the death penalty. It is a sinister combination of forces that makes up lockdown America. We might appreciate, then, those biblical texts that render a severe judgment on prisons.<sup>108</sup> Chaplain Lee Griffith pointed out that prisons in the Bible are not just one of many social institutions that may be more or less effective in pursuing the various goals assigned them.<sup>109</sup> No, they are seen as identical in spirit to the violence and murder they pretend to combat. Recall the Psalmist lamenting with the prisoners in misery and chains, dwelling in darkness,<sup>110</sup> or urging upon us not to neglect God's own, not despising His who are prisoners.<sup>111</sup> The prison in the scriptures is a symbol of the power of death, its cells of confinement and death are like the entrance holes to Sheol<sup>112</sup> and the underworld. Indeed, intensive control units of maximum security are called the hole. When the executed Jesus of Nazareth proclaimed liberty for the captives, this was not just an isolated saying; it stands as a renunciation of the power of death.<sup>113</sup> How shall this liberty be practiced?

### III. TOWARD A THEATRICALS OF COUNTER-TERROR

Economic inequality and the plight of the poor have long been, and always must be, crucial concerns of prophetic churches. When, however, this economic disparity is reinforced by a political theatrics of terror as we see today, then the church's witness must find a still more forceful mode of active witness.

Remembrance and meditation on the executed God cannot only revise our understanding of God, but also our way of action, to find our own way through the terror of lockdown America. In short, the executed God gives rise to a whole spirituality of liberating practice. I call this practice a theatrics of counter-terror. In more common Christian language, it is a way of carrying your cross. It is also, more accurately, perhaps, a way of wielding your cross for liberating struggle.

Theatrics is the art of theater, the art of dramatic performance. At present in lockdown America, the powerful owners of wealth (and their political collaborators) are mastering this art better than most Christians. Christians need to go about the task of constructing a theater of actions, oriented by Jesus of Nazareth's mode of being in the world, concretely unleashing forces to counter today's theatrics of terror. What would this involve?

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108 See *infra* notes 110 and 111.

109 LEE GRIFFITH, *THE FALL OF THE PRISON: BIBLICAL PERSPECTIVES ON PRISON ABOLITION* 106 (1993).

110 "Some lived in darkness and gloom in prison, bound with chains . . ." *Psalms* 107:10.

111 "For the Lord hears the poor, does not spurn those in bondage." *Psalms* 69:34.

112 Sheol is a Hebrew word that refers to the subterranean place of the dead.

113 GRIFFITH, *supra* note 109, at 107.

Firstly, a theatrics of counter-terror is *adversarial*, i.e., it concerns a conflictive, contentious opposition. This opposition is most dramatically symbolized in the Markan narrative about the moment of Jesus' death. After Jesus' cry of dereliction, the rending of the temple curtain, after a report of Jesus' breathing his last, then, in that moment of Jesus' death, a voice says this man was (note the past tense) the Son of God.<sup>114</sup> The voice was that of a Roman soldier, a centurion. He later reappears in Mark's text to confirm personally Jesus' death to Rome's Pontius Pilate.<sup>115</sup> Whether you follow a tradition that sees the centurion as making here a confession of faith in that moment, or as quietly, with authority (maybe with even a bit of imperial gloating), marking the triumph of Rome over another challenger, the point is that Mark presents an opposition: Jesus and the Roman Empire. It is God revealed on a cross over and against the power of the empire, a state power whose brutality is marked by the tool of torture upon which Jesus of Nazareth was executed.

This executed One, raged over and against empire, introduces fundamental confrontation between God and faithfulness to the God of Jesus, on one side, and the empire and its punitive measures, on the other. Even if one prefers a pacifist reading of Jesus, and holds to Christian discipleship that would never condone violence, this still does not destroy the adversarial character of the cross. As Jon Sobrino said about the crucified God and about crucified peoples in today's world: there are victims, and there are executioners.<sup>116</sup>

Jesus' politics were not those of a typical, anti-imperialist revolutionary, known then or now. But he had a politic, and it could be politically adversarial as displayed in the crucifixion scene. The way he believed, taught and acted, questioned the Empire, directly or indirectly.<sup>117</sup>

Regardless of how revolutionary we might render Jesus' life and various actions, the cross of the executed One makes a crucial contribution to what I am calling a theatrics of counter-terror. It provokes a decision about imperial power. To exist counter to today's politics of terror, to have a politics of counter-terror, entails this adversarial frame of confrontation, contestation, and resistance. An adversarial stance and resistance to empire, then, is birthed from the very center of Christianity, the executed Jesus.

Secondly, a Christian theatrics of counter-terror is also *mimetic*, i.e., it is action rendered in creative and imaginative art. Mimesis is a term used not only for imitation, but for artistic representation more generally. A theatrics of counter-terror is mimetic, it resists imperial terror with dramatic representation. It seeks its own spectacular character to resist the terrorizing

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<sup>114</sup> *Mark* 15:39.

<sup>115</sup> "Pilate was amazed that he was already dead. He summoned the centurion and asked him if Jesus had already died." *Mark* 15: 44.

<sup>116</sup> JON SOBRINO, *JESUS THE LIBERATOR: A HISTORICAL-THEOLOGICAL VIEW* 255 (1993).

<sup>117</sup> <sup>117</sup> Jesus' direct challenge to the Roman Empire and the status quo may be found at *Matthew* 10:34: "Do not think that I have come to bring peace upon the earth. I have come to bring not peace but the sword." Jesus' indirect challenge to the Roman Empire may be seen in his pre-death conversation with Pilate in *Matthew* 27:11-14. For a more extensive analysis of Jesus' conflict with the Roman empire, see MYERS, *infra*, note 135.

spectacles of empire.

Crucifixion, as originally designed and employed was not just gruesome, it was meant to be a dramatic act. It was a spectacle to behold. Crucifixion was a Roman form of a public service announcement: do not engage in sedition as this person has, or your fate will be similar.<sup>118</sup> Josephus makes the point that crucifixions were often used as spectacles to induce Jewish surrender or to create fear for reducing Jewish resistance to empire.<sup>119</sup>

If Fredriksen's recent study is correct, Jesus was probably executed because of his capacity to catalyze crowds who hungered to see Roman defeat, especially at the Passover in Jerusalem.<sup>120</sup> He, like many before and after him, was one of whom Rome made a spectacle. By such means as this, Rome sought to consolidate its power. Yet, from the perspective of the gospel's passion narratives,<sup>121</sup> by the time of whose writing the resurrection stories were also circulating, and from the many Christian narratives later written<sup>122</sup> - from these perspectives, I suggest, the spectacle made of Jesus before the Jerusalem crowds did not yield the consolidation of imperial power.

Granted, decades and centuries would have to elapse before the point could be grasped, but there is a sense in which the Christians, with their many new narratives of death and resurrection, stole the show. The spectacle of crucifixion, which long functioned for *Pax Romana*<sup>123</sup> to quash courage and resistance, became a narrative about a divine victory over Roman power. The executed Jesus, as narratively represented as executed God, as resurrected One and Lord of history, displaces Rome, while still leaving the crucifixion spectacle in place. Rome is rendered by its own cross of torture into an interim power. Christian remembrance transforms a spectacle of intimidation and terror into a spectacle of counter-terror. The spectacle of the cross is wielded against Rome, opening the way to a life where no more terrorizing crosses should have legitimate place. That is to steal the show.

Amid today's political theatrics of terror, Christians must again find a way to steal the show, to forge their own drama, their own spectacle of counter-terror.

One way to interpret the power of Martin Luther King, Jr.'s effort,<sup>124</sup> is to see it as the

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<sup>118</sup> SOBRINO, *supra* note 116, at 233.

<sup>119</sup> Josephus, *The Jewish War*, 1-2 LOEB CLASSICAL LIBRARY 5450 (1927-28).

<sup>120</sup> PAULA FREDRIKSEN, *JESUS OF NAZARETH, KING OF THE JEWS: A JEWISH LIFE AND THE EMERGENCE OF CHRISTIANITY* (1999).

<sup>121</sup> *Matthew* 27-27, *Mark* 14-15, *Luke* 22-23, *John* 18-19.

<sup>122</sup> JOHN DOMINIC CROSSAN, *JESUS: A REVOLUTIONARY BIOGRAPHY* 159-201 (1989).

<sup>123</sup> "Pax Romana," literally translated, means "Roman peace." This phrase is generally meant to convey state stability and social tranquility, brought about by imperial power and administration. See MICHAEL DOYLE, *EMPIRES* (1986).

<sup>124</sup> Rev. Martin Luther King, Jr. (1929-68) was the most prominent civil rights leader in America. His efforts won him the Nobel Peace Prize in 1964. Below is an excerpt from his acceptance speech given on December 10, 1964, in Oslo, Norway:

Civilization and violence are antithetical concepts. Negroes of the United States, following the people

stealing and transformation of terrorizing spectacle. The South was pervaded by a complex ethos of segregation marked by signs saying – “Whites Only here. Coloreds Only there.”<sup>125</sup> When an Emmet Till<sup>126</sup> or anyone else stepped out of line, their beating, killing, firebombing, and lynching were designed to be exemplary, and they made still more potent the daily, terrorizing spectacle of racist domination.

King and the civil rights movement usurped the power of spectacle from racist structures; they stole the show. Believing that a kingdom of love and justice, of universal humanity (the kingdom of God) was greater than the kingdom of white supremacist America, he renounced both the racist goals and the tactics of terrorizing violence. King dramatically confronted terrorizing racist power, on site - marching on the back roads and bridges, in the neighborhoods where people could not vote, in city centers, and in the nation’s capitol.<sup>127</sup> In so doing, racist power was provoked, some receptive powers accommodated peoples’ demands, and television intensified the events by extending the experience of spectacle, creating a widespread sense of revulsion at racist powers.

Nonviolence, as used by King or by any others, will always be preferred as the mimesis for a theatrics of counter-terror, because only non-violence is a real alternative to the terrorizing violence of repressive powers. This preference, though, in the Christian theatrics of counter-

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of India, have demonstrated that nonviolence is not sterile passivity, but a powerful moral force which makes for social transformation. Sooner or later, all the peoples of the world will have to discover a way to live together in peace, and thereby transform this pending cosmic elegy into a creative psalm of brotherhood. If this is to be achieved, man must evolve for all human conflict a method which rejects revenge, aggression, and retaliation. The foundation of such a method is love.

<sup>125</sup> See generally The Civil Rights Movement, *Martin Luther King Jr.: A Historical Examination* (visited Apr. 16, 2000) <<http://www.mlking.org/>>.

<sup>126</sup> See Manfred Helfert, *THE DEATH OF EMMETT TILL (Historical Background)* (visited May 12, 2000) <<http://members.xoom.com/elstongunn/till.html>>:

Emmett Till and his cousin drove Wright’s ’41 Ford into Money to buy candy at Bryant’s Grocery and Meat Market [in Mississippi]. One of the local boys then dared Emmett Till to speak to the white woman (Carolyn Bryant) in the store. According to Curtis Jones, Emmett went back inside the store and bought more candy, saying “Bye, baby” to the white woman as he left. Curtis Jones, Emmett Till and the other boys jumped in their car as Carolyn Bryant came out the swinging screen doors and sped out of town. News of the incident quickly spread among the local black youth and Emmett and Curtis were warned to leave town before the woman’s husband found out. But a week passed without the threatened retribution. Then, in the “wee hours of the morning” of August 28, 1955, Mose Wright was awakened by a knock on his door. Upon opening, two white men (later identified as J. W. Milam and his half-brother Roy Bryant) asked him for the “nigger here from Chicago”, the boy “that did all the talking.” Emmett Till then was abducted at gunpoint. Mrs. Wright, trying to come up for his defense, was struck in the head with the side of a shotgun. Four days later, Emmett’s mutilated body, with a [75]-pound cotton gin fan tied around his neck with barbed wire, was found at the bottom of the Tallahatchie river.

<sup>127</sup> On August 28, 1963, Rev. Martin Luther King, Jr. led a march on Washington D.C., during which he delivered his famous “I Have a Dream” speech.

terror I envision, is not rooted in a simple, blanket renunciation of violence. It is rooted primarily in an act of imagination, the creative envisioning of an alternative way of being a kingdom of God, which is always near but also always not yet. Moreover, from that kingdom comes the resources of contestation. From that kingdom comes a theater of contestation where the mimesis of love and justice gives rise to dramatic, strategic acts. The imaginative crafting of these is often more demanding of energy by agents of change, and more powerful in their effects, than simple taking up of arms against enemies.

I would also say that when Christians - on behalf of, or as, oppressed peoples - do find no option other than taking up arms, then we will not realize even our own aspirations apart from some mimesis, some dramatic, artistic mode of practice. The example of the Maya Zapatistas of 1994,<sup>128</sup> tying white strips of cloth around their gun barrels, comes to mind. These dramatized, they said, their wish to discontinue use of those weapons. Indeed, they have gone largely unused since 1994.

When Haitian-American Abner Louima was brutalized by New York City police officers in a Brooklyn nightclub restroom, as they used the end of a toilet plunger to destroy his rectum and teeth, Haitian-Americans flowed across the Brooklyn Bridge in a march of rage.<sup>129</sup> It was a nonviolent protest, but it was made especially adversarial and effective by activists using a Haitian cultural mimesis. They used art to mimic and mock, express rage, and to break-down terrorizing ways of the more powerful and brutal organized forces. Haitians showed up with toilet plungers, not as tools for vengeful brutality, but as props in moving street theater. They wore plungers on their heads, marching with mock police billy clubs that looked like pathetic phalluses. The powers were impressed and intimidated by the march. The spectacle was especially influential in keeping the case from disappearing from public attention as such cases often do. It also helped mobilize public opinion on police brutality, generally moving the issue onto the front pages of some national magazines.<sup>130</sup>

This is exemplary of a theatrics of counter-terror, wielding mimesis to steal the power of spectacle from ruling powers. The Haitian-American example of mimesis in the streets against police terror, is just one example of the theft of a spectacular symbol - the brutal toilet plunger returning, a thousand-fold, into the Manhattan city district from poorer Brooklyn. It is exemplary of the kind of show-stealing theatrics that we need in order to forge a theatrics of counter-terror.

Finally, a theatrics of counter-terror is *kinetic*, it pertains to, or is produced by, motion. The moving (kinetic) character of a theatrics of counter-terror is also implicit in the notion of the

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128 See Fourth World Center, *Fourth World Bulletin* Apr. '94, *Nature and Cause of the Insurrection* (1996) (visited May 12, 2000) <<http://carbon.cudenver.edu/fwc/Issue7/commentary-2.html>>. For an interesting, bilingual look at the Zapatistas, see Ejército Zapatista de Liberación Nacional, ■ *Ya Basta!* (visited June 25, 2000) <<http://www.ezln.org/>>.

129 See generally Haitian Consulting Resource, *The Abner Louima Case Archive* (visited Apr. 16, 2000) <<http://members.aol.com/haiconsul/louindex.html>>.

130 See, e.g., Newsweek.com, Tom Morganthau, *Justice for Louima, A police-brutality case ends with a guilty plea* (visited May 12, 2000) <[http://newsweek.com/nw-srv/issue/23\\_99a/printed/int/us/na0123\\_1.htm](http://newsweek.com/nw-srv/issue/23_99a/printed/int/us/na0123_1.htm)>.

executed God.

Jesus of Nazareth, even without embracing political readings of his gospel, is best understood as having been executed because of the way his proclamation of an alternative, near kingdom, engaged a tumultuous kinetic scene. Paula Fredriksen, who sees the historical Jesus as neither primarily a social reformer with a revolutionary message, nor a religious innovator of his tradition, still emphasizes that the kingdom-message embodied in his person is what moved the crowds at the politicized tumult of Jerusalem Passover.<sup>131</sup> This directly led to his crucifixion.

Note the kinetic qualities of the scene Fredriksen describes: the crowds met him during the pilgrimage feast in the city of David at Passover, in all the excitement, panoply, and ritual re-enactment of the holiday that commemorated the liberation and redemption of their people.<sup>132</sup>

The executed God also entails kinetic qualities in the movement and movements catalyzed by Jesus' death. The message about a near kingdom of God, alternative to the empire, spread throughout the villages of Judea and the Galilee, running up the coast to cities ringing the Mediterranean through the network of Greek-speaking synagogue communities of Asia Minor.<sup>133</sup> The movement went on to become what sociologist Rodney Stark described as one of the most successful revitalization movements in history.<sup>134</sup> Stark is a little too quick to dismiss the revolutionary potential of the Gospel for appealing to proletarian and beaten proletarian groups,<sup>135</sup> but he argues that Christianity succeeded, in large part, because of a capacity to emphasize central doctrines that prompted sustained and attractive, liberating and effective social relations and organizations.<sup>136</sup>

Especially under the conditions of devastating epidemics, urban disorder, and widespread poverty, early Christians distinguished themselves for putting in place a care for the poor, as part of both their witness and worship.<sup>137</sup> Paul Johnson has suggested that Christian efforts, spontaneous and organized, had given rise to a miniature welfare state in an empire which, for the most part, lacked social services.<sup>138</sup> Princeton's political scientist, Michael Doyle, points out that this kind of saintly calling might have sapped the military and civic power of the ancient

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<sup>131</sup> FREDRIKSEN, *supra* note 120, at 265.

<sup>132</sup> *Id.*

<sup>133</sup> *Id.* at 235.

<sup>134</sup> *See infra* note 137.

<sup>135</sup> *Cf.* CHED MYERS, *BINDING THE STRONG MAN: A POLITICAL READING OF MARK'S GOSPEL* (1990) *with* RICHARD A. HORSELY, *JESUS AND THE SPIRAL OF VIOLENCE: JEWISH RESISTANCE IN ROMAN PALESTINE* (1986).

<sup>136</sup> RODNEY STARK, *THE RISE OF CHRISTIANITY: A SOCIOLOGIST'S RECONSIDERATION OF HISTORY* 9 (1996).

<sup>137</sup> *Id.* at 73-82.

<sup>138</sup> PAUL JOHNSON, *A HISTORY OF CHRISTIANITY* 75 (1976).

world's imperial aspirations.<sup>139</sup> In short, the executed God moves within and against empire. A theatrics of counter-terror, moving out from the executed God, is to be found not just in occasional, adversarial events, even if rendered dramatically as mimesis, but in these as also organized social movements.

When churches fail to exhibit organized movements of counter-terrorism, or even to participate in them wholeheartedly, they not only fail to embody a theatrics of counter-terror in our time, they also betray the kinetic, moving quality of the crucified/executed God. Karl Barth, at age eighty, evidently still looking for some adversarial exercise, challenged Christians to organize a movement against the nuclear armament of West Germany, against the Vietnam War, against continuing anti-Semitism, and for peace with East European socialist states: "If your just confession of Christ dead and resurrected . . . does not include this and does not express it," he intoned, "such confession is no good despite its justness."<sup>140</sup>

So essential is organized movement to Christian faith, that when the churches fail (and even when they do not), it is necessary to seek the executed God in movements at the edges of church communities, alongside them, or even outside of them. Moltmann made a similar point when he reminded us that those whose liberating action is faithful to the crucified God, to the executed rebel Jesus, automatically find themselves cooperating with other freedom movements in God's history.<sup>141</sup> Hence, he calls for a political hermeneutics of dialogue with socialist, democratic, humanistic, and anti-racist movements.<sup>142</sup> Interestingly, when visiting the Princeton Seminary faculty last year, he emphasized the need for a globalized liberation theology.<sup>143</sup>

That globalized liberation theology, however, needs to be at work here at home, in the belly of the United States, where a political theatrics of terror is at work. Fortunately, I believe the executed God, carried in a theatrics of counter-terror, *is* at work today - not only being adversaries to state-sanctioned terror, but doing so with mimetic drama, and kinetic movement. It is still not enough, but there are signs, and they are signs of hope.

There are groups confronting police brutality and paramilitary swashbuckling tactics that have made police brutality epidemic in this country.<sup>144</sup> I have mentioned already the movement around Abner Louima. There were also the dramatic civil disobedience actions in New York City following the killing of Amadou Diallo, the Ghanaian student shot at forty-five times by police, nineteen of the bullets killing him while he was standing in his own apartment lobby.<sup>145</sup>

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139 MICHAEL W. DOYLE, *EMPIRES* 98 (1986).

140 GEORGE CASALIS, *THEOLOGIE ET SOCIALISME: L'EXEMPLE DE KARL BARTH* GEORGE 158 (1974).

141 MOLTSMANN, *supra* note 1, at 318.

142 *Id*

143 Jurgen Moltmann, Address at The Princeton Seminary (May 1998).

144 AMNESTY INTERNATIONAL, *supra* note 86, at 17-54.

145 "What began in early February as a search for a rape suspect in the Bronx ended with four white police officers firing 41 bullets at West African immigrant Amadou Diallo. That barrage, which killed Diallo, sparked a national debate that continues to rage today." APB Online, *The shooting of Amadou Diallo, A Multimedia Report* (visited May 12,

Hundreds of protestors, including dignitaries and also Christian and Jewish seminary students from New York and New Jersey, were arrested.<sup>146</sup> There is the October 22 Coalition,<sup>147</sup> whose Stolen Lives Project<sup>148</sup> painfully and dramatically documents and displays the growing number of lives, mostly black and Latino, lost to police brutality. Some of these movements have church support, though generally, churches are reluctant to challenge police authority. There are exceptions, as with Imani Presbyterian Church's role in founding the Save Our Children Coalition ["SOCC"] in Trenton, New Jersey. The SOCC went on to support an African-American mayor's effort to put a citizen commissioner over a police department that seemed cavalier about its shootings of black youth.<sup>149</sup>

The theatrics of counter-terror is at work in groups confronting the death penalty. There, mimesis is evident in liturgies at the prison wall when executions go down, in their narrating and remembering the lives of all the 3500 plus on America's death rows, in marching and making a spectacle of American's barbaric practice, especially around the globally note-worthy case of Mumia Abu-Jamal on Pennsylvania's death row. A theatrics of counter-terror against capital

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2000) <<http://www.apbonline.com/majorcases/diallo/index.html>>.

146 See Tara George, Robert Ingrassia, and Dave Goldiner, *Youth March on City Hall For Amadou* (visited May 14, 2000) <[http://www.nydailynews.com/2000-04-06/News\\_and\\_Views/City\\_Beat/a-62429.asp](http://www.nydailynews.com/2000-04-06/News_and_Views/City_Beat/a-62429.asp)>:

Hundreds of young people marched on City Hall to protest police brutality yesterday as the Rev. Al Sharpton vowed to mount a Holy Week civil disobedience campaign. The crowd of about 750 protesters, mostly students, were marking the 41st day since the acquittal of four cops in the killing of Amadou Diallo — one day for each bullet fired by the officers Feb. 4, 1999. . . . There were 18 arrests.

147 The October 22 Coalition was formed to police brutality in America. Its mission statement reads as follows:

The National Day of Protest was initiated by a diverse coalition of organizations and individuals. We came together out of our concern that the people's resistance to Police Brutality needed to be taken to a higher level nationwide.

The National Day of Protest aims to bring forward a powerful, visible, national protest against police brutality and the criminalization of a generation. It aims to expose the state's repressive program. It aims to bring forward those most directly under the gun of Police Brutality AND to also reach into all parts of the society -- bringing forward others to stand in the fight against this official brutality. And the National Day of Protest aims to strengthen the peoples' organized capacity for resistance in a variety of ways.

October 22 Coalition, *Mission Statement of the National Day of Protest to Stop Police Brutality, Repression, and the Criminalization of a Generation* (last modified June 14, 1996)

<<http://www.unstoppable.com/22/display2.lasso?-token.showMe=6>>.

148 "Stolen Lives is a call to people who live with police brutality every day to come forward and tell what they know and experience. It is a call to people from all walks of life who believe in justice to support the demand to stop police brutality and to take up this fight themselves." Stolen Lives, *Killed and Brutalized by Police* (last modified May 27, 1997) <<http://www.unstoppable.com/stolenlives/stolenlivesINTRODUCTION.html>>.

149 Jean Levine, *Death Detractors, Group Rallies Against Death Penalty*, THE TRENTONIAN, Apr. 4, 1999 at 4.

punishment takes on a markedly Christian dramatic form in the actions organized by Princeton Seminary students, to hold vigils against the death penalty at the Trenton State capitol, each Holy Saturday, between Good Friday and Easter.<sup>150</sup>

A theatrics of counter-terror is growing still among groups who confront America's prison-industrial complex – the big house nation, the American Gulag. One of the most inspiring and effective movements that I see here today, features the elements of creative mimesis and adversarial contention that also are crucial to a theatrics of counter-terror. This is the movement of the Prison Justice Caravans, 2 to 4 in number, which will snake their way across prison-land America, for a five day encampment in Washington, D.C., to culminate and consolidate their witness to a new vision amid present prison injustice.

In its drama of caravans and encampments, the movement is especially mimetic. The drama will be heightened by the presentation of mothers, children, and parents of the needlessly imprisoned, including a mother of a son who is among the 500 on Texas' death row, the father of a child killed in the Oklahoma City bombing<sup>151</sup> who speaks out against the death penalty, clergy, teachers, and laity challenging the ethical foundations of our lock 'em up and throw away the key policies, and labor activists challenging the no-pay or low-pay prison labor practices. Putting those folks on the road, caravan style, is the kind of mimesis we need in our movements if we are to build a theatrics of counter-terror. It remains to be seen if these caravans can steal the show, interrupt the media and politicians whose racial stereotypes and get tough on crime rhetoric is often the major spectacle of the times.

The first trait of a theatrics of counter-terror, its adversarial posture, is also present. Through these caravans, the Interreligious Foundation for Community Organizing [“IFCO”]<sup>152</sup> is challenging the entire country's reliance on professionalized, corporatized prison terror. This is not just about getting more theology students some jobs as chaplains in prisons to teach a few courses there, hold a few hands, and maybe pray with a few thousand more executees before they walk down the shiny hallways of America's Gulag to their deaths.

No, in the manner of the executed God, IFCO challenges all America to cast its lot with victims of executioners, ultimately with all of us who are victims of a theatrics of prison terror. IFCO's goal is broad and deep, as a theatrics of real counter-terror needs to be. It challenges prison build up and institutionalized terror as what it is: non-justifiable, a malignant disease that is eating away at the core of our entire society.<sup>153</sup>

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150 Holy Thursday, Good Friday, Holy Saturday, and Easter Sunday commemorate the four days during which Christians believe Jesus celebrated the Last Supper, was crucified, buried, and rose again.

151 An official memorial to the 149 adults and 19 children who lost their lives in the Oklahoma City Bombing was dedicated on April 19, 2000. CNN.com, *Oklahoma bombing memorial dedicated; Clinton calls it 'sacred ground'* (visited May 13, 2000) <<http://www.cnn.com/2000/US/04/19/oklahoma.city.03/index.html>>.

152 “An ecumenical agency whose mission is to help forward the struggles of oppressed people for justice and self determination.” Interreligious Foundation for Community Organization, *Homepage of IFCO* (last modified May 18, 2000) <<http://www.ifconews.org/>>.

153 Reverend Lucius Walker, *Letter of Invitation to the Movement of Prison Justice Caravans*, Interreligious Foundation for Community Organizing (New York: IFCO). Rev. Walker is the director of IFCO. *See id.*

To be sure, it would be easy to settle for serving those Christians that tolerate or make common cause with the powers of this age now spreading terror in lockdown America. We do better to live out a theatrics of counter-terror, remembering the executed God, breaking down the American Gulag, and restoring all the peoples to life.