

Arrogance, Impunity and Attica: The Attica Prison Uprising of 1971 and Its Legacy

Review of Heather Ann Thompson's Book

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Their sons ignore you; a fire warms them and sheds light around them, and you have not lit it. - Jean-Paul Sartre

Heather Ann Thompson's *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy*, Pantheon⁽¹⁾ was released August 23rd. Dr. Thompson is a Professor of History in the Department of Afro-American Studies at the University of Michigan and remains on the Faculty of Temple University. Noted by *The New York Times* as a "superb work of history"⁽²⁾ the book makes clear that 33 Attica prisoners and 9 hostages were killed by bullets from the security personnel who took over the prison by force September 13, 1971. The order was given by Governor Nelson Rockefeller. Despite the State's efforts to hide its responsibility for massacring unarmed prisoners, Dr. Thompson presents evidence of the specific murders by law enforcement which began weeks of brutalization of prisoners, torture and terrorization.

Killing of prisoners by law enforcement is extra-judicial killing and the massacre of prisoners, a crime against humanity. Yet there were no challenges to the crime at international law.

Wikipedia notes that Nelson Rockefeller was instrumental in bringing the United Nations to New York City and his family donated the land where the United Nations buildings were constructed. By the end of WWII 75% of the news that reached South America originated in Washington D.C., thanks to the Rockefeller offices.⁽³⁾ As early as the 1950's Nelson Rockefeller was president of the Board at Creole Oil of Venezuela, a subsidiary of Standard Oil (founded by his grandfather).

His 1971 solution to a crisis that rose from substandard and oppressive prison conditions in New York provided a model for response to prison protests during the 1980's and 90's in South America. On June 18, 1986 Peru's Alan Garcia sent in armed forces to put down an uprising by the Shining Path in three prisons, and slaughtered at least 244 prisoners. In Lima's Lurigancho prison 124 rebel prisoners died, at least 90 by extra-judicial execution. From May 6th to 9th, 1992, the war criminal Alberto Fujimori initiated a slaughter of prisoners at Lima's Castro Castro prison,⁽⁴⁾ by targeting the women - many of whom were pregnant.⁽⁵⁾ In the Americas the basic technique⁽⁵⁾ of executing prisoners as retribution was also used in Venezuela in 1992, 1994, 1996, and Brazil 1992.⁽⁶⁾

Extrajudicial execution of prisoners in the state's care can be distinguished from the

activities of entire prison centres dedicated to the torture and deaths of prisoners, such as the South American way stations of the disappeared where they were brought, tortured, then murdered. The purpose of these prisons which served Chile under Pinochet, Argentina's Dirty War, and all the Cooperative governments of Operation Condor covertly managed and supported by the U.S., is in fact murder and they are rarely called "Correctional Institutes" since there is nothing of the inmates left to correct. Within the U.S. the overt parallel is Guantanamo, where victims have been kept this side of death for purposes of recruitment and scientific experimentation.

Murder of prisoners by authorities is always a crime against humanity. The prisoners have no choice but to be in the prison. The State's impunity in covering up evidence at Attica Correctional Facility provided a template for racial injustice with impunity. While surviving prisoners from Peru were able to testify at the Inter-American Court of Human Rights⁽⁷⁾ damages to Attica prisoners, when they reach the level of court action, are kept within the State of New York. The Inter-American Court of Human Rights found Peru responsible for "violating the right to life enshrined in Article 4.1 of the Convention" ie, murder.

It's widely understood that prisoners in some U.S. prisons are subjected to abuse specifically outlawed by international human rights conventions and treaties. American prisoners are denied human rights protections afforded, if only by law, globally. Through heroic non-violent mass prison actions against solitary confinement in the California prison system, and a class action federal case by the New York Center for Constitutional Rights⁽⁸⁾, extreme applications of solitary confinement are now outlawed in California. In the past, American legal experts have been unwilling to press prisoners' cases at international law, or to apply for relief from U.N. organizations or the Inter-American Human Rights Court. Was it somehow "un-American" to seek help from other legal systems just because the government was murdering its own people?

If the political ethic of the two leading U.S. Presidential candidates bears any parallel to Alberto Fujimori's, what defenses do U.S. prisoners have who choose to protest prison conditions, violations of human rights law, forced labour for corporations at pitiful wages, and slave labour? After the massive strikes in California and particularly in Georgia some suspected strike leaders were met with violent retribution from prison officials. How often are crimes against prisoners brought to justice? Amidst New York State's vast wealth why are the rare reparations to families of Attica's prisoners and hostage guards all murdered by the authorities, so paltry? How often are U.N. and international law representatives, the International Red Cross, or North American human rights organizations, allowed into American prisons?

In commemoration of the Attica prison uprising of 1971, a coalition of groups concerned with prisoner rights and justice has called for a U.S. wide work stoppage and hunger strike on September 9th.⁽⁹⁾ The prisoners' "Call to Action Against Slavery in America"⁽¹⁰⁾ makes no call for violence. It asks prisoners to stop working as slaves. It calls for convict solidarity between races, ethnic groups and genders. It makes no threat of violence against guards or prison administration. Very mild, deeply American and deeply oriented to people it asks for outside support.

According to the American Friends Service Committee there are currently 2.4 million people

in U.S. prisons.⁽¹¹⁾ The U.S. Justice Department's Bureau of Justice Statistics cites fewer prisoners because it chooses to define "prisoners" as only the "inmates confined in long-term facilities run by the state departments of prisons (BOP)..."⁽¹²⁾ It notes that including jailed inmates, and those on parole and probation the total number of adult "offenders" in 2014 was between six and seven million people, not including young people.

The prisoners involved in a strike against slavery are brave people. They're rejecting slave labour, a crime they are subjected to, when it isn't even a crime under the U.S. Constitution. The U.S. Bill of Rights specifically permits slavery and involuntary servitude for those convicted of a crime,⁽¹³⁾ while slavery was outlawed for others at the end of the Civil War. It can be argued, slavery was made covert, the slavery of poverty, the threat of prison or prison labour. The slavery of forced military conscription has not required a guilty verdict.

The *Bill of Rights* leaves up to the government exactly what crimes merit making a human being a slave (*13th amendment*). This is so counter any understanding of human rights that the protections of the *13th Amendment* should be extended to everyone without exception.

Without adequate legal protection under American law American prisoners may find better recourse to further American expectations of human rights, under international law. The non-violence of work stoppages and hunger strikes doesn't preclude criminal violent action by the State. To deal with Rockefeller / Fujimori models of prison control, the extra-judicial reprisals and retribution (ie. the use of torture at Attica), it's important to keep records as eventual evidence in a just court.

The suggested guide for this is the Istanbul Protocol, from the U.N. Office of the High Commissioner for Human Rights. Addressed to human rights workers, journalists, legal and medical evidence gatherers, as well as family members of those who have been imprisoned or tortured, it provides a guide for assessing and documenting what international norms consider "torture," and provides to workers in both the legal and medical professions including military personnel, ethical norms which if transgressed risk eventual prosecution.

The strong influence of American experts among the 1999 document's authors moderates the work's understanding of horror, the psychological abyss of persecution and powerlessness. With academic detachment and salaried middle class empowerment, technical notes on terrifying means of torture seem to happen in some other world. White middle class horror at what torture means in America is further limited by prison statistics of predominantly Black, Hispanic, First Peoples, and immigrant prison population groups of poor people.

The reader may want to read as well Frantz Fanon's 1961 *Les Damnés de la Terre* (*The Wretched of the Earth*), where as a French psychiatrist Fanon recognizes symptoms of having been tortured amid patients much like himself.

Endnotes

⁽¹⁾ "Dr. Heather Ann Thompson : About," current, [access:<<http://heatheranthompson.com/>>].

⁽²⁾ "'Blood in the Water,' a Gripping Account of the Attica Prison Uprising," by Mark Oppenheimer, Aug. 18, 2016, *The New York Times*; "Prying Loose the Long-Kept Secrets of Attica," Jennifer Schuessler, Aug. 23, 2016, *The New York Times*.

⁽³⁾ Edward Jay Epstein, *The Rockefellers*, Chapter 5 , current [access:<<http://edwardjayepstein.com/rockefellers/chap5.htm>>].

⁽⁴⁾ “Peru acknowledges massacre at Castro Castro Prison in 1992,” Tomas Kristiansen, 12-07-2006, *International Rehabilitation Council for Torture Victims*.

⁽⁵⁾ “Case of the Miguel Castro-Castro Prison v. Peru: Judgement of November 25, 2006, ” *Inter-American Court of Human Rights*. p.4 #19.

⁽⁶⁾ “Human Rights Watch: World Prison Massacres” [access:<<https://www.hrw.org/legacy/advocacy/prisons/killings.htm> >].

⁽⁷⁾ Because Peru’s law on genocide extend the UN Convention’s to include “social groups” among those specifically protected , prisoner and intervenor testimony was able to directly raise the issue of prison massacres as genocide, and it was argued that the State was responsible for genocide. *IACHR*, p. 92. K.

⁽⁸⁾ *Ashker v. Governor of California* [access:< <https://ccrjustice.org/home/what-we-do/our-cases/ashker-v-brown> >].

⁽⁹⁾ “Why we’re about to see the largest prison strike in history,” Jeremy Galloway, Aug. 11, 2016, *The Influence / Raw Story*.

⁽¹⁰⁾ [access: < <https://iwoc.noblogs.org/post/2016/04/01/announcement-of-nationally-coordinated-prisoner-workstoppage-for-sept-9-2016> >]

⁽¹¹⁾ American Friends Service Committee [access:< <http://www.afsc.org/key-issues/issue/addressing-prisons> >].

⁽¹²⁾ “Key Statistic: Prisoners,” *Bureau of Justice Statistics* [access:<<http://www.bjs.gov/index.cfm?ty=kfdetail&iid=488> >].

⁽¹³⁾ This was noted in Margaret Kimberley’s “Support the Sept. 9 prison strike,” June 23, 2016, *Florida Courier*.

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