

**“Killing me every day”:
Contemporary Latino/a Culture and the Growing Prison Crisis**

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In 1985, 108 of every 100,000 U.S. residents were incarcerated in some form of prison facility (county, state, federal). Despite continuous national declines in crime, by the 1997 that figure had nearly doubled to 212 of every 100,000 U.S. residents (DOC). These statistics, shocking enough in their own right, are even more shocking when read in relation to the rest of the world. The United States now imprisons more people than any other country in the world possibly as much as half a million more than Communist China (Schlosser). In states such as California that lead the United States and the world in the creation and development of a prison industrial complex and implementation of an oppressive “law and order” culture, that figure is expected to grow astronomically into the new millennium. The case for prisons as a growth industry in California simply cannot be overstated. A report written in December 1998 states:

California now has the biggest prison system in the Western industrialized world, a system 40 percent bigger than the Federal Bureau of Prisons. The state holds more inmates in its jails and prisons than do France, Great Britain, Germany, Japan, Singapore and the Netherlands combined. The California Department of Corrections predicts that at the current rate of expansion, barring a court order that forces a release of prisoners, it will run out of room eighteen months from now. (Schlosser)

One only need reflect briefly on the shifting demographics of California specifically and the United States in general to speculate on who is being made to fill the beds in the ever-growing prison system. This paper will focus on the case of Luis Felipe in order to consider the ways in which state-enforced silences are a structuring force in the creation and articulation of contemporary Latino/a culture. I will also consider how state-created and enforced silences, which are constructed in the laboratory of oppression that is the contemporary prison industrial complex, structure the ways in which we as a wider population are silenced.

Luis Felipe, also known as King Blood, organized the New York chapter of the Almighty Latin King and Queen Nation in the eighties and quickly became “New York City’s most powerful and deadly gang leader while behind bars” (Kocieniewski). In 1991, the federal government completed the sixty million dollar construction of its first Supermax facility in a sparsely populated section of Colorado. Nicknamed “The Alcatraz of the Rockies,” the facility is well known for housing high profile inmates such as Timothy McVeigh, Ted Kaczynski, and Ramsey Youssef, who serve various levels of nearly constant solitary confinement. One report terms the Supermax facility at Florence “The Last Worst Place” in the US penal system because “[a]t Florence, isolation is all there is” (Taylor). In 1997, Judge John Martin sentenced Luis Felipe to the most repressive conditions yet experienced by any of the inmates of the Federal Supermax Facility at Florence, Colorado. Stating, “this defendant has forfeited any right to human contact,” Martin deprived Felipe of the right to send or receive mail or to receive visits from anyone other than his lawyer and court-approved members of his immediate family of which he has none. Though under constant surveillance, the facility’s state of the art technology has denied Felipe even the minimal contact he might have experienced by interacting with corrections officers or other prisoners. Under lockdown twenty-three hours a day, Felipe receives all prison meals alone in his cell through a high tech system that denies him even the minimal contact he might have had with the corrections officers distributing the meals. The conditions of Felipe’s incarceration represent the extremist possibilities for punitive isolation that Supermax facility’s present technology allows, but all such facilities are built around the principles of isolation and surveillance that are literally destroying Felipe and others like him. Prisoners at the federal Supermax facility in Florence are locked down in total isolation nearly 23 hours a day in a space which one report notes is “barely big enough for a Ford Expedition” (Johnson). Cells are soundproofed and prisoners are constantly under surveillance though all furniture is made of poured concrete and access to any non-prison items is extremely limited. Though prisoners are only allowed outside their cell only in leg irons and handcuffs the perimeter of the prison is guarded by dogs trained to attack without barking (Langton). Amnesty International has investigated the prolonged solitary confinement of the Supermax facility as a form of torture and at least one prisoner has successfully litigated damages for confinement in a Supermax facility as “cruel and unusual punishment” (Hallinan). Prison rights activist Ray Luc Levasseur explains it best for those on the outside when he says “lock yourself in your bathroom for four years and tell me how it affects your mind. It begins to erode the five senses. It’s dehumanizing” (Annin).

Lawrence K. Freitell, Felipe’s lawyer, has argued that the conditions that Felipe has been subjected to have contributed to a deteriorating mental and

physical condition. Felipe has experienced a loss of sleep and appetite so severe that has had to be medicated with antidepressants. He reportedly weeps constantly and uncontrollably. Most importantly, Freitell argues that existing in this state of forced isolation and surveillance has caused Felipe to literally lose his ability to communicate verbally with others. At his sentencing Felipe prophetically declared to Judge Martin “You accuse me of killing people, but you’ll be killing me every day” (Kocieneiowski). While Luis Felipe’s case presents an extreme example of the conditions facing the Latino/a population in the nation’s correctional facilities, it raises important questions about the nature and limitations of “corrections” and its impact and influence on Latino/a cultural articulation and survival.

It is not my intention here to discuss Felipe’s guilt or innocence or to attempt to redeem him as a cultural icon. Nor do I wish to enter into the debate as to the status of the Latin Kings as an organization. Whether they are a bunch of drug-selling thugs, an important emerging political force or some combination of both, it is impossible not to recognize the Latin Kings as significant social and cultural force, shaping and being shaped by the contemporary discourse on Latino/as and criminality. The Latin Kings are the subject of intense news media scrutiny in the northeast, where they are strongest. In 1997, the year Felipe was convicted and sentenced, there were twenty-five articles on the Latin Kings in the Metro section of *The New York Times* alone. They have also been the subject of several “exposes” type stories on shows like “Nightline,” and “ABC’s Crime & Justice Report.” They are the subject of at least two feature length documentaries, and were even the subject of an art exhibit in New York documenting their unique style. Consistently constructed as a dangerous, mysterious, and ever-growing threat, the portrayal of the Latin Kings in *The New York Times* parallels the news media’s construction of the invisible threat posed by the encroachment of Latino/a populations on wider United States culture and society.

In *Discipline and Punish: The Birth of the Prison*, Michel Foucault writes of the “discipline-mechanism” of modern society as having derived directly from prison technology developed in the 1800s in France. Prison technology revolutionized the structure of the French penal system but the technology would also seep through to other social institutions such as schools, asylums, hospitals, and factories, institutions that required some level of coercive discipline and control. The most important innovation in prison technology of the time was the development of Bentham’s Panopticon, which functioned “to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power” (201). In the Panopticon “visibility is a trap” (200). This is achieved via the architectural innovation of the Panopticon, a structure that renders its inhabitants seen but never seeing, forever masking the workings of power. “Each individual, in his place, is securely confined to a cell from which

he is seen from the front by a supervisor; but the side walls prevent him from coming into contact with his companions. He is the object of information, never a subject in communication,” Foucault writes (200). Foucault’s work offers strong insight into the wider cultural and societal implications of the structures of power and coercion created through prison technological innovations. Foucault characterizes the Panopticon as significantly “non-corporal” and opposes it to “the ruined prisons, littered with mechanisms of torture” (203, 205). In noting a shift away from torture as a structuring mechanism of earlier prison culture, he quotes the Panopticon creator’s claim that it “gives power of mind over mind” (206).

In *Resisting State Violence: Radicalism, Gender, and Race in U.S. Culture*, Joy James has already begun to offer the necessary corrective to Foucault’s obvious limitations in conceptualizing a historical account of the Western development of punishment and the body without a recourse to a history of Euro-American racial violence and slavery. I want to suggest that the erasure of racial violence in Foucault’s work that James documents presents more than simply a problematic historical blind-spot. I want to suggest that Foucault’s conceptualization of the body and punishment is inherently flawed by his inability to conceptualize brown bodies in pain in “the laboratory of power” of the penal system. Foucault’s model does not recognize the cerebral exercise of control--the forced visibility and enforced silencing--as potentially torturous with effects that extend beyond the mind. Consequently, since the inculcation of power is an almost automatic affair of the mind, Foucault cannot envision a significant resistance to it. Foucault’s prisoners cannot/do not resist or refuse the internalizing functions of the Panopticon structure. Felipe’s case presents one such instance of resistance to prison structures as he not only resisted prison by becoming “New York City’s most powerful and deadly gang leader while behind bars” but continues to resist easy integration of the forced isolation and surveillance of the Supermax structure. In fact, the creation of the Supermax structure can be seen as the states attempt to force rather than “to induce,” as Foucault suggests, the prisoner into “a state of conscious and permanent visibility that assures the automatic functioning of power” in such a way as to suggest that that functioning of power is not so “automatic” after all and is already being consciously subverted in multiple ways by prisoners. The fact that Felipe’s imprisonment has caused physical and psychological resistance so profound the prison system has had to medicate him so that he can eat and sleep bespeaks not only an enormous psychic resistance to the Supermax structure but a profound bodily resistance as well. But what are the consequences of a penal structure so repressive that the only resistance possible involves the willing destruction of those who would resist?

In *The Judas Factor: The Plot to Kill Malcolm X*, Karl Evanzz outlines the racial terror that was formative to the identity construction of Nation of Islam founder Elijah Muhammad. Muhammad's experience as a child in Georgia at the turn of the century and as a young man in Detroit in the 1920s run the predictable gamut from beatings and verbal harassment and to witnessing the lynching of a young friend. These formative experiences of violence were compounded by the repeated acts of state violence and harassment that Muhammad and Wallace Fard faced as they struggled to configure the Nation of Islam in its earliest forms in Detroit during the 1930s. Fard and Muhammad were repeatedly harassed, arrested, and beaten by the police in the early years of the movement until Fard eventually disappeared in 1934 after police "used a little physical persuasion to entice Fard 'to quit the city'" (139). Despite the police violence against him and the organization, Muhammad went on to make the NOI into the powerful political, social, and cultural force we know it as today. The legacy of state violence that Muhammad experienced personally and the NOI experienced organizationally, however, was never far from him or it. In fact Evanzz contends that it was instrumental in the most significant moment in the organization's history, the moment in 1963 in which Elijah Muhammad decided to formally silence and eventually expel Malcolm X, the organization's most powerful spokesperson, from the NOI. (These actions, of course, lead directly to his assassination in 1965). Evanzz writes "It is possible that Muhammad's decision to silence Malcolm X wasn't based solely upon his attempt to fend off public hostility against the NOI; his overriding motivation may have been to prevent the FBI from destroying his sect as it had done in 1942" (165). I discuss Muhammad and the history of the NOI at length to suggest the power of state institutions, particularly the penal system, to police and silence minority and dissenting cultures even when they do not actively have their boots on our necks so to speak. Muhammad's fear of Malcolm X's speech rightfully arose from his knowledge of the state's ability to enact powerfully violent silencing through the police and prison systems. This could potentially have destroyed the entire organization. His inability to conceptualize a resistance to state power that did not involve doing the state's work of silencing dissent is valuable if for nothing else than its instructive power to teach us the shaping force of the state's power to silence as well as demonstrate the limits of certain forms of organized resistance.

In most discussions of prisons, both within the academy and outside of it, the guiding assumption is that the major threat that mass incarcerations presents to minority and dissenting cultures is in its ability to lock up and essentially neutralize large groups of people for long periods of time. If a third of our population is either incarcerated, on parole or in court, that effectively stops them from participating in the creation of any sort of resistance to police or state repression. This is obviously true. However, the example of the ways in which

Elijah Muhammad's early encounters with prison and the police structured the growth and development of the NOI suggests that the cultural consequences of mass incarceration are much more profound than that. The proportion of Latino/as in state and federal prisons doubled from 1980 to 1993 (DOC). In the state of California (the state that incarcerates more of its population than any other state in the union) seventy percent of the prison population is people of color. Thirty-four percent of that population and growing are Latina/os (DOC). Of the youth prison population that number is higher (DOC). California voters are currently considering, in a measure called Proposition 21: Gang Violence and Juvenile Crime Prevention Act, allowing children to not only be more easily tried as adults but also to allow for the incarceration of kids as young as fourteen years old in adult facilities. We need to consider what sort of cultural possibilities are allowed or disallowed by these moves on the part of the state.

It is important to return to the case of Luis Felipe and the Latin Kings when we consider this question. The Latin Kings, which originated in Chicago in the Forties, were revived by Felipe and his associates in prison allegedly for the protection of Latino/a prisoners and to promote Latino/a pride. Despite all the limitations that inner-city poverty creates--including limited access to education, resources, and, obviously, to media outlets such as television, film, and advertising--Felipe and other leaders of the Latin Kings created an organization whose styles of articulation are known nationally. The group is famous for the manner in which it articulates its existence verbally, stylistically through dress, gestures, and tattoos, through rituals, and through its written charter and discourse. The Latin King stylistic articulations became so widespread that one police detective ruminates in print: "We've got kids right here in Bismark, real North Dakota kids, taking on inner-city gang identities" (Palmer). Others note the independent manufacture and sale of clothing sporting the black, gold, and signature Latin Kings crown "next to a Tommy Sport tank top, floral dress and Los Angeles Raiders hockey jersey" (McBride). The knowledge that members wore colorful beads to denote membership in the group became so widespread that the group was forced to end the practice. Undoubtedly, the creativity in which the Latin Kings approach the articulation of their credo is at least partially responsible for the media "hype" and police hysteria that surrounds the organization. Newspaper articles focus repeatedly on the articulateness of figures like Luis "King Blood" Felipe and Antonio "King Tone" Fernandez as well as the "mysteries and rituals" that surround membership in the group. Media descriptions routinely describe members in terms such as "thoughtful and articulate," "resourceful," and "charismatic". I raise this not to present Luis Felipe and the Latin Kings as some sort of rebel heroes or misunderstood insurgent or organic intellectuals as many have. Instead, I want to seriously consider the implications of the effective silencing of members of a group who

are not only constantly described, even by their most vehement detractors, as “articulate” but also so adept at organizing themselves and manipulating the media that they can become an organization of national prominence in less than fourteen years with fairly limited resources

Luis Felipe, a high school dropout, came to New York from Cuba on the Mariel boatlift. He proceeded to author the group’s manifesto and to create many of the rituals and much of the discourse that helped popularize the group on the street level. What does it mean that a man of obviously limited resources and equally unlimited talents must be “neutralized” by the state in such a violent fashion? And what does it mean that the Latin Kings who are so obviously adept at creating and conveying their message can be so effectively silenced by the state? Furthermore, what are the wider cultural consequences of being able to effectively silence such a group for the rest of us? It is important to note that Luis Felipe’s case is not an “isolated incident” of the use of extreme isolation to silence a member of a powerful voice of organized resistance and dissent. Larry Hoover, a leader of Chicago’s Gangster Disciples, who shares a similar history of creative criminality with Felipe, is also scheduled to be held under similar conditions in a Supermax facility (AP). But such a fate is not reserved only for those whose resistance is expressed through “gangsterisms”. When inmates rose up violently in five federal prisons in Alabama, Pennsylvania, Illinois, Oklahoma, and Tennessee against the U.S. House of Representatives rejection of a proposal to erase racialized sentencing disparities between powder and crack cocaine, the so-called “ringleaders” of the uprising were also sent to the Supermax at Florence (Miniclier). One only has to read the enforced silence that the recently released political prisoners from the Puerto Rican independence movement were forced to sign in order to extrapolate the political implications of such state powers to forcefully silence dissent. An article eerily entitled “Prison May Be the Answer” details the Governor of Ohio’s response to the violent uprising at the Southern Ohio Correctional Facility near Lucasville, one of the most successful prison uprisings in recent US prison history (Lore).¹ “The answer” that the article speaks of is not just a prison but rather the creation of a Supermax facility. “Creating a super-maximum prison at Lucasville would send a message to the rioters that they did not win anything in their 11-day uprising” an official from the Department of Rehabilitation and Correction bluntly states (Lore). The DRC official goes on to boast of the facility’s ability to isolate its prisoners from even the most trivial of human contact. “At Lucasville, the inmates walk past the officers as they come out of cells to go eat. At a Supermax, it would be almost all indirect contact – pushing buttons, opening doors from behind other secure locations” (Lore).

The building of a Supermax facility in Ohio is a direct and expensive² attempt to convey to prisoners that they do not have the right to assert dissent in any sort of substantial form. Subsequent prison protest, both violent and

nonviolent,³ has been met with the use of control units to physically and psychologically terrorize and isolate prison organizers and activists. Abdul Olugbala Shakur and Ray Luc Levasseur have been held at Pelican Bay and Florence ADX virtually since they opened. Levasseur, a radical political activist sentenced as part of the Ohio-7+, was previously held at Marion, Illinois, the notorious precursor to the Supermax facilities. The potential threat of incarceration in such a facility is held out to intimidate the system's "bad slaves" (to borrow a phrase from Bill Dunne in *The New Plantation*). Dunne, who is himself incarcerated at Marion, also suggests that the "purpose of prisons is first and foremost to control the outside population" (9). I would argue that this is done not only through the use of directly coercive methods created in prison environments and then meted out to a wider population as Dunne suggest. Rather, I would argue that it is also achieved by allowing a repressive "law and order" culture to coercively permeate and consequently structure the creative and analytical possibilities for those of us "on the outside". It becomes increasingly hard for members of minority and dissenting cultures "on the outside" to even begin to imagine let alone construct themselves as "bad slaves".

The criminalizing of minority and dissenting culture, the violence perpetuated against those currently incarcerated, the proliferation of police officers and subsequently of police violence leave us all vulnerable and affect the potential development of our cultures. In making a case for the study of Latin American literature in conjunction with the study of the anti-colonial struggle, Roberto Fernandez Retamar makes the simple yet profoundly significant claim: "Our culture, like every culture, requires as a primary condition our own existence" (38). With increasing amounts of people of color subjected to the direct repression of the US penal system and even more suffering indirectly from that system it becomes increasingly important to understand the ways in which the prison industrial complex shapes and conditions dissent within contemporary culture.

Notes

¹ In “The Straw that Broke the Camel’s Back: The 1993 Lucasville Easter Uprising,” prison activist John Perrotti discusses the longstanding complaints of human rights violations in the prison and attempts by prisoner activists to get various governmental agencies and civil rights organizations to hear these violations.

² Each individual unit in the structure is estimated to cost \$74,000 (Lore).

³ Nonviolent methods of protest employed with varying levels of success by US prisoners include work stoppages and hunger strikes. The system itself makes no distinction between violent and nonviolent protest classifying them all as “serious disturbances” (Musaa, 240).

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