

# We Are Still People

①

February 1, 2022

submitted to the American Prison Writing Archive  
by James Howell Trowbridge  
Patrick County Jail - Inmate #301038  
742 Commerce St  
Stuart, VA 24171

The Commonwealth of Virginia broke my father, as it breaks the souls of many "offenders". Whatever the goals of a criminal justice system may be - whether mostly punitive, deterrent, or restorative in nature - it should NOT be the goal of any system created by humans to break the souls of other humans. This I assert and I challenge everyone to search their own belief structures with this assertion in mind.

Sometimes the most extreme examples help to clarify the more mundane: the bombing of civilians during World War II did not break the spirit of the people.

It is an ironic fiction that strategic (i.e. anti-civilian) bombing can break a nation's will to fight. In Germany, Britain, and Japan, the effect of strategic bombing was to give the people a common cause, to harden their will to resist in the crucible of shared difficulties.  
(from Shibumi by Trevanian)

I look to war as the most extreme form of criminal punishment, because the human impulse to attack another human, more often than not, derives from a seemingly moral impulse of justice and righteousness.

Honor killings are perhaps the most poignant example of this phenomenon. The axiom from the Bible, "Let ye without sin be the first to cast stones," speaks to the centrality of death by stoning in the history of human affairs. As the practice continues today, it is often women who are stoned to death for committing adultery. Thus is a woman's honor "preserved" by a bloody and brutal ritual of "moral" correction. (See Down Girl: The Logic of Misogyny by Kate Mann)

An unfortunate vestige of British colonial rule, the American legal system has long assumed that its citizens are morally superior to other humans. Indeed, moral "improvement" through subjugation and domination was perhaps the central lie of all the European colonial projects. It is reflected, quite explicitly, in the 1857 Supreme Court of the United States ruling in Dred Scott v. Sandford:

In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a

part of the people, nor intended to be included in the general words used in that memorable instrument [...]

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit [...]

"Might justly and lawfully be reduced to slavery for his benefit."

"Might justly and lawfully be reduced to slavery for his benefit."

At face value, to me as a modern observer, this statement appears absurd. Yet, one could replace the subject and object of this statement and find that this racist conceit persists to modern times:

"The [peasant farmers of Vietnam/Guatemala] might justly and lawfully be [napalmed/subjected to a scorched earth military purge] for their benefit."

"The [people of Iraq] might justly and lawfully be [bombed back to the Stone Age] for their benefit."

"The [ever-growing U.S. prison population] might justly and lawfully be [subjected to an endless barrage of coercion and indignity] for their benefit."

Subjecting "offenders" to an endless barrage of indignities seems not to break their spirits, but it does "harden their will to resist in the crucible of shared difficulties."

I should clarify that the Commonwealth of Virginia did not break my father, but it did make his post-incarceration life so difficult that his soul - the beautiful, generous, sensitive, and kind parts of him - did not have much breathing room to express themselves.

A program in Wisconsin, the Mendota Juvenile Treatment Center, is having success rehabilitating adolescents with long criminal histories:

The center attempts to build a connection with the kids despite their aggressive and antisocial behaviors. Even when an inmate hurls feces or sprays urine at staff members - a common occurrence at many correctional institutions - the staff members keep treating the offender humanely [...]

The focus is not on punishing bad behavior but on rewarding good conduct. That's different from most correctional institutions.

Over time the kids start to behave better [...] Their callous-unemotional traits diminish. Their improved ability to manage their emotions and control their violent impulses seems to endure beyond the walls of Mendota. Adolescents treated in the program have committed far fewer and less violent offenses between two and six years after release [...]"

(from "The Science of Good and Evil", National Geographic, January 2018)

In short, it's very difficult to beat, bomb, enslave, torture, or otherwise punish a person into wanting to co-exist peacefully with your society. I am NOT advocating for prison abolition. There are people who pose an active threat to society, who need to be contained. Arguably, when I was arrested, I may have posed a threat to some elements of society; certainly, I scared a number of people. In one sense, three months of incarceration has been a welcome "time-out" from some of the pressures I was facing in my life. At the same time, so many aspects of this experience seem designed to infantilize and denigrate inmates. As if being locked in a cage, removed from one's life were not punishment enough...

To many in American society, being locked up is NOT considered punishment enough. They believe that jail/prison/incarceration SHOULD be painful and difficult. It should be a strong deterrent against committing crimes in the first place. I understand this line of thinking - I used to ascribe to it - and I want to challenge it on multiple grounds:

(a) Empirically, when compared with law enforcement and incarceration systems in Germany and Scandinavia, the U.S. system is much harsher, sees MORE repeat offenders, and is, arguably, less effective. (It's worth considering the amount of gun violence in the U.S. and considering society in terms of escalation versus de-escalation of violence. In many cases, as far as an inmate's brain stem perceives it, incarceration likely represents an escalation of threat and violence.)

(b) People can experience traumatic events - things that are scary, painful, isolating, especially that trigger our fear of abandonment or

attack - without becoming traumatized. I liken this to a material under load flexing, bending, or breaking. Increased duration, intensity, and frequency of traumatic experience leads to increased likelihood of traumatization. The U.S. military, for example, has found that 6 months or less of combat time is significantly less likely to cause PTSD than longer tours of duty. I think of this as the soul's ability to remember and remain connected with a less dangerous reality. (As a 17 year old, I was traumatized by two traumatic events, which occurred within a few months of each other. My high school was ~5 miles away from the Pentagon and my mother was scheduled to interview there on 9/11, when the terrorist attack happened. This happened as my dad was awaiting sentencing for four felonies as a child molester. It was enough to sever my connection to safer-feeling reality.)

What's the correct balance point between creating a carceral system that, on the one hand, deters and punishes enough to satisfy people's sense of justice AND, on the other hand, does not unduly traumatize inmates in the process? I believe America is far too harsh, and many sentences are much too long. More than that, ex-convicts emerge into the world, after a long and trying ordeal, carrying taboo; diminished connections for finding employment, housing, and community; and often significant trauma.

(c) People engage in drug use and other addictive/compulsive behaviors, more often than not, when they are experiencing acute fear, shame (ultimately the fear of abandonment), powerlessness - very basic

emotional stimuli, which tend to override a person's higher-order cognitive functions. The part of your brain tasked with risk assessment largely shuts down, in these situations.

A large portion of our criminal justice apparatus targets drug use, but a drug user's nervous system is largely incapable of considering sentence severity in the moment that matters. Adrenaline addiction functions much the same.

All this is to say that harsh sentences probably have limited ability to dissuade first-time offenders of crimes of addiction, AND the trauma of incarceration likely works against the law, in terms of drug use and compulsive behaviour in repeat-offenders.

(d) The criminal justice system is very clearly weighted against poor people and people of color. As such, it serves as an incredibly damaging and regressive tax, and a force for structural racism. People who can afford a lawyer, beyond the overburdened public defenders, spend less time in jail and walk away with lighter sentences [citation needed]. Americans consume (and likely distribute and sell) illegal drugs at approximately the same rates across racial and socio-economic classes, but people of color and poor people are arrested and convicted at higher rates, due to targeted over-policing. Criminalizing sex work, besides flying in the face of Jesus' example, serves only to put the most vulnerable people in society, mostly poor women, at increased risk of danger, for practicing the world's oldest profession.

ALL of this is academic, however, for people who have

never been personally touched by the system. And so I will conclude with a story, an event that happened this past week in Patrick County Jail, which confirmed for me that my status was downgraded from person to non-person, from human to sub-human, when I became Inmate #301038.

A fellow inmate, who I will call Paul, has been suffering from liver irregularities. He is approximately 40 years old. He is a father. He is a person of color who grew up in a comparatively rural, poor, and "White" county in southwestern Virginia. He has been receiving regular medical care, both from the jail nurse, as well as offsite visits to the hospital. He has a serious medical condition and that is well established amongst all parties.

Earlier this week, he was lying in his bunk, when he started convulsing, breathing irregularly, and demonstrating limited social/cognitive ability. He complained of pain in his chest. Liver failure can have secondary, life-threatening, impacts on multiple other systems in the body. (A friend's father has been in and out of the hospital for liver complications in recent months.) We called the jail guards on the intercom, reporting the medical emergency. It was ~15 minutes before the guards even came to check on the situation (whereas earlier in the day, when a guard spotted a contraband tattoo gun, in our pod of 30+ inmates, he called for backup, and two other officers arrived within seconds). Stuart, VA is not a large place, but the two paramedics first arrived ~25 minutes after the fact, and moreover they arrived walking slowly without a stretcher. The other inmates had carried Paul, on his mat,



up to the door to the pod. The paramedics came inside, measured his heart function with an EKG, determined he was not having a heart attack, and then walked away leaving Paul still semi-conscious on the floor of the jail.

There is no way the two paramedics were able to rule out the multiple potential medical emergencies Paul might have been experiencing, in their brief time examining him. Everything about the response suggested that it was entirely perfunctory and that neither the guards nor the paramedics were interested in doing more than the minimal possible amount of covering-their-own-asses-but-not-actually-caring-if-this-man-died work in response to what was by all appearances a serious medical emergency. After 45 minutes, Paul was still lying on the floor. The guards were mumbling about chain-of-command and getting in touch with the jail nurse. Whether it was protocol or callousness that stayed their hands from rushing Paul to the emergency room matters very little in my view. The **OVERWHELMING** message that was sent to the 30+ inmates in the men's minimum security pod was that our lives don't matter.

Like many of the men in this pod, I have yet to be convicted. I do not claim innocence, nor have I done anything so heinous as to revoke my status as a full person. Some of the men do claim innocence, or at least would have, were the coercion from the Commonwealth's District Attorney, the threat of rotting in jail for many months awaiting trial, not so compelling as to extort confessions of guilt, from men who claimed innocence amongst their peers. Citizens who have been promised the Constitutional

right to a fair and speedy trial should not be threatened, as a matter of course, with additional charges and harsher sentences for exercising their right. In the Commonwealth of Virginia, under normal operating procedures, a person accused of a felony can be held for up to 10 months before trial, which, most people would agree, is long enough to seriously derail a person's life. The Commonwealth has levied both misdemeanor and felony charges against me. I think many of them are bogus and would not stand up in trial, but the penalty of going to trial is sufficiently high that I may plead guilty anyway, if/when I am offered a plea bargain.

None of this leads me to believe that the Commonwealth of Virginia, existing as it does as a complicated network of people, goals, and decision making protocols, has my best interest in mind. Certainly, as long as I am Inmate #301038, I must assume that my status as a sub-human "offender" puts me at additional risk.

In my mind, to use a medical metaphor, our criminal justice system is inflamed right now. As with many autoimmune disorders, the body's antibodies (law enforcement officers & prosecutors) are over-active and falsely identifying threats. The inflammation (escalation of tension between the police and the policed, overcrowded jails, over-tasked bureaucracies, etc.) has become more of a threat, or at least more painful to the larger body politic, than the threat of criminality itself. Trust is a two-way street. Respect is a two-way street. Do not deny my personhood and then expect me to play by your rules.