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NECROPOLITICS, CRIMINALIZATION AND DISPOSABILITY: THE NEW YORK STATE
DECARCERATION DEBATE DURING COVID-19

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ABSTRACT

The following thesis seeks to contextualize and critically examine the New York State decarceration debate during the first year of COVID-19 within the frameworks of biopower, necropower, criminalization and disposability. In addition to communication from the administration of Governor Andrew Cuomo, this paper engages the voices of other state actors, the media, advocacy organizations and incarcerated individuals themselves. The choice to use a variety of frameworks and objects is a deliberate effort to nuance a debate that is infinitely more complex than freeing or caging people in a deadly pandemic. The ideas and values expressed in the conversations have origins that are defined in part by hierarchical identities, varying commitments to authority and forced political compromises. Although COVID-19 has exposed and exacerbated these dynamics, I argue that they are best understood as legacies of subjugation and anti-Blackness. My study of this particular debate aims to contribute to a larger conversation about the ways in which incarceration and criminalization, as mechanisms of control, characterize our state.

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Chapter 1

Introduction

“My cell TV plays Covid news ad nauseum about the packed hospitals and limited ventilators. The stakes are high. Doctors are having to make decisions about who lives and who dies. When we pull up to the surrounding hospitals, doctors will only see a criminal on a gurney. They won’t know what we did. So we’re all in this together, at the bottom of the pecking order.”

- Dino Caroselli (2020), incarcerated in Sing Sing Correctional Facility in New York

“We’re talking about lives. We’re not talking about rec, or food, or general prison conditions. There’s a guy in here that’s got a heart problem, and lung and kidney problems. There’s another one who has cancer, and he’s on a breathing machine. There’s an older guy who, when he fell ill, he just stayed in bed. And I see the deterioration day-by-day creeping across his face.”

- Jermaine Archer (2020), incarcerated at Greene Correctional Facility in New York

“I’d give anything to trade places with you right now. And when I say anything, I mean anything. If I owned a billion dollars I’d offer it over to you. A hundred billion. A trillion. That’s because I’m scared to death. I may die all alone in prison without any of my loved ones around to comfort me and send me off. I don’t want the last faces I see to be those of the two cruel prison guards assigned to watch over me while I slip away.

And let’s be honest, I now live in a death trap.”

- Jerry Metcalf (2020), incarcerated at Thumb Correctional Facility in Michigan

“If you’re quarantined for a few weeks, take note of how you feel when you go out into the world again. Perhaps, you’ll think of me.

For now I look out my door’s window and think to myself that no human being is made for these cages. No human being deserves to rot away in an 8-by-12 box, in solitary deprivation. Long after COVID-19, there will still be a population here, alone and deprived of human touch.”

- Wesley Williams (2020), incarcerated at Upstate Correctional Facility in New York

These are just a few of the voices¹ that have guided this study, one that is founded on the conviction that people in prisons are not just as important as “law abiding” citizens, but instead hold inherent value beyond the identities by which the state defines us and would have us define each other. Although there is no sufficient way to summarize the pain and fear incarcerated people continue to face as COVID spreads through the cages in which they are held, there is also no other way to introduce this thesis. In order to accurately capture and qualify the significance of this debate, we have to know what exactly is being argued upon. This is of particular importance for my project because the experiences of incarcerated populations are not well known or understood amongst the general public, and certain actors in the debate rely on this ignorance to advance their agendas without scrutiny.

¹ All quotes were taken from The Marshall Project’s public “Life Inside” series to ensure that no incarcerated individuals were increasingly exposed or put at risk by sharing their testimonies in this paper. It is important to recognize that this limitation means that we are missing the experiences of those who are most isolated and likely most vulnerable to the detrimental mental and emotional impacts of being incarcerated during COVID-19.

These testimonies come from only 4 of the nearly 2.5 million people currently incarcerated in the United States (Sawyer and Wagner, 2020). While each have faced uniquely difficult circumstances during the pandemic, there are several common experiences that span these accounts.

Incarcerated populations entered the pandemic at a physical disadvantage with higher rates of “health compromised individuals” and limited access to healthcare (Novisky and Narvey and Semenza 2020, 1244). As these circumstances coincided with a period of widespread scarcity of key pandemic-related resources, the disparities only worsened. The American Civil Liberties Union (ACLU) and the National Association for the Advancement of Colored People (NAACP) have both undertaken a series of legal battles in the past year against the administrations of jails and prisons across the country who have held back from providing access to testing for their inhabitants — citing cases in which testing would only occur after it was clear that the person was already sick and when mitigation efforts would make no difference to the spread (Shannon, 2020). In a federal correctional facility located in Miami, both incarcerated communities and staff have spoken out about the lack of support they have received from the Bureau of Corrections as cases surge around them — and policies across the country show a pattern of indifference to the fundamental practices that could help prevent these spikes. (Bellware 2020). An analysis of institutional responses to the crisis showed that only 28 states provided their facilities with personal protective equipment (PPE), and even fewer required consistent usage of face masks for staff (1254).

As far as incarceration specific COVID issues go, a lack of testing and PPE are probably the most well documented and recognized. This attention, however, is notably missing from

some of the less relatable aspects of their circumstances. As we move into a discussion of these elements, it should be noted that issues like increased solitary confinement and decreased communication with the outside world are even harder to distinguish from the day to day realities of incarcerated people than are newer issues such as testing and vaccinations. Because addressing these problems opens the door to possible questions and realizations about the ever present conditions inside jails and prisons, it's not comfortable or convenient for "official" defenders of the carceral system to draw attention to them at all. That said, the punitive rhetoric of the state has done an extremely effective job at normalizing these practices so that the general public and popular media might tolerate a certain rate of occurrence. The articles cited in the following pages argue the issue from this perspective of limited tolerance.

One of the first preventative measures enacted in prisons was the cancellation of in person visitation. This policy was one of the only widespread practices maintained throughout the first year of the pandemic, with all 50 states enforcing it in their facilities. Not nearly as many, however, offered a free alternative for incarcerated folks to stay easily connected with the outside world (Novisky and Narvey and Semenza 2020, 1249). While letter writing, calling or emailing is offered at most jails and prisons, they are often not free and require the person on the inside to incur the cost; sending them money to be able to do this is not always a simple process either. This increased isolation is touted as a worthy sacrifice in exchange for the safety of incarcerated communities, but prison and jail staff are somehow exempt from mandatory mask wearing and regular testing — practices that have been commonly required from people working with high risk populations.

As this contradictory approach began to fail, incarcerated individuals were forced into horrific living conditions that varied anywhere from sharing a tiny room with someone with COVID symptoms to facing complete and total isolation in solitary confinement (a controversial practice even before the pandemic). Although true social distancing was practically impossible to enforce in most prisons, lockdowns were utilized to confine incarcerated residents to their cells for nearly 24 hours a day, increasing the number of confined people from 60,000 to 300,000 during the pandemic (Shapiro, 2020). Even when the lockdowns eased further into the summer, confinement was still utilized case by case. For the facilities that did make an effort to separate COVID positive residents from their roommates and/or neighbors, solitary confinement and medical quarantine became equivalent sentences.

In regards to meals, exercise and other necessities, distancing rules have been used to further limit the basic freedoms and dignity of people in prisons. Christopher Blackwell describes being controlled through these mechanisms in a Washington State prison, and notes how it has shifted his priorities:

With the coronavirus going on we are constantly wondering what its next effects will be: not the virus itself, but when we can use the phones, when and how we will eat, whether the showers are open to clean ourselves, whether they changed the rules around going to the yard or the gym, and when we will just be confined to our cells with no way to communicate with our loved ones. (Blackwell 2020)

One of the only activities these “safety” measures have not managed to impede is prison labor, which has been an essential tool in over 40 state’s efforts to mitigate resource scarcity for PPE and cleaning materials (Kamisher, 2020).

It is obvious that the both state and federal run facilities have removed services from incarcerated populations, increased their level of vulnerability for mental and physical issues, and exploited their labor during the pandemic; the testimonies included thus far have spoken to the distinctly horrible nature of life in prison during this past year. This information, however, is not to be interpreted such that we believe COVID in prisons constitutes an unusual or original expression of disposability and terror — in part because this narrative is inconsistent with the true complexity of the accounts coming out of the prisons themselves. Cory Devon Arthur (2020) describes medical quarantine/solitary confinement as a reprieve from the lack of privacy in the “open dormitory” living areas at Fishkill Correctional Facility in New York. Understanding how “regular” conditions in prisons already manifest these logics, it is more accurate and useful to view the current treatment of incarcerated individuals as an extension of their devalued place in our world.

Every person in prison was impacted by COVID measures, but we will briefly go through a chronology of reported infections and deaths in incarcerated communities nationwide, and in New York specifically. This data is meant to contextualize the debate within a prison outbreak timeline, recognizing that outbreaks in the general public did not necessarily coincide with what was happening on the inside because of differing testing rates, reporting rates etc.

The first national surge of reported COVID infections in incarcerated populations occurred in mid to late April 2020, likely delayed by a lack of access to testing in March. The second “wave” was in August and the third in December of that year. Each spike was bigger than the last, reflecting trends from outside the prisons. Additionally, this data reveals the failures of mitigation measures in a highly controllable environment in terms of contacting tracing and mass

testing. As of March 2021, the national rate of new reported infections has dropped back down to that of early April 2020 — approximately 2,000 new cases per week. The total nationwide case count for the incarcerated population is 390,076, which is an overall infection rate of around 1 in 6 people — almost twice as high as the US average and presumably even higher than the non-incarcerated infection rate. The death rate follows a similar surge pattern (The Marshall Project, 2021).

New York's average infection rate for incarcerated people in their state prisons is approximately 1 in 10, on the lower end compared to relation other states' prison systems and the Federal Bureau of Prisons; the two extremes were Georgia and Michigan, reporting infection rates of around 1 in 15 and over 1 in 2, respectively (The Marshall Project, 2021). The legitimacy of these numbers, however, has been brought into question by incarcerated individuals in the state's facilities, and became a point of inquiry in early fall 2020 when state representatives took note of large outbreaks amongst prison staff who worked in facilities where there were 0 reported cases amongst the incarcerated population in the same building (Sepulveda, 2020).

Releases made across any and all prison and jail systems are extremely difficult to track, as they are not reported publicly. The relevant factors that the public *does* have access to are: the populations in these facilities, the number of sentencings in the local area and the average rates of releases. Using this aggregate data, Emily Widra (2021) at the Prison Policy Initiative found that the vast majority of states had not reduced their prison populations through COVID related efforts, and that their lower populations were instead a result of decreased admissions. Although this is a beneficial practice, it fails to address the communities that had already been incarcerated.

New York's prison system has released at least 2,000 people, although it is not clear how many more. This particular figure was included in a public testimony from New York City's Department of Corrections, but it is unclear what gave these specific individuals eligibility for release (New York City Department of Corrections, 2020). It is typical for these details to be omitted unless they are part of a press release designed to uplift an agency or individual. Otherwise, larger releases during COVID have been announced sporadically and to no one in particular. In June, a representative from the Department of Corrections and Community Supervision mentioned the release of 898 individuals over email in response to a loosely related inquiry from a journalist asking about an individual who had been released on time after completing his sentence (Ehrlich, 2020). With information gathered from parole officers in March, a newspaper reported that the Department of Corrections and Community Supervision would be releasing 1,100 people who were being held on charges of parole violations (Lyons 2020).

Having noted in the beginning of this introduction that it was the widespread accounts of the incarcerated experience during COVID that inspired this thesis, I will conclude by sharing the reasoning behind my focus on the state prison system of New York. As far as we know, New York state prisons have not infected or killed the most incarcerated people out of the other states, and the shared experiences of people trapped inside the facilities are not visibly distinct from those of other state systems; the circumstances have been cruel for incarcerated communities in New York, as they are everywhere. What drew me to this particular debate was not its magnitude or severity, but rather the wealth of historical analyses on the carceral state in New York and the overt nature of the systems recent offenses. This exercise in methodology is not intended to

imply any artificial limits on the scope of the argument or on its implications. As this thesis alternates its focus between theories, histories and contemporary objects, it is my hope that these distinctions will blur — along with the arbitrary border between New York’s incarcerated population and those of the rest of the United States.

Chapter 2

Philosophical and Theoretical Frameworks

It is undeniable that the COVID pandemic has disproportionately harmed vulnerable communities within our nation. Whether we measure this impact through negative health outcomes, educational setbacks or economic loss, certain populations have endured the worst of it. Our strong assurance in the reality and poignancy of these dynamics have been reflected and reinforced through the stated commitments of many influential forces, from government officials to large corporations and everyone in between; we might recall seeing commercials supporting food insecure communities, or hearing neighbors clapping for essential workers. Although it is only one of many ways to measure our priorities as a society, this expansive rhetorical movement is significant. In contrast, few of the atrocities committed against people in prisons have garnered any mainstream support for their protection, including the life threatening conditions they are currently facing. While this could be due in part to the degree of physical separation² that prisons achieve between their caged populations and anyone who might empathize with their circumstances, there are more complete ways to understand why large government authorities are so aggressive and coordinated in their defense of the carceral system, and maybe even more importantly — why so many of us believe them.

My own attempt to do so begins in Michel Foucault's conception of state power, as detailed in *Society Must Be Defended: Lectures at the College de Frances (1976a)* and *The*

² Prisons tend to be geographically far from where their residents are captured. For more on carceral geographies, see "The Racial Geography of Mass Incarceration" by Peter Wagner and Daniel Kopf (2015), and *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* by Ruth Wilson Gilmore (2007)

History of Sexuality: Volume 1 (1976b). In these works, Foucault is preoccupied with the ways in which the nature of sovereign control has evolved from what he calls the “classical theory of sovereignty”: the authority to kill and let live (1976a, 240). The idea was that state power is characterized by its ability to decide who dies and hence who gets to continue living. While Foucault does not deny the endurance of this form of sovereignty, he argues that modern society is characterized by new logics of control. This transition is marked by the introduction of a concept that reverses the classical definition of sovereignty; it is the authority to control the production, maintenance and conditions of life, and to oversee death (Foucault 1976b, 125). We might ask what this shift looked like for societies transitioning to a new type of power. Foucault directs us to the example of war to demonstrate the differences of the two, saying that:

Wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of wholesale slaughter in the name of life necessity: massacres have become vital. It is as managers of life and survival, of bodies and the race, that so many regimes have been able to wage so many wars, causing so many men to be killed (124)

We might say that a primary distinction, then, comes *from where* the sovereign enacts its control. While the state can kill at distance, for it to redefine what killing means to the governed masses themselves requires infiltration into the spaces, physically or figuratively, where their truth is created. This process, in turn, transforms institutions of knowledge into places where the ideas of the sovereign are continuously taught and circulated.

Foucault defines two distinct mechanisms of this system: the disciplinary and the regulatory. The disciplinary function conceives the human body as a tool that can be adapted to

fit the needs of the state. In this sense, human bodies are not so much redefined as they are repurposed (1976b, 125). This exploitation and control is relatively straightforward; it does not necessarily require anything other than limiting someone's ability to resist. Regulatory functions of the state, however, interpret human bodies as fragments of a mass of biological stock (129). Unlike disciplinary power, regulatory power does not meet the goals of the state by interacting with the individual, but does so rather by projecting bio-political identities onto blurred faces, managing the conditions of life without really acknowledging it (1976a, 242). To continuously manipulate a population through these assumptions, that population must - to some degree - believe them too. Although these functions can certainly be observed independently, Foucault argues that the institutions of disciplinary power have increasingly integrated with regulatory practices (1976b, 130). Taken together, these tools can account for the control of almost every realm of modern life, limiting people to certain behaviors and normalizing these practices through our gradual dehumanization (1976a, 253).

We can already begin to see where the prison and the rhetoric of criminalization might fall among these mechanisms, but it is still unclear why they are uniquely difficult to discredit. Foucault (1976a) helps us understand why certain forms of control are indispensable to the state by revealing how the old sovereign power lives on in a society re-characterized by regulatory *biopower*. For the authority to kill and let live to remain a present tool in the inventory of the state, it must be exercised through the taking of life. It is impossible to "let live" without the power to kill (240). How a state that has purportedly de-centered the practice of taking life maintains this sovereign power is a problem Foucault seeks to address by pointing to ideologies of racial division and subjugation. Using racism as a mechanism of fragmentation, a state is able

to focus expressions of sovereignty onto populations that have been deemed unworthy of life and protection. Consequently, the state has the ability to represent these populations as a threat, biological or otherwise, to the people whose identities are defined by their rejection of the unworthy (254-56).

This strategy is both evident and effective in the case of the criminalization of Black communities. Without being able to justify a practice such as stop-and-frisk on somebody, police would be unable to target anybody at all, and the state would slowly lose the ability to use all mechanisms of control that a united public opposed. Once White people are convinced by these rationalizations, their identities develop within the narrative of supremacy and whatever else the state chooses to attach to this ideology — America itself, family values, economic freedom etc. Threats to this privilege, and anything that is perceived to be dependent on it, is more than enough to mobilize them.

For Foucault, modern states are dedicated to the manipulation of life and use racism as a tool to maintain the power to kill. There are people in our modern world, however, whose political realities can be characterized by the power of death over their lives. This power is not the “old sovereign” right to kill; it is better understood as a practice of death making — pulling the implications of death over populations and areas subject to its constant threat. This is the theory of *necropolitics*, coined and developed by Achille Mbembe in “Necropolitics” (2003).

Mbembe founds his theory in Georges Bataille’s belief that the project of political power is the violation of its own limits. In this endeavor, the limit and “taboo” of death must be overcome (2003, 15). Here, Mbembe builds upon Foucault’s (1976b) comments on the relationship between the limits of sovereign power and death. Although Foucault states that

“death is power’s limit”, he describes only the individual’s capture of this power through suicide (126). Mbembe goes past this individual level to theorize the state’s capture and exploitation of death, seeking to explain the phenomena of “death worlds” and the “living dead” (2003, 40).

There are moments in history where laws have changed and lives have been sacrificed in order to meet the urgent nature of an emergency. The incidence of war is an example of this “state of exception”, wherein allowances have been made to allow women and children to work and men have been sent to sacrifice themselves in the name of a country who has promised to protect them. The state of exception is an opportunity for the sovereign to deploy its more limited mechanisms of power, and it can be manufactured for this very purpose (2003, 12). For the society in this state, cultural and political standards are in flux, shifting to meet the demands whether or not they are objectively real or worth it. The COVID-19 pandemic can certainly be considered a state of exception, but what Mbembe (2003) is more interested in are the death worlds in which the exception is no longer necessary, as death is a permanent tool in the unchecked arsenal of the sovereign (13). If racism enables the state of exception for Foucault, it supersedes it for Mbembe. He uses the example of the colonial destruction of native populations to illustrate the assumptions that go into the creation of death worlds (18). Through the “racial denial of any common bond between the conqueror and the native”, the conqueror asserts that there is no need to justify their actions (24). In essence: the rules of engagement do not apply if you can ensure that no one sees your opponent as human.

In addition to recognizing the force of the the threat of physical death, Mbembe (2003) looks to instances where necropower subverts entire living populations to “living death”. While awaiting the premature death they have been promised, the aspects of their living identities are

negated so comprehensively that they fall into a different category completely — ultimately existing between the realm of the living and the dead (21). Mbembe argues that the social and political existence of a slave under the regime of chattel slavery perfectly encapsulates what it means to have “life in death”, and that similar formations can be found in later examples of death worlds (23). Through these descriptions, Necropolitics captures how states and intuitions display a willingness and even an appetite for ruling through the dynamics of death.

For the purposes of my analysis, both political philosophies serve to establish the probability of intent in the New York state administration’s abandonment and condemnation of its own incarcerated population. Foucault (1976a; 1976b) and Mbembe (2003) alike hold the view that the state has a necessary commitment to taking the lives of its own people in an effort to maintain authority. Additionally, these theories accept that people who are not members of the groups most vulnerable to state violence live under expectations and restrictions as a result of holding an identity constructed in hierarchical relation to these groups, which will nuance the context we have for each object.

So far, we have accounted for the presence of racism in a biopolitical and necropolitical society and identified where the prison might lie amongst the sovereigns mechanisms of control. To establish the inextricable link between this ideology and the carceral state, I am going to pull from Loïc Wacquant’s (2002) article “From Slavery to Mass Incarceration” in order to place incarceration on a timeline of what he calls “race making institutions”.

Wacquant (2002) argues that the current system of incarceration in the United States fulfills the state’s need to subjugate and control Black populations. To make this point, he draws a connection from the institutions of slavery, Jim Crow laws and the constructed “ghetto” to the

carceral state, identifying the first three institutions under their shared economic and political motives — the extraction of labor and the construction and enforcement of a social hierarchy — and noting the unique nature of the prison (44).

The practice of chattel slavery is the most direct representation of the extraction of labor, and it introduces the criteria for the caste system: Blackness. This, he argues, was unintended, as the enslaved were never meant to have a place in the social hierarchy at all, but were expected to continue to exist outside of it entirely (2002, 45). This establishes the need for control that is fulfilled through the institutions that followed. The policies of discrimination that characterize the Jim Crow era can be understood as an effort to mitigate the participation of the Black population while still benefitting from the extraction of their labor and as these policies faltered in the face of the civil rights movement and the geographical movement of newly enfranchised Black people, the ghetto was introduced as a way to continue to exploit Black labor without violating the new laws in place (46-49). In all three of these institutions, Blackness was criminalized in order to prevent the loss of slave labor, stop the Black working population from voting, and maintain the oppressive nature of the ghetto.

The final institution, the prison and criminal justice system, relies *primarily* on the criminalization of Blackness for its justification and operation. Wacquant (2003) says this is uniquely dangerous because it does not need to extract labor to maintain the social and racial hierarchy, but rather depends on the physiological enforcement of the “extra-penological” anti-Black tropes and stereotypes that have been cultivated and have culminated through the previous three institutions (53-54). These tropes and stereotypes are the narratives circulating at the hands of the biopolitical and necropolitical state.

As a mechanism with both bio-political and disciplinary elements, criminalization plays a foundational role in laying the groundwork for the carceral state. The disciplinary role of criminalization is centered around the punishment of people and/or behaviors that the state deems undesirable. In this practice, the state will often use the occurrence and penalization of an action to mold the narratives and identities that form in the rejection of the perceived harm. We might use the example of theft to illustrate the process. When someone takes something without paying for it, it seems unfair. But what if the person is stealing food or medicine to stay alive? Why isn't withholding part of a wage or job benefits criminalized in the same way? Through the criminalization or the lack thereof of specific actions, the state is speaking to its citizens about what it does or does not care about. If we believe that the state is operating on our behalf we start to incorporate the values that they communicate to us through criminalization, and continue to reproduce these values in our own lives. If the state tells someone that they are the kind of person that will commit a crime, they themselves might start to believe that there is something wrong with their existence. If the state tells someone that they are not the kind of person that will commit a crime, they might believe themselves to be more valued or respectable than the former. This is one of its primary goals.

Equally as important to recognize are the experiences of individuals and populations that are criminalized *and* subsequently disciplined by the state. For someone captured by this system of punishment and retribution, the experience can be quite violent both to their physical and mental being. A "criminal" enjoys a lower standard of care and protection than anyone else in society. Although there are laws in place for the protection of alleged "criminals" or incarcerated individuals, violations of their rights often go unchecked. From fear of retribution to the

powerful policy of qualified immunity, there are countless barriers that inhibit their ability to invoke the protections to stay safe. In an analysis of Illinois prisons, a ProPublica study found that only 5% of complaints from people who were incarcerated were decided in their favor (Heffernan, 2020). Reports of unsanitary conditions, extreme temperatures and abusive treatment go underreported and unaddressed by the public (*Prison Conditions*). The most egregious forms of abuse and neglect that result in and forced hysterectomies and deaths are somehow justified (*California Female Prisoners Sterilized*, 2014; Jones, 2020). Even the basic regulations that protect our human rights — such as labor laws and child protection laws — stop at the prison gate (Sawyer, 2017; *Children in Prison*). The prevailing narrative is that hurting or disparaging people in prison is somehow natural, and even for people who are lucky enough to escape this treatment, the internalization of this message can change how they see themselves when and if they leave.

From a bio-political perspective, criminalization is a tool of regulating life, controlling aspects of reproduction, disrupting familial structures and removing children from their caregivers. Dorothy Roberts details these aspects of biological control in her (2012) study of the incarceration and de-legitimization of Black mothers: “Prison, Foster Care, and the Systemic Punishment of Black Mothers.” Seeking to explain why Black mothers and Black children are overrepresented in prisons and foster care systems, she notes that “Incarcerating mothers tends to upset family ties more than incarcerating fathers because inmate mothers are usually the primary caretakers of their children before entering prison.” (2012, 1482) With this point, she demonstrates that the incarceration of Black mothers is a key procedure in the process of

disrupting Black familial structures and forcing Black children out of their homes, and that the process itself is a form of punitive governance.

So what is the primary purpose of criminalization? Foucault (1976a; 1976b) might say that criminalization is a key feature of the sovereign intent on controlling the behaviors of a society; Mbembe (2003) might add that the system operates in the service of pure degradation. We might all correctly note that the targets of criminalization tend to be Black, poor and disabled (Perry and Carter-Long 2020). In addition to the ways in which criminalization is a project of control directed at individuals, the practices also contribute to larger ideologies of the state that define its inherent structure. That is, the regulation of people is necessary to prevent their interference in the operations of the state, which includes how the state organizes itself to privilege certain people. For Roberts (2012), these ideologies are those of free market capitalism and neoliberalism (1477). In recognizing how criminalization works in the benefit of those who profit off of these systems as well as state actors, we gain more context for understanding the investments that various people may have in the carceral state. Further, identifying the working class as a vulnerable population within these ideologies allows us to incorporate the state's abandonment of prison staff within our framework of disposability.

As we examine the defense of deadly incarceration during COVID, we must remember that most of the rhetoric primarily engages the implications of the criminalized identities that have been defined by the state, which prevents them from recognizing and caring for the people themselves. This disregard for incarcerated people also accounts for the relative scarcity of communication from their gatekeepers, as they rely on the circulation of the narratives of criminalization to deliver their defense for them.

Chapter 3

History and Context

Now, back to New York. In the state's history, criminalization represents an increasingly utilized mechanism of anti-Blackness beginning in the 1800s, following the abolishment of slavery and forging a path into an era of Jim Crow laws. Although Blackness had always been demonized, it was not until the impending threat of equality and integration that it became necessary to tether this ideology to a less explicit legislative recourse.

New York's "Gradual emancipation" began in 1799 and was formally finalized in 1827, freeing all enslaved residents. Although the initial passage of the bill was certainly a moment of progress, the policy deliberately prevented newly freed populations from being eligible to vote by upholding the general requirement of property ownership included in the state constitution. It was during this transition - between 1799 and 1827 - that New York began to test out the various forms of disenfranchisement and exclusion that would keep Black residents in a state of vulnerability post-emancipation (Wood and Budnitz and Malhotra and Ogletree 2009, 5).

New York had found itself in a place it never intended to be: highly concentrated with soon to be freed Black individuals, and operating on a legislative foundation that had failed to anticipate their presence. In 1821, the state legislature took steps to re-establish voting inequality in the constitution by removing the property requirements for White men, increasing them for Black men, and introducing a provision that would allow the state to introduce laws that stripped voting rights from people convicted of "infamous crimes" (Wood and Budnitz and Malhotra and Ogletree 2009, 8). By the time the next constitutional convention rolled around in 1846, it was

alleged that the jails and prisons in New York were disproportionately Black (9). This claim provided representatives a basis from which to censure appeals for equal voting rights.

Ultimately, the convention upheld the property requirements, and *added* bribery and “larceny” to the “infamous crimes” provision. Seeking to explain why these specific charges were chosen, researchers with the Brennan Center for Justice have found that many of the people incarcerated at the time were being held on account of those convictions (10). It appears as though the representatives at the convention chose these acts solely to disenfranchise as many people as possible.

The state was eventually forced to guarantee voting rights to Black men through the nation’s ratification of the fifteenth amendment, but by that point, they had already shifted to a strategy of mass racial criminalization — and the final transition was practically seamless. In 1874, the property requirements were repealed and the “infamous crimes” provision went from enabling disenfranchisement to requiring it, ensuring that every municipality in New York would do their part in manufacturing the carceral state we know today (Wood and Budnitz and Malhotra and Ogletree 2009, 13).

At the turn of the 20th century, the rise of criminal disenfranchisement laws coincided with the “great migration” of Black southern populations to northern urban centers, with New York City as one of the movement’s most popular destinations. The state’s shifting demographics and disproportionate racial composition of “criminals” became a focal point for anti-Black fear mongering that framed the population growth as a dangerous invasion (Muhammad 2010, 6). What was distinct about this particular narrative was that it was led and advanced by social scientists and statisticians in an effort to provide “evidence” for their racism. Census data, crime

statistics and other increasingly lauded scientific sources were key tools for defending prevalent biases — under the guise of research and discovery — as facts (7). Through a combination of these social and political efforts, the state managed to manipulate the spatial outcomes of the migration as well. Between 1880 and 1940, the rise in New York City’s Black population can be tracked alongside a significant increase in racial residential segregation, marking the emergence of “ghettos”. (Logan and Zhang and Chunyu 2015, 1071).

When cases of drug addiction and overdoses skyrocketed amongst New York’s Black communities in the 1960s, there was little chance of the crisis being handled as an issue of public health. The groundwork for criminalization had been well established, and ultimately served as the primary framework for the legislative/judicial response. What became known as the 1973 Rockefeller laws served as the most ambitious example of the country’s stated “war on drugs”, featuring increased sentences, mandatory minimums and various other sharp expansions on the power and reach of policing and imprisonment (Fortner, 2013). What followed is the well documented phenomena of mass incarceration. A vast network of jails and prisons were built all across the state, and they were kept occupied through discriminatory policing tactics, biased sentencing and the enduring policy remnants of the war on drugs in New York.

Although this history clearly traces the origins of New York’s prison complex back to explicit anti-Blackness, the facilities themselves continue to represent economic growth and stability for the communities in which they reside, further complicating efforts to remove them. When Governor Cuomo took office in 2011, he made an attempt to loosen this association in his State of the State address, saying: "An incarceration program is not an employment program. If

people need jobs, let's get people jobs. Don't put other people in prison to give some people jobs. Don't put other people in juvenile justice facilities to give some people jobs.” (Cuomo, 2011)

Since the address, Cuomo's administration has shut down 20 correctional facilities in the state, but their justifications are focused narrowly on economic savings for the state and increased efficiency in the carceral system (Harding, 2020) . If this rhetoric was an attempt to curb conservative pushback, it certainly did not work. New York's 2020 Executive Budget granted Governor Cuomo the ability to expedite up to three prison closures in the fiscal year, stating that he would have the authority to close prisons as “he determines to be necessary for the cost-effective and efficient operation of the correctional system.” (Cuomo, 2020) Before this act had passed and was still in the form of an amendment, State representatives from North Country used their platforms and organized constituent voices to defend their area's prisons, citing relative economic vulnerability in comparison to other areas in the state and arguing for the quality and efficiency of the prisons themselves (Ritchie, 2019).

This exchange demonstrates how state carceral powers, regardless of outward differences in policy prescriptions, avoid invoking any fundamental analysis of their shared commitments to maintaining authority. Those fighting to “save the prisons” seemingly acknowledge their vulnerability in the face of the state's executive administration, but they make no criticisms of the relationship. Instead, they defend their local pillars of mass incarceration on the agreed (literal) terms of engagement, effectively conceding the power the state administration has to cripple them at any point in time and asking only to benefit from their exploitation of other communities. The state's response reaffirms the dependent relationship as they promise continued economic support and the preservation of jobs for anyone working in the facilities.

In our analysis of the efforts of non-state advocates for decarceration during COVID, we will see how these structurally preserving logics have infiltrated their messaging in even the most dire of circumstances. Despite Cuomo's successful closures, decarceration has rarely been an outcome, as even the most recent closures in the face of the COVID crisis plan only to relocate the people inside to other prisons (Harding, 2020). Moreover, it is important to note that increased measures of surveillance and criminalization have often been introduced concurrent to proposals that purport to chip away at mass incarceration (*America's Expanding 'Digital Prison'*, 2020). These two practices, although seemingly in contradiction, work in tandem to preserve the longevity of the carceral state, reimagining domination and sovereignty to stay ahead of efforts to abolish or structurally reform any of its mechanisms.

While some state actors and the Cuomo administration may share a loyalty to the power they have over others, non-government actors in the media certainly have no reason to agree to the terms of a conversation that defines the value of their own lives — but they have, and they do. As prominent as the punitive policies and their state sponsors may appear in a historical analysis, we know that the narratives that allowed their passage found significant support in the general population of New York. At multiple points in time during the 19th century, the option to grant Black men the right to vote was put to the public and denied every single time (Wood and Budnitz and Malhotra and Ogletree 2009, 10). A survey during the 1970s drug debates found that “71 percent of blacks favored life sentences without parole for [drug] “pushers.” (Fortner, 2013) If we have not managed to roll back the remaining policies of these eras today, what does that say about the continued prominence of these beliefs? I argue that we cannot deny how these

logics continue to appear in communication about (largely Black and brown) incarcerated populations.

Chapter 4

New York State Administration

The primary voices in this section will be those of Governor Andrew Cuomo's administration. We set a narrow focus on this state office because of its unique rhetorical strategy in the debate: near silence. While other government actors in the legislative branch and in city agencies frequently vocalized their policy prescriptions, criticisms and values, Cuomo and the state correctional agency under his administration revealed only what they had to about incarcerated populations. Why? One primary distinction is their relative privilege in the debate — most of the objects we will examine in later chapters advocate to Cuomo's office *in recognition of* his authority over incarcerated lives, and few question whether he has a legitimate right to hold people captive in life threatening conditions. They are not often criticized on their power itself, but rather their decisions within it, and their decisions are rationalized by a network of carceral defense on the legislative floor and in the voting booth. These conditions allow them to remain remarkably quiet in a major public controversy without endangering their reputations.

Many of the quotes taken from Cuomo were found in the question periods after his daily COVID briefings that are not published on the state's webpages — the video that is posted always cuts off at the end of Cuomo's formal presentation and there is no full transcript provided, even upon request. While the exchanges that occur during these question periods do usually end up somewhere online, they are deliberately made inaccessible by the Governor's Press Office itself. This effort to limit the information and recorded interactions that are readily available is not an unusual public relation tactic, but it does mean that we are able to easily identify what his

administration does and does not want in the public focus. As we might have already guessed: they do not want incarcerated communities in the public focus. By design, the Department of Corrections and Community Supervision (DOCCS) does not have a strong platform for communicating with the public, and as we saw in the introduction — this makes it even harder to get a full picture of what was happening in regards to releases and conditions inside New York’s state prisons. When asked, both Cuomo and representatives from the DOCCS did respond to inquires about incarcerated communities, but the focus was contingent on the demand for information, which was often scarce.

Although Cuomo has recorded at least 170 COVID briefings as of March 2021, few of his updates mention incarcerated populations at all (*Past Coronavirus Briefings*). Tessa, the mother of a son who is incarcerated in one of New York’s correctional facilities, describes the experience of waiting for news relevant to her son: “I really listened every day to hear [Cuomo] say something about what was being done in the prison system,” Tessa said. “And day after day after day, nothing was said, as if it didn’t exist.” (Sivin and Vaughn, 2020) Cuomo’s lack of references to the crisis that unfolded in New York’s prisons speaks to more than just his own priorities, it serves as an indicator of the priorities of his constituents. This idea will be explored further in our examination of the public debate in Chapter 5, but for now we turn towards the state administration’s rhetorical engagement with the decarceration debate.

On March 9, 2020, Cuomo held his third ever daily COVID briefing to update New Yorkers on the state of what was then a “novel” virus. The total number of confirmed cases on that Monday was 142, but Cuomo was gearing up to ensure that everyone in the state was protected by distributing free hand sanitizer made right there in New York, a decision he said was

made as an effort to keep it as inexpensive and accessible as possible. At one point in the press conference, he called out retailers Amazon and Ebay for selling hand sanitizer at high prices, and jokingly threatened to release his “superior product” into the market, calling their process one of “exploitation” (Cuomo, 2020a). The announcement had an air of humored confidence, but he failed to address why the price of this “superior product” was so low in the first place: it was produced by incarcerated people who would earn less than a dollar an hour for their labor (McKinley, 2020).

Just days into the pandemic, the New York State Administration had already found a way to exploit the labor of incarcerated populations, and even bragged about the practice’s success as a business model. Although the state had not yet announced distancing guidelines and recommendations for PPE, the lack of respect and care for incarcerated populations had been established from the start. As the pandemic progressed and the infection rates soared, this indifference would evolve into an obvious disregard to their health and ability to survive.

About a month later, at a press conference on April 3rd, Cuomo was asked about reducing crowding in the state’s prison. This date was about 2 weeks before the first surge in reported cases and reported deaths for the incarcerated population in New York. In a curt response, he answered that “We have no measures to lessen crowding in state prisons” (Cuomo, 2020b). It is untrue that he did not have options, as the current State Constitution clearly outlines the Governor’s power to reprieve, commute or pardon individuals with few restrictions on charges, and no restriction on amount (*New York State Constitution*, 2015). In addition, Cuomo’s office appears to have some form of control over the DOCCS’s releases in a way that does not require

clemency, as they are cited as the authority behind several rounds of small releases in the summer months of 2020 (Carissimo, 2020).

A closer look at the circumstances behind these releases, and the 8 commutations Cuomo eventually granted during the first year of COVID, shows that the Governor maintained a commitment to upholding the ideology, if not always the practice, of criminalization and imprisonment. The individuals released in the summer all had a very short amount of time left in their sentences — less than 90 days. One release in particular received heightened publicity because it was specific to 8 pregnant women, and was lauded as a great act of kindness. The number was so small, however, because one of the eligibility requirements for release was that they had to have less than 6 months left in their sentences (Chapin, 2020). These releases did not challenge the validity of mass incarceration, as they only applied to individuals who were assumed to have already undergone the transformative power of punishment.

The reasoning behind each of the commutations was directly released through Cuomo's office in order to shape the narrative themselves, which was that the individuals released were exceptions in the system and deserved mercy. The profiles of those released are certainly impressive by any standard; each of them earned some form of job certification/educational degree and maintained jobs/volunteered their time while incarcerated. But the effort to distinguish these 8 individuals from the rest of the incarcerated population represents more than a desire to give New Yorkers a feel good story, it was a necessary step in ensuring that the releases did not invoke reflection about those who remained in the system. Of course, the reality is that these individuals were not so different from the general incarcerated population in any ways that mattered for considerations of their safety, but to publicly humanize the thousands of people you

are holding cages would be dangerous on any day, much less in a pandemic (Cuomo, 2020c; Cuomo, 2020d).

At another COVID briefing on July 23rd, Cuomo discussed the disproportionately high infection rates among young people in New York. Emphasizing that vulnerability to COVID can still exist in younger populations, he said that “There is an attitude that young people are immune. You are not. 21-30, the virus can kill you”. He transitioned out of the topic for a little over 10 minutes, then came back around to talk about testing vulnerable populations. When Cuomo began his discussion of a recent mass testing effort of the incarcerated population, he said that they chose to test only people 55 and older because “COVID affects older people more” (Cuomo, 2020e). In recognizing how difficult it is for the administration to logically defend their carelessness towards incarcerated communities, we begin to understand why this topic is most often handled outside of the main presentation. It is abundantly clear that their standard of care for incarcerated people was lower than that for the general population.

On September 22, 2020, the State Senate of NY’s committee on Crime Victims, Crime and Corrections held a public hearing to discuss COVID’s impact in New York’s jails and prisons. The DOCCS was called to testify, and it is in their questioning that many of the policies that comprised the state’s response were revealed. Acting Commissioner Anthony Annucci admitted that solitary confinement spaces were being used as medical quarantine housing, that the agency had only tested a small percentage of the incarcerated population, and that he expected any upcoming COVID vaccine to be distributed in a similar fashion to how the flu vaccine is rationed in their prisons every year. As we know from hearing the accounts of incarcerated people in New York’s facilities, these policies were just the tip of an iceberg of

maltreatment. The DOCCS, however, presented them as challenges that were out of their control. The vaccine had not even been announced, but they had already anticipated a shortage for their residents. Similarly, they offered no solution to the cramped housing situation, or the lack of testing (Annucci, 2020). If the DOCCS had insufficient resources, why not ask for support from legislators who had called them in? The DOCCS constant rejection of their ability to influence the circumstances is a parallel to Cuomo's deflection of questions about overcrowding; they can do something, but they would just rather not.

December 2020 in New York brought the third and largest surge of reported cases among people incarcerated in the state prison complex (The Marshall Project, 2020). At the same time, the state was in the process of determining vaccine eligibility for the different phases. Although representatives from Cuomo's office had repeatedly expressed assurance that they would be prioritizing vulnerable communities, they had been vague and unresponsive in setting clear goals for the incarcerated population in particular. By February 2021, it was obvious that the state had never intended to include the group in their definition of vulnerability; although residents of homeless shelters and nursing homes along with prison staff had been cleared to get their vaccines, there was no end in sight for incarcerated people themselves (Durkin, 2021).

On February 4, several defenders associations in the state and other legal organizations filed a lawsuit against Cuomo and state Health Commissioner Howard Zucker, stating that:

Governor Andrew Cuomo's refusal to include all incarcerated people in the pool of individuals eligible for COVID-19 vaccinations—while providing vaccinations to others living in congregate settings and to Department of Correction (DOC) employees—ignores science and public health mandates and arbitrarily excludes incarcerated New Yorkers in violation of the Equal Protection clause of the 14th Amendment to the United States Constitution. (Bronx Defenders, 2021)

A few hours after the petition was filed, the DOCCS announced they would begin vaccinating incarcerated people over 65. As of March 2021, however, the state administration of New York has failed to produce a timeline for vaccinating the incarcerated population as whole. In large part, the law has served as haven for sovereignty. Despite the state's response to this approach, the attempt fell short of achieving lasting change.

If there is one line that best demonstrates the connection between New York state administration's approach to incarcerated populations during COVID and Chapter 2's sovereign theories, it would be Cuomo's (2020c) own words in a press release about clemency: "Government is uniquely situated to harness the power of redemption". Although it might initially seem like an obvious point, the dynamic he alludes to is the logical imperative Foucault draws out in his discussion of why the state must always maintain its right to death: the sovereign cannot let live if it does not have any other option.

What exactly, then, are people applauding when they recognize his "compassion"? The following chapter examines the communication within the public debate, excluding that which comes from advocacy organizations and incarcerated individuals, to answer this question. We will identify the different reasons behind supporting a policy, and how they indicate greater perspectives on incarcerated lives.

Chapter 5

Public Debate

Almost all of the communication that comprises New York's public decarceration debate launches from a discussion of policy. Some conclude at the same place, but many others, purposefully or not, weave their policy recommendations into a larger expression of ideology and value. I identify these various revelations through the occurrence of loaded terminology, comments about relative value and noting the relationship between the evidence and the conclusion of the arguments.

There are no objects that explicitly argue against releasing people from prisons in this Chapter, because none came up in my research. This fact only contributes further to understanding how deeply embedded the narratives of incarceration are; seemingly, no one in the “mainstream media” is officially on the pro-incarceration side of the debate, but the ideas are winning nonetheless. Even amongst fellow non-state actors, where there is no inherent structural power difference, the overwhelming ideological power of incarceration guides the conversation.

One of the most easily identifiable indicators of how someone viewed incarcerated people during COVID was in how they referenced them in their communication. Using words such as “inmate”, “prisoner” or “felon” invokes associations that are detrimental to a conversation made on on their behalf. If someone wishes to advocate for the humanity of an incarcerated person, they should recognize their identity outside of their involvement with the judicial system. Of course, this is not meant to be a diagnostic practice; it simply offers insight into the position of the speaker.

Rather ironically, the Governor's administration consistently succeeded in referring to incarcerated individuals as people outside of their criminalized identities. In my research, I found no example of language such as "inmates" or "prisoners" in Cuomo's speeches or writing during the first year of COVID. While the Department of Corrections and Community Supervision (DOCCS) does use the term "inmate" on their website, their testimony at a September 2020 hearing with the state legislature avoided this and similar language through over an hour of answering questions (Annucci, 2020). That the administration was able to adjust their terminology in the public eye means little in the face of their actual decision making, but it does speak to how easy it is to not make this mistake repeatedly. Thus, the deliberate repetition of this language should be properly scrutinized.

In one of the most oblivious examples of this practice, Eric Lach (2021) includes the following line in a New Yorker article criticizing Cuomo's reluctance to vaccinate incarcerated populations: "Isn't the inmates' status as inmates the kind of "unrelated factor" that the state had promised to ignore [in determining eligibility for the COVID vaccines]?" By solely identifying incarcerated individuals by their "inmate status", Lach contributes to the very problem he is identifying: that Cuomo can only see them through this loaded categorization.

The range of policies that were put forth through the media and through other state actors was relatively limited. As previously mentioned, no one who spoke on the issue failed to acknowledge the dangerous conditions inside the jails and prisons; those opinions certainly existed, but they were kept out of the privileged platforms of larger media outlets. Nevertheless, the approach to each policy did vary from person to person, and some populations were valued more than others.

In May 2020, prison guards in New York complained that the quality of the masks that incarcerated laborers had made were “pathetic” and “disrespectful.” These exact masks had also been distributed to the incarcerated populations themselves in the same facilities (Goldberg and Brown, 2020). That the masks were likely insufficient for everyone in the prisons is not the point. The prison guards felt that the masks were not good enough for their own protection, but fine for the people held in close quarters in the very same building, revealing and reinforcing a social and political hierarchy that promises them better protections than those who might be facing equal or worse conditions. Although these assurances may have not been communicated explicitly, they are strongly maintained and defended by those who believe them. The indignation of the prison guards in this scenario exposes the hierarchical identity they have created in relation those who are incarcerated, which works to uplift them at the cost of undervaluing the people they work beside each and every day.

Although articles written in condemnation of Cuomo’s actions and in support of incarcerated individuals often argued against distinguishing people in prisons from staff when considering the distribution of PPE and vaccines, they frequently discriminated between fabricated subgroups of incarcerated communities. Rarely did recommendations of releases come without a caveat about considering “public safety” before letting just anyone out. Older populations were prioritized in almost every article for both their unique vulnerability and their low likelihood of “re-offending”. Authors often cited sources to demonstrate this characteristic about older people in prisons, but did not do the same to justify leaving everyone else inside. The burden of evidence in the conversation is on those arguing for treating people in prisons humanely, but the assumptions on the other end of the debate are taken for granted.

Even when supporting the same policy, people in this debate had many different reasons for doing so. Further, there was no consensus on how much this mattered. Eric Lach, in the same New Yorker article, admits he sees no difference, saying that “You can pick your argument in favor of vaccinating inmates.” (Lach, 2021) The statement demonstrates an indifference to the context in which incarcerated individuals receive basic care, and shows that Lach fails to recognize the importance of establishing the inextricable value of incarcerated individuals, is unwilling to draw attention away from the policy debate at hand, or simply does not believe in a greater goal. Whatever the reason, the lack of a substantive framework in his argument is insufficient, as he is basically saying that a step to the left or right is as much of a step forward as, well, an actual step forward.

Many of the public arguments in support of the incarcerated communities in New York prisons failed to *address* the group’s constant vulnerability, despite *acknowledging* it in support of a policy recommendation. This dynamic can be seen in an article co-written for the New York Times by Brooklyn District Attorney Eric Gonzalez that voiced support for increased releases in the wake of COVID. The article highlights the “inadequate medical care in most of these facilities”, but does not recommend that the state improves the medical care in the facilities — only that it releases certain populations at “low risk” for recidivism (Bassett and Gonzalez and Walker, 2020). Mara Gay (2020), writing in support of releases in the NYT, mentions troubling information about a Brooklyn correctional facility, then abruptly ends the article with the implication that the aforementioned events are over, and that we should focus our attention to the issue at hand. The section reads:

The Metropolitan Detention Center has had problems for years. In 2018, a lieutenant was convicted for repeatedly raping a woman incarcerated there and threatening her with solitary confinement if she reported the attacks. Last winter, inmates spent days in the frigid cold and darkness, often with no hot water, after a partial power outage.

With the lives of so many Americans upended, it's tempting to look away, as we usually do. But this is something we can still get right. If we act quickly, we can potentially prevent thousands of senseless deaths. (Gay, 2020)

To treat three horrific events that have happened in a single facility in just 3 years as separate issues that have individual start and end dates is an outright denial of the way they serve as context for the COVID outbreak, and it signals that we will learn nothing from this moment to try and prevent it from happening again.

In contrast, a statement from the Brooklyn Defenders Association details what inadequate medical care in prisons has looked like in the past, and how it is expressing itself in the contemporary challenge of COVID. To parallel this acknowledgment, the requests at the end of their statement include increased access to their clients in order to be able to advocate for their medical rights. The Brooklyn Defenders further note the ongoing nature of the issue, and call attention to the history of inadequate medical care as well as to the future work that they intend to do to ease this harm for incarcerated populations (*Brooklyn Defender Services, 2020*).

An open letter from dozens of Columbia University scholars follows the same pattern as the NYT pieces with information about how incarcerated people are more likely to suffer from a host of illnesses related to poverty, and compounded by the detrimental impact of incarceration (*Letter from Columbia Scholars, 2020*). This fact has an important role in the case they build for releasing certain populations within the overall incarcerated community, but it leaves so much

more on the table than the recommendations themselves. The information was levied in the interest of a specific policy, but failed to frame the conversation.

Another telling aspect of the Columbia University letter is that is exclusively signed by faculty; no administrators, students or community members were included (*Letter from Columbia Scholars*, 2020). That administrators did not sign on makes some sense — they represent the university more directly, which typically does not take a stance on controversial topics. That students and other affiliates of the university are not included, however, suggests that the faculty want to emphasize their expertise in the discussion. While citing trusted sources is certainly helpful in a conversation, their decision to prioritize this over the influence of a larger number of varied supporters is indicative on how they frame the issue as one that can be better influenced by showcasing qualifications. In reality, the issue is so fundamentally one of human rights that a formal education does not validate their support of it any more than anyone else's. In thinking otherwise, they would be reinforcing how the practice of incarceration places more value on people who have received an education — as can be seen through sentencing guidelines, clemency announcements etc.

This is sharply contrasted by the approach of advocacy organizations and incarcerated individuals, which we will turn to in our final chapter of analysis. Their qualifications do not lie in their expertise or educational background, but rather the shared experiences they have with those who are suffering, and the empathy required to advocate on behalf of their intrinsic rights — past those granted or withheld by the state.

Chapter 6

Advocacy Organizations and Incarcerated Communities

The communication from advocacy organization and incarcerated communities distinguish themselves from the other object categories in this debate by an increased use of first-hand evidence, references to an expansive and long term carceral framework, and for the most part — greater ideological consistency. It should be noted that these two categories largely overlap, as many of the organizations who fight for the protection of incarcerated communities are comprised of formerly incarcerated individuals and/or have members on the inside.

One of the enduring challenges of releasing incarcerated individuals lies in how they continue their lives outside of the prisons after being kept from it. A successful release involves securing safe housing, a possible job (often required for repaying court ordered fines or restitution), and access to various other comprehensive support services. At the very beginning of the crisis, in March 2020, several advocacy organizations wrote to Cuomo guaranteeing their continued support to any people released due to the pandemic, even if this number was an increase from previous years. The letter addressed an aspect of releases that practically no major articles discussed — life after prison (The Osborne Association NY, 2020). In contextualizing the crisis within the experiences and obstacles faced by incarcerated individuals, the groups demonstrate their commitment to uplifting incarcerated populations past the moment of increased attention.

At the legislative hearing “To Discuss the Impact of COVID-19 on Prisons and Jails” in September 2020, several other advocacy organizations were able to testify on behalf of

incarcerated individuals. One of these groups was VOCAL-NY, a grassroots organization focused on issues of HIV/AIDS, the drug war, mass incarceration and homelessness. Nick Encalada-Malinowski, the group's Civil Rights Campaign Director, spoke to COVID's impact in prisons in a tone that was disappointed, but unsurprised. Encalada-Malinowski noted that although New York had recognized its racist and oppressive history involving prisons, it had done little to remedy that history up to the present day. The state's behavior in the crisis was actually perfectly aligned with its past. In addition, the testimony noted that the state legislature had continuously failed to act to protect the rights of incarcerated people by blocking legislation that would restore their voting rights and that would expedite medical parole. This was the only object I came across that clearly married these issues into a larger picture of disposability, and that called out the legislature's hypocrisy in calling a hearing for a population they were unwilling to protect in their own roles as representatives (Encalada-Malinowski, 2020).

Another organization, New York Campaign for Alternatives to Isolated Confinement, spoke to the issue in a similar context, mapping the crisis onto a legacy of harm, and noting how the underlying issues had been raised by the various advocacy organizations for years before the hearing. Further, they draw attention to the practices of policing that result have continued to result in a large incarcerated population in NY, and one that is disproportionately Black. Represented by Jerome Wright, they state that "The state's response to COVID in prisons and jails is reflective of the horrible ways in which the state regards and treats incarcerated people generally." (Wright, 2020)

In October 2020, Cuomo released “American Crisis: Leadership Lessons from the COVID-19 Pandemic”. The book reportedly covers everything from his personal life to the moments of key decision making during COVID, but glosses over any acknowledgment of what unfolded in prisons under his leadership. In response, the Release Aging People in Prison campaign (RAPP) put out the “missing chapter” to Cuomo’s book, detailing the ways in which he had failed to protect incarcerated communities across the state. The chapter, written from his perspective, is a rejection of his typical humored tone that had become an insult to incarcerated individuals and their allies, and denounces how his book takes advantage of a crisis to uplift himself in the public eye: “Knowing that I would never write about my reckless response to COVID-19 behind bars in my new, national-stardom seeking book, criminal justice advocates have taken it upon ourselves to complete my book for me with facts and first-hand accounts.” The information in the chapter “draws on and synthesizes the expertise, experiences, and advocacy of many currently incarcerated people”, centering them over the “experts” the media and other groups choose to leverage in their arguments (RAPP Campaign, 2020).

The chapter ends with a note imagining what could happen if the crisis was properly handled “Taking meaningful and expanded action to release people will prevent more death and despair behind bars, and make New York a true leader in the struggle to end mass incarceration, systemic racism, and COVID-19.” In a similar problem to those of the articles in the public debate, the campaign did not provide enough of a recommendation to meet these goals; protecting the basic human rights of some incarcerated people during a crisis is not enough to ensure everyone is valued in the long term. The focus of the arguments, however, lend

themselves to this future more than those of any other objects have thus far (RAPP Campaign, 2020).

The organizations that had consistently engaged in advocacy on behalf of incarcerated communities viewed the impacts of COVID in New York prisons within the larger framework of the state's carceral system. This approach is the only one that contextualizes the issue, and the results were evident in that the recommendations from these groups addressed the ongoing nature of the state's effort to devalue incarcerated lives. As for the structure of their arguments, the organizations heavily prioritized direct quotes from currently incarcerated individuals, prefiguring the role they would have in a just world.

Largely, the published communications that came from incarcerated individuals were focused on detailing the horrific conditions they were facing, shared in an effort to influence policy discussions. Many of the incarcerated people, however, spoke to their place in a larger system, and defended their inherent value. This is what they had to say:

“When I think about humanity I visualize a world motivated by compassion and love, a society that is much more forgiving. During this pandemic we have certainly witnessed acts of humanity however, we must extend this act of compassion to all and avoid placing people in categories. True humanity would never allow for incarceration to become punishment or deem one to be unworthy.”

-Daniel, incarcerated at Wende Correctional Facility in New York (Wright, 2020)

“Prisoners’ lives matters. Police officers and correctional officers are racist white supremacists in uniform. For decades, members of the KKK, Aryan Brotherhood, and other nefarious white hate groups have physically assaulted, maimed, and killed these Black and brown [people] in the hands of police and correctional officers with impunity. These are hate crimes against humanity, which go unpunished by the local prosecutors in these small towns.”

-Carlos, imprisoned in New York (Wright, 2020)

Analyzing the communication that came from advocacy organizations and from incarcerated individuals is a crucial closing to this project precisely because it does exactly the opposite. Although certain assumptions used in some arguments are similar to those of their opposition, the fundamental care and empowerment that they center in their messaging makes their recommendations the most radical of all, and holds the most promise in creating lasting change for people currently in prisons.

Chapter 7

Conclusion

In the context of a single year of this debate, the New York State administration came out relatively unscathed by their treatment of people in prisons. As of March 2021, Cuomo has so many accusations against him that this particular abuse has already lost the small level of clout it once had. The past year, however, is not the entirety of the debate; as so many advocacy organizations made sure to note, it has only been one round of a struggle that has been ongoing for centuries.

If we are interested in approaching the end of this struggle anytime soon, there are further adjustments that need to be made to our arguments themselves. The standard of humanizing people in prisons through affirming terminology has made its way through advocacy organizations, and has even been adopted by the state. The analysis of their subjugation, however, leaves Cuomo's pedestal intact. There is no equalizing the value of human life through the sole empowerment of people in prisons; there need to be efforts to disempower state actors in our rhetoric as well our legal challenges. At the very least, the explicit confrontation of the fact that Cuomo is one individual that we have allowed to control the lives of tens of thousands of people, and that whoever follows will have the same authority. This is a larger project, distinct from the one that aims solely to prove he has mishandled his regime.

While this paper primarily focused on incarcerated individuals, the COVID outbreaks in New York's prisons also greatly impacted staff in the facilities. That the state failed to establish the measures that would have prevented these outbreaks despite the risk to the non "criminal"

workforce demonstrates the vulnerability of the working class in a bio political and necropolitical state. There is no safety in the false sense of privilege that the narratives of criminalization give those of us who are not directly impacted by the treatment of criminalized individuals. In reality, the erasure of their humanity chips away at our own ability to determine our identities outside of the system.

There are lessons that we can take from the crisis in New York's prisons to affirm the lives of incarcerated individuals everyone, and preserve our own value in the process. But there will always be those that we cannot get back. At least 2,489 incarcerated people died from COVID in the duration of my project. May they rest in power, peace and the dignity we failed to give them.

References

- Akshar, Fred. 2019. "Senator Fred Akshar Releases Petition to Oppose Giving Prisoners a 400% Raise." NY State Senate. <https://www.nysenate.gov/newsroom/press-releases/fred-akshar/senator-fred-akshar-releases-petition-oppose-giving-prisoners>.
- Annucci, Anthony. 2020. "Joint Public Hearing: To discuss the impact of COVID-19 on prisons and jails." YouTube. Audiovisual recording, 6:27:33 https://www.youtube.com/watch?time_continue=152&v=wrtu5gmozT8&feature=emb_logo
- Archer, Jermaine. 2020. "Inside a Prison Coronavirus Outbreak in 'Disbeliever Country.'" The Marshall Project. 2020. <https://www.themarshallproject.org/2020/10/29/lax-masking-short-quarantines-ignored-symptoms-inside-a-prison-coronavirus-outbreak-in-disbeliever-country>.
- Arthur, Cory Devon. 2020. "I Hate My Prison Dorm So Much, I Enjoyed COVID-19 Quarantine in the Box." The Marshall Project. 2020. <https://www.themarshallproject.org/2020/09/24/i-hate-my-prison-dorm-so-much-i-enjoyed-covid-19-quarantine-in-the-box>.
- Bassett, Mary, Eric Gonzalez, and Darren Walker. 2020. "Opinion | Andrew Cuomo, Stop a Coronavirus Disaster: Release People From Prison." The New York Times, March 30, 2020, sec. Opinion. <https://www.nytimes.com/2020/03/30/opinion/nyc-prison-release-covid.html>.
- Bellware, Kim. 2020. "Prisoners and Guards Agree about Federal Coronavirus Response: 'We Do Not Feel Safe.'" Washington Post. 2020. <https://www.washingtonpost.com/nation/2020/08/24/prisoners-guard-agree-about-federal-coronavirus-response-we-do-not-feel-safe/>.
- Bertram, Wanda, and Bernadette Rabuy. 2020. "Jails and Prisons Are Suspending Visits to Slow COVID-19. Here's What Advocates Can Do to Help People inside." 2020. <https://www.prisonpolicy.org/blog/2020/03/17/covid19-visits/>.
- Blackwell, Christopher. 2020. "In Prison, Even Social Distancing Rules Get Weaponized." The Marshall Project. 2020. <https://www.themarshallproject.org/2020/05/28/in-prison-even-social-distancing-rules-get-weaponized>.
- Bronx Defenders. 2021. "Public Defenders, Advocates Sue New York, Claim Vaccine Denial Violates Constitutional Rights of Incarcerated People." The Bronx Defenders. February 2, 2021. <https://www.bronxdefenders.org/public-defenders-advocates-sue-new-york-claim-vaccine-denial-violates-constitutional-rights-of-incarcerated-people/>

- Brooklyn Defender Services. 2020. "BROOKLYN DEFENDER SERVICES STATEMENT ON GROWING OUTBREAK OF COVID-19 AT RIKERS ISLAND." Brooklyn Defender Services. March 2020. <http://bds.org/brooklyn-defender-services-statement-on-growing-outbreak-of-covid-19-at-rikers-island/>.
- Brown, Noah, and Stephen Rex Goldberg. 2020. "NYC Federal Jail Staff Complains about 'Crap' Coronavirus Face Masks Made by Inmates Earning Less than \$1 per Hour." Nydailynews.Com. 2020. <https://www.nydailynews.com/new-york/ny-coronavirus-inmate-labor-masks-20200511-luzedqwljhpzmot4v44qpi3hy-story.html>
- "COVID-19 Testimonials." n.d. Survived & Punished NY. <https://www.survivedandpunishedny.org/mass-commutation-clemency/covid19testimonials/>
- "California Female Prisoners Sterilized." 2014. Prison Legal News. 2014. <https://www.prisonlegalnews.org/news/2014/mar/15/california-female-prisoners-sterilized/>.
- Carissimo, Justin. 2020. "8 Pregnant Women to Be Released from New York Prison Over Virus Fears." CBS News. May 2020. <https://www.cbsnews.com/news/coronavirus-new-york-prisons-pregnant-women-freed-covid-19/>
- Caroselli, Dino. 2020. "'Covid Breached the Wall and Killed A Man Yesterday.'" The Marshall Project. 2020. <https://www.themarshallproject.org/2020/04/14/covid-breached-the-wall-and-killed-a-man-yesterday>.
- Chapin, Angelina. 2020. "Cuomo's Order to Release Pregnant Women From Prison Is a Sham." The Cut. May 1, 2020. <https://www.thecut.com/2020/05/governor-andrew-cuomo-coronavirus-women-pregnant-prison.html>
- "Children in Prison." n.d. Juvenile Law Center. Accessed 2021. <https://jlc.org/children-prison>
- Cuomo, Andrew M. 2020c. "New York Governor Cuomo Coronavirus News Conference." CSPAN. Audiovisual recording, 44:42. <https://www.c-span.org/video/?470935-1/york-tops-list-states-impacted-coronavirus-governor-cuomo>
- Cuomo, Andrew. 2019. 70097-02-9. <https://www.budget.ny.gov/pubs/archive/fy20/exec/30day/ppgg-artvii-newpart-tt.pdf>.
- Cuomo, Andrew. 2020a. "Governor Cuomo Delivers COVID-19 Update". YouTube. March 9, 2020. <https://www.youtube.com/watch?v=j9P6eadsUrQ>.
- Cuomo, Andrew. 2020e. "Governor Cuomo Announces President Trump Has No Plans to Send Federal Agents to New York City". YouTube. July 23, 2020. <https://www.youtube.com/watch?v=fEZj81CrM4Q>

- Denney, Andrew, and Larry Celona. 2020. "Coronavirus in NY: Brooklyn DA to Stop Prosecuting 'Low-Level' Offenses." *New York Post*. March 2020. <https://nypost.com/2020/03/17/coronavirus-in-ny-brooklyn-da-to-stop-prosecuting-low-level-offenses/>
- Durkin, Erin. 2021. "State Begins Vaccinating Inmates after Cuomo Hit with Lawsuit." *Politico PRO*. February 4, 2021. <https://politi.co/2YObITj>
- Ehrlich, Brenna. 2020. "Ramsey Orta, Man Who Filmed Eric Garner's Arrest, Has Been Released From Prison." *Rolling Stone*. June 2020. <https://www.rollingstone.com/culture/culture-news/ramsey-orta-eric-garner-prison-release-1011646/>
- Encalada-Malinowski, Nick. 2020. "Testimony before New York State Senate Hearing on COVID-19 in Prisons and Jails VOCAL-NY." https://www.nysenate.gov/sites/default/files/vocal_ny_testimony_0.pdf
- Firth, Shannon. 2020. "COVID-19 Testing Lags in Prisons and Jails." *MedPage Today*. 2020. <https://www.medpagetoday.com/infectiousdisease/covid19/86391>.
- Fortner, Michael Javen. 2013. "The Carceral State and the Crucible of Black Politics: An Urban History of the Rockefeller Drug Laws." *Studies in American Political Development* 27 (1) (04): 14-35. doi:<http://dx.doi.org.ezaccess.libraries.psu.edu/10.1017/S0898588X13000011>.
- Foucault, Michel. 1976a. *Society Must Be Defended Lectures at the College de France*. Editions de Seuil/Gallimard. ISBN: 0-312-20318-7
- Foucault, Michel. 1976b. *History of Sexuality*. Kindle Edition. Vol. 1. 3 vols. Knopf Doubleday Publishing Group. EISBN: 978-0-307-81928-4
- Gay, Mara. 2020. "Opinion | Prisons Breed the Coronavirus. We Can Safely Free Thousands of Inmates." *The New York Times*, April 3, 2020, sec. Opinion. <https://www.nytimes.com/2020/04/03/opinion/coronavirus-jails-prisons.html>.
- "Governor Cuomo Grants Clemency to 21 Individuals." 2020. Governor Andrew M. Cuomo. December 2020. <https://www.governor.ny.gov/news/governor-cuomo-grants-clemency-21-individuals>.
- "Governor Cuomo Grants Clemency to Three Individuals." 2020. Governor Andrew M. Cuomo. June 2020. <https://www.governor.ny.gov/news/governor-cuomo-grants-clemency-three-individuals>.

- Harding, Robert. 2020. "NY Closing Three State Prisons in Early 2021." Auburn Citizen. 2020. https://auburnpub.com/news/local/govt-and-politics/ny-closing-three-state-prisons-in-early-2021/article_7c008e26-6375-575e-93ec-27b403c6ed40.html.
- Heffernan, Shannon. 2020. "The Way Prisoners Flag Guard Abuse, Inadequate Health Care and Unsanitary Conditions Is Broken."
- Hogan, Gwynne. 2021. "Incarcerated Men Sue State For Access to COVID-19 Vaccines." Gothamist. February 2021. <http://gothamist.com/news/incarcerated-men-sue-state-access-covid-19-vaccines>.
- Jefferson, Brian Jordan. 2018. "Computerizing Carceral Space: Coded Geographies of Criminalization and Capture in New York City." *Environment and Planning A: Economy and Space* 50, no. 5 (August 2018): 969–88. <https://doi.org/10.1177/0308518X18767427>.
- Lach, Eric. 2021. "Andrew Cuomo's Refusal to Vaccinate Inmates Is Indefensible." *The New Yorker*. February 13, 2021. <https://www.newyorker.com/news/our-local-correspondents/andrew-cuomos-refusal-to-vaccinate-inmates-is-indefensible>
- Letter from over 120 Columbia Scholars Re: Reducing New York's Incarcerated Population | Columbia Justice Lab." 2020. April 2020. <https://justicelab.columbia.edu/CU-Scholars-COVID-Letter>.
- Logan, John R., WeiWei Zhang, and Miao David Chunyu. 2015. "Emergent Ghettos: Black Neighborhoods in New York and Chicago, 1880–1940." *American Journal of Sociology* 120 (4): 1055–94. <https://doi.org/10.1086/680680>.
- Lyons, Brendan J. 2020. "NY to Release 1,100 Parole Violators as Coronavirus Spreads." *Times Union*. March 27, 2020. <https://www.timesunion.com/news/article/Deaths-surge-again-in-New-York-from-coronavirus-15160973.php>
- Mahoney, Bill. 2018. "Cuomo Endorses James for Attorney General." *Politico PRO*. May 2018. <https://www.politico.com/states/new-york/albany/story/2018/05/22/cuomo-endorses-james-for-attorney-general-432403>.
- Mbembe, Achille. 2003. "Necropolitics." *Duke University Press, Public Culture*, 15: 11–40.
- McKinley, Jesse. "Cuomo's Fix for Sanitizer Shortage: 100,000 Gallons Made by Prisoners." *The New York Times*, March 9, 2020, sec. New York. <https://www.nytimes.com/2020/03/09/nyregion/coronavirus-newyork-sanitizer.html>.

- Meghan A. Novisky, Chelsey S. Narvey & Daniel C. Semenza. 2020. "Institutional Responses to the COVID-19 Pandemic in American Prisons, Victims & Offenders", 15:7-8, 1244-1261, DOI: 10.1080/15564886.2020.1825582
- Metcalf, Jerry. 2020. "No, Your Coronavirus Quarantine Is Not Just Like Being in Prison." The Marshall Project. 2020. <https://www.themarshallproject.org/2020/03/25/no-your-coronavirus-quarantine-is-not-just-like-being-in-prison>.
- Muhammad, Khalil Gibran. 2010. *The Condemnation of Blackness : Race, Crime, and the Making of Modern Urban America*. Cambridge: Harvard University Press. Accessed March 5, 2021. ProQuest Ebook Central.
- Myrie, Zellnor. 2019. NY State Senate Bill S3138 <https://www.nysenate.gov/legislation/bills/2019/s3138>.
- New York City Board of Corrections. 2020. "NEW YORK CITY BOARD OF CORRECTION CALLS FOR CITY TO BEGIN RELEASING PEOPLE FROM JAIL AS PART OF PUBLIC HEALTH RESPONSE TO COVID-19." March 2020. <https://www1.nyc.gov/assets/boc/downloads/pdf/News/2020.03.17%20-%20Board%20of%20Correction%20Statement%20re%20Release.pdf>.
- New York City Department of Corrections. 2020. NYS Joint Public Hearing: Impact of COVID-19 on Prisons and Jails. https://www.nysenate.gov/sites/default/files/nyc_doc_written_testimony.pdf.
- "New York State Constitution". 2015. Article IV, §4. <https://www.dos.ny.gov/info/pdfs/Constitution%20January%202015%20amd.pdf>
- "Past Coronavirus Briefings." 2021. Department of Health. March, 2021. <https://coronavirus.health.ny.gov/past-coronavirus-briefings>
- Perry, David M., and Lawrence Carter-Long. 2016. "The Ruderman White Paper on Media Coverage of Law Enforcement Use of Force and Disability." Ruderman Family Foundation. 2016. https://issuu.com/rudermanfoundation/docs/ruderman_white_paper.
- "Prison Conditions." n.d. Equal Justice Initiative. Accessed 2021. <https://eji.org/issues/prison-conditions/>
- ProPublica. 2020. <https://www.propublica.org/article/the-way-prisoners-flag-guard-abuse-inadequate-health-care-and-unsanitary-conditions-is-broken?token=VXSpSokUhdnD2MvFjkwOpVId2ezo3Qbj>.

- RAPP Campaign. 2020. "The Missing Chapter: Governor Cuomo's Failure to Protect Incarcerated New Yorkers from COVID-19." 2020. http://rappcampaign.com/wp-content/uploads/The-Missing-Chapter_-_Governor-Cuomos-Failure-to-Protect-Incarcerated-New-Yorkers-from-COVID19.pdf.
- Ritchie, Patty. 2019. "Join Me to 'Protect Our Prisons.'" NY State Senate. 2019. <https://www.nysenate.gov/newsroom/articles/2019/patty-ritchie/join-me-protect-our-prisons>.
- Sawyer, Wendy, and Peter Wagner. 2020. "Mass Incarceration: The Whole Pie 2020." Prison Policy Initiative. 2020. <https://www.prisonpolicy.org/reports/pie2020.html>.
- Sepulveda, Luis. 2020. "Joint Public Hearing: To discuss the impact of COVID-19 on prisons and jails." YouTube. Audiovisual recording, 6:27:33 https://www.youtube.com/watch?time_continue=152&v=wrtu5gmozT8&feature=emb_logo
- Shapiro, Joseph. 2020. "As COVID-19 Spreads In Prisons, Lockdowns Spark Fear Of More Solitary Confinement." NPR. 2020. <https://www.npr.org/2020/06/15/877457603/as-covid-spreads-in-u-s-prisons-lockdowns-spark-fear-of-more-solitary-confinemen>.
- Sivin, Alana, and Joshua Vaughn. 2020. "Families Urge Cuomo to Release Loved Ones from Prison During COVID-19 Pandemic." The Appeal. November 25, 2020. <https://theappeal.org/families-urge-cuomo-to-release-loved-ones-from-prison-during-covid-19-pandemic/>
- Sternlicht, Alexandra. 2020. "Prisoners 550% More Likely To Get Covid-19, 300% More Likely To Die, New Study Shows." Forbes. 2020. <https://www.forbes.com/sites/alexandrasternlicht/2020/07/08/prisoners-550-more-likely-to-get-covid-19-300-more-likely-to-die-new-study-shows/>.
- "The Dangers of America's Expanding 'Digital Prison.'" 2020. The Crime Report. 2020. <https://thecrimereport.org/2020/03/02/the-dangers-of-americas-expanding-digital-prison/>.
- The Marshall Project. 2021. "A State-by-State Look at Coronavirus in Prisons." <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons>.
- The Osborne Association NY. 2020. "Appeal to Governor Andrew M. Cuomo." March 2020. <http://www.osborneny.org/news/appeal-to-governor-andrew-m-cuomo/>.
- Wacquant, Loic. 2002. "From Slavery to Mass Incarceration." New Left Review, February. <https://newleftreview.org/issues/ii13/articles/loic-wacquant-from-slavery-to-mass-incarceration>.

- Widra, Emily. 2021. "How Much Have COVID-19 Releases Changed Prison and Jail Populations?" Prison Policy Initiative. February 2021. <https://www.prisonpolicy.org/blog/2021/02/03/january-population-update/>
- Williams, Wesley. 2020. "The Cruel Irony of Social Distancing When You're Stuck in Solitary." The Marshall Project. 2020. <https://www.themarshallproject.org/2020/05/07/the-cruel-irony-of-social-distancing-when-you-re-stuck-in-solitary>.
- Wood, Erika, Liz Budnitz, Garima Malhotra, and Charles J. Ogletree, Jr. 2009. "Jim Crow in New York." Brennan Center for Justice at New York University School of Law. <https://www.brennancenter.org/our-work/research-reports/jim-crow-new-york>.
- Wright, Jerome. 2020. "NYCAIC #HALTsolitary CAMPAIGN Testimony before the New York State Senate and Assembly Hearing on: The Impact of COVID-19 on Prisons & Jails." https://www.nysenate.gov/sites/default/files/halt_testimony_sept_22_hearing_on_covid_in_prisons_jails.pdf.

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THE PENNSYLVANIA STATE UNIVERSITY - SCHREYER HONORS COLLEGE, State College, PA
Bachelor of Arts, expected May 2021
Majors in Philosophy and Communications Arts and Sciences; Minor in African American Studies

JULIA R. MASTERMAN LABORATORY AND DEMONSTRATION SCHOOL
High School Diploma, June 2017

FELLOWSHIPS/PROGRAMS

PRESIDENTIAL LEADERSHIP ACADEMY, State College, PA 2018-Present
Academy that teaches select students how to act and think critically around issues that impact Penn State as an institution of higher education, and that affect broader global communities. Program requires specific honors classes with other leaders, travel with the academy and consistent blogging.

PATERNO FELLOWS, State College, PA 2018-Present
Honors Program in the College of the Liberal Arts requiring advanced academic coursework, thesis, study abroad and/or internship, ethics study, and a leadership/service commitment.

PROFESSIONAL EXPERIENCE

UNIDOS US, Philadelphia, PA 2018
Organizer. Directed a voter registration campaign in North Philadelphia for UnidosUS, a non-profit, non-partisan Hispanic civil rights organization. Led efforts in hiring and budgeting for the materials needed for office and travel. Managed and coordinated the day to day activities of two captains, and over a dozen canvassers.

PHILADELPHIA DISTRICT ATTORNEY'S OFFICE, Philadelphia, PA 2015-2016
Student Program Member. Gained insight into the careers of individuals working a variety of jobs in the justice department and refined the skills necessary for effective public speaking and debating in a legal context.

U.S ATTORNEY'S OFFICE OF THE THIRD CIRCUIT, Philadelphia, PA 2017
Senior Project Intern. Shadowed several members of the U.S. Attorney's Office in Eastern Pennsylvania and observed federal court proceedings.

LEADERSHIP EXPERIENCE

LION CAUCUS, State College, PA 2018-Present
President. Charged with building relationships amongst fellow student leaders, serving as the organization's main representative to outside entities and setting semesterly priorities to best serve our mission of advocating on behalf of Penn State to local, state and federal representatives.

Director of Outreach. Led student recruitment and education efforts and chaired the Education Committee in creating materials to inform and engage students around the issue of state funding.

UNIVERSITY PARK UNDERGRADUATE STUDENT GOVERNMENT, State College, PA 2018-2020
At-Large Representative. Elected for two consecutive terms to actualize initiatives surrounding issues facing the undergraduate student body, focusing specifically on projects that encourage civic engagement, expand collaborations with local government, increase the accessibility of mental health resources, ease the transition for incoming international students, better communicate with the students organizations that compose our constituencies and refine our internal governing documents.

PENNSYLVANIA ASSOCIATION OF STATE RELATED SCHOOLS, State College, PA 2018-2020
Executive Director. Coordinated efforts amongst representatives from the four Pennsylvania state related universities towards increased collaboration and strategic advocacy on shared issues such as state funding, compliance with drug and alcohol policies, gender based violence on campuses, student voter turnout, census awareness etc.

LATINO CAUCUS, State College, PA 2018-2019
Committee Member. Advanced and helped to implement programs that aim to produce a safer, more accessible learning environment for Latinx students on campus, seeking in particular to legally support students who are non-citizens, and facilitate the arrival of students to which Spanish is their first language

COMMUNITY SERVICE

THE ROCK AT CALVARY CHAPEL KENSINGTON, Philadelphia, PA 2014-Present
Volunteer. Volunteer on clean up days, block parties and holidays with my church community.

ACHIEVEMENTS/AWARDS

FELSBURG/GOHN LEADERSHIP AND SERVICE AWARD 2019-2020
Required demonstrated financial needs, exhibited integrity and strong work ethic, and valuable contributions to the betterment of the University. Awarded for continued dedication to and advocacy for fellow students and demonstrated organization, motivation, and leadership skills.

WORK EXPERIENCE

UNIDOS US, Philadelphia, PA 2020
Digital Canvasser. Engaged with registered voters in Philadelphia through phone and social media to disseminate relevant information about both in person and mail-in voting procedures during COVID-19.

URBAN OUTFITTERS, State College, PA 2018
Seasonal Retail Sales Associate

FAMILY CLOTHESLINE, State College, PA 2017
Seasonal Retail Sales Associate

ELECTRIC FACTORY, Philadelphia, PA 2016-2017
Records Assistant. Organized and digitized decades worth of personal and professional memorabilia for Electric Factory Owner Larry Magid.

CUSTARDS LAST STAND, Philadelphia, PA 2014-2016
Front-End Store Associate