

EDITED BY
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**OUTSIDE
THE
LAW**

**NARRATIVES ON
JUSTICE IN AMERICA**

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FREE PAPERS

If a word burns on your tongue, let it burn.

PERSIAN PROVERB

Whenever somebody says justice, I always hear the homonym “just us”; as in “justice comes down on ‘just us’ black folks.” Regardless of the context or the speaker’s intent, I hear it. Despite the fact some part of me always thought the double entendre was facile, and that its adoption by the hip-hop generation has rendered it a pop-culture cliché, it still flashes through my mind. The reaction so deeply ingrained now it borders on instinct. Pavlovian response. “Justice” out of anybody’s mouth an irksome, tinkling bell; and though I can anticipate it, I can never quite suppress the smirk that rises to my lips. Whenever the word comes up in an ethnically mixed gathering, my eyes scan the room for color—searching out dark faces that might dare to meet my furtive grin with a knowing wink; looking for the faintest flush in a pair of white cheeks, a hint of uncomfortable redness so I can imagine “they” hear the hypocrisy too, are in on the joke; recognize, even if only silently, the absurdity *we* see in the blindfolded lady primly holding up scales.

Sitting down to think seriously about justice, I guess I was a little surprised when the old “justice-just us” refrain began marching like a mantra through my mind. I had been intending to write about the politics of imprisonment in America; to explore questions

like what constitutes “imprisoned space”? Does it extend beyond the bars and locks of prison walls, beyond institutional confinement? Are there people “locked up” in territory officially called free? Does a jail-by-any-other-name stink as bad? The stories I was searching for when I mapped out this essay were those that might illustrate how the politics of naming space, of constructing narratives of freedom and incarceration, crime and punishment, determine who gets “imprisoned” in America. I hadn’t planned on discussing what I considered at root a fairly silly inside joke. But the bell kept ringing, too loud to ignore.

“Just us!” is the most obvious and immediate story buried in the word “justice” for me—the story I have to acknowledge and unpack before I can begin to tell any others. It hangs around in my head because like all phrases that gain sufficient currency to become pat, at some level it *works*. A cliché begins as a story told well enough to appropriate. It registers a truth enough people recognize that they repeat it reflexively to each other, somewhere along the way overlooking or getting comfortable with the fact that all the eccentricities, the complex contradictions of their individual experiences might get lost, subsumed by communal code.

“Justice” the call. “Just us!” the response. It is not a reply born of resignation; not the self-pitying wail of the persecuted. “Just us!” is a subversive reconfiguration; the announcement of an alternative text. A defiant challenge to reconcile the hollow sound of a noble abstraction with the resonant fury of unjust discrimination. “Just us!” is one of the titles black folk have invented and adopted to frame our collective narrative of justice in America. It affirms the particular exclusivity of our experience here, before, and beyond the law. Yet it is also inclusive, an expansive invitation. One implicit message of “just us!” is the potential for amelioration through congregation. If “justice” is the long arm of the law wielding the whip that cracks across “just our” backs, then if you been done wrong, you’re family. Your story is ours. We’ve heard it before, know the intricacies of your pain, sing it every day. “Just us!” is permission to tune up and lend your voice to the throng.

*A dog starved at his master's gate
predicts the ruin of the state.*

WILLIAM BLAKE

A couple times a year, for nearly ten years, I drove past the crumbling, sand-blasted signs on I-10 announcing the “Gila Indian Reservation & Museum” without stopping. Truth be told, I barely registered the existence of such a place. It never found a way to permeate the peculiar topography of the Arizona desert I’ve constructed and carried around in my head. Very little has, other than the essential landmarks, highways, and hotels that permit me to navigate from the airport to the Arizona State Prison Complex. The drive from Phoenix into the desert to visit my brother inevitably leaves me barren. As the geography ossifies, I undergo a spiritual desiccation that leaves me feeling as blighted as the sand-swept landscape.

Phoenix is a city of mud. Not just the proliferation of squat, traditional, brick and earth buildings. Even the modern structures seem unable to disguise their adobe ancestry. Some openly embrace it—office buildings whose earthen tones and neo-Native patterned trim are slick nods at the city’s indigenous cultures. Others—the hypermodern, black-glass skyscrapers and polished chrome corporate complexes—seem almost willfully anomalous. Outrageous antipodes whose deliberate rejection of anything remotely terranean serves, through stark opposition, as a further reminder of the city’s mud legacy. A divine potter’s toy village. Some Great Spirit squatting in his vast sandbox, making mudpies and firing them in geometric molds; huge cookie cutter blocks and towers laid out in a hazardous desert playground, randomly interrupted by shiny, corny metal trinkets from the great hardware store in the sky.

Easy to imagine, as you drive away from town and the cityscape dissolves into dust, that one careless swipe of a cosmic hand could collapse the whole town, reduce it to a giant palm print the way a sand castle trampled at the beach retains only the shape of your frantic feet. Easy to take the game one step further, begin to believe the countless cacti, the parodic stick-men of the desert, have congregated expressly to bear mute witness to just such an event. Silent

sentries determined to keep their vigil till the destruction is complete.

This picture easy to paint because the journey to the jail wreaks this precise havoc on me. Complete emotional compression. My spirit feels stepped on. Stripped and flayed, reduced to rubble. The drive is less than two hours, but seems interminable. It always feels like I'm about to careen off the edge of the earth when at last the electric fences come into view and I know I'm almost there. I'm reminded of words one translator used to describe the utter isolation, the obscene remoteness of the rock Zeus chose for Prometheus' exile: "a desolate, lunar landscape; a barren craggy corner of the Caucasus." Worse than the middle of nowhere. The place nowhere forgot.

Maybe that's why I never registered the Gila Reservation. Never occurred to me there might be anybody or anything else out there. Hard to imagine even a jail existing in such a remote place, let alone a "free" community. But there it was, complete with signs advertising "the best fry bread in Arizona." It was my wife who pointed it out, insisted we stop on the way back to Phoenix after a day at the prison. She is from Sierra Leone, West Africa, and despite nearly five years in this country still retains an outsider's perspective, evidenced in this case by a foreigner's bewilderment at the utter erasure of the original people of this continent, her curiosity buttressed by a deep sense of identification with the Native American celebration of and reverence for the land.

Wearily, I agreed to the detour, and we soon found ourselves inside a nearly empty "museum," which was just a gift shop with a few exhibits lined up across the back of the room. One was a replication of a Gila home; a simple canvas-topped lean-to designed to do little but keep out heat and grit. On the far wall, tucked away in the corner of the room, was a large, framed black-and-white still shot of what looked like a military barracks. I moved closer to read the caption, which turned out to be a two-page historical essay pinned bare to the wall.

The "barracks" in the picture was a military camp after all, but unlike any I might have imagined. It turns out the U.S. govern-

ment had conveniently "re-appropriated" a large portion of the reservation for use as an internment camp for Japanese Americans during World War II (shouldn't that pernicious epithet "Indian-giver" be stricken from the dictionary and replaced with the more historically efficacious "Congress-giver"?). The camp was set alongside the Gila River, from whence the tribe derived not just its name but its life source. Water is the Creator in the desert, and the river was the divine axis of the Gila cosmos. Community life took shape through a profound and constant relationship of symbiosis with water, beginning with the sophisticated and elaborate network of irrigation canals the Gila cultivated that nourished an ecosystem that supplied all their needs.

From the account given in the fraying essay, life for the Japanese Americans locked up in that camp was horrific. Lack of resources combined with the war-whipped xenophobia of the American soldiers made it a pretty miserable place. Eventually, military indifference degenerated into outright negligence, and it seems the only way the prisoners survived was through the grace and generosity of the Gila, who supplied them with basic foodstuffs as well as a crash course in desert horticulture so that eventually gardens sprouted in the camp and people were able to eke out a marginal existence.

Relations between the Japanese Americans and the Gila stayed remarkably cordial despite a devastating irony. The prisoners, like those in camps throughout the West and Southwest, were forced into hard labor to support the war effort. At the Gila River camp, this eventually consisted of forcibly usurping, expanding, and rerouting the existing irrigation arrangements; funneling the water away from tribal land to supply the nearest town, a parched and dying bird desperately trying to find its wings and incarnate the potential hibernating in its hopeful moniker: Phoenix.

The project was a spectacular success, of course. Phoenix is flourishing and the Gila River is no more. Outside the museum a dry ditch curves aimlessly through the parking lot, across the highway, and off into the netherland of tumbleweeds that stretches as far as the eye can see. The river has been reduced to a speed bump at the end of a road nobody really uses anymore. The reservation a ghost

town, the only inhabitants seem to be those baking fry bread and those watching the gift shop cash register.

Driving back to the city I began to pay attention to signs and convergences that I'd missed during ten years of peregrinations in the desert. The landscape is not all monolithic wasteland. If you're looking for it, you can't miss it. There is literally a line drawn in the sand—as you pass the sign “Leaving Gila Reservation” the first powerlines appear, along with the first evidence of water—a field of what appears to be a species of cotton, which abets a retirement-resort community dotted with grassy lawns. Civilization. The more I looked the more startling the juxtapositions became, poverty and plenty, everything exacerbated by the neutral, flat expanse of the terrain; the palette on which the portrait began to take shape. Somehow this was different, more urgently unsettling than similar abrupt transformations I'd witnessed in urban landscapes. Driving through the mansions of Hyde Park in Chicago and turning onto 47th Street, like finding Beirut down a Beverly Hills alley. But for some strange reason, reconciling carnage and rationalizing hypocrisy was much easier for me in the concrete canyons of a city than hard by the Grand Canyon herself. Both scenes tragically eloquent testaments to America's chilling habit of reverting to diffidence in the face of devastation. Two contemporary episodes in our country's long-standing tradition of schadenfreude—always the unofficial national bloodsport, but never before the era of *Jerry Springer, Rescue 911, Cops*, so clearly our national pastime as well.

The first time I ever heard of the internment camps was from my tenth grade history teacher, who was a Japanese American. It wasn't in the classroom—our textbooks didn't mention them—but on the basketball court. Mr. S— was the coach of the sophomore team and as a 4'10" man had a unique appreciation for small point guards, which endeared me to him. In turn, I was always mesmerized by his gift for masterful storytelling. His voice was rough—crunched gravel—but his tone when telling tales a wonderfully hypnotic blend, invoking soldierly authority and self-deprecation simultane-

ously. He could be ruthlessly graphic and quietly restrained in the same sentence.

I remember vividly the day at basketball practice when he pulled me aside and for no apparent reason began to tell me about being locked up with his family in a camp in California. I remember being frightened at the depth of bitterness he revealed, and at how this story was so different than any I'd heard him tell, spilling out of him in awkward spurts. I also recall my confusion about the word he kept using to describe the camp. Somehow I heard “internment” instead of “internment,” neither of which were words I knew. When I got home and looked up “internment” and saw it referred to burial I was perplexed. The only war camps I'd heard of where people got buried were the concentration camps and Mr. S— was far from Jewish. Even after he explained the distinction to me, I always conjured an image of mass graves and burials at any mention of the Japanese American prisons.

I hadn't thought of that story for years, but it surfaced abruptly the day we visited the Gila museum. I began thinking about burials and forgotten territory and their role in the narratives of justice we tell ourselves and teach our children. How what we leave out is so much more crippling than what we leave in. The dimensions of absence and the territory of silence are the critical spaces in our collective American story.

A prison plopped down in barren, forgotten ground. My brother, the story he's lived and all the stories he might tell buried there, along with too many others'. The legacy of atrocity, American-style; the whole sordid tale of the internment camps buried in desolate corners of dark rooms like the Gila museum. The “reservation” really an “internment camp” for Native Americans; sanitized by language, rebaptized by those possessing the power of nommo. The museum itself, then, interred behind prison walls. And the Gila River: buried in the sand, its history comfortably concealed in the underground pipes that spirit its detritus away to fatten Phoenix.

This is the new tradition. It is no longer fashionable to imprison in full view, we now banish to the far-flung corners of the earth. We

can observe a historical migration of prisons from urban centers (the age of the jailhouse right downtown by the courthouse and the fire station; the jail as "hub" of the city) to rural margins and desert hinterlands.

The way a society distances itself from physical structures whose purpose is to hide uncomfortable truths or bury undesirable "necessities" mirrors the way narratives of history and justice bury, evade, and marginalize. The techniques a culture employs for forgetting are the same whether the territory to be forgotten is architectural or anecdotal. Look at which communities house our nuclear and toxic waste dumps. Look at where we put our reservations, internment camps and prisons. Look at how beautifully colonial Williamsburg has been restored and how conveniently marginal or absent are the slave quarters, the amputating axes, the whips and nooses and hanging trees. How easy is it to visit majestic Mt. Vernon; how difficult to find the auction blocks?

Difficult to keep the anger from seeping in, the same bitterness Mr. S — must have tasted on his tongue when he tried to tell me his story. The acid burn that frightened and unnerved me so much those many years ago now threatening to overwhelm the simple story I'm trying to tell today. Perhaps the legacy of our many burials is that we must now endure the putrescence of exhumation.

*A skin not considered equal, a meteor has more right than my people
who be wasting time screaming who they've hated
that's why the native tongues has officially been reinstated.*

DE LA SOUL, "STAKES IS HIGH"

I recently finished editing an anthology of writings by young black men. There are more than thirty contributors, representing a diverse range of socioeconomic backgrounds and hailing from all over the country—filmmakers, lawyers, journalists, psychologists, students, ex-gangbangers, musicians; fathers, sons, married, single, gay, straight—we run the gamut. So many different voices and visions, harmonizing with and arguing against each other; celebrat-

ing the remarkable fullness of our humanity, our plurality and uniqueness; everybody with their own special story to tell.

But we all had one story in common. Each and everyone of us has been detained by the police for DWB: driving while black. This is one of the stories embedded in the folk homonym; the literal and grim reality that in America today too often narratives of justice reveal statistics of just *us*. Fortunately, my conversations with the brothers who submitted to *Soulfires* about getting stopped had a light-hearted tone—they were, after all, survivors' tales. Still, I couldn't help marveling at how mundane this violation has become. The experience of being harassed, mistakenly identified as "criminal," beaten, or wrongfully arrested by police is so commonplace, so universally a part of coming of age for young black men in this country that we can even begin to classify a "trope" of "police narratives" in black male discourse; the way slave narratives have been pegged as the dominant trope of eighteenth- and nineteenth-century black autobiography.

One series of DWB's stands out on my record, maybe because I wasn't driving during any of the incidents. During my sophomore year at Brown, a series of rapes occurred on and around the campus in Providence. Using testimony compiled from several of the survivors' descriptions, police released this description of the suspect: "a 5'8"–5'10" light-skinned black or Hispanic male, possibly wearing a moustache." At the time, this description fit me to a T. My friends would probably have offered it nearly verbatim if I vanished and they had to file a missing persons report. I was stopped by police while walking around town seventeen times over the next two weeks, despite the fact that I immediately, though with much chagrin, scraped the fuzz from my upper lip. But the real story was that Tyrone, the 6'8", purple-black, backup center on the basketball team was stopped almost as often. As was John, who though he'll deny it and try to whup my ass if he reads this, ain't but 5'2". And coffee-bean colored to boot. The Providence police had themselves their own paper-bag party, and declared open season on everyone who couldn't pass the traditional litmus test.

Remarkably, however, there was a get-out-of-jail-free card. A valid Brown University I.D. Flash your campus card and they would let you go, no questions asked. The popular predilection to see black skin as synonymous with guilt and to assume monstrosity, criminality, and deceit, could be obviated by simply wearing your college credentials pinned to your lapel. Though I'm sure this was a position of compromise reached between university administrators and the city cops, it is difficult to ignore the historical continuities, to chalk them up to sheer coincidence.

Black bodies have always been subject to white whim; the "reading" of black lives historically unburdened by any obligations of independent and impartial consideration. Black autobiography has traditionally been dependent on a white authenticating presence, from Phyllis Wheatly's oral interrogation by European skeptics; to the sanctioning of slave narratives by including the testimony, usually in the form of an oath-introduction, of white benefactors or mentors; to the power contemporary publishing houses wield over which black lives get thrust in the face of mainstream America.

My two-week odyssey at Brown evoked stark reminders of one other tradition of white authentication—the phenomenon of "free papers." Free papers were the documents obtained from either former masters or local magistrates that served as legal testament to one's "free" status. Blacks in both the South and the North carried free papers, which theoretically (though they were routinely ignored) protected them from bounty hunters and others who would sell them back into slavery. For a couple weeks that semester, brothers on campus adopted a new benediction, admonishing when we passed each other, "Got'cha papers on you, man?" A running joke, but also an infuriating reminder that our narratives, our words and claims—even in the 1990s—are worthless without the legitimizing presence of white institutional sanction.

If justice in America is one long narrative we are still in the process of constructing, then we must recognize that within the confines of that story one motif, perhaps the most debilitating one for African Americans, is that our role in this country was scripted. Our potential and destiny was already written into the master narrative

when we arrived—chattel slaves, pack mules, three-fifths a human being—whereas the fundamental attraction of America for the rest of the world was that it allowed an opportunity to live an unscripted life. A life free of scripture and stricture. Emigration to America imbued rights of authorship—each man free to write his own script, invent his own life. Part of the power of authorship is the power to write your own rules and enforce them, to harness the power of the word to military might. Thus the primal acts that inscribed you as a citizen of the new world (an autonomous author) were voting and bearing arms. The right to write and, if pen did not prove mightier than sword, the means and privilege to tote both and draw either indiscriminately. We enjoyed no such powers. We could not officially script our lives, so we developed the most sophisticated sense of subversive narration in the world: We acquired an enduring fascination and proficiency with the insurrectionary properties of language.

Our narratives of justice are steeped in this tradition, which echoes in jokes about free papers, in proclamations of "just us," in the stories and visions the thirty young men I met shared with each other and the world. Even in, or perhaps *especially* in, the interstices of forgotten territory, the tattered sheafs of buried testimonies, the imprisoned and excavated memories, blowing across and flowing beneath distant desert sands.