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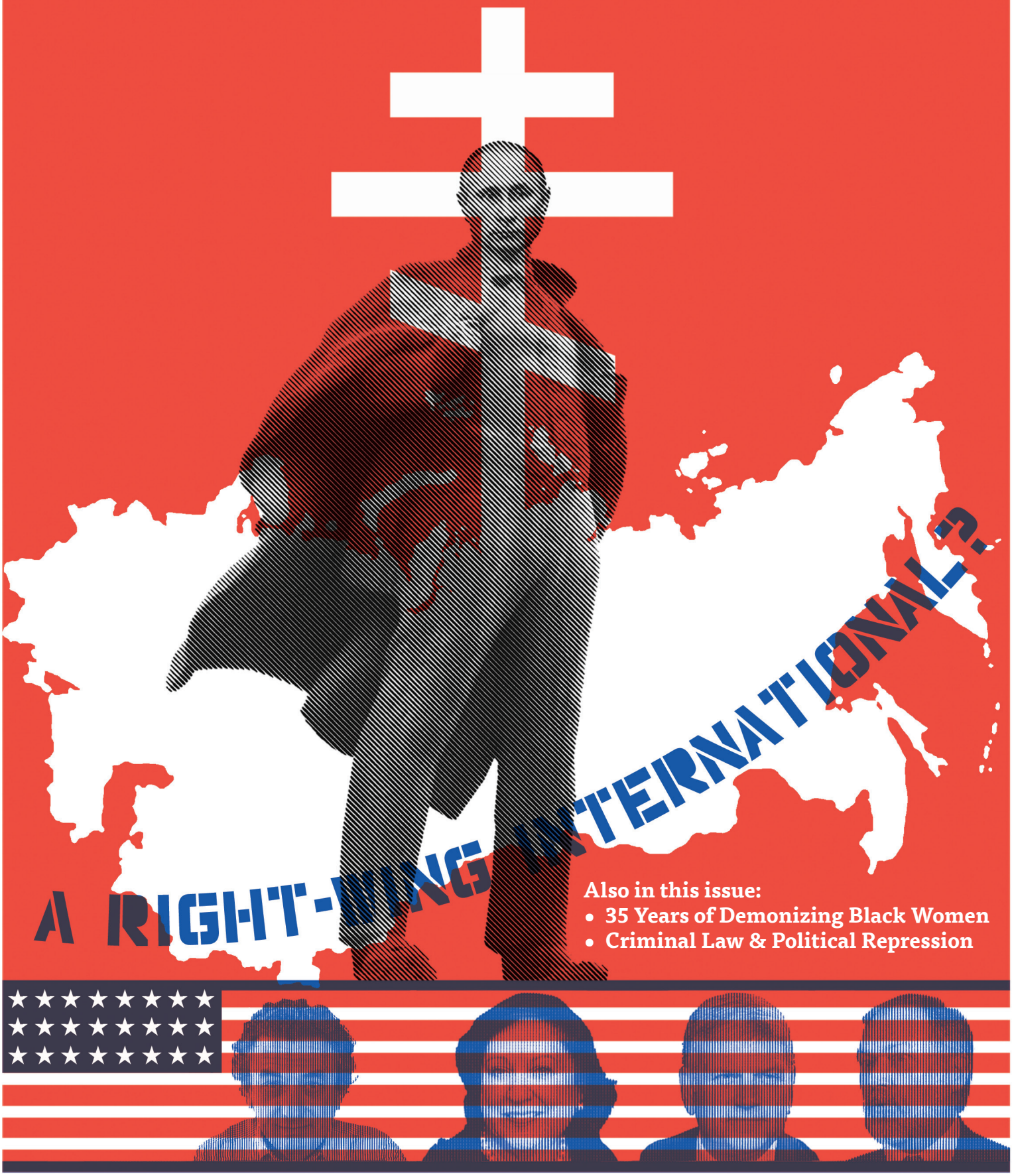

A RIGHT-WING INTERNATIONAL?

Also in this issue:

- 35 Years of Demonizing Black Women
- Criminal Law & Political Repression

From being one of the first organizations to highlight the role of U.S. right-wing actors in shaping anti-LGBTQ policy in Uganda to keeping a close eye on the international coalition building of the World Congress of Families, PRA has long been a leader in tracking the relationships between the U.S. and global Right. For the Winter 2016 issue, Christopher Stroop takes this discussion a step further with **"A Right-Wing International?"** (Pg. 4), which deftly analyzes 100 years of Russian social conservatism and the associated sense of a Russian messianic mission. Read on to see how both have shaped the country as not just a passive recipient of right-wing ideology but as an ideological exporter itself.

In our Spring 2015 issue, Naomi Braine authored *The Public Eye*'s cover story about how terrorism is prosecuted very differently in the U.S. depending on whether the accused is White or a person of color, Muslim or member of the U.S. Right. In this issue, Braine expands upon her previous work with **"Criminal Law & Political Repression"** (Pg. 11), explaining how The War on Drugs set the stage for The War on Terror. Both are informed by racial bias that has eroded the legal and civil rights of the accused and Braine traces a direct line from the differential treatment of crack and powdered cocaine in the 1980s to the divergent ways "homegrown" and "domestic terrorism" is handled today.

Victoria Law writes this issue's commentary, **"35 Years of Demonization"** (Pg. 3), about the disproportionate number of Black women in the criminal justice system. As the movement for Black lives continues to shed light on abuses in policing, courts, prisons and more, too often the focus is limited to men. But the number of Black women in prison has increased at higher rates than other demographics, to the point where today nearly 25 percent of women in state or federal prison are Black, although they comprise just 13 percent of the U.S. population. These trends, as Law writes, don't happen in a political vacuum, but rather in the context of right-wing rhetoric that continues to cast Black women as inherently criminal.

Rounding out the issue, Cassandra Osei and Laura Muth contribute our **Reports in Review** (Pg. 19), highlighting new research on social justice issues close to PRA's mission. This time around, we're looking at studies and reports on how policing and incarceration affect LGBTQ people; how the criminalization of abortion in Rwanda is violating women's right to live; and about the disastrous mental health outcomes that result from so-called "conversion therapy."

Lastly, we invite you to also visit PRA's website to read two new substantial offerings not available in this print issue. The first is an online-exclusive analysis of Donald Trump's candidacy written by former longtime PRA research analyst Chip Berlet, "Trumping Democracy: Right-Wing Populism, Fascism, and the Case for Action." The second is a new research report by PRA senior fellow Frederick Clarkson on conservative Christian efforts to expand "religious liberty" exemptions for institutions, individuals, and businesses, *When Exemption Is the Rule: The Religious Freedom Strategy of the Christian Right*.

Best,
Kathryn Joyce
Editor

Our cover art by Josh MacPhee features Russian President Vladimir Putin along with a handful of U.S. right-wing leaders who have collaborated with Russian counterparts, including, from left to right, Austin Ruse of C-Fam, Concerned Women for America's Janice Shaw Crouse, Franklin Graham of Samaritan's Purse, and anti-LGBTQ author Scott Lively of Abiding Truth Ministries.

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BY VICTORIA LAW

35 Years of Demonization

The Criminalization and Incarceration of Black Women

In December 1990, when Alice Johnson lost her job, she never imagined she would end up in prison. The African-American single mother had been supporting her five children as a manager of a FedEx store in Memphis. She soon found another job, but at one-third the pay. Meanwhile, the bills mounted. When she was offered a quick way to make money—by passing phone messages about where to buy drugs—she took it. Johnson is now serving a life sentence for conspiracy to possess cocaine, attempted possession of cocaine, and money laundering.[1]

Between 1990 and 2000, the number of people in U.S. prisons and jails increased from 292 per 100,000 to 481 per 100,000.[2] But the number of women in prison rose even more sharply, doubling over the ten-year period.

The numbers keep growing. The number of women sent to prison grew by another nearly three percent (or 2,800 people) between 2012 and 2013. The imprisonment rate for Black women is 113 of every 100,000, more than twice that of White women (who are imprisoned at a rate of 51 per 100,000). At the end of 2013, nearly one quarter (or 23,100) of the 104,134 women in state or federal prison were Black.[3] In contrast, Black women make up just 13 percent of women in the United States.[4] Today, approximately 206,000 women are in jails or prisons nationwide.[5] Johnson, who was arrested in 1994 and charged with conspiracy to possess cocaine, attempted possession of cocaine, and money laundering, is one of those women.

Johnson's imprisonment did not happen in a political vacuum. The same policies of mass incarceration and racial policing that have sent disproportionate numbers of Black men to prison have also hit Black women hard.[6] In 1996, the year Johnson was convicted, the rate of incarceration for Black women was seven times higher than for White women. The right-wing rhetoric that fueled those policies affecting Black men also reinforced a narrative in which Black women are seen as inherently criminal, a narrative that continues to influence public perception and law enforcement today.[7]

In 1971, Richard M. Nixon declared a War on Drugs. In 1982, President Ronald Reagan expanded that war. But, as Michelle Alexander notes in her pivotal study of the hyper-incarceration of African Americans, *The New Jim Crow*, this expansion came at a time when neither media nor most members of the public were particularly concerned about drugs. Reagan's administration launched a public relations campaign, focusing largely on crack, to build both public and legislative support for his drug war. The war was not race-neutral—images of Black people addicted to crack, whether in the form of

In July 2015, hundreds of people marched in Minneapolis to honor Sandra Bland and protest the deaths of Black women who have died in police custody. Photo by Fibonacci Blue via Flickr. License: https://creativecommons.org/licenses/by/2.0/.

Law, continued on page 17

BY CHRISTOPHER STROOP

A Right-Wing International?

Russian Social Conservatism, the World Congress of Families, and the Global Culture Wars in Historical Context

As the poll observer listened sympathetically, the rural priest diagnosed the root of Russia's social problems in "the decay of all the old supports: religion, family, morality, the traditional way of life."[1] An election of representatives to the Russian State Duma was underway, and the man the bearded priest was talking to—Professor Sergei Bulgakov, an Orthodox Christian intellectual and future theologian—was observing the vote in Crimea. While the priest's lament sounds like a textbook complaint of contemporary social conservatives, the year was 1912.

Social conservatives have been focusing on the family for a long time, and Russians have frequently been at the forefront of the fight for "traditional" values. In more recent times, Russian conservatives were central to the founding and operations of the World Congress of Families (WCF), a Christian-dominated inter-confessional coalition of right-wing activists from around the world dedicated to defending what they call "the natural family," that is, a nuclear family consisting of a married man and woman and their children. When the coalition met for its ninth global conference this October in Salt Lake City, Utah, several Russian activists numbered among the speakers, including Alexey Komov.

Komov is WCF's Regional Representative for Russia and the Commonwealth of Independent States; the Howard Center for Family, Religion and Society's representative to the United Nations; and a member of the Russian Orthodox Church's Patriarchal Commission on the Family and the Protection of Motherhood and Childhood. He was in Utah to speak about "The Family in Europe—Past, Present, Future,"[2] and during his presentation, he touted Russia's leading role in the global "pro-family" movement today, emphasizing that the nation's Communist past has given Russia and other Eastern European countries a taste of the dangers supposedly inherent in secularism, which "more naïve" Westerners might miss. As a result, he maintained, "Eastern Europe can really help our brothers in the West" to resist the "new totalitarianism" associated with "political correctness" and the sexual revolution.[3]

Russian Students Day in Saint-Petersburg, 2014. Photo by Saint-Petersburg Theological Academy via Flickr. License: https://creativecommons.org/licenses/by-nd/2.0/.

In addition, Fr. Maxim Obukhov, the director of the Russian Orthodox Church (ROC), Moscow Patriarchate's Department of Family and Life, attended and received the 2015 Pro-Life Award for his longtime involvement in prominent Russian organizations that oppose abortion and promote the "natural family."[4]

WCF IX represents an opportunity to consider the outsized role contemporary Russia plays in the global culture wars, with particular attention to two related questions. The first is whether Russia's annexation of Crimea and the subsequent chill in U.S.-Russian relations represents any kind of turning point for the collaborative efforts between Russian and U.S. social conservatives, and particularly the impact of the removal of WCF's official imprimatur from what would have been WCF VIII in Moscow, but instead became billed as an international forum called "Large Families: The Future of Humanity." The second and more interesting question regarding the relationship between the U.S. and Russia with respect to the global culture wars was posed two years ago by Political Research Associates' Cole Parke: "When it comes to the culture wars, who's exporting and who's importing?"[5] As Komov's words suggest, contemporary Russian conservatives certainly don't see themselves as solely on the receiving end of this international movement.

Very important work has been done on the efforts of American social conservatives to export far right ideology in connection, for example, with Uganda's infamous "Kill the Gays" bill.[6] It is also the case that U.S. social conservatives helped lay the foundations for resurgent social conservatism in post-Communist Eastern Europe and Russia. Russian Orthodox Christian journalist and commentator Xenia Loutchenko, who has researched some aspects of Russian-American collaborative culture warring efforts,[7] assesses American influence in the early post-Soviet days as particularly important with respect to building the Russian anti-abortion movement (for which Fr. Maxim Obukhov was honored at WCF IX).

Nevertheless, as Loutchenko and I also discussed in an interview conducted in Moscow in May 2015,[8] it would be a mistake to think of the relationship between U.S. and Russian social conservatives as something of one-way influence, or to look at Russian social conservatism as essentially confined to Russia itself.[9] Seriously considering Russia's influence on international social conservatism, both historically and in our own time, presents new ways of thinking about the global culture wars—as well as important insights for how progressive activists might strategically resist the international Right's global encroachment on human rights.

It's a mistake to think of U.S. and Russian social conservatives as having a one-way relationship, or to imagine Russian conservatism as confined to Russia itself.

RUSSIAN RELIGIOUS CONSERVATISM IN HISTORICAL CONTEXT

It's no coincidence that the idea to found WCF was hatched in Russia in 1995, as the result of discussions between Allan Carlson, then president of the Rockford, Illinois-based Howard Center for Family, Religion and Society, and Anatoly Antonov and Viktor Medkov, two professors of sociology at Lomonosov Moscow State University.[10] Nor is it coincidental that Carlson was heavily inspired in the first place by the Russian-born conservative sociologist Pitirim Sorokin, longtime head of the Sociology Department at Harvard, where Sorokin worked from 1930-1959.[11] Throughout his years in the West, Sorokin consistently exhibited concern about the ostensible crisis of Western culture, which he linked to the "collapse of the family" in books such as his 1947 *Society, Culture, and Personality: Their Structure and Dynamics, a System of General Sociology* and his 1956 *The American Sex Revolution*.

Sorokin's work represented a continuation of nineteenth- and early twentieth-century European attempts to defend a role for the realization of spiritual values—in some cases explicitly for Christianity—in society and governance. This discourse was developed, with substantial Russian participation and influence, in response to revolution, secularization, and what I have described elsewhere as the "perceived cultural threat of nihilism."[12]

Guiding this fear was the idea that, absent absolute values grounded in unchanging religious truth, human morality will decay and society will descend into chaos. Sexual "permissiveness" is of particular concern, because it supposedly indicates a reversion to an animalistic nature that only higher values are capable of countering. As the *fin-de-siècle* Russian Christian philosopher and apologist Prince Evgeny Nikolaevich Trubetskoi put it, "Faith in the ideal is that which makes man human."[13] Similar sentiments, including in the writings of Trubetskoi and Bulgakov, were often tied to the concern that in a society without prevailing spiritual values, the state will be elevated to the status of a god, an idol that would encroach utterly on human freedom. As the fictional revolutionary conspirator Shigalev put it in Dostoevsky's 1872 novel *Demons*, "Beginning with absolute freedom I conclude with absolute despotism. And I would add that apart from my solution to the social question, there can be no other."

Christian critics of 20th-century totalitarianism advocated the realization of religious values in society and statecraft on precisely these grounds, arguing that godlessness would inevitably lead to tyranny by making the state into an idol. T. S. Eliot, for example, argued in a 1939 series of lectures that a critical secular liberalism was inherently unstable—it would have to be replaced by something with substantive content, and if that something were not religion, then it would be the "pagan" fascism of Germany or Italy, or the Communism of the Soviet Union.[14] While Eliot referred to the French Neo-Thomist theologian and personalist philosopher Jacques Maritain as an influence, we know that Maritain was heavily involved in dialogue with Russian exiles in Paris,[15] not least the Christian existentialist Nikolai Berdyaev, who had made a very similar argument to Eliot's in his 1924 *The New Middle Ages* (translated into English in 1933 with the title *The End of Our Time*). Berdyaev would exert considerable influence on American understandings of Russian history and on religious anti-Communism.[16] Meanwhile, the refrain about the state becoming an idol has become a staple of conservative defenses of "religious freedom." As Tucker Carlson put it in April 2015, in defense of the supposed right of businesses not to hire atheists, "If there's no God, then the highest authority is government."[17]

But to return to Berdyaev and his relationship to the contemporary Russian Right, it is important to note that he was not only an advocate of a religious society, but also of a kind of Russian national messianism. That is, he (along with Bulgakov and others) believed in a particular Providential calling for Russia, and, while opposing the Bolsheviks, they looked forward to a future in which a spiritually renewed Russia would have an important role to play in reviving the Christian roots of European civilization.[18] The key point here, even more than any specific understanding of family relations, is the idea

of a special role for Russia in the world's moral progress—an idea that, despite the intellectual contortions that thinkers like Berdyaev and Bulgakov went through in attempts to avoid charges of chauvinism and nationalism, all too easily play into a sense of Russian exceptionalism: a sense that Russia represents a morally superior civilization.

Perhaps feeling betrayed by the middle class his policies had helped create, Putin took a populist, nationalist turn, identifying himself more closely with the Orthodox Church and expecting its absolute loyalty in return.

With or without claiming inherent moral superiority, in any case, there is a clear claim here that Russia has a spiritual mission to enlighten other nations. Historically, this claim is rooted in Slavophilism, a nineteenth-century Russian form of nationalist thinking that asserted that Russia had a special path of development and represented a more holistic, harmonious, moral civilization than that of the Latin West. Instead of the West's calculation, capitalism, individual rights, contracts, and "rationalism," Russia had *"sobornost."* A nearly untranslatable term, *sobornost* was invoked by Aleksey Khomyakov and other Slavophiles to mean a kind of collective social harmony in which individuals realize themselves organically as a part of the community, a concept that was meant to contrast with the individualism that supposedly characterized the West.

The collapse of the Soviet Union brought with it an upsurge in interest in Russian religious and émigré thought, already known to Soviet dissidents in *samizdat* (the underground reproduction of censored publications across the Communist bloc). In the 1990s, there was a widespread sense that perhaps these thinkers had preserved a more authentic form of Russian thinking and culture. Russian nationalism was on the rise—its official suppression had been a source of tension in the USSR—and some Russians gravitated to the messianic conceptions of intellectuals like Bulgakov and Berdyaev, or the much more radically conservative monarchist Ivan Ilyin, for ways to conceptualize Russian greatness. And that greatness could not be conceptualized apart from a mission that was larger than Russia itself.

Along with post-Communist concerns about a "demographic winter"—the idea that the West is suffering a "birth dearth" of too few babies as a result of secular values and the embrace of progressive sexual mores[19]—the Russian discourse of moral mission and the superiority of Christian values to those of the "decadent" West has played a key role in the resurgence of social conservatism in post-Soviet Russian society. It should be noted that this discourse is essentially imperial; Russian concerns about public morality have never been only about Russia, but have always been bound up with considerations of the role that Russia should play in the wider world. One of the most influential exponents of this exceptionalist discourse today is the neo-Eurasianist Alexander Dugin.[20]

These days, these sensibilities get a boost from Russian political leaders as well. Not only has Dugin had Russian President Vladimir V. Putin's ear,[21] but Putin also sent the leadership of the currently-ruling United Russia Party books by the nineteenth- and twentieth-century Russian religious philosophers Vladimir Solovyov, Berdyaev, and Ilyin as New Year's presents in 2014. These three intellectuals had varying approaches to theology and politics—the Christian socialist Berdyaev and the monarchist Ilyin

Cathedral of Christ the Saviour, Moscow. Photo by Marco Fieber via Flickr. License: https://creativecommons.org/licenses/by-nc-nd/2.0/.

hated each other—but all of them advocated the integration of religious values in society and governance.[22] In his third term in office, Putin has worked very closely with the leadership of the Russian Orthodox Church, Moscow Patriarchate, and Russian plutocrats to promote so-

"Enough is enough – Open your mouth!" Demonstration against homophobia in Russia. Photo by Marco Fieber via Flickr. License: https://creativecommons.org/licenses/by-nc-nd/2.0/.

cial conservatism at home and abroad. The latter include figures such as "God's oligarch," Konstantin Malofeev,[23] the successful founder of Marshall Capital Partners who is known for investing his fortune into Orthodox Christian and social conservative initiatives, such as the Russian Society of Philanthropists for the Protection of Mothers and Children, the Safe Internet League, and the YouTube channel "Tsargrad TV," which Loutchenko has described as an attempt to build a Russian FOX News.[24] It also included former Russian Railways President Vladimir Yakunin. (Yakunin is on the U.S. sanctions list for his closeness to President Putin, while Malofeev has been sanctioned by the European Union in response to accusations from the Ukrainian government that he was financing the rebels in Donbas.) This elite backing lends considerable oomph to Russian social conservatives' international efforts, making it all the more important for advocates of human rights to be aware of them.

RUSSIA'S HARD RIGHT TURN

Since the end of 2011, when tens of thousands of Russians participated in mass protests against election fraud, Russian social conservatism's star has risen within Russian circles of power. The late-2011 protests continued into 2012, ahead of the election of Putin to a third term as president. Perhaps feeling betrayed by the middle class his policies had helped create, representatives of whom made up the bulk of the protesters, Putin took a populist, nationalist turn, identifying himself more closely with the Orthodox Church and expecting its absolute loyalty in return. This became abundantly clear that February, when members of the feminist punk collective Pussy Riot famously demonstrated in Moscow's Cathedral of Christ the Savior, performing their "Punk Prayer" to condemn Patriarch Kirill, head of the Russian Orthodox Church, for backing Putin's candidacy. (Three members of the collective were sentenced to two years in penal colonies for "hooliganism motivated by religious hatred"—one was freed on probation—with the vocal support of some U.S. conservatives like Concerned Women for America's Janice Shaw Crouse.[25] Two would emerge to international celebrity.)

The "Punk Prayer" performance led to new legislation, enacted in June 2013, that made it a crime to insult religious believers' feelings. But the law was just one expression of what Russian political commentator Alexander Morozov has called a "conservative revolution," marked by populist rhetoric scapegoating political opponents and the LGBTQ community, which began with Putin's third term.[26] There was also the Dima Yakovlev Law, Russia's ban on the adoption of Russian children by U.S. citizens, which passed the Russian State Duma and Federation Council in late December 2012 and took effect on January 1, 2013. The Russian president's children's rights ombudsman, Pavel Astakhov, pushed hard for this law, promoting it not only on the grounds of individual cases of abuse and neglect involving Russian children adopted by Americans, but also on the basis of opposition to potential adoption of Russian children by same-sex couples.[27] While this law could hardly have been well-liked by many American social conservatives—Russia was a popular country for American evangelicals seeking to adopt foreign children—National Organization for Marriage President Brian Brown actually joined a delegation of French members of the Front National in Moscow, where he encouraged the passage of the law because it would keep Russian children from going to countries that allow same-sex couples to adopt.[28]

June 2013 then saw the passage of Russia's federal law "for the Purpose of Protecting Children from Information

Advocating for a Denial of Traditional Family Values," popularly known as the "anti-gay propaganda law," which bars vaguely defined "propaganda" of "non-traditional" sexual relations to minors, effectively making it illegal to provide LGBTQ teenagers with life-saving information.[29] Members of the United Russia Party quickly fell in line with the changes originating at the top, and so opposition to such moves was eliminated from the political center amid increasing rhetoric about 'national traitors' and 'fifth columnists.' In Morozov's view, the Russian political center is now "full of supporters of global 'conservative revolution.'"[30]

Meanwhile, direct Russian government collaboration with the Orthodox Church has proceeded apace in matters of both domestic and foreign policy. Pavel Astakhov's position on "children's rights" is actually an essentially radical doctrine of state non-interference in family matters—that is, despite staggeringly high rates of domestic abuse in Russia, he is opposed to any legal enshrining of the term "domestic abuse" on the grounds that it is an affront to the sacrality of the ("natural") family and paves the way for undue state interference in parents disciplining their children. In this respect, Astakhov's official pronouncements parrot the ideas of the far right Archpriest Dimitry Smirnov, head of the ROC's Commission on Family Matters and the Protection of Motherhood and Childhood, who frequently has Astakhov's ear.[31]

As Sergei Chapnin has astutely observed, the ROC has coordinated with government propagandists to promote patriotism and traditional values. Chapnin writes, "Beyond liturgy and piety, other traditions were revived: respect for the family, opposition to abortion,[32] the banning of homosexual practice and propaganda. These measures are seen as asserting traditional Russian mores in opposition to the decadence of the West."[33]

But Russian conservatism isn't just defensive. As Chapnin explains, there's an imperial element as well:

> The Church has taken on a complex ideological significance over the last decade, not least because of the rise of the concept of *Russkiy Mir*, or "Russian World." This way of speaking presumes a fraternal coexistence of the Slavic peoples—Russian, Ukrainian, Belarussian—in a single "Orthodox Civilization." It is a powerful archetype. It is an image of unity that appeals to Russians, because it gives them a sense of a larger destiny and supports the imperial vision that increasingly characterizes Russian politics.

This imperial ethos was certainly on display in what would have been WCF's eighth annual meeting in 2014, when the World Congress of Families had planned to head back to its birthplace in Russia. Those plans, however, took a different turn.

GLOBAL SOCIAL CONSERVATISM IN PUTIN'S THIRD TERM—A RIGHT-WING INTERNATIONAL?

Prior to the annexation of Crimea, Putin had received a substantial amount of praise from representatives of the U.S. Religious Right, even if some mistrusted his KGB past. President and CEO of the Billy Graham Evangelistic Association, Franklin Graham, for example, could not resist praising Putin for the passage of Russia's anti-gay "propaganda" law, declaring that Russia was acting more morally on this issue than the United States, despite his reservations about Putin's Soviet background.[34] American Christian culture warriors also sometimes took credit for Russia's conservative legislative onslaught. For example, Scott Lively, a far-right author and activist who is currently on trial for crimes against humanity for his role in promoting the Uganda "kill the gays" bill and who has traveled to Russia and Eastern Europe on more than one occasion, claimed credit for the passage of the anti-gay "propaganda" law.[35]

Despite examples of claims to have exported their initiatives to Russia, however, U.S. social conservatives also frequently recognized Russia's agency and leadership in global social conservatism. WCF Managing Director Larry Jacobs minced no words when he reiterated the Russian messianic trope described above, declaring on End Times Radio in June 2013, "The Russians might be the Christian saviors of the world."[36] Likewise, it was not an affect, or mere diplomacy, when American anti-LGBTQ crusader Paul Cameron proclaimed to the Russian State Duma that he had come "to thank the Russian people, the State Duma, and President Putin... in the name of the entire Christian world" for Russia's active legal repression of LGBTQ rights.[37]

A few months after Cameron's visit to Russia, however, it became more complicated for Russian and U.S. social conservatives to unite, making it momentarily possible to hope that international tensions might hamper the effectiveness of the global culture wars. In our interview in May 2015, Loutchenko and I speculated that 2014 might have represented a turning point in this regard. Although subsequent events have shown that many American social conservatives are more than willing to work with Russia, when Russia annexed Crimea in March 2014, the world at large reacted with alarm, and the conservative "pro-family" world became divided. WCF had planned to go back to Russia that coming September for its eighth conference, but Putin's brand had now become toxic to enough conservatives to make this difficult, even apart from any fear of the possible violation of U.S. sanctions against Russia. WCF withdrew its official sponsorship from the event, releasing a statement explaining that their with-

drawal was made necessary by practical considerations, but which also went out of its way to praise Russian churches and individuals for their "leadership role in the fight to preserve life, marriage, and the natural family at home and as part of the international pro-family movement." It added, "The World Congress of Families takes no position on foreign affairs, except as they affect the natural family."[38] Other social conservative groups were not so sympathetic. Concerned Women for America pulled out of the event altogether, with its CEO and president Penny Nance declaring that her organization did not "want to appear to be giving aid and comfort to Vladimir Putin."[39] (Subsequently, articles in the conservative journals *First Things*[40] and *American Conservative*[41] have warned against the religious nationalism of Putin's "Corrupted Orthodoxy" or "Orthodox Terrorism.")

It wasn't that CWA or other social conservatives who turned against Russia now objected to Russia's hard anti-LGBTQ line, of course. It was that the annexation of territory in violation of international law revived Cold War era right-wing perceptions of Russia as a threatening state that is not to be trusted. (In this regard, it should not be forgotten that American Christians have missionary ties to Ukraine, which is also a popular country for U.S. adoptions.) Nevertheless, the American leaders of WCF stuck by their Russian partners. The meeting went forward, but not as an official WCF conference. Instead, the conference was titled "Large Families: The Future of Humanity." U.S. WCF leaders remained intimately involved, with Communications Director Don Feder and Managing Director Jacobs on the organizing committee.[42] The event depended for its financing primarily on Russian oligarchs Yakunin and Malofeev.

Meanwhile, the lack of international approval for the renamed WCF VIII most likely emboldened Russian social conservatives in their claim to global leadership in the fight against abortion and LGBTQ rights—a claim that WCF's American leaders and their fellow conservative comrades, apparently untroubled by Russia's increasing anti-Westernism, had already recognized. For example, some Russian speakers highlighted the changed circumstances of the conference as proof that Russia was a global leader in tackling problems other countries wouldn't face. As one of the first speakers, Duma deputy Yelena Mizulina, who authored the anti-gay "propaganda law," proudly announced, an event like this one, which took place in the Kremlin and the Cathedral of Christ the Savior (where the Pussy Riot protest took place), most likely could not take place in Europe or the U.S. in their current climates.

Last year's WCF in Salt Lake City may belie Mizulina's statement to some extent—WCF IX demonstrated a clear attempt to tone down Hard Right rhetoric[43]—but her claim matters. To Russian and U.S. social conservatives, a key takeaway from the forum was the impression that, while Russia is very happy to be working with foreigners in the fight for the so-called "natural family," it is Russia that is at the helm. WCF's Larry Jacobs admitted as much when he stated at the event, "I think Russia is the hope for the world right now." Invoking Alexander Solzhenitsyn, Jacobs went on to explain that since Russia had defeated Marxism, it could help the West defeat "cultural Marxism" today—a nearly identical claim as that which Alexey Komov made this past fall at WCF's meeting in Salt Lake City.[44]

And Russia is clearly pushing forward with this agenda on the international stage, with Komov in a leadership role. Take, for example, Russia's role in securing the passage of a UN Human Rights Council resolution on "Protection of the Family," which defined the family "as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children."[45] This resolution, sponsored in part by Russia—whose influence at the UN is bolstered by its permanent seat and veto on the UN Security Council—was clearly understood, by both supporters and opponents, as an attack on individual rights and a win for supporters of the "natural family"[46] (which implicitly excludes families headed by same-sex couples). Komov has bragged of his part in delegations to the UN, which included Russian political leaders Mizulina and Astakhov, in which they pursued similar goals.[47]

Meanwhile, when I spoke with Russian commentator and researcher Xenia Loutchenko in May, she highlighted Russia's success in attracting members of the European Right, mentioning that the French Front National recently took mil-

WCF Managing Director Larry Jacobs minced no words when he reiterated the Russian messianic trope, declaring, "The Russians might be the Christian saviors of the world."

Larry Jacobs at a WCF presentation, 2012. Photo by HazteOir.org via Flickr. License: https://creativecommons.org/licenses/by-sa/2.0/ .

lions of dollars in loans from a Russian bank, in what many saw as a reward for the National Front's support for the annexation.[48] She also described Yakunin's World Public Forum, which hosts an annual "Dialogue of Civilizations" in Greece, as a "right-wing international." The phrasing might be hyperbolic, with its invocation of the Soviet-dominated Comintern, or Communist International, which was dedicated to spreading Communism around the world from the 1920s-40s. Nevertheless, drawing a comparison between the Comintern and the contemporary global culture wars, in which Russia is playing a leading role that is far from entirely derivative, makes a valid point. We will not be able to grasp Russia's role in the global culture wars if we persist in treating Russia as essentially a recipient of America's exported culture wars, and not an independent actor, and even exporter, in its own right.

The recent Cold War past makes it difficult for some, on both the Left and the Right, to imagine contemporary Russia as a conservative state vying for the role of international leader in global right-wing politics. Retired NYU Professor Stephen F. Cohen's recent writings, for example, have desperately tried to salvage a vision of post-Soviet Russia as somehow left-wing. While Cohen is not wrong to perceive continuity between Soviet and post-Soviet Russia, it is important to note that the relevant ideological continuity extends further back, with its origins lying in the messianic discourse of moral superiority associated with the Russian intellectuals and, before them, with Russian Slavophilism, which intellectual historian Andrzej Walicki once described, quite accurately, as "a conservative utopia."[49] During the Soviet Union's seven decades of existence, the conservative version of this Russian messianism persisted in the Russian diaspora and among Soviet dissidents such as Solzhenitsyn. The Soviet Union, meanwhile, projected its own purported moral superiority as the ostensible vanguard of socialism, a system understood as far more just than Western capitalism. Just as the official Soviet, left-wing version of this ideology of moral superiority attracted its share of fellow travelers, so has, and does, the now resurgent right-wing brand.

This right-wing iteration of moral exceptionalism entails a belief that Russia was given a Providential calling to revive the Christian roots of European, or more broadly Western, civilization. Despite (or perhaps because of) the sense of moral superiority of Russian civilization, it has proven irresistible to certain Western Russophiles—whether late nineteenth- and early twentieth-century British religious conservatives, or, fast forwarding to the present, American "paleo-conservative" Pat Buchanan.[50] Notably, it was after Putin annexed Crimea on March 18, 2014, that Buchanan strongly suggested that God is on Russia's side now.[51] Like Buchanan, the American leadership in WCF seems prepared to see Russia as doing the Lord's work, and therefore to go on working closely with Russian social conservatives despite tense international relations and concerns about Russia's role in the Ukraine crisis.[52] What's more, Franklin Graham has lost all compunction about praising Putin, and, after a recent visit to Moscow during which he met with Patriarch Kirill, seems to be entirely on board with the idea that Russia is "protecting traditional Christianity." In turn, Patriarch Kirill has declared American Protestants and Catholics who defend the "natural family" to be "confessors of the faith." Such propagandistic statements, meant to impact U.S. public opinion, might be construed as Russia exporting its culture wars *to us*, as leaders of the "godless" West.[53] In this regard, it is also worth noting that the Russian Orthodox Church, Moscow Patriarchate is expanding its presence in Paris, with plans for the construction of a new cathedral that will include a cultural center, which is expected to be completed by the end of this year.[54] It is also important, of course, that Russia is exporting its culture wars in what the Russian state considers its more immediate sphere of influence, with Astakhov turning up at regional WCF conferences in countries such as Georgia, and a Russian-model anti-LGBTQ "propaganda" initiative, withdrawn at least for the present, having been recently considered in Kyrgyzstan's parliament.[55]

After Putin annexed Crimea in 2014, U.S. paleo-conservative Pat Buchanan suggested that God is on Russia's side now.

The events of 2014 may have tempered enthusiasm for Russia among some on the U.S. Right, but for many of those dedicated to the pursuit of an anti-human rights, "pro-family" agenda at home and abroad, partnership with Russian social conservatives will continue. If we wish to understand the effect of such partnerships, however, we must stop looking at Russian social conservatism as a kind of American import. We should take steps not to underestimate the global significance of Russian culture warring in its own right. While there is a complex transnational intellectual history at play here, Russian actors are more than capable of damaging LGBTQ and women's rights all on their own, independent of U.S. actors. If we consider Russian involvement in WCF as entirely derivative of U.S. leadership, we may well miss the full import of the new Russia-led "right-wing international," which would hamper the ability of human rights advocates to counter its influence.

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BY NAOMI BRAINE

Criminal Law & Political Repression

From the War On Drugs To The War On Terror

American political time is often rhetorically divided into before and after the attacks of September 11, 2001. In this model, "before" signals liberty and respect for individual rights while "after" brought increasing restrictions and surveillance as a result of terrorism. But this distinction both romanticizes the past and obscures some of the institutional architecture underlying the War on Terror. In fact, there's a direct line between the pervasive infiltration of Muslim communities seen since 2001 and the militarized street-surveillance and home invasion experienced by African American communities, which has steadily escalated from the early 1980s until the present.

The national emergence of the Black Lives Matter movement speaks to the level of rage (and community organizing) that exists beneath the surface of marginalized communities, but also to the impact of systematic law enforcement-driven repression. The steady expansion of both the power and use of law enforcement in multiple areas of life reflects (and institutionalizes) right-wing worldviews regardless of the political party or identity claims of the speaker.

Statue depicting the traditional "Blind Justice," in front of the Albert V. Bryan U.S. Courthouse in Alexandria, Virginia. Photo by Tim Evanson via Flickr. License: https://creativecommons.org/licenses/by-sa/2.0/.

Informants and undercover agents have been central to a significant proportion of federal prosecutions of "homegrown" Islamic terrorism cases.[1] Those informants typically do much of the actual work to transform loose talk into concrete action.[2] The procedural elements of these prosecutions, however, originated long before today's War on Terror; the methods employed by the FBI against Muslims have been developed and refined for decades in the War on Drugs, as can be seen in brief descriptions below of a current homegrown terrorism case and a 1990s drug trafficking case.

On April 10, 2015, a 20-year-old Kansas man named John Booker was charged[3] with three counts of attempted terrorism: attempt to use a weapon of mass destruction at Fort Riley, in northern Kansas; attempt to damage and destroy U.S. government property (again at Fort Riley); and attempt to provide material support to a foreign terrorist organization (specifically the Islamic State, or ISIS/ISIL). The FBI complaint details the involvement of two confidential informants who had actively participated in every stage of planning the "plot" underlying the charges: they provided Booker with a list of the materials needed to make a bomb, they volunteered to build the bomb for him, delivered the supposed bomb to him in a van, and provided him with a map of the Fort Riley area.

A year earlier, in March 2014, Booker had come to the attention of the FBI after posting messages on Facebook indicating that he was planning to engage in violent jihad. Booker was interviewed by FBI agents and described his plans in considerable detail, but was allowed to go free with no other action taken, suggesting that the FBI agents involved did not consider him a credible threat. It seems clear that John Booker ideologically supported ISIS/ISIL and had some aspiration to engage in violence, but these encounters with the FBI suggest that, on his own, he had little capacity to turn his provocative statements into action. The key event leading to the terrorism charges occurred in October 2014, approximately seven months after his first meeting with the FBI, when he met the first of the two informants who set in motion the events that led to his

arrest in April 2015. (The information currently available on this case comes from the FBI, and does not describe the motivations of the informants or whether they received compensation of some kind for their participation.)

Compare Booker's arrest and prosecution with that of a man identified only as Miguel in an article written by a former Drug Enforcement Agency (DEA) agent. In 1996, Miguel, an immigrant from Bolivia who worked as a parking lot attendant in Washington, D.C., was charged as a drug kingpin based solely on the testimony of a paid informant with an extensive criminal record.[4] The informant had fled to the United States to avoid prosecution for a variety of criminal charges in Argentina and Bolivia, and over the preceding four years had been paid by the DEA for information in several other cases. Miguel had spent three of those years working 60 hours a week for a large parking lot company.

The informant was a distant family friend of Miguel and, based on his past experience, saw an opportunity to make money by fabricating a story to sell to the DEA. He proceeded to invent a fake "cocaine deal," wherein Miguel was the "kingpin," even though Miguel had no prior involvement in drugs or drug dealing. While the informant developed his story with the DEA, he simultaneously lured Miguel into playing along with a supposed one-time deal that would net them both considerable cash, if Miguel pretended to be a major Bolivian cocaine dealer. It ended with a staged transaction in which Miguel accepted a bag of cash in exchange for a promise to deliver cocaine a few weeks later; he was arrested as he left the room. The informant was paid $30,000 for arranging the encounter, and after several years in and out of court Miguel ended up taking a plea bargain than gave him a four-year sentence.

Informants have played such consistent and central roles in the War on Drugs that the provision of information has repeatedly generated elaborate economic relationships between prosecutors and inmates. In 1990, an L.A. County grand jury found that a well-developed network of jailhouse informants investigated cases based on newspaper accounts and any other sources they could acquire, and provided (largely false) testimony for the prosecutor's office in exchange for reduced jail time, privileges, and other incentives.[5] Between 2004 and 2006, a similar network of informants was found to be operating in Texas prisons, investigating cases based on publically accessible material and providing testimony for the prosecutor's office, resulting in some cases being thrown out.[6] Informants in homegrown terrorism cases, similarly, often receive some form of compensation, including money or assistance with immigration or other legal issues.[7]

Much of what we now talk about as "privacy" used to be called liberty.

THE RIGHT AND THE WAR ON DRUGS

U.S. drug policy has deeply racist roots. The Harrison Act of 1914, the first law to significantly control access to opiates and cocaine, was passed in part by exacerbating prejudices against Chinese immigrants and impoverished southern African Americans.[8] In the early 1930s, Harry Anslinger, head of the newly created Federal Bureau of Narcotics, claimed that use of marijuana caused half of the violent crime committed in Black, Mexican and other Latin American immigrant neighborhoods.[9] The War on Drugs both continued and dramatically amplified this historical pattern. Nixon's 1971 declaration that drugs were a threat to the nation occurred within the context of significant social conflict and change, during which conservative resistance to the Civil Rights movement included defining social unrest as criminal activity.[10] Ronald Reagan, in turn, built upon two of Nixon's more toxic legacies: the "Southern Strategy" of using mildly-coded racism to align southern Whites with the Republican party, and the War on Drugs, with its attendant images of Black urban crime and drug dealing. (It's worth noting that Whites and Blacks use and sell drugs at very similar rates.[11])

One of the challenges in describing the links between the Right Wing and both the War on Drugs and the War on Terror is the extent to which the political discourse of U.S. society has moved to the Right culturally. Over the last 40 years, the U.S. has grown increasingly sensitive to the perception of risk and the need for safety, accepting "freedom from" over "freedom to." This is characteristic of societal moves to the Right, as German philosopher Erich Fromm noted in relation to the cultural psychology underlying the growth of Nazism. The ideological valuing of order, discipline, and traditional social hierarchies are definitional characteristics of right-wing movements, from fascism to the KKK, and the Moral Majority to the Tea Party. Yet core elements of this mindset have become normalized in the U.S., with Democrats as well as Republicans wanting to appear tough on both crime and foreign policy, and the presence of police officers in schools treated as normal (even when individual officers' behavior may be questioned). Throughout the War on Drugs, personal privacy and individual liberty were steadily constricted by the need to keep us "safe" from the dangers of drug use and drug dealing, laying the legal and cultural groundwork for the much greater invasiveness of the War on Terror that would follow.

RACE, SEARCHES, AND THE PRESUMPTION OF GUILT

In the movie *CitizenFour*, filmmaker Laura Poitras implicitly and explicitly makes the point that much of what we now talk about as "privacy" used to be called liberty. When the War on Terror began, the justification of mass searches of body and property on the grounds of safety had already become astoundingly normalized, and complaints were met with the assertion that only the guilty need worry. Once a society has accepted the need for chronic, invasive control of one vulnerable community on the grounds of protecting society, it's a small step to target additional communities and employ somewhat different forms of surveillance.

Routine drug testing has become perhaps the most widespread example of the erosion of judicial and Constitutional protections against searches without

probable cause. Urine tests for evidence of recent drug use have become a commonplace experience for health care workers, transit workers, and numerous other public service occupations, and are a standard element of participation in high school team sports. However taken-for-granted this has become, prior to 1989 routine drug tests without individual suspicion only took place in the military. In 1986, the Reagan Administration recommended testing employees for drug use as part of the War on Drugs, and the 1988 Drug Free Workplace Act required that companies with federal contracts provide a workplace free of illicit substances. In response, there were multiple cases in which courts ruled against mass-testing of firefighters,[12] school bus drivers,[13] and public school students,[14] on the grounds that testing without individual suspicion would violate due process, privacy and protections against unreasonable search and seizure. In 1989, however, the Supreme Court discovered a "legitimate [state] interest" in protecting the public from drug use that justified an exception to the due process and individual suspicion requirements in the Fourth Amendment.[15] Widespread testing in aviation, trucking, railroads and mass transit quickly followed. By 1995, the court's understanding of legitimate state interest had moved so far that it approved random mandatory testing of student athletes.[16]

Many civil rights advocates have pointed to the increased militarization of police forces as a factor in political repression. Photo by Tony Webster via Flickr. License: https://creativecommons.org/licenses/by/2.0/.

At the same time, Fourth Amendment protections were being eroded in other ways as well. The most egregious and destructive violations of privacy and person in the War on Drugs may be the development of the no-knock warrant. In 1970, an anti-crime bill authorized judges to issue search warrants that permitted agents to break down a door without first knocking and identifying themselves. The warrants were initially permitted for use only in a small number of federal anti-drug investigations, but they are now more common and associated with SWAT team raids, which increased from 3,000 in 1981 to 50,000 in 2005.[17] An ACLU review[18] of SWAT raids found that almost 80 percent were used to serve a search warrant (62 percent for a drug search) but only 35 percent of cases clearly resulted in finding contraband of any kind.

No-knock warrants and SWAT raids have resulted in an uncountable number of unnecessary injuries and deaths that are in some ways intrinsic to the process of militarized forced entry into a home. In Massachusetts in 2011,[19] a 68-year-old African American man was watching TV in his pajamas when a SWAT team broke down his door with a no-knock warrant to search for his daughter's boyfriend, who did not live at the house. The man was shot while lying facedown on the floor, and it was later revealed that the suspect they were looking for had been arrested outside the home before the door was broken down. In Georgia in 2014,[20] officers executed a no-knock warrant at 3 A.M. at a home with children's toys in the yard. They threw a flashbang or "stun" grenade into the home as they entered, and the grenade landed in the crib of a 19-month-old toddler. Given the number of no-knock warrants issued annually, it is literally impossible to know the exact number that have resulted in injury or death to innocent parties, but the process puts the people inside the home at significant risk.

The ideological valuing of order, discipline, and traditional social hierarchies are definitional characteristics of right-wing movements, from fascism to the KKK, and the Moral Majority to the Tea Party.

CASES AND TRIALS: PROSECUTORS AND COURTS

The expansion of law enforcement powers over the past 40 years has not been limited to invasions of privacy, but

has moved into the operation of criminal law in the courts as well. Progressives have historically viewed the federal courts as upholders of basic rights and protections, largely based on the work of the Civil Rights division of the Department of Justice. But the criminal branch of the federal system has become fully complicit in law enforcement assaults on vulnerable communities in both the War on Drugs and the War on Terror.

Federal prosecutions of "homegrown terrorism" build on elements of the War on Drugs: defendants face extreme prison sentences, power lies primarily with prosecutors and investigators, and cases are built through dependence on informants and plea bargains coupled with extended pre-trial detention.

Drug laws have had a significant effect on criminal charging, trials and convictions in the federal courts in ways that enabled the subsequent, and higher profile, prosecutorial abuses of the War on Terror. The road from arrest to prison, from police practices to mass incarceration, passes through the courts. Theoretically, judges hold significant power, both direct and indirect, to modify law enforcement practices through questions about the admissibility of evidence, the constitutionality of particular actions, and the ultimate sentence imposed on a guilty party. An obscure but crucial element of the War on Drugs has been to shift power from judges to prosecutors,[21] with multiple consequences for criminal defendants. These changes have both grown out of and accelerated the politicization of crime and punishment.[22]

MANDATORY MINIMUMS

In 1984, the Comprehensive Crime Control Act replaced the federal Parole Commission with the Sentencing Commission, a bureaucratic declaration that punishment now trumps rehabilitation in the federal prison system. From 1984-88, the Sentencing Commission and subsequent anti-drug bills eliminated parole in the federal prison system and instituted escalating mandatory minimum sentences for drug offenses, including dramatically higher sentences for crack cocaine over powder cocaine.[23] The sentencing disparity between crack and powder cocaine was the most overtly racialized element of the anti-drug bills, since crack was known to be a form of cocaine largely used by Blacks while cocaine in powder form was more common among Whites. The elimination of parole for all federal convictions after 1987, when the rule was passed, has been less visible since state prison systems still have parole and the vast majority of incarcerated people are in state prisons. The recent attention to the early release of 6,000 people convicted of federal drug offenses[24] might not have happened if they could have been quietly released on parole without the need for formal action.

In combination, the sentencing guidelines and elimination of parole shifted the balance of power in the federal courts.[25] Mandatory minimum sentences mean that the parameters of prison time are primarily determined by the charge itself, and negotiations then focus on the charge as a way to manage the sentencing outcome. In practical terms, this gives prosecutors enormous power to determine the fate of an arrestee through the minimums associated with different charges, and facilitates a pervasive system of plea bargains in which a defendant's fate is determined outside the courtroom and with little judicial oversight. This dynamic was exacerbated by cutbacks to public defenders and other indigent defense resources.

PLEA BARGAINS

Approximately 90 percent of cases settle through the plea bargain process, and defendants who insist on going to trial usually receive harsher sentences,[26] although this may reflect the power of sentencing guidelines. Plea bargains involve manipulation of the charges and sentencing recommendations made by the prosecutor, without meaningful judicial review or meaningful documentation of the negotiation process. The sentencing guidelines for drug offences exacerbate this situation dramatically, with punitive threats of charges that carry high mandatory minimums used to coerce bargains.[27] A particularly toxic element of the process comes from a clause in the drug-related sentencing guidelines that recommends reduced sentences for defendants who "cooperate" with police and prosecutors. This clause has generated a quasi-underground economy of "snitching" in which information buys sentence reductions, generally at the expense of those too powerless to exact revenge.

USE OF INFORMANTS

Informants have become a pervasive aspect of drug cases at both federal and local levels, but with little or no oversight by the Department of Justice.[28] The system of mandatory minimums paired with leniency in exchange for information offers significant incentives for defendants to provide information to police and prosecutors and creates a legal context that invites corruption from all players.[29] Over time, this constant supply of informants has generated some dependence among prosecutors, exemplified by Miguel's story, as informant testimony provides a less expensive and time consuming alternative to building cases based on material evidence.[30] The resulting system invites slanted or outright false testimony from informants while providing significant incentives for prosecutors to overlook indications of problems with informant sources and lack of supporting evidence.[31] It also uses the weak to punish the weak: turning in an impoverished neighbor safely reduces prison time, while providing informa-

tion about higher-level drug dealers could cause more problems than it solves.

This system of threats, harsh prison sentences, informants, and plea bargains should sound very familiar to anyone paying close attention to terrorism cases. Federal prosecutions of "homegrown Islamist" terrorism build on elements of the War on Drugs: defendants face extreme prison sentences, power lies primarily with prosecutors and investigators, and cases are built through dependence on informants and plea bargains coupled with extended pre-trial detention.[32]

Silent March against "Stop and Frisk," New York City, 2012. Photo by Michael Fleshman via Flickr. License: https://creativecommons.org/licenses/by-sa/2.0/.

PROSECUTING "TERRORISTS"

U.S.-based Islamist terrorism cases, commonly called "homegrown," have the same core procedural elements as drug prosecutions although they are anchored in a different set of criminal laws. People charged with committing certain offenses (e.g. weapons possession) for political reasons face "terrorism enhancements" rather than mandatory minimums, but with similar consequences. Terrorism enhancements add a multiplier to the standard sentencing recommendations for a charge, again shifting significant power to the prosecutor in the choice of what charges to file. The resulting threat of extreme sentences creates pressure for negotiated guilty pleas and sentencing bargains. Informants again play a central role in the building of cases, and typically receive significant legal or financial incentives for their cooperation with authorities. Threats of deportation or prosecution as well as plea bargains on existing charges have proven as effective in generating informants in terrorism cases as they have in drug cases. The process again creates cases that get resolved largely behind the scenes, with vulnerable defendants pressured into guilty pleas in exchange for reduced sentences. The resulting spectacle reinforces the perception of Muslim communities as centers of terrorist activity, although a closer look at prosecutorial activity raises questions about the definition of certain legal terms.

THEORIES OF PREVENTION

Legally, the defense of entrapment requires prosecutors to demonstrate that the defendant would have committed a crime of this type regardless of the informant or undercover agent. Homegrown terrorism cases have been built around a theory of radicalization to support prosecution arguments that Muslim defendants would have engaged in terrorism without the instigation of the informant or law enforcement officials,[33] a claim to "pre-emptive" prosecution as a form of national defense. While focused on religion and national security, the core logic of the argument builds upon and extends the presumptions of danger and guilt embedded in the criminalization of low-income Black and Latino communities through frisking young Black men walking down the street or calling the police to handle misbehaving students in inner city public schools. In all these cases, the justification rests on a presumption that membership in certain racial/ethnic groups constitutes a predisposition to commit particular kinds of acts, and that militarized police practices are necessary to protect society.

POLITICS BY OTHER MEANS

Among progressives, the War on Drugs and mass incarceration are increasingly understood in relation to the larger history of legal repression of Black people in the U.S. The focus on post-1970s racially disproportionate incarceration and its consequences,[34] however, overlooks both the deeply racialized history of U.S. drug law and the multiple contexts for the expansion of law enforcement over the past 40 years.

U.S. drug law has been a tool of racial control throughout its 100-year history,[35] but the War on Drugs shifted the legal environment in qualitative, and not just quantitative, ways. As described throughout this article, the past four decades have seen changes in constitutionally-derived legal protections regarding searches and the right to privacy of home and person which affect all of us to some degree, but have specifically targeted African American communities. Within the court system, there has been a systematic shift of power from judges to prosecutors and the creation of incentives for the use of informants and

The distinction between crime control and political repression has eroded, with criminalization used as a method to contain populations that might otherwise be politically problematic.

other practices that reduce transparency and sidestep open judicial process. These gradual but steady reductions in civil liberties and the protections of due process were initially developed to "protect" the public from exposure to drugs and drug use, but have expanded into other areas of law enforcement. Over the past few years, the mandatory minimums and mass incarceration of the War on Drugs have been rolled back in certain ways, as with the decision to release several thousand federal prisoners as part of a rollback of mandatory minimum sentences.[36] Meanwhile, the War on Terror continues unabated and employs many of the same legal strategies at an even higher level against Muslim communities in the U.S.

The War on Drugs and the War on Terror invite us to think about ways law enforcement engages in political repression *outside* contexts of heightened mobilization.

The War on Drugs and the War on Terror invite us to think about ways law enforcement engages in political repression *outside* contexts of heightened mobilization. In the 1960s, COINTELPRO (a portmanteau for the FBI's Counter Intelligence Program) targeted activists, organizations, and Black communities during a period of widespread collective action. In contrast, the War on Drugs and War on Terror focus on communities primarily defined by vulnerability, not active resistance. The systematic targeting of Muslim communities has generated more fear than mobilization, and the targets of FBI anti-terrorism activities are often poor and socially or emotionally troubled.[37] While African American communities have historically experienced recurrent waves of political mobilization and unrest, that had not been their primary condition for many years until the emergence of the Black Lives Matter movement.

While the legal changes described in this article can be traced directly to the War on Drugs, the past 30-40 years have seen an overall pattern of criminalization of the poor justified by the need for order and discipline. The increased use of paramilitary police units like SWAT teams to execute search warrants and other routine procedures has expanded in small towns and rural areas as well as major cities.[38] In a process sometimes described as the school-to-prison pipeline, police officers have become part of the normal disciplinary apparatus in public schools, and now arrest students, primarily low-income students of color, for behavior that used to be handled within the school.[39] Homelessness has effectively become a crime in many cities, with local laws prohibiting sleeping, lying down, or even sitting for long periods of time in public spaces.[40] Criminalization has extended into sexuality and public health, as laws to protect living children are used to prosecute pregnant women for child abuse for, say, delivering children born with drugs in their system or refusing a doctor's orders,[41] and young gay men and trans women of color are charged as sex workers for carrying more than three condoms.[42] Simultaneously, the consequences of having a criminal record have expanded in ways that further marginalize the poor, such as limiting access to public housing and a range of social welfare programs, including some forms of student financial aid.[43]

One lesson of the War on Drugs may well be that the distinction between crime control and political repression has eroded, with criminalization used as a method to contain populations that might otherwise be politically problematic. The War on Drugs and the school-to-prison pipeline have resulted in high levels of incarceration and other forms of legal supervision (such as probation) among young African Americans, which in turn creates other forms of vulnerability such as lack of education, employment, and housing. The stigma of being labeled a criminal compounds the technical disenfranchisement of loss of voting rights, access to social welfare programs, and a wide range of employment opportunities. In addition, mainstream Civil Rights organizations have historically been slow to engage with criminal law,[44] and the growing critique of drug law and mass incarceration are a relatively recent phenomenon.

From a political perspective, one advantage of the tactic lies in the stigma and fear associated with criminalization. People accused of stigmatized crimes are difficult to defend, even for Civil Rights advocates, and civil liberties protections can be rolled back under the mantle of crime control and community safety. As a result, a highly developed and refined contemporary system of legal coercion, repression, surveillance, and associated institutional infrastructure remained largely outside of the progressive political vision, even as it was adapted for targeting Muslim communities.

Beyond the officially declared wars on drugs and terror, the expanding circles of criminalization described above have steadily encroached on social justice discourse in multiple arenas, eroding social movement gains through legal assaults on the young, poor, and otherwise vulnerable. The unwillingness of many progressives to challenge the criminal justice system and defend those caught in its net enabled mass incarceration to grow largely unchecked for over 30 years, as low-income Black communities experienced growing devastation. In order to truly roll back the power of right-wing movements in the U.S., progressives will have to challenge the politics of fear and criminalization, and stand in alliance with those pushed outside of society through the legal system. Black Lives Matter activists model this every day by refusing attempts to implicitly justify police violence through criminalizing Michael Brown, Eric Garner, Freddie Gray, and others. Will other movements follow that path?

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Law, continued from page 3

"crack whores," "crack dealers" or "crack babies," were utilized to strike fear into the public and garner support for harsher laws and more punitive sentences.[8]

In 1986, Congress passed the Anti-Drug Abuse Act, mandating a five-year sentence for a five-gram sale of crack cocaine; in contrast, the same sentence only took effect for 500 grams of powder cocaine. Although Whites and Blacks used drugs at similar rates, enforcement of the Act targeted Black people, drastically increasing the number of Black people sent to prison—in 1980, African Americans made up 12 percent of the country's population, but 23 percent of all people arrested on drug charges. By 1990, however, they made up more than 40 percent of those arrested for drugs *and* over 60 percent of those convicted.[9] The Act also took its toll on women, particularly Black women. Under the Act, police and prosecutors were able to arrest and charge spouses and lovers with drug trafficking "conspiracy" for everyday actions such as taking a phone message or sharing finances. This is what happened to North Carolina mother Phyllis Hardy, whose ordeal I have described elsewhere.[10] In 1991, Hardy's husband was arrested for conspiracy to import and sell cocaine. He told me that prosecutors asked him if he had ever given money to his wife. "She's my wife. Of course I gave her money," he told them.

But, under the Anti-Drug Abuse Act, sharing money with a spouse—even for household expenses like groceries or the mortgage—ropes him or her into the conspiracy. Phyllis Hardy was arrested and charged with conspiracy to import and distribute cocaine as well as money laundering. Believing that justice would prevail, she went to trial. She lost and was sentenced to 30-and-a-half years in federal prison. Her husband, who accepted a plea bargain, served 15 years.

Reagan's War on Drugs coincided with a less-trumpeted right-wing war on women. Invoking images of Black welfare mothers driving Cadillacs and having children solely to collect more taxpayer dollars, Reagan and his acolytes whipped up public furor against welfare recipients and the idea that society should support those most in need. The frenzy continued past his presidency; in 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was introduced as part of the Republican Contract with America and heavily pushed by House Speaker Newt Gingrich and other Republicans, as well as right-wing think tanks such as the American Enterprise Institute, home of Charles Murray, whose racist writings formed the foundation for welfare reform. In 1996, Clinton signed it into law. The bill, popularly known as "welfare reform," placed a five-year lifetime limit on welfare, excluded benefits to children born to mothers already on welfare, required recipients to work after two years, and enacted a lifetime ban on welfare benefits for people with drug felonies or who had violated probation or parole.[11]

> **"The image of Black women continues to be fueled by the right-wing narrative of Black women as welfare frauds, liars and cheats." –Andrea Ritchie**

The demonization of Black women extended beyond welfare and, even 35 years later, continues to inform police interactions. In 2013, of all women stopped by New York City police, over 53 percent were Black although Black people make up only 27 percent of the city's residents.[12]

"The image of Black women continues to be fueled by the right-wing narrative of Black women as welfare frauds, liars and cheats," Andrea Ritchie, a Soros Justice Fellow examining police violence against women and LGBT people of color, told *The Public Eye*. "These images drive interactions from whether to write someone a traffic ticket or arrest them for not putting their cigarette out to what to charge someone." Ritchie pointed to the example of Charlena Michele Cooks, a Black mother in Barstow, California, who was eight months pregnant when she was brutally arrested in January 2015. While dropping her second-grade daughter off at school, Cooks had a driving dispute with another mother. The other mother, who is White, called the police. According to his body cam footage, the officer, after listening to the White mother's statement, said, "I don't see a crime that's been committed," but offered to speak with Cooks. The officer approached Cooks and, when she refused to give her full name and began to walk away, the officer twisted her hands behind her, forced her against a fence and arrested

Andrea Ritchie, co-author of the Say Her Name *report speaks at the 2015 New York City #SayHerName vigil in remembrance of Black women and girls killed by the police. Photo by The All-Nite Images via Flickr. License: https://creativecommons.org/licenses/by-sa/2.0/.*

her as she screamed in pain and fear. She was charged with resisting arrest. A court later dismissed the charge; the ACLU of Southern California confirms that Cooks did indeed have the right to refuse to give her name.[13]

Whenever interactions like this occur, the underlying justification demonizes Black women, noted Ritchie. "Every police interaction is informed by the perception that they're lying, cheating and not worthy of protection." The brutal 2015 arrest of Sandra Bland, who died in police custody in Texas following a questionable traffic stop, illustrates the way in which these ingrained perceptions can be deadly.

Even when they are not deadly, the narrative informs who police choose to target—and arrest. In the 1990s, New York City, under Mayor Rudolph Giuliani and his police commissioner Bill Bratton, instituted a policy of "stop, question and frisk," soon shortened to "stop and frisk," in which police stop and search people whom they perceive to be acting suspiciously. Not surprisingly, most of the stops involved people of color. In 2011, nearly 90 percent of these stops involved Black or Latina/o people.[14] But stop and frisk is not limited to New York; other cities also employ the tactic and, as in New York, people of color are often the targets.

Those stopped and frisked can be arrested not only for weapons or drugs, but also for carrying legal items such as condoms. Until recently in New York, police could—and would—seize condoms as evidence of sex work. But this policy didn't just affect people engaged in sex work. Trans and gender non-conforming people, particularly people of color, also felt the brunt in a phenomenon known as "walking while trans."[15] Nearly 60 percent of trans and gender non-conforming people of color living in Jackson Heights, one of New York City's most diverse neighborhoods, reported being stopped by police, who profiled them as sex workers solely because of their race and gender identity. None were actually sex workers, but they were charged with prostitution-related offenses if they were carrying condoms.[16] Considering that the city's Department of Health distributes over 35 million condoms each year, the practice of using condoms as evidence seems particularly absurd. But not absurd enough to abolish the practice. In May 2014, Bratton (once again New York's police commissioner) announced that police will no longer use condoms as evidence—unless they suspect people of sex trafficking or promotion of prostitution.[17]

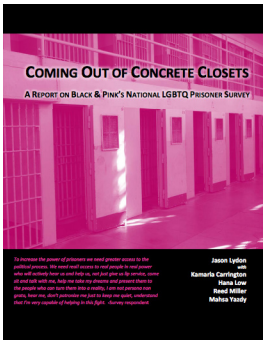
National Day Of Action to end state violence against Black girls and women. Photo by The All-Nite Images via Flickr. License: https://creativecommons.org/licenses/by-sa/2.0/.

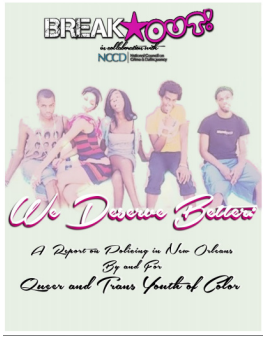
Undoing 35 years of demonization requires approaches on several different levels. Andrea Ritchie is the co-author of *Say Her Name*, a July 2015 report examining police violence against Black women and girls, which includes some examples of policy demands that address Black women's particular experiences of policing, such as a ban on using Tasers and excessive force on pregnant women or children and the passage of the End Racial Profiling Act of 2015, which prohibits any agency from engaging in racial profiling.[18] In New Orleans, years of organizing and attention to the city's racist policing practices ended in a 2012 consent decree in which the New Orleans Police Department was ordered to implement bias-free policing.[19]

Nearly 60 percent of trans and gender non-conforming people of color living in Jackson Heights reported being stopped by police, who profiled them as sex workers solely because of their race and gender identity.

At the same time, the underlying narrative that promotes these policies and interactions needs to change. The popular hashtag and associated movement #BlackLivesMatter have helped challenge this script, calling attention to the racism and violence against Black people. While #BlackLivesMatter, started by three Black women, does not focus exclusively on the violence against Black men, activists and media makers made sure that the call was expanded to ensure that Black women and Black trans people were not forgotten with calls for Black Trans Lives Matter and Black Girls Matter. Activists, media makers and members of the general public need to continue challenging the stereotypes of Black women and rewrite the script so that gender and gendered violence remain integral in the struggle to transform the criminal justice system.

Victoria Law is a freelance writer focusing on the intersections of incarceration, gender and resistance. She is also the author of Resistance Behind Bars: The Struggles of Incarcerated Women.





Coming Out of Concrete Closets: A Report on Black & Pink's National LGBTQ Prisoner Survey

Black & Pink, October 2015

We Deserve Better: A Report on Policing in New Orleans

Youth BreakOUT!, 2014

In the midst of national attention on police brutality and the mobilization of racial justice activists in the Black Lives Matter movement, these two reports from Black & Pink and BreakOUT! provide us with crucial information regarding the experiences of LGBTQ people within the prison industrial complex.

Collected from 1,118 survey respondents, Black & Pink's report represents the largest ever collection of information from LGBTQ prisoners. In the report, Black & Pink—a prison abolitionist organization—lifts up the voices of LGBTQ prisoners from across the United States so they can inform, shape, and lead the movement for prisoner justice.

LGBTQ people, especially people of color and poor people, are more heavily policed than the general population and, once subject to arrest and incarceration, face further violence from both prison staff and other prisoners. The survey expounds on this using both statistics and first-hand accounts. Prior to incarceration, nearly 20 percent of Black & Pink's respondents had been homeless or transient, over a third had been unemployed (seven times the 2014 national unemployment rate), and nearly 40 percent had traded sex for survival. Many had also sold drugs. While Black prisoners were nearly 20 percent more likely to have engaged in the drug trade than White prisoners, overall White people are more likely to sell drugs, demonstrating how people of color are disproportionately targeted by the War on Drugs. Two-thirds of the respondents were not incarcerated for the first time; many had first been arrested under the age of 18, and some were incarcerated for parole violations. Black and Latin@/Hispanic respondents were much more likely to have served multiple sentences.

Once incarcerated, nearly three-quarters of respondents reported experiencing emotional pain as a result of hiding their sexual orientation, and 78 percent of transgender, non-binary, and Two-Spirit respondents likewise reported emotional pain from hiding their gender identity during their incarceration and encounters with the legal system. Respondents were also six times more likely to be sexually assaulted while incarcerated than the general prison population. While these assaults were more commonly committed by other prisoners, many respondents reported that prison staff deliberately put them in situations where assault was more likely. Furthermore, over a third of respondents were physically assaulted by prison staff. Other challenges included access to health care (i.e. fees preventing prisoners from seeing doctors). Further, while 67 percent of respondents had been diagnosed with a mental illness, only about half recieved therapy.

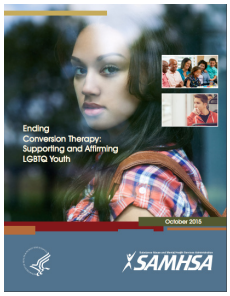
Black & Pink's general findings are supported by a 2014 report from Youth BreakOUT! and the National Council on Crime and Delinquency (NCCD). Youth BreakOUT! works in New Orleans with LGBTQ youth who are affected by the criminal and juvenile justice systems, while NCCD is a national organization working to create justice systems with an emphasis on safety and rehabilitation. Their study found that, while LGBTQ people as a whole were disproportionately targeted by New Orleans police, transgender people and people of color were even more likely to be targeted and harassed. For instance, 87 percent of respondents of color had been approached by police, compared with 33 percent of White respondents. Fifty-seven percent of people of color were harassed by the police, and 43 percent were called a homophobic slur during the encounter, compared with six and 11 percent of White respondents, respectively. People of color were more likely to be asked for sexual favors by police, and 42 percent reported calling police for help only to then be arrested themselves.

Likewise, transgender respondents were 11 percent more likely to be approached by police than cisgender respondents, were more likely to be asked for sexual favors, and more likely to be assumed to be engaged in the sex trade.

Both reports provide recommendations. Black & Pink's recommendations include ending stop-and-frisk and racial profiling policies; ending sting operations targeting the sex trade, since it only pushes the trade further underground and makes it more dangerous; decriminalizing drug possession and more generally treating drug addiction as a public health rather than a criminal justice issue; and eventually abolishing police and prisons and replacing them with community-based systems to address harm and violence.

Youth BreakOUT! and NCCD's report calls for more job training and educational opportunities, as well as better housing resources (especially LGBTQ-specific housing projects); improved training for New Orleans police officers; ending the school-to-prison pipeline; and incorporating community-based justice practices.

-Laura Muth



Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth

Substance Abuse and Mental Health Services Administration (SAMHSA), October 2015

The use of conversion or "reparative" therapy continues to be a controversial subject despite legislative efforts to ban the practice. It is based on the disproven belief that an LGBTQ person can be converted to a heterosexual or gender-conforming person by using psychiatric and psychological methods and practices aimed at changing their sexual orientation or gender identity. A report released in October 2015 by the Substance Abuse and Mental Health Services Administration (SAMHSA, a branch of the U.S. Department of Health and Human Services) provides findings and narratives that will hopefully further strengthen the case against this already discredited practice.

The practice of conversion therapy is due to both intolerance of LGBTQ identities and a lack of understanding about gender and sexual diversity in children and youth. The continued belief in the success of this type of therapy is both uninformed and dangerous. Not only has it been shown that conversion therapy doesn't work, it also leads to growing stigmatization and discrimination that perpetuates a cycle of negative mental health outcomes for LGBTQ youth. The report finds that "negative social attitudes and discrimination related to an individual's LGBTQ identity can contribute to these disparities, and may result in institutional, interpersonal, and individual stressors that affect mental health and well-being."

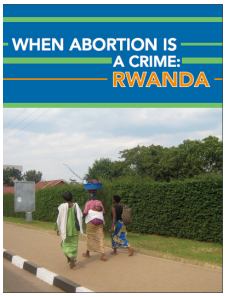
The report takes a strong position around gender and sexual diversity with three key findings: 1) gender expression, identification, and sexual orientation are part of a "normal spectrum of human diversity and do not constitute a mental disorder"; 2) conversion therapy does not work and no research "supports the premise that mental or behavioral health interventions can alter gender identity or sexual orientation"; and 3) "interventions aimed at a fixed outcome, such as gender conformity or heterosexual orientation, including those aimed at changing gender identity, gender expression, and sexual orientation are coercive, can be harmful, and should not be part of behavioral health treatment."

Proponents of conversion therapy continue to misinform the public of its success and benefits despite efforts to end the practice. PRA has previously covered instances of ex-gay therapy being promoted in public school health curricula and in fliers distributed on school grounds. Completely ending the use of conversion therapy is an important start to supporting LGBTQ youth, as they still face a lack of supportive environments and dangers in "coming out." With this report from the U.S. Department of Health and commentary from the U.S. Surgeon General ("Being gay is not a disorder. Being transgender is not a malady that requires a cure."), we may be one step closer to de-pathologizing LGBTQ youth and ensuring their safety in our communities.

-Cassandra Osei

When Abortion is a Crime: Rwanda

Ipas and Great Lakes Initiative for Human Rights and Development, 2015



In the years since the horrific genocide that ravaged Rwanda in 1994, the small East African nation has become a model of economic development, thanks in part to the influence of American evangelicals like Rick Warren, pastor of Saddleback Church and author of *The Purpose Driven Life*. The effects of this influence raise concerns for gender justice advocates in the country, especially given the increasingly restrictive measures limiting access to abortion, as documented in this recent report from Ipas and the Great Lakes Initiative for Human Rights and Development.

In 2012, Rwanda reformed its penal code to allow women to obtain abortions in cases of rape, incest, forced marriage, and in cases where the health of the woman or the fetus is at risk. However, to obtain such an abortion, a woman must receive judicial authorization, or approval from two doctors in the case of a health risk. But in a country where there is only one doctor for every 17,000 people, that's a difficult task. For many Rwandan women, the reality remains that a legal abortion is virtually impossible to obtain, and those with an unplanned or unwanted pregnancy must resort to illegal abortions instead. This state of affairs risks women's health and results in many being arrested and imprisoned for violating this strict law.

Undermining Rwandan women's rights to control their own reproductive health is not only a violation of their rights, but also undermines Rwanda's attempts to promote more sustainable development, eradicate poverty, and promote gender equality, according to the new study. The problem is compounded by Rwanda's poverty (63 percent of its population lives on less than $1.25 a day); the fact that only 18 percent of the population lives in cities with easier access to lawyers, judges, and doctors; and ignorance of the law—most Rwandans, including healthcare providers, don't actually know what the law regarding abortion entails. Almost half of all pregnancies in Rwanda are unintended, and 48 percent of women between the ages of 15 and 49 have experienced sexual violence. As a result, many Rwandan women attempt to self-abort or seek terminations outside the formal health system. Twenty-four thousand women each year suffer from complications that force them to seek emergency medical attention. Afterwards, many face criminal charges, which can include fines and up to three years' imprisonment.

The report concludes that punitive abortion laws are a violation of women's right to live, because women are forced to risk avoidable injury and possibly death. They are also discriminatory in that they criminalize a health service women need (disproportionately low-income women and those living in rural areas), and illustrate how "pro-life" policies hurt women and communities.

-Laura Muth

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The Art of Activism

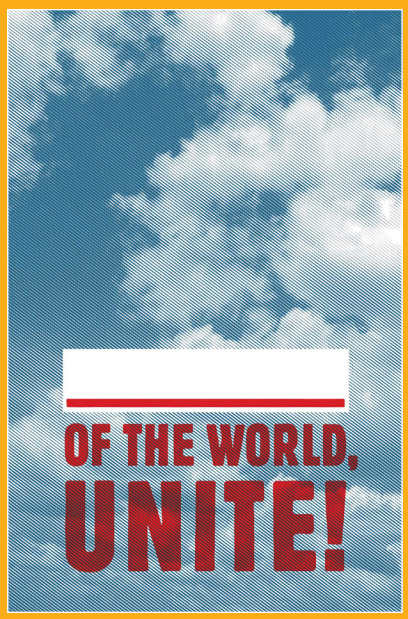
Spotlighting the efforts of artists and organizations who are engaged in the struggle for social justice and are helping build the movement through their work.

Joshua MacPhee, our cover artist, didn't go to a traditional art school to learn his craft, but rather what he calls "the punk rock school of art," where he became part of a politicized sub-culture and learned to work in a wide variety of media, from illustration and print production to T-shirt making and street art.

A 42-year-old from Massachusetts now living in Brooklyn, New York, MacPhee is a member of the Justseeds Artists' Cooperative, a group of 30 artists from 16 cities in three countries, as well as Interference Archive, an all-volunteer run archive, library, exhibition and event space in Brooklyn, which focuses on the cultural production of social movements.

Social justice issues are a mainstay of MacPhee's current print work, which he sees as an opportunity "to process and interpret my experience living under this intense regime of neoliberal capitalism." An early politicizing moment was the start of the 1991 Gulf War, when he was required to register for Selective Service in order to apply for college financial aid. ("There was no draft, of course, but the idea that I could get yanked out of my life in order to fight in a war halfway across the world for reasons that made no sense to me was illuminating, especially since the key factor was my need for financial assistance," he said.)

But he also frequently works in a collaborative and curatorial role, bringing together different artists on common projects.



Josh MacPhee, "___ of the World, Unite!," 2014. Screen print on paper, 25in x 40in.

Among his favorite is an 18-year-old-and-counting poster series, "Celebrate People's History," in which he has curated a series of more than 100 DIY-style political posters that emphasize principles of democracy, inclusion and group participation in the writing and interpretation of history.

"It's rare today that a political poster is celebratory, and when it is, it almost always focuses on a small canon of male individuals: MLK, Ghandi, Che, or Mandela," said MacPhee. "Rather than create another exclusive set of heroes, I've generated a diverse set of posters that bring to life successful moments in the history of social justice struggles...The posters tell stories from the subjective position of the artists, and are often the stories of underdogs, those written out of history."

"For me making art is part of a practice of trying to change the world for the better," said MacPhee. "Sometimes that's simply constructing an image, sometimes it's building a big social project that engages directly with lots of participants, sometimes it's not making art at all, but just going on a demonstration, giving a little money to an organization doing important work, or using the platform art can provide to discuss important issues often not aired in the public sphere."

—Kathryn Joyce