



THE INITIATIVE FOR A JUST SOCIETY
AT COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK
435 West 116th Street, New York, NY 10027

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Dear friends,

I rarely write or sign open letters, but I do feel that it is necessary given the circumstances to state my position regarding the closing of the Rose M. Singer Center (Rosie's) jail on Rikers Island, the ongoing construction of the new Kew Gardens jail in Queens, which includes a jail facility for women and transgender persons, and the Women's Community Justice Association's proposal to create a "Women's Center for Justice" at the shuttered Lincoln correctional facility on 110th Street in Harlem (the "Lincoln proposal").

Let me emphasize at the outset that I write in my individual capacity. My views do not represent those of the Initiative for a Just Society (IJS), nor necessarily those of any other member of the IJS. Neither I nor the IJS have advocated for the Lincoln proposal, and I have not previously intervened in these matters; but I write in the spirit of transparency.

As a preliminary matter, on the merits, I firmly believe that New York City can and should put in place, for any woman or transgender person who is now at Rosie's or would be detained at Rosie's, an individualized close-to-home or at-home plan that does *not* include incarceration and that does *not* involve the NYC Department of Corrections, but consists instead of housing, support, treatment opportunities, childcare if necessary, and all other essential forms of assistance, coordinated by community groups, not-for-profit organizations, and defender services. For this reason, I support the closure of Rosie's and I oppose the construction of a new jail for women and transgender persons in New York City. I also believe this is feasible and realistic. We, New Yorkers, currently spend \$556,539 per person per year to detain someone at Rikers Island (that is the [2021 cost estimate by NYC Comptroller Scott Stringer](#)); with those resources, there is no question that we can and should put in place non-detention individualized plans for any woman or transgender person accused of a crime who is or would otherwise be detained at Rosie's. Furthermore, I believe that the vision of [abolition democracy](#), that Angela Davis, W.E.B. Du Bois, and others brilliantly pioneered, calls for—in addition to the deconstructive task of abolishing jails and prisons, and the constructive task of providing for the needs of those who have been harmed and those who may have harmed—a radical transformation of society and economy toward what I would call a paradigm of cooperation. In other words, I believe that these issues must be addressed within the context of broader societal transformation.

With regard to the immediate matter, I oppose the [ongoing construction](#) of the new 886-bed jail in Kew Gardens, Queens, which will include the jail for women and transgender persons for New York City. I believe the new borough jail will only entrench the problems that have plagued Rikers Island, including systemic racism and structural violence. We should put in place instead non-carceral individualized plans for the women and transgender persons who would otherwise be detained. To make matters only worse, the new Kew Gardens jail is located in a remote part of outer Queens with poor public transportation that is going to make it extremely difficult for family, friends, defense counsel, and service providers to get there, especially from the Bronx.

I also oppose the new proposal to repurpose the shuttered Lincoln correctional facility on 110th Street in Harlem. Given the current political dynamics in New York City, the new mayoral administration, and the power of the corrections officer union, I have no doubt that the Lincoln proposal would only result in the opening of not one, but *two* new jails: a Kew Gardens jail of the same size as now being constructed, *plus* a new jail at the Lincoln facility. I have no confidence that the city would reduce the size of the Kew Gardens jail, a facility that has already been approved and is under construction; nor that the Lincoln jail would ultimately be operated by independent nonprofit organizations. In all likelihood, under the guise of security concerns, the Lincoln jail would quickly be taken over fully by the NYC Department of Corrections. The Lincoln proposal, in my opinion, simply hands the city an additional jail facility to be filled by the courts.

In her book *Are Prisons Obsolete?*, Angela Davis writes that “if the words ‘prison reform’ so easily slip from our lips, it is because ‘prison’ and ‘reform’ have been inextricably linked since the beginning of the use of imprisonment as the main means of punishing those who violate social norms.”¹ Davis uses, in the epigraph to her discussion, a passage from Michel Foucault’s book, *Discipline and Punish*, where Foucault writes that “prison ‘reform’ is virtually contemporary with the prison itself: it constitutes, as it were, its programme.”² I believe that the Lincoln proposal for a reformed jail instantiates these insights. It will serve only to perpetuate and entrench imprisonment as our only social option. It would likely lead to more, not fewer, jails. We should instead be putting all our energy into trying to make sure that the Kew Gardens jail for women and transgender persons is not built and that instead, individualized, non-detention, close-to-home or at-home plans are put in place for all the women and transgender persons who are currently incarcerated at Rosie’s or might be in the future.

Turning to the current controversy surrounding the organizing efforts led by the Women’s Community Justice Association (WCJA) to create a Women’s Center for Justice at the Lincoln facility, I would emphasize, at the outset, that I respect the views, research, and organizing of the women at the WCJA, many of whom have been directly impacted by Rosie’s; and I understand that their intention is to reduce the number of women and transgender persons incarcerated in New York City. For the reasons I spell out above, though, I am opposed to the Lincoln proposal. Because I am opposed, I would have liked to join my Columbia colleagues Frank Gurity, Jack Halberstam, Sarah Haley, Kendall Thomas, and others, as well as my colleagues at the IJS, Che Gossett, Marissa Gutierrez-Vicario, Derecka Purnell, and Omavi Shukur, in signing [the public letter](#). However, I feel that it would be inappropriate for me to sign a public letter that raises

¹ Angela Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003), 40.

² Davis, *Are Prisons Obsolete?*, 40, quoting Michel Foucault, *Discipline and Punish* (New York: Vintage, 1977), 234.

questions about a project—the Racial Justice and Abolition Democracy (RJAD) curriculum—for which I am a co-principal investigator. The spirit of the public letter calls for transparency, which I agree with unreservedly. Even though neither I nor the IJS have had any involvement in the Lincoln proposal, I think the spirit of the letter calls on me as well to be transparent. It is in that spirit that I am writing this letter.

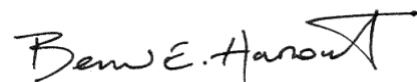
The Initiative for a Just Society (IJS) is composed of abolitionist scholars and practitioners, education specialists and artists-in-residence, several of whom are directly system-impacted. The IJS is an initiative of the [Columbia Center for Contemporary Critical Thought](#) (CCCCCT), of which I am the executive director. The IJS collaborates on creating the Racial Justice and Abolition Democracy (RJAD) curriculum and supports abolitionist scholars and artists to do research and practice. The IJS is funded by a grant for the RJAD project; that grant funds the salaries and research support of the members of the IJS team (all except me). The IJS is rich with diverging opinions about the important issues that we address.

In terms of my own funding, all my work—including all my work at the IJS and all my work on the RJAD curriculum—is funded by Columbia University. Although I am a co-principal investigator on the RJAD curriculum project, I personally receive no funding from the RJAD grant. This summer, my academic research is funded in part by The Grace P. Tomei Endowment Fund at Columbia Law School.

The organizing materials in opposition to the Lincoln facility identified me as a co-founder of the Columbia Justice Lab. That is incorrect. I did not co-found the Columbia Justice Lab and have never worked there, although I am privileged to work with my Columbia colleague Bruce Western who is the co-founder and director of the Justice Lab.

I know my voice is just one among many, and I do not presume that this letter should carry as much weight as the views of those who have been directly impacted—whether for or against the proposal—but I feel obliged to not remain silent in response to calls for transparency in the midst of the controversy surrounding the ongoing construction of a new jail for women and transgender persons in New York City.

With respect and in solidarity,

A handwritten signature in black ink that reads "Bernard E. Harcourt". The signature is stylized, with a large, sweeping "B" and a long, horizontal stroke at the end.

Bernard E. Harcourt

Date: July 26, 2022