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‘Tweaking Armageddon’: The Potential and Limits of Conditions of Confinement Campaigns

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March 2015, forthcoming in *Social Justice*

Eastern State Penitentiary was the first prison built in the United States. Opened in 1829, it was born from the work of reformers including Benjamin Rush, a Quaker who campaigned tirelessly against corporal and capital punishments, the standard of the day. Rush was opposed particularly to public punishments and believed that only through reflection and tarrying with one’s own conscience could a person be rehabilitated. Based in part on monastic practices and Quaker principles that emphasised anonymity, silence, and solitude to reflect on one’s crimes and repent, the penitentiary was constructed to hold prisoners in solitary confinement. Prisoners were confined to in their cells with only a brief period each day during for exercise in an individual pen adjacent to the cell. To maintain the principle of anonymity prisoners were assigned numbers to replace names, and wore hoods to hide their faces on the few occasions they were allowed to leave their cells. In fostering reflection and repentance, prisoners were permitted to labor or read *The Bible*. They were denied visitors or contact with the outside world. Constructed as a reform initiative within the punishment system, within the first year of Eastern State Penitentiary’s regime was challenged by advocates and observers concerned about the long-term effects of solitary confinement on prisoners’ mental and physical health.

In July 2011, 182 years after Eastern State Penitentiary opened its doors, prisoners in the Security Housing Unit (SHU) of Pelican Bay State Prison in California initiated a hunger strike. Pelican Bay State Prison was opened in 1989 with over 1000 cells specifically designed to imprison people in long-term solitary confinement. Pelican Bay was one of the first ‘supermax’ prisons in the US, and its arrival initiated a trend in constructing prisons explicitly for long-term solitary confinement. SHU cells are built for sensory deprivation. They have no windows. Fluorescent lights burn 24 hours a day. The 2011 hunger strike escalated throughout prisons across the State as a protest against policies that determined allocation to the SHU, the length of time, the terms under which prisoners exit, and the conditions of their confinement.

The conditions against which the prisoners were protesting are remarkably similar to those in Eastern State Penitentiary nearly two centuries earlier. The architecture of SHU cells is based on the same blueprint—halls of eight by ten foot cells radiating from a central surveillance spine. Imprisoned people continue to be referred to by numbers rather than names. This is not to maintain anonymity as online locater services allow access via the internet providing a broad range of information about individual prisoners. Those imprisoned in the SHU are passed food through slots in otherwise solid cell doors. They are prohibited contact visits and most prisoners in Pelican Bay are held a considerable distance from their loved ones in Southern California – a 12 to 13 hour drive – resulting in infrequent visits. Imprisoned people in the SHU endure 22.5-hours per day in solitary confinement, with 90 minutes exercise undertaken in isolation in a pen adjoining their cells.

There is one significant difference between administrative segregation in California State prison SHUs and Eastern State Penitentiary. The average period of solitary confinement in the latter was two to four years while today, in state and federal prisons, the period is significantly longer, with many held indefinitely. According to the California Department of Corrections and Rehabilitation’s (CDCR) statistics, the average SHU sentence is six years. Pelican Bay imprisons 3500 people, 1500 of whom are locked in solitary confinement. Of people imprisoned in the SHU, 544 have served between five and 10 years in solitary, an additional 513 have served more than ten years with 78 confined in the SHU for 20 or more years.¹

Over 2.3 million people are imprisoned in the USA, of whom approximately 80,000 are held in isolation units, over 12,000 in California. As observers of those imprisoned in Eastern State Penitentiary noted two centuries ago, isolation has a negative impact on prisoners’ psychological and physical health. There is considerable mental health research and evidence from human rights organizations demonstrating that sustained and long-term imprisonment in isolation units to be torturous.² Extended sentences in SHUs have been associated with increased rates of suicide and self-mutilation, visual and auditory hallucinations, insomnia, paranoia, and a host of other symptoms.³ Rather than realizing reformers’ desires for nurturing an individual’s ‘inner light’, as the Quakers historically referred to it, solitary confinement is used systemically as additional punishment for what prison officials label ‘the worst of the worst’ within an already brutalizing system.

People are sent to solitary for a range of reasons including: prison staff profiling them as gang members (such identification can be simply a result of the reading materials in a person’s cell or who they greet in the prison yard); resisting prison guards’ instructions; attempting to teach or organize fellow prisoners. For those imprisoned people who continue to push boundaries, even within isolation units, many prisons have a punishment unit within their isolation units. Often referred to as ‘the hole’, punishment units are comprised of cells with no light, no beds, no toilets, and no access to personal belongings.

Ultimately, the 2011 California prisoners’ hunger strike spread to 13 prisons across the State and was supported by thousands of allies inside and outside prison walls including international support. In July 2011 at the conclusion of the first round of strikes over 6600 prisoners had participated. They resumed the strike in October 2011, with over 12,000 prisoners participating across the State. Some prisoners remained on strike for months after. Their core demands have remained consistent throughout: an end to group punishment; abolition of the gang debriefing policy⁴ and modification of gang status criteria; an end to long-term solitary confinement; adequate food; and expanded programming and privileges for indefinite SHU status prisoners, including access to a weekly telephone call. On February 2,

¹ Small, Julie. “Under Scrutiny, Pelican Bay Prison Officials Say They Target Only Gang Leaders,” KPPC & NPR, August 23, 2011. Available: <http://www.scpr.org/news/2011/08/23/28382/pelican-bay-prison-officials-say-they-lock-gang-bo/>

² For example, see: Haney, Craig. “Mental Health Issues in Long-Term Solitary and ‘Supermax’ Confinement,” *Crime & Delinquency*, January 2003, 49: 124-156.; Kupers, Terry A. “How to Create Madness in Prison,” in *Humane Prisons*, David Jones (ed.), Oxford: Radcliffe Publishing, 2006; Center for Constitutional Rights statement available: <http://ccrjustice.org/newsroom/press-releases/center-constitutional-rights-supports-prisoners-of-pelican-bay-shu>

³ Haney, Craig ‘A Culture of Harm: Taming the Dynamics of Cruelty in Supermax Prisons Criminal Justice and Behavior, 2008, Vol. 35: 956-984

⁴ Prisoners who have been "validated" as gang members by prison officials may be released from the SHU into the general prison population only if they "debrief" – renouncing their gang membership and providing information on other prisoners especially information linking them to gang activity.

2012, Christian Gomez, in administrative segregation in Corcoran State Prison, became the first prisoner to die on hunger strike.

Widespread participation in the strike together with strong organizing by advocates, prisoners’ loved ones, and community organizations have amplified the strikers’ voices. Media coverage in newspapers, radio, and television as well as a dynamic, frequently updated campaign online has drawn international attention to the prisoners’ circumstances and their demands. Rallies, demonstrations, and weekly vigils have drawn supporters together. The energy generated by the strike has sparked new life into the anti-prison movement in the USA, bringing movement elders and newcomers together. It has established an informed critique of police anti-gang profiling with sustained efforts to halt the impact of such profiling on imprisoned people. Additionally, despite continued efforts by the CDCR to pit prisoners against each other, the strike has forged solidarity across prisons throughout the system.

In October 2012, the Short Corridor Collective, the multiracial group of strike leaders imprisoned in Pelican Bay that initiated the 2011 hunger strikes, authored an agreement to end hostilities between racial groups in California prisons and jails. The agreement was circulated widely inside and outside prison walls and was understood as an extension of the campaign initiated through the hunger strike. The statement further called on imprisoned people throughout the prison and jail systems to set aside their differences and use diplomatic means to settle disputes.

While the primary focus of the strike has been on isolation units, the breadth of prisoner participation has served as a reminder of the poor conditions in which all prisoners are held. This was consistent with the recent US Supreme Court ruling compelling the CDCR to reduce the State prison population by at least 33,000 prisoners as a result of lawsuits regarding unconstitutionally poor physical and mental health care for prisoners.⁵ This followed years of the system being placed under federal receivership for the same reasons.⁶ The ruling was a decisive victory for lawyers and advocates who had supported lawsuits against the prison system, in some cases for over 20 years. News of the ruling was quickly transmitted throughout California’s prisons, igniting false hope for many prisoners that they might be released.

The 2011 California prisoner hunger strikes were the largest USA prisoner strikes in a generation. They breathed new life into a movement weary from the steady onslaught of killing, disappearance, and humiliation directed at imprisoned people in prisons, jails, detention centers, and locked psychiatric facilities. They forged solidarity across prisons, races, and similar divides constructed and exploited by prison officials. They compelled the CDCR to draft revised policies regarding gang identification and management and State Congressional hearings on solitary confinement. These are substantial victories in an era where little headway has been made in challenging and dismantling the prison industrial complex. A focus on conditions of imprisonment allowed prisoner hunger strikers to strike a chord with a diversity of people internationally. Even for those who maintain that prisons are

⁵ The California adult prison system, which was designed to hold about 80,000 prisoners, currently holds about 156,000. The court required the CDCR to reduce its population to 137.5% of design capacity.

⁶ Brown v. Plata Opinion of the Court (pg. 11); text of the decision can be found at: http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cts=1331507661979&ved=0CCYQFjAA&url=http%3A%2F%2Fwww.supremecourt.gov%2Fopinions%2F10pdf%2F09-1233.pdf&ei=HzBdT-SjHMHZiQL3s8n2Ag&usq=AFQjCNEd6TYX_sYf3vqLSQuF-B7e5EkTFw&sig2=vVWjqw8j5VwMs38YV3qxzw

essential and that punishment within prisons should be harsh, revelations that prisoners have been denied human contact for decades, systemically denied access to mental and physical health care, and denied a decent, nutritious diet, has had a significant impact. The realization that prisoners were being incarcerated for decades in a space no larger than an average parking space, with rare glimpses of sunlight, generated substantial support for the strikers.

Since the 2011 strike, conditions have not improved significantly for the people imprisoned in solitary confinement in the California prison system. Despite claims that it would revisit its policies on gang validation and placement in the SHU, the CDCR *expanded* its gang categories and made no meaningful changes to its SHU policies. Because of the CDCR’s lack of progress to address demonstrable concerns about conditions of long-term solitary confinement, California prisoners will initiate a new round of hunger strikes and work stoppages on July 8, 2013.

Campaigns aimed at improving conditions of confinement have been a mainstay in prison reform throughout the contemporary history of imprisonment. The campaigns are important because of the reforms they achieve – visitation, dietary changes, education access and appropriate healthcare – and also because they illuminate the inhumane, deleterious environments in which prisoners are warehoused. Improved conditions allow imprisoned people to resist that inhumanity more effectively and vigorously, challenging the systems and regimes in which they are confined. They also make it possible to stay alive while living in a cage. These are significant, literally life or death, advances.

A focus on conditions of confinement, however, also has the potential to limit possibilities for change. It can further entrench the popularly-held assumption that imprisonment is a necessary evil. Inevitably it can lend support to a liberal-reformist agenda proposing that if specific violations or abuses of imprisonment are addressed prisons have the potential to function as positive, useful institutions. Consequently reformers regularly describe the prison industrial complex as a broken system. Far from being broken, however, the prison industrial complex is actually efficient at fulfilling its designed objectives – control, cage, and disappear specific segments of the population. Making small corrections to the system, in a phrase used by Ruth Wilson Gilmore, is akin to ‘tweaking Armageddon’.⁷ Efforts to reform or improve the destructive, often fatal machine that is the prison industrial complex run the risk of exceptionalizing or isolating negative elements of the system while normalizing its overall operation and underwriting its future. Focusing solely on the policing practice of racial profiling, for example, deflects attention from the actual function of policing in the maintenance of racial hierarchies. Similarly, granting of winter caps (headgear) to SHU prisoners obscures the destructive force of imprisonment and its contribution to the social, and occasionally physical, death of those from the most racially, socially, and economically marginalized communities within US society.

For activists and organizers, campaigns focusing on conditions of confinement give momentum to the push for changes to the system while amplifying the humanity of imprisoned people. Putting names and faces to the harsh treatment and inhumane conditions in which prisoners are confined, these campaigns chip away at the system yet they fall short of questioning fundamentally the legitimacy of the system. Alternatively, campaigns to eliminate the system as a whole are often represented and criticized as idealistic and inconsiderate of the environments imprisoned people endure every day. What

⁷ Gilmore, Ruth Wilson. Speech delivered at the Revolution Will Not Be Funded: Beyond the Nonprofit Industrial Complex, University of California, Santa Barbara, California, 2004.

prison abolition campaigns generate, however, is the ability to make demands based on what is necessary rather than what is presented as possible. They develop the opportunity and political space to confront an inherently inhumane system with the clear objective, long-term, of its elimination.

In part, the 2011 prisoner hunger strike solidarity campaigns succeeded because of the skillful combination of concrete demands made by SHU prisoners and their direct relevance to questioning the rationale for imprisonment. The strikes provided a springboard to question the legitimacy of imprisonment used as a weapon of the State to respond to crises of poverty, racism, homelessness, and similar social inequities. They raised public debate in the media and in communities across the State and retained the inhumane conditions of confinement as an issue of wider social responsibility. The strikes and their attendant solidarity campaigns serve as examples of how abolitionists and reformers can join forces rather than operate at cross purposes.

In supporting the 2013 strikes, inspiration is drawn from the lasting effects of the 2011 campaign and from the strength of the organizing that has emerged from the most unimaginable prison conditions. The alacrity with which people locally, nationally and internationally have responded to support the strike, the depth of relationships forged and nurtured in the intervening years, and the solidarity of imprisoned people across the State together illustrate the steady gains made as a consequence of the 2011 strikes.

Eastern State Penitentiary was established as a humanitarian reform to the punishments of its time. The model of punishment it provided, however, ultimately became the primary vehicle deployed by the State to repress and disappear segments of its marginalized and excluded population. The last two centuries of imprisonment provide clear evidence that claims for a ‘healthy prisons’ are untenable. No change to the discrete workings of the system can create health and well-being for those in its cross hairs. The means that make it increasingly possible for imprisoned people to be sufficiently strong must be supported to enable their resistance within prison walls while simultaneously campaigning to inform and erode the assumption that prisons are necessary institutions.

Questioning the very legitimacy of the prison takes the opportunity to denounce prisons as a ‘natural’ feature of advanced democratic societies. That questioning also leads to a more profound understanding of necessary social, political and economic change. As a realistic alternative to the ever-increasingly punitive agenda it is necessary to invest in meaningful education and employment, in programs that address interpersonal harm, substance abuse and social conflict, and in the promotion of healthy, stable living environments. Only then can the conditions be created within families, neighborhoods and communities to secure a society without prisons.