

Over the past quarter century, the coercive powers of western democratic states have continued to expand (Cohen, 1985), invading private spheres of family and everyday social life (Donzelot, 1979; Mauer & Chesney-Lind, 2002; Hillyard & Tombs, 2004), and reformulating health (e.g., transcarceration) and labour (e.g., prison industries) relations (Herivel and Wright, 2008). The coercive management of political dissent and class struggle, exemplified in mass imprisonment (Parenti, 1999; Garland, 2001; Wacquant, 2001), has been further legitimated by heightened rhetoric on national security and immigration (Buehl, 2006; Huckelbury, 2006). Globally, the universal carceral is represented in the displaced, brutalized, and interned populations produced by civil wars, foreign occupations, and natural disasters. The expansion and intensification of coercive powers is a global phenomenon, reflecting the fragility of social order and the authority of ruling elites in the 21<sup>st</sup> century. The proliferation of new forms of carceral control is exemplified in the confinement of the Palestinian People (Al-Kilani, 2006).

Relationships of domination, powerlessness and resistance, still characterize the carceral experience. Breyten Breytenbach (1984), writing from a South African prison cell, prophetically noted:

When you are interested in prison accounts as a genre you will soon see that prisons are pretty much the same the world over. It is rather the peculiar relationship of power-repression which seems immutable, wherever you may hide. And when you scratch a little bit you will see that our century is stained by large scale and institutionalized acts and even policies of brutality in growing areas of the world. The tolerance is less; totalitarianism is on the increase. Never before has it become so all-important for all of us - especially for the most 'ordinary' citizen - to struggle with all the inventiveness at our disposal against the dehumanization of man. The least all of us can do - the marginal ones, the outcasts, the displaced persons, the immigrant workers, citizens of our various countries - is unite to expose *all* the intelligence services and spy organs and the security police and the secret societies of the world. Pipe dream! So much for universality (p. 339).

The intensification and expansion of carceral control has been propelled by business management rationales (Christie, 1999) parading as penal policy (Hassine, 1995), and the successful commoditization of the marginalized and disenfranchised by the *for profit* prison industrial complex (Greene, 2002; Burton-Rose, Pens and Wright, 1998; Herivel and Wright, 2008). Since its inception in 1988, the JPP has sought “to bring the knowledge and experience of the incarcerated to bear upon ... academic arguments and concerns, and to inform public discourse about the current state of our carceral institutions” (Gaucher, 1988, p. 54). Throughout this issue, the transformative power of the penal institution and its dehumanization of the prisoner is illustrated and elaborated. The contributors speak to the universal carceral experience of survival in extreme situations. While prisoners’ resistance is as universal as the carceral power-repression relationship that generates it, its forms reflect the conditions that pertain; from the extreme isolation of the control unit (Khaldun) to the forced labour of a Texas industrial farm (Odom). My colleagues in the field of criminology need to be reminded of the deteriorating, life threatening conditions that millions of prisoners across the globe endure daily. This issue does not require a discourse on the theoretical consideration of “governmentality” in the age of risk management and insecurity, but an exposé on the draconian degradation and destruction of human beings by their fellow citizens. Some people need to be reminded of the anguish and torment visited upon others in their name. This issue succeeds in accomplishing that task.

In “Broken Wing”, Reginald Lewis sets the stage, evoking the drab, dank atmosphere of the prison yard, and portraying the spark of humanity generated by an encounter with the natural world. James Blau, in “New Boots”, discusses the inevitable transformation of the prisoner into convict, and the unavoidable relationship to institutional convict culture. Like “normative behaviour” in open society, prisoner relationships and institutional convict culture have become increasingly instrumental. Under conditions of serious overcrowding and institutional crisis management (Hassine, 1995), survival demands it. In “The Hate Prison Breeds”, the life of a long term Texas prisoner exemplifies the voyage that comes with the issuing of “convict boots”. The inescapable domination of the total institution, its violence and brutality, the snakes and ladders life path of those cast into the perdition of imprisonment, lead to the socialization into the eternal convict identity. This is the world and state of being that is being forced upon countless youth.

Lest we mistakenly disregard the active participation of prison authorities in the destructive transformation of the prisoner, Khalfani Malik Khaldun, in “The Psychology of Invisibility”, maps the purposeful destruction of the outside social relations and social identity of the prisoner in control unit isolation. This separation of the isolated prisoner from all human contact is a means of breaking down all conceivable resistance (Jackson, 1983). This tactic is especially pernicious in light of the growing population of incarcerated mentally disabled in the prisons of the west, who make up a considerable proportion of control unit inhabitants. Phillip Horner elaborates on the social disappearance of prisoner as a form of identity theft, through the transfer of their roles as “father” to a state designated “Big Brother”. The destruction of prisoners’ ties to their families is understood as an aspect of the processes of isolating the designated “criminal”. Ed Bowser extends this portrait of powerlessness in his discussion of the experience of a death in the family, while imprisoned. Here, as in all aspects of carceral life, the “crisis” management needs of the dominant institution supersede the human needs of those subjected to it.

This dehumanizing disregard extends to physical and mental health. Horner, Odom, Dey, Olson and Kunselman, all address the frightening, recurring problems with health care delivery in U.S. prisons. These carceral universals have worsened under conditions of mass imprisonment, overcrowding, and industrial management rationales (Elliott and Horii, 1994; Lewis, 1995; Stewart, 1997; Stewart and Durnford, 1997; Murphy, 2006). Noting the time tested pharmaceutical control approaches of mental hospitals, Horner, in “Prozac in Prison”, discusses the prevalence of psychotropic drugs in U.S. prisons, in part reflecting the increased imprisonment of the mentally disabled (i.e., transcarceration). He reveals the underlying contradiction between the punitive purpose of prison regimes (see Huckelbury, 1997) and the provision of professional psychological counseling to address the consequent depression. Drugs fill the gap in the ‘House of Pain’. Don Odom, “Mental Health Treatment in Texas Prisons: A Patient’s Perspective”, analyses the growth of transcarceration in Texas during George W. Bush’s reign as Governor, and the current situation of criminalized mental patients. Based upon 30 years of first hand experience, Odom recounts the plight of the mentally disabled, from the bullying and violence of inmate guards, through the current dominance of prison regimes over health issues. Both Horner and Odom note the ubiquitous treatment

given to prisoners designated for “suicide watch”. “The suicide tank is shock treatment for suicidal prisoners. ‘If you don’t like your life now, we’ll show you just how bad life can get.’” (Horner). (see also, Elliott and Horii, 1994; Stewart and Durnford, 1997). Transcarceration is a growing phenomenon across western societies with estimates ranging from 20 to 40 per cent of prisoners in jurisdictions such as Canada, the U.S. and the U.K.

Eugene Dey’s analysis in “Hepatitis C and the California Prisoner” highlights the contagious diseases that plague contemporary prison institutions. Beware of falling ill in prison! While medical attention in prisons is limited worldwide (e.g., see Hanna, 2005), currently the overwhelming numbers of prisoners, the crisis ridden expansion of prison facilities, and profit driven industrialization has spun the situation out of control in many jurisdictions, including Canada, the U.S. and the U.K. The health threat posed by these carceral incubators of treatment resistant disease stretches across continents, from Russia to Nigeria, Brazil and North America.

In “Acceptable Casualties”, Bernadette Olson and Julie Kunselman provide a general indictment of the criminalization and incarceration of a rapidly increasing number of women prisoners in the U.S. Having worked in criminal justice prior to incarceration, Olson brings a unique perspective to her carceral experience. Despite the relatively short time spent incarcerated, Olson’s account centers upon the transformative power of the penal institution and the consequent dehumanization of the prisoner in all facets of life, especially the enduring psychological trauma produced by this encounter.

“Monument” reflects on the official New York State plaque, located outside Attica State prison, commemorating the 11 staff who died during the riot of September, 1971. The absence of any notation of the 32 prisoners who also lost their lives is indicative of the social disappearance and disregard for the humanity of prisoners. It also represents the refusal of those in authority to take responsibility for the consequences of criminal justice and penal policy. In “The Redeemed Spirit of Stanley Tookie Williams”, Dortell Williams proposes a monument of his own. Stanley Tookie Williams represents prisoners’ abilities to overcome past mistakes and contribute to their societies, even on death row. Like James V. Allridge (Gaucher, 2005), he illustrated the contradiction between the discourse on rehabilitation and the unforgiving actuality of carceral custom. Both men were executed.

Kat Armstrong and Vicki Chartrand, in “Checking Out But Never Leaving”, provide an historical analysis of the gender bias underlying female

exclusion in Australia, establishing that the roots of contemporary control practices vis-à-vis women are located within Australia's penal colony past. Charles Huckelbury brings the analysis of this issue full circle in "Neo-Prussian Politics: Absolutism in the USA", which provides a geo-political overview of contemporary social control in the U.S. He cuts through the mists of the insecurity rhetoric and the foul breath of dominant criminal justice discourse, exposing the agenda and absolutist style "democracy" of the current regime. Christie (1999) and others (Stern, 2002) have noted the global prominence and influence of the U.S. prison industrial complex, which continues to exacerbate the deterioration of social life and relations in societies across the globe. In a future of increased insecurity and political economic turmoil, control of dissent and resistance will remain the point of entry for the repressive management of populations and the reproduction of docile bodies.

The cover art is by Dusty Roads, an Australian Aboriginal artist, whom I met at Risdon Prison, Tasmania during the ICOPA XI conference in 2006. We are pleased to feature the work of this noted artist.

I am pleased by the Response to this issue, and the affirmation it provides for our efforts in producing the JPP. While writing from the sidelines of academia, contributors to the JPP have continued to identify the developing issues in criminal justice and penal practices, and analyze their impacts and predicted future trajectories, long before academics have discovered and responded to the most pressing problems. Throughout my involvement with the JPP and writers in prison, I have always been struck by their insight into and astute reading of the human condition. I would like to thank you all for motivating me to stay the course. After 45 years of resistance and agitation, it is difficult to be hopeful and not let cynicism invade my thinking and life. Certainly the situation globally is much worse than we could have imagined in the hopeful 1960s and 1970s, when I first became involved. Over decades of correspondence with so many long termers and lifers, their resilience, hopefulness, and courage have stood out. How can a people, who have spent decades in brutalizing conditions and often endured years of isolation, still believe in humanity and find the strength to continue to struggle and engage the world that has cast them into perdition? I know that there are many righteous and decent human beings imprisoned across the world, and I applaud their efforts. To every prisoner with whom I have corresponded, my heartfelt thanks. Working for the past 25 years at the (recently christened)

Stockwell Day School of Criminology at the University of Ottawa, has often been a disillusioning experience. Like me, many students have thoroughly appreciated your efforts and ability to cut through the punitive rhetoric to reveal the human side of this current carceral binge.

This will be the last issue of the JPP that I produce. A group of young scholars, raised on abolitionist theory and committed to social justice, will soon be taking over the day to day operations of the JPP. They have contributed book reviews to this issue, and will continue the ethnographic work that started at the ICOPA III conference in Montréal, Quebec in 1987, and led to the creation of the JPP. Their contributions to the penal abolitionist movement are featured in the “Call For Papers” included in this issue. Please give them the support you offered me throughout my sojourn as an editor.

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## **Broken Wing**

*Reginald S. Lewis*

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The morning began with a cluster of dark, dreary clouds hovering above the hulking castle that is Graterford Maximum Security Prison. But the gloomy weather did little to dampen my spirits, soaring with the exited anticipation of my visit with my friend, Gretel, a member of the FUMCOG committee against the death penalty.

A nature lover, she extolled the plush green countryside she'd driven through on her way to the prison. She said she was also surprised to see flocks of geese. I told her they'd flown in from Canada and made Graterford prison their home all year round.

Prisoners had nicknamed one particular Canada Goose "Broken Wing", because he had a handicap that prevented him from flying. His left wing was permanently broken. No one seemed to know the real story of what had actually caused his crippling injury. Of course, there was a gaggle of wild, extravagant rumours floating about the cell-blocks – and the lively discussion in the yard about Broken Wing's struggle was connected to our own.

But of the many stories and their different versions, most prisoners chose to believe that it was an abusive prison guard who'd inflicted the poor bird's debilitating injury. The guard had caught him grazing out in the open and ran him over with the prison transport van.

Was Broken Wing amongst the birds who advertised their disdain for our captors by swooping down during vicious attacks? They were also known to pelt their targets with fusillades of nasty bird dung.

They were silent witnesses to the guards' hateful racist remarks, slanderous gossip, cruel and petty psychological games, and the verbal and physical abuse of prisoners hustled from general population to solitary confinement.

Was Broken Wing in the wrong place at the wrong time? Was this another case of mistaken identity? **Don't all geese look alike?**

The birds knew we had nothing to do with this cowardly crime. We would never harm them. We were caged comrades in solidarity with our liberated friends. They depended upon us to feed them everyday. When we went out to the yard, we'd sprinkle all kinds of exotic goodies on the ground. They swung their long black necks towards us, studying us with kind, little beady eyes. Small bulbous heads seemed to nod thankfully.



One day, it was the birds themselves who identified the culprit who tried to murder one of their most noble comrades. They descended upon him with a fury. We saw the guard racing frantically towards the infirmary after that.

Broken Wing adjusted quite well to sedentary prison life. He refused to allow his handicap to limit him. He fathered several little healthy geese. He had an almost majestic air about him. Head held high, back arched, he struts about the prison grounds with the authority and confidence of a General. He stands on one leg, shifts, surveying the perimeters of his territory. He watches his friends entertain us with acrobatic pinwheels, propel skyward, swoop low, land gracefully, dive headlong, or streak across the sky in a magnificent display of unity.

Every morning, his crew unfailingly visits him on the ground. He settles disputes, turf wars, and obstreperous bird quarrels. They seem to consult him before taking off on some mission or excursion. He cocks his head defiantly, turns away, as if to say, "Well, go on. I'll be alright. **Go.**" They fly off, leaving him standing by the outside radiators, where, during winter, he seeks heat flowing up from the plumbing pipes.

He stands there for hours on end.

Does Broken Wing dream of one day being reunited with his family - like countless prisoners on death row, or doing life without parole? Does he fear - as most prisoners do, dying in prison?

The other day, as I was being escorted to the dentist's office, I gazed across the dusky prison grounds. "Where's Broken Wing?" I asked. "Dunno, Lewis", one guard replied. "Haven't seen 'im in several days." "Maybe they took him out", the guard on my right said.

I smiled. Yeah. Maybe they took him to a veterinarian. Or a retirement home for old wounded birds. Perhaps he'd made parole. Or received a pardon from Governor Edward G. Rendell.

Or maybe, just maybe, ole Broken Wing's crew swooped down, raided him up, and carried him over the high stone wall to freedom.

#### ABOUT THE AUTHOR

**Reginald Sinclair Lewis** is a widely published, award winning poet, essayist and playwright imprisoned on Pennsylvania's death row since 1983. He is the author of two books of poetry; *Leaving Death Row* (2000) ([www.authorhouse.com](http://www.authorhouse.com)) and *Inside My Head* (2002) ([www.iuniverse.com](http://www.iuniverse.com)).

His most recent book is entitled, *Where I'm Writing From: Essays from Pennsylvania's Death Row* (2005) (Baltimore: Publish America).

An established prison writer, his work has won three P.E.N. America writing awards. His play, *An Affinity for Angels*, was selected and performed at the 4<sup>th</sup> Annual *Festival of New Works* at the Actor's Theatre in Louisville in 2002.

Mr. Lewis continues to fight against his conviction and death sentence handed down in Judge Albert F. Sabo's court in 1983.

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Walk a mile in my shoes, because I sure as hell never intended on wearing them. I may not have known exactly what kind of clodhoppers I'd be sporting at this point in my life, but I never dreamed they would be institutional black oxfords, leather on top, rubber on bottom, and surrounded by miles of razor wire and gun towers.

In 1991, my oxfords were planted in the "back forty" yard of Standish Maximum Prison, as I looked at the two grizzled convicts standing with me. Although I'd had a year of solitary confinement in the county jail to prepare for this day, I still found myself marveling that here I stood, doing time, hanging with old heads. This didn't strike me as a pleasant realization; rather, one of those rare, surreal moments in life when I wondered whether my senses had betrayed me.

I looked at their faces, not pretty to be sure, but not necessarily unusual. No signs of prominent foreheads or protruding brows; just the customary long hair and biker beards. I say customary because there are no Friday night dates for which to trim the locks, and smooth chins imply homosexuality whether the tidy groomer intends it or not. Lines crowded their eyes, signs of the years, over thirty between them, and their conversation - which guard to avoid and which female deputy warden looked best in tight pants - though strained with bitterness, did not seem in any way remarkable.

I do not know what I expected, only that somehow convicts were different. Before getting locked up, I can only remember associating with one ex-con, named Tony, from whom I occasionally bought weed. Although guilty as he in our victimless crime, in his presence I suffered an indefinable discomfort, as if around an unstable or contagious creature, and so made my visits short. And yet only a year later I found myself wearing the same shoes which Tony could probably never get rid of, for some footwear leaves an indelible mark upon one's life.

As I got to know the old convicts and observed the others around me, I began to realize that this stain of being a convict fell upon brothers and fathers, sons and uncles, neighbors and friends. Most of these men, these thousands I have met over the years, lived normal lives but fell from grace in one form or another, a short fall in many cases. Most were not career criminals, topping FBI wanted lists. Most were not masterminds, bogeymen, or imminent threats to society. Due to the whip-cracking "tough on crime" political creed of the 1980s and 1990s, the dim-witted, down and out, and

unemployed found themselves swept into the monolith of the Michigan Department of Corrections (MDOC). Thirty years ago, three walled prisons held most of Michigan's prisoners, while today approximately 50 facilities do the job. This population explosion behind the walls and fences was not and could not be fueled solely by hard core criminals. The cell-blocks seemed more a dumping ground for - I hate to say it - screw-ups, losers and dumb-asses. This concerned me, as I vaguely remembered some proverb about what your company says about you, though if ever I harbored illusions about whether life was going as planned, the bars and concrete quickly dispelled them.

Through their beards, they schooled me on "The Code", that sacred unwritten creed which separates convicts from inmates. Convicts mind their own business, see nothing, and respond decisively if threatened in any shape or form. Anything less than a violent, or threatened violent response to an untoward overture would be perceived as equivocation, or as pronounced in the cell-blocks - invitation. Inmates, they informed me, consist of snitches and bitches, and generally any other obsequious or mealy-mouthed creature.

I took their advice and lived by the code, for the most part. Having too much time to think - a luxury perhaps for a Tibetan in a saffron robe, but a frustrating thing for a caged American - certain aspects of the code bothered me. How can one ignore the preying on the weak as "not my business"? To become, as convicts sometimes facetiously say, a "Captain Save-a-Ho", certainly is the American ideal, from Lady Liberty to Superman. Unfortunately, from repeated experience, I have learnt that inmates who lack the fortitude to clench their teeth and face fate will generally bend and slither until they've bitten the hand that defends them. Worse, the code had become a Sunday morning religion. Believers generously offered lip service but spent their weeknights in sin. Snitching had become "game" - he who tells first wins. Seeking administrative protection was no longer widely considered cowardice, but "shooting a move".

Ironically, while machismo remains the order of the day, prisoners are the touchiest creatures on God's grey-walled earth. And four out of five times, trials show that prison gossip travels faster than an internet text message, although not quite so accurately. The most trivial slight, when shot through the prison grapevine, becomes an imminent death threat. The incidental bump in the breakfast chow line becomes an attempted murder

by lunch. If rumor-mongering were a sport, convicts would beat journalists and church ladies, hands down.

Yet, what makes the convict? Labels for prisoners abound. The MDOC designated us “clients” a few years ago, unfortunately without the corresponding maxim that the “client is always right”. This label makes a limited amount of sense when one understands that under Michigan’s constitution all state agencies are “bodies corporate”. As clients, prisoners provide the means for the MDOC corporation to harvest money from the state coffers. Thus, for obvious reasons, the billion dollar corrections industry has every incentive to keep its clients for as long as possible and to lobby for more at every opportunity.

Society brands prisoners criminals, which is fair, since the cause of incarceration is conviction of a crime, breaking one of the rules to which we tacitly agree while living in civilization. Granted, society needs protection from some predators. But regarding most of the lawbreakers around me, I wonder at the virtue of caging them for years and decades, often for non-violent offenses. Is the man who steals laptops off the back of a truck more reprehensible than the politician who accepts “contributions” to send thousands of American jobs overseas? Is a “weed” dealer more despicable than a corporate raider who legally sends thousands to the unemployment lines? As a convict, I certainly cannot make the call, but the majority of Michigan convicts have not put people out of jobs, started any wars, nor physically injured anyone.

Not to say we are angels. As recent MDOC paperwork reminds me, I am an “offender”. This label has a malicious tone to it, so I looked it up. The dictionary defined it as a sinner, or transgressor, which I suppose I can live with even if I do not appreciate the MDOC making a scarlet letter out of it. Now, every time I carry a pass with “OFFENDER” emblazoned across it I feel like a pack of musket-wielding Puritans are stalking me. Nothing like wearing your sin on your sleeve.

Despite the labels, in more than twenty transfers I have marveled at the fact that only two rows of fences, topped with razor wire, surround most facilities. Inside the fences, garbage, supply, and maintenance trucks, each capable of cutting through the fences like a shank into a soft belly, scoot in and out throughout the week. Code or no code, I had serious doubts about a breed of “dangerous felons” who, 1,500 strong, would not choose simply

to wash over the 50 or so corrections staff members like a wave and pour through the gates and fences like a hurricane storm surge.

The sheep-like qualities do not end there. My incarcerated brethren have watched idly as MDOC ripped out the college programs, squeezed the life out of visits and phone calls, and eliminated jobs while increasing store prices, serving rotten meat, and continually keeping over 15,000 prisoners years past their outdates. Society's dreaded nemesis, *the convict class*, steadfastly refuses to bust a grape on its own behalf. After my first few years, I honed my rants on willing ears on yard, but most forgot them when they got back to their cells with Little Debbies and cable television. Undaunted, I published a provocative newsletter for a couple of years, but instead of using the information and network as a catalyst for positive change, prisoners saw it as a bone over which to scratch and snarl. Were I dramatic, I would have cried, "Et tu, Convicts?!"

But in this furnace, if I have met dross, I have also met the gold. I have made friends with courageous men who would face extensive MDOC punishment or even death at the hands of violent gangs, rather than surrender their personal values. I have bunked with men who viewed adversity as the anvil upon which to forge their spirit. I have walked the yards with men who have served decades like true convicts yet without ever going to the hole, while I have gone too many times to count. I have watched a man race across several hundred yards of back forty to help a friend under attack, and have been the grateful recipient of unexpected aid while tossing slobber knockers with several unfriendlies in a very crowded cell.

Where the somber walls break some men's spirits, the restrictions trigger creativity in others. Convicts devise, engineer, and construct an unbelievable array of artistic expressions, cooking devices, weapons, tools, and enough communication forms to baffle an English spy. The same pressure that crushes, forms diamonds; the same fire that devours, forges the finest steel.

What a long, strange trip it has been, to coin a hippie expression. The state oxfords still sit under my bunk, aligned neatly with the institutional footlockers, and outside my cage struggle and dwell the good, bad and ugly. Which I am, I'm not sure; probably a good dose of each. As I recall those first days in the big house, I wonder how others will see me when I hit the streets; if I will ever rid myself of the stain of these shoes. Having weathered the tempest this long, I think I'll just smile and buy some good boots.

### **ABOUT THE AUTHOR**

**James Blau** has contributed to the *Journal of Prisoners on Prisons* on two previous occasions with “Heat” (2001, Volume 11) and “Guilty” (2003, Volume 12).

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## **The Hate Prison Breeds**

### *Bobby, A Texas Prisoner*

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**T**here is a saying in the prison system. If you're not a racist when you come to prison, you will be before you leave!

As a man who served 18 or 19 years of his life in youth centers, state schools, jails and prisons in Alabama, and the Texas prison system, I speak with first-hand knowledge of the hate prison breeds. Before going to prison the first time in Alabama in late 1986, I had friends of all races. When I went to prison, I was going down on a burglary charge. I broke into a neighbour's trailer and took a black and white TV probably worth 20 dollars. I had got certified as an adult when I was 16, but that robbery charge was non-processed. So, I had already been in the County Jail and I had been to the Youth Center of the Alabama Department of Youth Services two or three times. But nothing could have prepared me for the violence that awaited me. When I was arrested for the burglary, I sat in the Mobile County Jail for several months as I could not make bond. My case was bound over to the Grand Jury and I was awaiting trial. The cell I was in was a fairly laid back cell. Half and half, black and white!

Well, my court appointed lawyer persuaded me to take eight years. I went before the judge who sentenced me to eight years in the Alabama Department of Corrections. That evening, as three other white dudes and I were playing cards, I was told to pack up, as I was moving to a state cell which houses prisoners coming and going from the state prison system. Many men in that cell-block had life sentences and were back on appeals. When I entered the cell-block, I looked around me, then made my way to a top bunk which was empty. Every other man in the cell was black. It got very quiet in the cell. I was a small guy - probably 5'2" and 115 pounds - and I had long blond hair. There was one guy in there whose arms were as big as my legs. I could smell marijuana. I put my stuff on the bunk, turned and noticed all eyes on me!

I go over, get on the phone, call my grandma collect. After my call, I go over, get up on the bunk. I don't know how long I had been lying there when I was punched in the face. Blood splattered everywhere from my nose. "Get up, ho!" As I tried to fight, someone grabbed my legs and another, my arms. Somebody had me by the hair. I was slammed so hard to the floor that the back of my head busted open and the breath was knocked out of me. I was kicked and stomped, beaten so bad my eyes were swollen shut and my nose was broken. The back of my head was gushing blood so bad that a black guy tried telling them, "man, that dude needs stitches". They dragged me over



to the corner and one of them grabbed me by my jumper and tried tearing it off. I began hollering and screaming, realizing they intended to rape me. I was beaten unconscious and when I came to, one guy was over me from behind trying to put his penis inside of me. I squeezed my muscles as I lay there on my stomach. Hatred, shame, embarrassment and fear all went through me. I made my mind up I would die before I would surrender and be gang-raped. When they realized I could not be penetrated, two or three of them stood over me and masturbated. I was not raped that night but it wasn't over. The way prison bullies and gangs operate is that after every rape or sexual assault or beating, they try and persuade you not to tell the guards by promising it won't happen again. After they backed off, I sat up and got my stuff. Some guy gave me a towel; there was semen all over my buttocks and back, and blood everywhere. I got in the shower. I was crying, and so full of hatred I didn't know what to do. I knew I was going to prison and snitches get killed in prison. When I came out some men were arguing about some blood that had got on a guy's bunk. They started fighting and four of the same men who had jumped me, jumped him, beat him down.

I got up on my bunk. I sat up all night listening to them talking. One guy said, "let's make the white guy suck our dicks". They were laughing, smoking dope, slamming cards. When breakfast came, everybody got in line. There is a tray slot that opens, and the guard cannot see into the cell. They just pass trays in. I got up to the slot and it slammed on me! I looked around and one guy was dumping food from one tray to another. I knew if I was going to survive in there, I had to stand up and prove I had heart. I went over and said: "Hey man, you grabbed two trays." "Man, you better get your ...." I hit him. Needless to say, he beat the crap out of me! I lay on my bunk seething. I had the covers pulled over my head and the tears made my eyes burn. That day, a guard came down the catwalk, saw me and pulled me out.

What happened to me that night 20 years ago led me eventually to join the Aryan Brotherhood (AB). I have been in and out of prisons in Alabama and Texas on several occasions. All prison ever did was teach me to be more criminally-minded and I always walked out worse than when I had gone in. "The Hate Prison Breeds" title is a true reflection of what I would say 95 per cent of new incoming prisoners face and go through. The other five per cent are already haters, in gangs. Every time a new man enters the prison system, all eyes are on him. Within the first couple of days, he will be checked, tested and tried. If he surrenders, he becomes a prison punk,

paying protection and being sexually assaulted, bought and sold on a regular basis. If he is white and makes it through the blacks and Mexicans who jump him, he becomes a Peckerwood, and then has a label on him he had not asked for. On most prison units, the way the black and Mexican gangs look at whites coming in is, you either prove you have heart by fighting or you catch a ride, agree to pay protection and sit on a bench designated for “ho’s”! And if you get approached by three blacks or three Mexicans, “Are you going to fight?” You say “yeah”, they jump you. When you make it through that, you are now told you have “your respect” and get to sit on the Peckerwood benches. There you are with the KKK, skinheads, Aryan Brotherhood, Aryan Circle. Now you are sought out to “prospect” for one of their gangs. The Independent Woods may as well join one of the gangs because as far as the Crips, Bloods, Texas Syndacutt and Mexican Mafia all go, they all label you as a racist because you sit with them. When a gang war or race riot breaks out, Independent Woods are caught right in the middle. Every prison unit is different. It is up to each individual prisoner to decide whether he will do his time the easy way or the hard way. I chose the hard way and have been cut and stabbed many times over the years; jumped in my sleep; jumped from behind.

In 1995, I was given 10 years for possession of a controlled substance. I did four years and paroled out to the Dallas area. I started selling dope and on September 14<sup>th</sup>, 2000, I was set up, jumped, beaten, robbed and shot several times. I had four wounds in my lower belly, one through my right hand, one in my back and one in my buttocks. As I lay there fighting for my life, I thought about my life. I had never accomplished anything. Locked up all my life and now my life was over. My stomach was damaged so badly, I was told if I lived I would have a bag. Thank God when I came out of the operation, I did not have a bag. My mother was holding my hand, looking down at me, crying. It had been many years since I had seen my mother because I left Mobile when I was released from prison in Alabama in 1991. I violated my parole and went back into the Texas prison system in March 2001.

I was miserable. I saw myself as a complete failure. I bought into the mentality that I was institutionalized and would probably end up spending the rest of my life in prison. But then, September 11<sup>th</sup> happened. That day was the turning point of my life. Before September 11<sup>th</sup>, I had been at the Gurney Unit. Every prison unit is different. In some, men of all races sit together. In others, people sit by race. On some units, people actually claim

seats and fight for places to sit. At Gurney, everybody got along and only if you so choose did you stay amongst your own race. Being AB, I ran with three other men on the dorm who were also AB. I did not even like these people. The only reason there was unity was that we all belonged to the same gang.

Things on our dorm were getting out of control and we needed to handle up. We were sitting at a table, and at the next table four whites were playing dominos, when two Gangster Disciples walked over and one of them slapped John, knocking him to the floor. The other black guy stomped and kicked him. I jumped up and went over to confront the one who had slapped John and we got into a fight. Then I was punched from behind. Not one other white stepped up. I was pissed after that; sick of these dudes who want to sport swastikas and lightning bolts, and claim Aryan Pride yet are not willing to step up and take care of business when the time comes. Over the years, I had stepped up many, many times and was beaten down, even stabbed. But I never ever let anyone openly disrespect me and the men I ran with.

There are many AB members who have heart, whose only family are the other members. Being in a gang for some men fills a void left in the world. They find like-minded men, love, respect and unity. Some men do not have any family, love or support. They live to smoke cigarettes and weed, and being AB gives them access to the drugs and cigarettes. I have been on units where we would be 20 deep in one dorm. Of the 20 AB members, only five or six had outside love and support. So those few found themselves having to buy extra food and drink items. Each member is required to pay dues to the treasurer who does for the bros on 23-hour lockdown. Many members could not even come up with toothpaste, deodorant, stamps or coffee to pay their dues. They were mooches; AB in name only. Then there are the men who join a gang because, on their own, they are weak and cannot survive. They think all their fellow gang members put a shield around them. I have seen many of these men from different gangs exposed over the years. Then there is the criminal element of every gang, the diehards that understand money brings power. Those who have the heart to step up, step out, rather than taking by force cigarettes, weed and commissary from weaker prisoners. They are the ones who extort prisoners with big money, establish relationships with female boss ladies to get people in their areas to locate their families in order to approach them and tell them “do this” or “do that”. When I look back, I understand why men doing life - 99 years

or lengthy sentences - are willing to be so loyal, true to the game, and will take whatever steps necessary to ensure they have everything they need to make life on the inside more convenient, more bearable. The problem is when a young man, regardless of race, gets a property offence, or a less serious offence such as unlawful use of a motor vehicle, burglary or theft, and the courts give him anywhere from two to ten years. Instead of putting them around other people with similar offences, they send these young men, first-time offenders, to gladiator units or hard-core units where murderers, robbers and hard-core gang members are, and these young men are suddenly in a hostile environment and sadly they are around criminally-minded older convicts. These young men become hardened criminals themselves.

September 11<sup>th</sup> happened at a time when I was not very content with the men I was running with. I missed my family, and after seeing my mother so heart-broken, her baby boy all stapled and stitched up, my Momma told me she feared the call that one day would come if I did not take control of my life. After Outlaw, Cowboy, and Carter let the two Gangster Disciples jump me and did not help me, I pulled back, angry. I fell out of place to another dorm and asked Mike, the district captain speaking for AB on that unit, what we were going to do about the three men who stood there while I was beaten. I was told I was the one in the wrong; that jumping that guy was none of my business. I just walked away. These guys were not truly down with representing. Every gang loses respect when the gang fails to step up and be real.

So I pulled away the day I stepped up to the TV, saw the planes crashing into the Twin Towers, people jumping to their deaths. Cowboy stepped up beside me, laughing as the first twin tower fell: "I hope there's a lot of Jews and Blacks in there". I went to my bunk, covered my eyes and cried. Not just for America, but for my being so blind, so ignorant, so quick to be a follower and not a leader; from the age of 13, when I first stuck that needle in my arm. Up until September 11<sup>th</sup>, all I ever did was hate, hurt people, break my mother's heart. What would it take for me to become a better man; to be able to get out of prison and stay out? What September 11<sup>th</sup> made me realize was that tomorrow is never guaranteed, and how precious life really is.

I don't know if it was God or Fate. But on September 11<sup>th</sup>, that mask was removed, the hate replaced with understanding, compassion, love. I stepped up and stepped out. But this time, not as an enforcer, ready to bust heads, stab or kill. Rather I stepped out as a human being wanting a better way of life. I went to Mike and told him I was dropping out. He asked me would

I “blood out”. I told him, “Ya’ll do what ya’ll gotta do, I’ll do what I gotta do.” I knew I had become a marked man, but I knew if I continued down the path I had been following all my life, I would end up dead or spending the rest of my life in prison, or possibly even end up on “Death Row”.

I was sick and tired of being sick and tired. It was time for me to make choices for my own life, not to have others in a position to tell me “bust this head, stab this guy”. I dropped and became who I should have been all along - a human being!

One week went by and I was through being classified and sent on to one of the major institutions. Usually if you’re in a gang, as soon as you arrive on a new unit, you seek out your people. This time I kept to myself. I didn’t know anyone as I was not from Texas. My name was known throughout the Texas prison system and AB had sent out a mandatory SOS to all AB members throughout the units. It was a direct order from high rank, to smash on sight no matter where they would see me - in the chapel, the dining hall, commissary line, education department. It is usually a severe beating since the men know that an SOS “hit” means having to hurt or jump someone in front of the guards. If you are going to jail anyway, you may as well hurt the target as badly as possible.

A couple of weeks after being there, I was going through the chow line. I got my tray. Usually on most units you sit by order. As I walked up to the table where there was a seat open, I spotted Jim Bo. He and I were Road Dogs years earlier on another unit. I knew as soon as he saw me that he would have no choice but to stand up. He had seen me issue some pretty severe beat downs and take some pretty severe beat downs. The question was how loyal would he be to his people. Would he jump me or give me a pass? I knew that somewhere in that chow hall, of the 150 to 200 men, AB members were spread about. I knew if Jim Bo and I fought, his people were going to be all over me. When I sat down, Jim Bo said “What’s up, dude?” and put his hand out. I shook it and he asked me, “What dorm are you on? Have you hollered at Ace yet?” I said I was on B7 and no, I had not hollered at Ace yet. He told me Casey was on my dormitory.

When I got back to the dormitory, I laid back and pondered my situation. There are over 100 units in the system. When an order goes out, it goes out from rank to rank, unit to unit, and by word of mouth on transfer buses, et cetera. It was possible that no one on the unit had received word on me yet. I knew time was critical, as AB had people who are clerks who can very

easily find out where I went. I got up and went to see Casey who was sitting with two other whites and a Mexican mafia dude. I asked him if he had a few moments. I knew he was rank because he had two bars on his neck. He was a Second Lieutenant. We shook hands. I told that he would probably be getting a letter about me, and that I wanted to come to him out of respect. I explained everything and told him that whatever needed to be done, I respected it. We parted ways.

Not long after, probably two weeks, Casey told me to go outside. I knew I was in trouble. Outside was where the gangs congregated 15 to 20 deep. I went out and saw Casey pointing me out. About 12 men were gathered. I went over to them and Casey told me “3 on 1” behind the handball court. I look over to the handball court and saw two whites already waiting, and a third one who was talking to two Mexicans, asking for a few moments. I walked over, got in the circle, took the beat down.

After that, I began focusing on getting educated. I completed electrical, and I got involved in Alcoholics Anonymous, Narcotics Anonymous and Winners’ Circles. Today as I sit here writing this, I have less than 50 days and I discharge. I have already had it approved to go straight home to my family. Sadly, my family has already pretty well written me off as “gonna fail”. Society has written me off as “gonna fail”. The deck is stacked against me as the area my mother lives in has no bus route. She does not have a car and she lives in low rental housing. My mother is very poor.

There is another thing I am going to have to face. When I came to prison I wore 30” waist and 29” length pants, XL shirt and size 8½ shoes. Now, it’s a 38” waist, 30” length pants, 2XL shirt, and size 9 shoes. I will walk out of the walls with only the clothes on my back. So many questions with no answers. I want to get out, go to work, help my mother, possibly speak at youth centres, schools, colleges, jails, prisons. I don’t want to be a statistic anymore. I want to be a success story. Can I make it? Yes I can. I am a winner not a quitter, a leader not a follower, a success story not a statistic; a human being who just wants a chance to live a free happy life in society. And I will because I am sick and tired of being sick and tired.

### **ABOUT THE AUTHOR**

Over the past 25 years, this 39 year old writer was incarcerated on numerous occasions, serving a total of 18 years in prisons in four states. He was recently released after the expiry of his last 10 year sentence.

# **The Psychology of Invisibility: Experimentation in Low Intensity Warfare**

*Khalfani Malik Khaldun*

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*When we become too influential as prisoners with the outside and the inside, experiments are launched to alter the level of support we receive.*

## **EMOTIONAL SUPPORT SYSTEMS**

The reality of prison compels those of us within the walls to establish crucial ties with the outside. These emotional support systems are needed to help maintain the mental balance we require to stay healthy and survive. Letters and visits from loved ones serve as a validation of sorts that lends credulity to the belief that love remains intact. Knowing that there are those on the outside who will, upon request, attempt to send money for the purchase of personal survival products is quite important, so that we can take care of our needs without total dependence on the prisoncrats, who use our requirements as behavioural control mechanisms.

Outside support systems serve to assist us in resisting such forms of abuse. The officials who strive to do this are served notice, by such support, that if they bring harm to those whom outside people love and respect, there **will** be a response. The prisoncrats are thus less quick to violate their rights as compared to those prisoners who lack outside support.

The state has and will continue to do things in an attempt to destroy the solid emotional support systems many prisoners have. They will slander one's name, start vicious rumors, encourage reactionary prisoners to work with the officials against one, destroy incoming and outgoing mail, and a host of other repressive measures to create paranoia and feelings of abandonment.

## **THE PSYCHOLOGY OF INVALIDATION**

As human beings, we all seek self-worth; the validation of our individual abilities and creativity through the words of other people. This is accomplished through personal contact and communications. For those prisoners who have their physical contact restricted, being cut off from society as a whole, attention from and contact with the outside world becomes paramount.

Prisoncrats are now using the Control Unit (or Special Handling Unit, SHU) pandemically to completely shut off what little contact a prisoner normally had. This type of penology has had and continues to wreak great damage on families and children, and supporters, as well as the prisoners, which ultimately results in a process of “psychological invalidation”. When all of one’s systems of support are shut off, one is vulnerable to attack and mental destruction. Isolation slowly initiates a process that serves to make one look like a liar, a con artist, a trouble-maker or a fraud. This is done to invalidate and discredit one amongst one’s supporters, in the hope that those outside people will abandon you. If the invalidation is successful, the prisoncrats win, because the prisoner is blinded and struck deaf with the loss of outside support. This is psychological experimentation intended to destroy the prisoner.

### **THE PSYCHOLOGY OF DISCONNECTION**

Do you understand that isolation can breed insanity? If this is known to be true (as it is), then why do you think such systems of control are still in use? The answer is simple. The prisoncrats are in the business of manufacturing systemic conditions solely for the purpose of disconnecting us from having contact with the outside, because when a prisoner remains connected to the outside free world, it is like still being able to touch freedom. Losing the ability to imagine freedom can potentially kill the desire to obtain one’s own freedom from prison.

Removing the contact visits and placing the prisoner on non-contact status automatically disturbs the relationship and slowly erodes the validity of the bond between family, children and friends, who are forced to visit behind a glass window. In addition to the 23 hour daily isolation of the Control Unit and the loss of contact visits, telephone contact is reduced from one hour per day to 20 minutes once every seven days. These barriers devastate relationships. People feel discouraged and ultimately lose the will to challenge or resist this disconnection from society. Being able to hear the voice of the woman you love on the other end of a phone, when she is unable to visit, helps maintain the relationship. All restrictions that serve to disconnect people from those they love are **meant** to cause harm.



## THE PSYCHOLOGY OF MAIL TAMPERING

Mail tampering is a major problem inside Control Units. We are all the victims of the prying eyes and hands of the mailroom personnel (disgruntled employees with the disagreeable assignment of sorting it). Apparently their dissatisfaction with this undesirable assignment manifests itself in the sick satisfaction they receive from reading the personal and emotional expressions of pain, love and anger that is exchanged in letters to and from our loved ones. They are aware of who are our loved ones, friends, supporters and associates. Knowing this gives the enemy an edge and they use it to full advantage. Let it be understood - contact with loved ones helps to keep us sane and alive. It helps a man who is connected to his woman to feel complete and whole. Being in prison, one already realizes what has been taken from him. So, meeting and reconnecting, or maintaining a relationship with a woman one loves is like taking back what they have taken from us.

When one becomes a target of these prisoncrats, they come from all angles, probing for the points at which they can most hurt one. The mail is always a likely target because it is your emotional connection to those you love and care about. In addition, the legal mail is your connection to your case and your legal representative and your possible freedom. It is their intention to destroy these life lines whenever possible.

In the past 90 days, prisoncrats in these confines (Wabash Valley Correctional Facility) have launched a campaign to render me “invisible” by attacking both my personal and legal mail. Systematically, the Control Unit personnel, whose job it is to sort mail, have put my personal mail in the bags of other prisoners. This is happening because, on this unit, we have stepped up to challenge them and expose them for illicit actions.

We write to gain solid support on the outside, and when they read letters agreeing to help us, they may withhold this mail, or give it to another prisoner whom they believe will help them carry out their agenda. These inmates are snitches or SHU collaborators who have for years worked with staff to discredit prisoners who are speaking against human rights violations. These inmates are encouraged to write to your families, women, and supporters with the intent to disconnect them from us. These actions create very dangerous situations, creating the desire to punish these men for working with the administration prisoncrats to do us harm. These games are being played throughout the state of Indiana, targeting prisoners who have taken conscious steps to resist being casualties of this low intensity

psychological warfare. This is a warfare that is rarely seen or recognized by the everyday citizen.

### **THE PSYCHOLOGY OF CHARACTER ASSASSINATION**

Prison environments are a microcosm of the communities from which many prisoners come. The prisoncrats have a diabolical history of targeting certain prisoners they dislike and endeavouring to disconnect them from their influence over other prisoners. Character assassination is a way of life on the inside. The rumour highway has been known to destroy some of the best men who have attained leadership positions. Why or how?

So many psychological instabilities run rampant throughout the system. Rumours find a home in times of idleness. People need things to gossip about; it helps to pass the time. These rumours and this gossip become weapons for the prisoncrats. To insert a rumour into the mill of the general population that a certain prisoner is a snitch or an agent collaborator is equivalent to killing that man and what he stands for, without any actual physical assault. It has become a means by which prisoncrats isolate and destroy prison leaders. Such slander creates disharmony, distrust, paranoia, suspicion and even disloyalty.

This is how character assassination is used to invalidate prisoners whom they feel are disruptive to the social order they desire to exist in these types of units. Occasionally, rumours are proven by credible review and documentation. Mostly, however, they are mere interpretations of what somebody feels or assumes, or what a certain prisoncrat has passed on verbally to a prisoner. These actions have caused many prisoners to be abused unjustly, to the benefit of the system.

### **TRICKS OF THE PRISONCRAT TRADE**

- Undermining all emotional support.
- Physical removal of prisoners from those whom they respect, in order to break or seriously weaken close emotional ties.
- Creating the belief amongst prisoners that they have been abandoned and are totally isolated from the social order.
- Using techniques of character invalidation such as humiliation; revilement; shouting to induce feelings of guilt, fear and suggestibility; and sleep deprivation.
- Systematic withholding of mail.

- Segregation of natural leaders.
- Placing individuals whose willpower has been severely weakened or eroded into environments that destroy their self-esteem, confidence and self-worth.
- Spying on prisoners and reporting back private materials of prisoners.
- Tricking men into written statements which are then shown to others.
- Exploitation of informants and inmate opportunists.
- Convincing prisoners that they can trust no one but the prisoncrats.
- Treating those willing to collaborate with leniency.
- Punishing those who show uncooperative attitudes.
- Providing social and emotional support systems that reinforce new attitudes.
- Rewarding submission and subservience to the attitudes encompassing the brainwashing objectives with a lifting of pressure and acceptance as a human being.\*

#### ABOUT THE AUTHOR

**Brother Khalfani Malik Khaldun** (#874304) (aka Leonard McQuay) was born and raised in Gary, Indiana. As a teenager he became involved with local gangs, and during his senior year in high school was involved in a shootout. At the age of 17, he was sentenced to 25 years. Over the next seven years he completed a GED, tutored, and generally established himself in the prison culture. He was preparing for release (1997) and a future when he was charged with the stabbing death of a prison guard, January 31, 1995. This charge was not proceeded with until his release on parole, July 27, 2000, when he was “gated”. An “all white jury” convicted him and he was sentenced to 60 years. He has spent the last seven years in the SHU, where he has continued to struggle to expose the oppressive conditions of the control unit. His writing has been published in numerous community and activist journals, and on a number of websites.

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\* For a further elaboration of these disciplinary techniques, see Morgan, Lisa and Little Rock Reed, editors (1993) the *Journal of Prisoners on Prison*, Volume 4:2.

## **Big Brother**

*Philip Horner*

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[We promise to pass] an anti-crime package including stronger truth-in-sentencing... and cuts in social spending from this summer's "crime bill" to fund prison construction.

Republican Party, Contract With America 1994

I remember sitting on my prison bunk listening to the 2004 State of the Union Address. It was pretty much what I expected. I found the President's mention of the needs of prisoners' children interesting. I was surprised to hear the Bush Administration announce a \$45.6 million federal grant to provide mentors for the children of prisoners. A decade ago the Department of Justice surveyed state prisoners. It found that 56 per cent of incarcerated men have minor children, with an average of 2 children per prisoner.<sup>1</sup> With over 2,000,000 American men incarcerated, there are at least 2,225,000 minor children with dads in prison. So, the federal grant amounts to \$20 per child.

The Administration should be concerned about prisoners' children. Parental incarceration, and the crime and arrests that precede it, produce some typical responses in children.<sup>2</sup> Kids of prisoners suffer from the trauma of separation from a parent, even one most would consider a poor caregiver. They mourn this loss in many ways. Aggression and withdrawal are common reactions. When a father gets sent to prison, the quality of life of his children declines dramatically, especially if he were the family wage earner. Many families end up on welfare.<sup>3</sup> Kids feel the social stigma and shame of it all.

The children of prisoners are much more likely to get in trouble with the law. Children who live through the arrest and imprisonment of a parent develop a negative impression of the police and the criminal justice system.<sup>4</sup> It's hard to continue to believe the policeman is your friend after he takes Daddy away. Older kids watch the workings of the courts and prisons and learn not to trust them.

My family is not immune. When my motion for a sentence reduction after four years in prison got denied, my teenaged daughter asked, "Doesn't the judge know that there are five young Americans growing up with no respect for the justice system because of decisions like this?". She misses her dad.

Here in New Hampshire the state's Big Brothers Big Sisters are getting \$135,000 of the federal grant. About 130 children of prisoners will get mentors. Jerry Grantham, Executive Director of Big Brothers Big Sisters of Greater Nashua says, "What we're looking at is providing the child with a resource - somebody they can share an experience with, feel comfortable talking with, about what's going on in their home life."

I am sure that Mr. Grantham is well-meaning. Many prisoner fathers are not overjoyed at the thought of some stranger becoming a surrogate parent to their children. When I spoke of it with the prisoner who leads the prison's Fathers Support Group, a look of anger crossed his face. "I don't want some guy I don't even know becoming a pal to my son", he said. "I want to be his father. I want to be his friend and confidant. How about spending that money on events that bring parents and children together?" He thinks of himself as a good father who has made some bad decisions in life. The state considers him a bad man who needs to be locked up for a long time. It wants to provide a mentor to share that experience with his boy.

Whether mentors for prisoners' kids are a good idea, boys need their fathers and want to be like them. I have seen it in my own sons. Last year I sent a wooden bench home that I had made in the prison's hobby shop. The next week, my wife found my six year old hammering away at an old plank. "What are you doing, James?" she asked. "Making a bench for Mary Rose," he told her. He wants to be like Dad. If the state says he's the devil's son, why shouldn't he want to grow up to be a devil, too?

America leads the world in the percentage of children whose parents are in prison. This doesn't seem to bother the current Administration. The Attorney General has pointed to the 2.2 million Americans in prison as proof that the system works, that it takes hard-core criminals off the streets. But, tough on crime laws are tough on kids, too. Rather than change these misguided policies, the Administration would rather offer the children of prisoners a \$20 Band-aid.

## ENDNOTES

- <sup>1</sup> United States Department of Justice, Survey of State Prison Inmates (Report No. NCJ - 13 7002), Washington, DC, 1993.
- <sup>2</sup> Johnston, D. *Children of Offenders*. Pasadena, CA, 1993.
- <sup>3</sup> Mauer, M. and M. Chesney-Lind (editors) *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*, The New Press, New York, N.Y., 2002.
- <sup>4</sup> Stanton, A. *When Mothers go to Jail*. Lexington Books, Lexington, MA, 1980.

**ABOUT THE AUTHOR**

**Philip Horner** (#29992) is a prisoner in the New Hampshire State Prison, Concord, New Hampshire. Previous contributions to the *Journal of Prisoners on Prisons* include “The Dilemma” (2006, Volume 14:2) and the cover art, “Buji – Free from Fear” (2006, Volume 15:1).

## When Death Comes Knocking

*Ed Bowser*

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Like it or not, death is a sad but inevitable fact of life for all human beings. Although death is an unpleasant subject, it is unavoidable. Not only do we all face the certainty of dying, but we also will be forced to deal with the loss of someone we know, love, or care about on the journey to our own eternal sleep.

In August, 2004 I experienced the loss of my mother. At the age of 68, she finally succumbed to the ravages of a deadly form of cancer. By virtue of my incarceration, I was spared the pain of watching my mother die a slow and painful death. My siblings were not so fortunate. We all knew that Mom's death was inevitable. The only question was when it would come.

Under the best of circumstances, dealing with the loss of a friend or loved one can be difficult. Dealing with such a loss while in prison can be particularly lonely and isolating.

In society, the news of the death of a loved one is generally delivered in a compassionate and caring manner by someone known to us or by a caring professional experienced in delivering difficult news. Friends and family members are frequently there to offer consolation and support to one another and share in the grieving process. In sharp contrast, a prisoner is completely alone and will likely learn of the death of a friend or family member through a staff member assigned to deliver the news. Or, as in my case, a staff member will inform a prisoner to call home. The message to "call home" in and of itself is enough to send a shiver down the spine of the most stoic of prisoners. Prisoners are acutely aware of the fact that messages to call home are only delivered in the most grave of circumstances.

Receiving the news of a death while in prison is difficult enough. The fact that a prisoner has no access to friends and loved ones for support and consolation makes it even more difficult. Fellow prisoners are sympathetic but incapable of sharing the experience or replicating the support and consolation one receives from family and friends in difficult times.

Clearly, people grieve differently. For me, the inability to be with those I love only emphasized my loss. I felt an up swell of emotion over the loss of my mother as the realization set in that I would never see her again; she would never see me as a free man. Department of Correction (DOC) policy would forbid me from attending any ceremony or service as my mother had lived in Rhode Island.

As I received the news of my Mom's passing from my sister, I saw a Lieutenant enter the housing unit. After a brief exchange with the housing

officer, the Lieutenant peered down to where I was speaking on the phone. I knew instantly that the Lieutenant was waiting to see me. I began to feel anxious. I reminded my sister that I had asked everyone in my family **not** to call the institution in the event of my mother's death as I anticipated the possibility of staff inserting themselves into what I believed to be a private matter. My sister took umbrage with this. As I observed the Lieutenant periodically peering at me, my anxiety grew and the call deteriorated to the point where I told my sister that I had to go to see what hoops I was going to be forced to jump through.

I hung up the phone and attempted to go directly to my cell. The Lieutenant intercepted me. He asked how I was doing. I said, "Okay, but I want to go to my cell to be alone." The Lieutenant then informed me that I had to go to the Health Services Unit (HSU) to "speak with someone". I tried to explain to the Lieutenant that I was fine and wanted to deal with my loss privately. I was then told that I did not have a choice - that it was "protocol". The last thing I wanted was to be compelled to speak to a stranger about my loss.

With my emotions ping-ponging from sadness to anger at this unnecessary intrusion, I realized that my loss and my needs meant nothing. I was being forced to speak to someone for the benefit of the MCI-Norfolk prison administration and the DOC. The clear intent of the "protocol" was to relieve the prison administration and the DOC of any liability if a prisoner were to act out over learning the news of such a loss. This was not an attempt to console or comfort a prisoner.

I decided that it might be better to accompany the Lieutenant to the HSU than to be placed in the segregation unit for failing to comply. As the Lieutenant escorted me to the HSU, my feelings of sadness and anger were exacerbated by the knowledge that bringing me to speak with someone was not for my benefit but rather for liability purposes. They were playing a game of cover your ass and I was the game piece.

Once in the HSU, I was delivered into the custody of a nurse whose primary responsibility was dispensing medication. She had me sit down and began to tell me that she was sorry to hear of my loss. I remained quiet. Normally this sympathetic expression would have been appreciated. In this context, it was offensive. She then asked, "Is there anything I can do to help?" I said, "Yes, despite my many years in prison, I have developed perfectly good coping skills and I would like to be left alone to go back to my cell and grieve in private."



I am sure to the nurse I seemed aloof or even angry. By this time, I was mostly offended and put out by the continuing intrusion. I had expressed what I needed in as clear a manner as possible and yet the nurse persisted. I anticipated the words she was about to speak before they were completely off her lips. She said, "Well, before I can let you go, I'm going to have to ask you to ...". I interjected by saying, "Please don't insult me by asking me to *contract for safety*." She said, "Well, until you do, I can't let you go." At that point, I had had my fill of this charade and was no longer willing to play along. I said, "Fine, then you call the Lieutenant and have me locked up because I am not contracting with you or anyone else for anything. I just lost my mother. I have asked to be left alone to grieve privately, and no one seems to respect my needs or wishes. So you go ahead and have the Lieutenant place me in segregation and you can go home tonight and tell your friends and family how you helped a prisoner today - by having him placed in segregation for wanting to grieve his mother's death in private. Now with all due respect, I have nothing more to say to you or anyone else."

The silence in the room was long and deafening. I viewed the nurse as just another in a long line of good soldiers - doing her part to protect the DOC. As I sat there in silence I began to feel as though the only way I would finally be **alone** to grieve would be if I were in segregation. I regretted not taking that as my first option when the Lieutenant informed me I had no choice.

Thankfully, the nurse said, "Okay, you can go back to your unit." I breathed a sigh of relief as I headed for the door.

Once in my unit I fell back on my bunk where I was finally able to let myself feel the loss of my mother. Alternate feelings of sadness and joy washed over me. I was sad for the loss of my mother, but grateful for the end of her suffering. Because of her illness, I had not seen my mother for several years. I missed her before, but now the finality of her death made me miss her like never before. I yearned to see her one more time and to be surrounded by my siblings and loved ones whom I knew were feeling what I felt. In that moment, with tears streaming down my cheeks, I could hear my mother's faint and frail voice during a recent phone call saying, "I just want to live long enough to see you come home." I knew it was not to be.

At the age of 46, I was experiencing the same sense of being alone that I had felt nearly 30 years earlier when the big steel door closed behind me

as I entered the state prison. Mom was gone. There would be no “home” to return to.

The point of all of this is that prisoners do not cease to be thinking, feeling, caring human beings when the door closes behind them. Despite the fact that we are often treated like cattle, we **feel** like any other human being. The majority of us have the ability to express our needs and act appropriately, even in the most trying of situations. Security concerns about prisoners should not result in one size fits all policies and protocols that trump our needs as human beings. A more humane and compassionate protocol would likely do more to assure safety and security than that currently employed. A less stable and more reactionary prisoner may well have acted out as a result of the intrusive nature of the protocol with which I was forced to comply.

While the new Commissioner of Corrections contemplates her core values (i.e., responsible, respectful, honest and caring), she may want to task someone with developing a protocol for dealing with family deaths that is less likely to cause a negative reaction from a prisoner and is more reflective of at least three of her core values.

It could hardly be considered to be coddling prisoners to implement a responsible, respectful and caring policy that would bring family out to the prison to deliver the news in person so that a prisoner is supported at his/her time of loss. A member of the Psychological Services Unit and/or a member of the prison Chaplaincy Department could easily arrange for and sit in on a private family visit and provide any intervention that might be needed under these circumstances.

#### **ABOUT THE AUTHOR**

**Ed Bowser** has been incarcerated for more than 30 years for a crime he committed as a juvenile. A former Chairman and current member of the Board of Directors of the *Lifers' Group, Inc.*, Ed has been actively involved in prison reform throughout his incarceration and has earned several college degrees while in prison including a Masters degree from the Boston University Prison Education Program.

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Canst thou not minister to a mind diseas'd,  
Pluck from the memory a rooted sorrow,  
Raze out the written troubles of the brain,  
And with some sweet oblivious antidote  
Cleanse the stuff'd bosom of that perilous stuff  
Which weighs upon the heart?

William Shakespeare (*Macbeth*, Act 5, Scene 3)

I read recently that suicide attempts are common at the Guantanamo Bay prison facility. The military keepers no longer call them suicides. They call them acts of manipulative self-injurious behaviour. According to them, prisoners are only resorting to suicidal gestures to get better living conditions and extra privileges. I doubt the military's psychiatrists have ever been locked-up for 23 hours a day in a metal box in conditions of intense heat and humidity. I have, in the New Hampshire State Prison's (NHSP) Receiving and Diagnostics Unit, and I contemplated ending it all many times. I never acted on those thoughts. I knew that manipulative self-injurious behaviour would result in a trip to the tank.

The suicide tank is shock therapy for suicidal prisoners. "If you don't like your life now, we'll show you just how bad life can get." The tank is a bare room with windows to the hall where a guard stands. Creature comforts consist of exactly one foam mattress on the floor, a four foot square canvas blanket, and a strong-cloth jumpsuit. There is no toilet or running water. Meals are soft foods passed through a slot in the door. The patient is stripped and left in the tank alone to think about the meaning of life, and the final judgement. This is called "stripped and strong" in prison jargon. There are cleats embedded in the floor, so the really recalcitrant guys can be tied down. Most prisoners relent after a few days of these "better living conditions and extra privileges". I doubt they treat suicidal prisoners much differently at Guantanamo Bay.

It is not the hope of better living conditions that motivates suicidal acts in prison. It is the lack of hope. I am not surprised by reports of a high incidence of depression amongst detainees at Guantanamo Bay. I hear one-fifth of Camp Delta's 660 inhabitants are taking Prozac or some other anti-depressant drug. That sounds like about the same level of anti-depressant

use as here at NHSP. This is an enigma. Prisoners are supposed to live in depressing conditions as a matter of public policy. Then again, as a ward of the state, a prisoner is to be maintained in reasonable health, physical and mental, as a matter of public policy. If a prisoner is depressed, the state will not make his life less depressing. It will give him an anti-depressant.

I have been there too. The first two years at NHSP, I took anti-depressants. Pills to make the unbearable bearable. My mental health counselor prescribed the medication. Once a week I climbed the razor-wire enclosed metal stairs to her office on the third floor of the prison's aging main building. The office was air-conditioned. It had a comfortable chair and a few plants. Posters with inspirational sayings adorned the walls. "The longest journey begins with a single step." The counselor had a welcoming smile. She smelled of perfume. "So, how are things going?" she would ask. I would sit for a minute, stare at my hands clenched on my lap, and fight the feelings provoked by the absurd contrast between this room, with its reminders of normality, and the reality of life in prison. Then the tears would come. I would cry for the shame I felt, for the unintended but irreversible harm my acts had caused, for the loss of my reputation, my profession, my possessions, and for the loss of the presence and comfort of family and friends. The counselor would listen. She would offer words meant to comfort and console. She would adjust my anti-depressant medication. She would give me a return appointment. I would dry my tears, thank her, and return to my dreary cell.

In retrospect, I feel sorry for her and all employees of the state whose job it is to console those being punished by the state. There was nothing my counselor could do to materially alter my situation. Society would not allow it. Outside these walls, her professional efforts might be directed towards overcoming the stinginess of fate and making her client's life more tolerable. But, prison is an environment made harsh by decree. Prison counselors, however compassionate, are part of the wall that stands between the despondent prisoner and the things that would make life more bearable.

The presence of Prozac in prison is emblematic of society's ambivalence about the official infliction of pain. Prison represents a sort of half-hearted punishment, a life of discomfort through intentional dullness that must remain, by law, tolerable. Incarceration must not utterly break the prisoner. The realities of prison life; prolonged material deprivation, few intimate relationships, and life under compression are all factors known to push human beings toward psychiatric pathology. So when they do, and to prevent acts of manipulative self-injurious behavior, there's Prozac.

### **ABOUT THE AUTHOR**

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# **Mental Health Treatment in Texas Prisons: A Patient's Perspective**

*Don E. Odom*

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## **INTRODUCTION**

Treatment provided to mentally ill prisoners in the Texas Department of Criminal Justice - Correctional Institutional Division (TDCJ-DIC) has made tremendous advances over the past 30 years, but for many reasons still falls short of providing the range and quality of treatment opportunities that would reduce prison recidivism and lower the crime rate. Approximately 16 per cent of adults and 20 per cent of youths in the criminal justice system are mentally ill, and up to 40 per cent of mentally ill adults nationally will be caught up in the criminal justice system at some point in their lives. Despite these numbers, state and federal government officials have done little to address the problem. (Rigby, 2005)

As an example of the lack of budgetary concern for treating mentally ill prisoners, on October 30, 2004, President George W. Bush signed the *Mentally Ill Offender Treatment and Crime Reduction Act*, which began as \$100 million in grant money to promote various criminal and juvenile justice programs aimed at keeping mentally ill offenders out of jails and prisons. By the time of signing, however, the grant had been reduced to \$50 million. In a statement attached to the bill, former U.S. Senator Tom Daschel noted that:

For mentally ill persons in the United States, needless imprisonment sometimes becomes a way of life. All too often, people with mental illness repeatedly rotate between the criminal justice system and our communities, committing a (series) of minor offenses. These offenders generally wind up in prisons or jails, where they receive little or no appropriate treatment. (Quoted in Rigby, 2005, p. 24)

Quoting from a 2003 *Human Rights Watch* report, Senator Daschel pointed out their findings: "Our jails and prisons have become the nation's **default** mental health system" (Rigby, 2005, p. 24).

Beginning in the early 1990s, when George W. Bush was governor of Texas, the state began experiencing major cutbacks in mental health spending, as had been occurring at the federal level since the early 1980s. There were numerous Mental Health - Mental Retardation (MHMR) school

closings, as well as closings of other mental health care facilities across the state. Funding for treatment of obsessive-compulsive disorders such as drug and alcohol addiction was taken from state hospitals and put into criminal justice run programs, thus closing alcohol and drug treatment units at state mental institutions. Many would-be patients who suffer these types of disorders also suffer other mental disorders, and early screening and treatment might divert them from jails and prisons.

Low income families, however, are hard pressed to find resources to address mental health problems. The assistance is often not available, and for families without private health insurance, their options are limited. Many mentally ill persons in Texas are not diagnosed until they become involved with the criminal justice system. Even then, the diagnosis is sometimes ignored and the patient/prisoner does not receive treatment. If they can function in the controlled environment and perform the tasks expected of them, prison medical personnel tend to view this stabilization as an optimum goal.

Huge psychiatric caseloads are evidence that thousands of mentally ill persons from across the state have wound up in prison. Between 1993 and 1999, the prison population exploded from approximately 55,000 to approximately 154,000. Texas now has over 110 prison units in operation, and several thousand prisoners wait in county jails for a prison bed. In view of the fact that there was no great increase in the crime rate during the years when this population explosion occurred in the prison system, one might suspect that the MHMR facility closings and major cutbacks in mental health spending contributed to the rapid prison growth.

A large percentage of the prison population are parole violators and other recidivists, many of whom are mentally ill and became symptomatic after leaving the environment of prison and being confronted with the complexities of life on the outside. Although certainly a drastic reduction in the quality of life, the regimentation of prison is often easier for the mentally ill to manage than life on the outside. In the absence of comprehensive treatment and care, many mentally ill parolees become frustrated and revert to behaviours that lead them back to prison. Many quit taking medication and fail to show up for appointments with mental health care providers.

In addressing this topic I am hindered by my limited access to official information. The state of Texas does have an *Open Meetings and Open Records Act*, similar to the federal *Freedom of Information and Privacy Act*, but the Texas law has a provision that excludes incarcerated persons from

access to many documents. This exclusionary provision is complemented by a prison rule that makes it a major disciplinary infraction to possess unauthorized documents. Therefore, I do not have access to information that could validate the many criticisms I might otherwise offer, and the contents of this article are based on my personal observations and experience, interviews with fellow patients and treatment staff, and upon my personal perception and interpretation of events over the past 30 years.

I am a 50 year old Caucasian male. I have bipolar disorder. I have spent 25 years in Texas prisons on four different commitments beginning in 1976. In that time I have been the “subject” and the “victim” of many different approaches to treatment. Prior to 1976, I had been in several county and state hospitals as a juvenile for behavioural problems related to mental illness. At age 22, I was sentenced to prison. After going through the diagnostic process in Huntsville, the hub of the state’s prison system, I was sent to the Central Unit in Sugarland, Texas. Sugarland is located 25 miles southwest of Houston. It is hot and humid eight months of the year. The ground is fertile, and the Central Unit and other nearby prison farms played a big role in the prison’s agriculture production. Other than ploughing and hauling, most farming tasks were performed by convict work crews under the supervision of armed guards on horseback and inmate guards referred to as “lead rows”, “tail rows”, and “strikers”. These inmate guards were used to push the work crews and maintain a fast work pace. Their task was accomplished through violence and threat of violence. Prison officials at that time relied heavily on the use of inmate guards to control the mass of labourers, many of whom were mentally ill, and to maintain agricultural and industrial production. Those who could not withstand the work pace were often beaten. It was a brutal system where the mentally ill did not fare well. Inmate guards were also used in living areas (building tenders) and to operate security doors (turnkeys), so the threat of violence was constant.

The practice of using inmates to enforce discipline was possible because the cliques (possibly the largest and most powerful to ever exist in any North American prison system) were supported and largely controlled by prison officials. Thanks to the “unofficial” support of prison officials, rules prohibiting assault simply did not apply to inmates who worked as quasi-prison guards. It was an abusive system and operated like a plantation. The guards to this day are called “boss”, and the plantation mentality and slavery are still in existence in Texas prisons.



Prior to 1982, when a United States district judge found conditions in Texas prisons to be in violation of the Eight Amendment prohibition against cruel and unusual punishment and ordered sweeping prison reforms, the physically weak and mentally ill were routinely victims of sexual assault, extortion, and many forms of psychological torture.

The only counseling I received that I benefited from in any way came from a security lieutenant who was only months away from retirement. In a one-on-one orientation session, he told me that the first punch usually wins the fight in the penitentiary. His advice was that should anyone hit me, hit them back. Or, if I thought someone was going to hit me, to hit them first. I asked him if I would be in trouble if I hit someone and the old guy grinned at me and said, "Not near as much as you'll be in if you don't hit them." Thus began a quarter century of prison life with bipolar disorder that went untreated for most of those years.

### THE HOUSE OF PAIN

In the science fiction novel, *The Island of Doctor Moreau*, by H.G. Wells, when the creatures which were part human, part animal misbehaved, they were sent to a cave and beaten. The creatures referred to the cave as "The House of Pain". A movie version of this story was shown to the prisoners at the Eastham Prison Farm in 1978. From that day forward, Eastham has been known to its prisoners as "The House of Pain". It was a brutal place for many years. Located on the banks of the Trinity River in rural East Texas, Eastham is surrounded by thousands of acres of farm land. Some of the most vicious and proficient killers in Texas history have been housed there.\* Escape attempts and murder became more the norm than the exception at Eastham. Then, in September, 1985, Texas Governor William P. Clements ordered a system-wide lock-down. At that time, the Department of Corrections

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\* On an historical note, Eastham is the Texas prison from which Clyde Barrow and Bonnie Parker helped their friend, Raymond Hamilton, escape. They hid a .45 caliber, semi-automatic pistol in a cotton field for him, and then hurried him away after he shot a prison field major off his horse. A few days later the gang was ambushed by police outside Arcadia, Louisiana, and Bonnie and Clyde were killed in the ambush. Raymond Hamilton was captured and later executed in the electric chair in Texas. The desperation of that escape was a defining moment in the history of the Eastham Prison Farm.

implemented a plan to segregate prison gang members and persons who were prone to committing acts of violence against other prisoners or staff.

The 1985 lock-down came after a three year killing frenzy that began when inmate guards were disempowered and taken off jobs as building tenders and turnkeys, thus becoming targets of violence themselves. An 1985 *Newsweek* cover story about Eastham entitled, "Inside America's Toughest Prison", told a grim story of an asylum in turmoil.

I arrived in Eastham in 1981 and left in 1988. My last two years were spent in a five by ten foot administrative segregation cell. Before being placed in segregation I did a lot of field work and picked a lot of cotton. Still living with bipolar disorder, I was offered no treatment for my first few years there. I did a lot of fighting, with both guards and prisoners, and I got into a great deal of trouble. In spite of my diagnosis, it was not until early 1984 when I began to suspect that something was truly amiss and that the life I was living in Eastham was in no way a "normal" one, not even by prison standards. This moment of clarity came to me one day while sitting in the dayroom playing dominoes. A friend was sitting on a nearby bench thumbing through a Texas Almanac. He got my attention and pointed out an entry in the book for the Eastham Prison Farm. It was described as the Texas prison unit for the criminally insane. I told my friend there had been a mistake and that I should not be there. I soon wrote to the warden, told him there had been a mistake and that I should not be there. I soon wrote to the warden, told him there was nothing wrong with me, and requested a transfer. A few days later I got a reply from the office of Senior Warden Edward Turner informing me that I was "properly assigned".

Due to reform orders mandated in the landmark prisoner rights suit, *Ruiz v Estell*, 679 F.2d 115 (1982), medical care was undergoing drastic improvements by 1984. "Medical Captains" were replaced with full-time medical doctors, and infirmaries were being staffed with LVNs and RNs. Full-time psychologists were hired, as well as psychiatric nurses. Certainly there was not enough staff to cover the caseload, but it was a great improvement to have personnel with degrees on the unit. Prior to staffing infirmaries with civilian employees, most nursing and book-keeping chores were performed by prisoner nurses and prisoner book-keepers. The concept of patient confidentiality was not taken very seriously until the arrival of civilian employees in 1983-84.

There were several psychotic patients in Eastham who suffered with hallucinations and delusions daily. These men were housed together on the infamous A-Wing, which is a cell block with three tiers. There were no barriers to prevent the prisoners from going up to the third tier and jumping 25 feet to the concrete below, and this occurred with some frequency. In 1984, A-Wing was converted to a super-maximum security segregation block and this group of psychotic patients was split into smaller groups and housed in general population cell blocks. Bizarre behaviour and bedlam became even more commonplace.

Many of these men had committed heinous crimes and had come to prison after a stay in a secure state mental hospital. Most had been taking large doses of first generation anti-psychotic drugs for a long time and had developed tardive dyskinesia, a condition that causes involuntary movement of the jaw, lips, tongue and body. (In spite of the risk of serious side-effects, first generation anti-psychotic drugs are still widely used in the prison because they are less expensive than the newer, safer medications.)

Hundreds of other men in Eastham who suffered major mental disorders began to be prescribed medication and/or given opportunities to attend group therapy. A problem soon arose in that many medications used for treating psychiatric disorders indicate that a patient should avoid excessive heat and direct sunlight. On the Eastham Prison Farm where thousands of acres of cotton and feed corn are grown each year, the heat index reaches 100 degrees by 11:00 a.m. most mornings in the summer and early fall. By quitting time at 4:00 p.m., it is not unusual to have a heat index exceeding 110 degrees. Treating psychiatric patients with medication was going to interfere with agricultural production. Or so we thought. Ultimately, in the early 1980s, patients were given the choice: work in the sun **and** take medication or work in the sun and **not** take medication.

Throughout the 1980s at Eastham, several psychology and sociology classes were offered each semester by a nearby community college. As a symptom of my bipolar disorder, I tend to do things in spurts, and I have difficulty staying on task. But amidst the madness of prison life, the classroom offered a comfortable semblance of order and sanity. I took advantage of this and spent as much time as possible in classrooms trying to find the missing “parts” that would fix me so that I might someday live outside of an institution.

In 1985, I found a solution to the bipolar riddle in the text. But the recommended medication and talk therapy were not available at the time.

Life continued to be an endless series of manic highs and very low depressive states. I became paranoid and had frequent thoughts of violence and suicide, and I engaged in many high risk behaviours. The episodic manias eventually led me to commit an act of violence that landed me in a segregation cell for two years.

In 1988, I was released from administrative segregation and transferred to the O.B. Ellis Unit in Huntsville. I was no longer required to work in the fields nor in the direct sunlight, so I began taking a mood stabilizer (Lithium) and an anti-depressant (Elivil). My condition improved rapidly. I was able to perform work as a cabinet-maker, then as a pipe fitter and plumber at the meat-packing plant at the Mark W. Michaels Unit.

I stopped having explosive episodes and violent reactions to common setbacks. In fact, I was such an improved person by 1992 that I was made a trusty and allowed to do carpentry work on employee housing outside the fence.

### **RELEASE**

In September, 1992, I was paroled to live in Dallas. I was not, however, referred to a health care provider or agency, nor was I given any medication when I left prison after a ten year stay.

I found a job quickly once released, and I went to a general practitioner who prescribed Lithium and Elivil on my word that these were the medications I took while in prison. I was able to attend classes at Hazelden Training Centre in Dallas, and then got a job as Assistant Director, Activities, at a private treatment facility in rural east Texas called Sundown Ranch. My job was to teach social skills to adolescents through sports and other experiential activities. This hospital, and my role there, were a world removed from the Eastham Prison Farm. It became obvious to me that, when my bipolar symptoms are held in remission with medication, I do well.

I managed to stay out of prison for five years, from 1992 to 1997. In my third year of freedom, however, the illness overcame the amount of medication I was taking. I began boasting of success. I had the job at the hospital and had started a furniture manufacturing business. I also had entered into a partnership in a small marketing firm. I had a wife who worked as a charge nurse on a major trauma unit in Fort Worth, Texas. I had a stepson and a home. But I became symptomatic with mania and began sleeping very little. I was so on the run that I began leaving Post-It

notes on the bathroom mirror trying to arrange to cross paths with my wife once or twice a week. Poor judgement caused me to quit taking medication altogether when I became to believe that it was not doing me any good. Grandiosity told me that I was now a success and did not need medication.

In a manic episode, I did the things bipolar people do. I made a split second decision to quit the job at the hospital. I could not stay on task long enough to complete any projects in the furniture shop, and my business partner in the marketing business was avoiding me. I spent money foolishly and made trip after trip to Louisiana and to cities in north Texas. My wife left, and after my refusal to change things in my life, divorced me.

I have since learned that bipolar disorders often disguise themselves as drug and alcohol addiction. Although I had not used these substances in some time, I started self-medicating with marijuana and then with heroin. After 18 months of the ups and downs of drug use and an un-medicated bipolar disorder, in September, 1997, I was arrested by Texas Rangers in Athens, Texas, for a robbery I had committed in an adjoining county. I have been incarcerated since that time.

That five year stay on the other side of the prison fence was the longest period of time I had been on that side of the fence since I was 15 years old. Trying to place blame for my incarceration and the documented mental disorder that went untreated for so long would not be productive. As previously described, the Texas prison system has made many changes in the way persons with mental disorders are treated. My experience, as a patient, convinces me that the need for comprehensive treatment of mentally ill prisoners is of the utmost importance. It would benefit the patient, it would benefit public safety, and it would lower the cost of imprisonment because effective mental health treatment will ultimately reduce recidivism.

### **MANAGED HEALTH CARE**

By mid-1996, all of the Texas prison medical and psychiatric services were contracted out. Texas Tech University (TTU) and the University of Texas Medical Branch (UTMB) have the contracts. UTMB serves prisons in south, east and central Texas; TTU serves north and west Texas prisons.

Recent reports state that Texas spent \$330 million on prisoner medical services during 2004 for more than 154,000 state prisoners. While this expenditure puts Texas 40<sup>th</sup> in the nation in per prisoner expenditures, the situation may be even worse. The Texas Managed Health Care Committee

of the Department of Corrections, which oversees expenditures, has not required the two service providers to keep records. Prisoners, attorneys, advocates and taxpayers are kept in the dark, with growing suspicions as to how much of the \$2,100 per prisoner actually goes to prisoner care and how much to administrative overhead (*Coalition for Prisoner Rights Newsletter*, 2005).

From early 1999 through much of 2000, I was housed again at the O.B. Ellis maximum security unit in the southern region of Texas where I was under the care of UTMB. Treatment for mental disorders in Texas prisons had changed once again. Many things were better. Appointments with psychiatrists and psychiatric nurse practitioners occurred on a regular basis. Medication blood levels were closely monitored through lab work. Patient compliance in taking medication was also monitored. Many patients were allowed to participate in group therapy, and others, such as me, were routinely seen by their case managers in brief one-on-one sessions.

### **PATIENT CARE**

In August, 2000, I was transferred to the Nathaniel J. Neal Unit in Amarillo, Texas. Neal houses approximately 1,640 prisoners, with 425 (26%) on out-patient status for psychiatric disorders. Approximately 300 of these patients are on some sort of medication therapy. These patients are mainstreamed with the rest of the population and get no special consideration from administrators or security staff. Distressed psychiatric patients are “dealt with” by security personnel in the same manner as non-patient prisoners.

It is a common practice of security officers on this unit to escalate rather than try to de-escalate a confrontational situation. TDCJ-CID security policy on management of aggressive behaviour is similar to the Prevention and Management of Aggressive Behaviour (PMAB) used in private psychiatric hospitals across the state. It calls for physical restraint as a last resort. In the years I have been a patient at this facility, I have seen only one instance where the officer in charge during a confrontational situation took steps to de-escalate the situation. He did this by removing the officer with whom the patient was angry from the scene. It worked! The patient became compliant with movement orders and calmed down.

What is more common is for a distressed patient to be ordered to “assume the position” on the wall. Then two or more security officers will crowd him, yelling threats and sometimes cursing him. Often, these tactics

provoke the patient, which results in justification for the use of physical force. Many times, patients are slammed to the pavement, handcuffed, and sprayed with mace. This type of response by security officers often goes unchecked by supervisors and administrators. Patients tend to view security officers as bullies who use the colours of the state to shield themselves from the lawful consequences of unlawful conduct. Many patients are terrified by the security officers. They feel that they are being controlled through fear of unlawful violence in the same way that inmate guards brutalized them at the behest of corrupt administrators and security personnel in the past.

A glaring example of the brutal methods used on psychiatric patients is a case from the Neal Unit which was examined by U.S. District Judge Mary Lou Robinson in the U.S. District Court for the Northern District of Texas, Amarillo Division (Cause No. 2:04 – CV – 0150).

The plaintiff in this action is a patient I will call “Johnny”. His on-record medical problem list states that Johnny suffers from upper extremity surgical procedure, chronic injury, schizophrenia, paranoid type aging mental disorder due to medical condition, psychotic disorder due to medical condition, and borderline intellectual functioning. Johnny was 47 years old at the time of the incident. He is 5’3” tall and weighs 150 pounds. His attackers were a prison sergeant, who is 6’5” tall and weighs in excess of 300 pounds, and a lieutenant, 5’10” tall weighing 275 pounds. The records of Judge Robinson’s Memorandum Opinion and Order of Dismissal indicate:

Specifically, plaintiff alleges that after a disciplinary hearing, defendant (Lieutenant) told him to leave the office and then told him to “assume the position” against the wall. Plaintiff says he couldn’t raise his right arm because of surgery “so (Lieutenant) kicked plaintiff’s right foot from under plaintiff making plaintiff collide with the wall”. Plaintiff says (Sergeant) then grabbed him by the neck and slammed him into the wall, scratching his neck. Plaintiff says that while being escorted and in handcuffs, defendant (Sergeant) pinched his arm and stepped on his toes, trying to crush them. Plaintiff also claims (Lieutenant) and (Sergeant) refused him medical treatment until the next day. (Plaintiff alleges that his injuries were diagnosed as bruises, scratches, bumps, and general soreness for which he was prescribed a soak for swelling, pain medication, and tetanus shot.)

In her Judicial Review of the case, Judge Robinson wrote: “Unprofessional as these acts described by plaintiff may have been, the Court finds no repugnant use of force is evident here.” In the Law and Analysis section, Judge Robinson wrote:

The malicious and sadistic use of force to cause harm violates contemporary standards of decency; however, not every malevolent touch, push, or shove by a prison guard gives rise to a federal cause of action. (Citations omitted) A use of force which is not ‘repugnant to the conscience of mankind’, is excluded from the Eighth Amendment’s prohibition of cruel and unusual punishment and is considered to be *de minimis*.

It is ironic that in the weeks when Johnny’s civil rights’ claim was being reviewed (and dismissed) by Judge Robinson in Amarillo, at Fort Hood, Texas, the U.S. Army was beginning to prosecute U.S. soldiers for prisoner abuses alleged to have occurred at Abu Ghraib prison (Huckelbury, 2006). Some of the abuses there were strikingly similar to abuses Johnny suffered at the Neal Unit in Amarillo. Specifically, at the court martial of Army Specialist Charles Graner, a government witness, Specialist Matthew Wisdom, told the military jury of what he described as sickening abuse upon entering the prison section where Graner worked. He alleged that abuses by Sergeant Jarval Davis were particularly disturbing. “I distinctly remember Sgt. Davis walking around a pile of prisoners and stomping on their toes”, said Wisdom, who added that he thought the guard could have easily broken the prisoner’s toes (Smith, 2005).

The message seems clear; if a prison guard has a sadistic streak and enjoys abusing prisoners, detainees, or psychiatric patients, he ought not to do it on the world stage and at the embarrassment of the Secretary of the U.S. Army, the Secretary of State, or the President of the United States. Such actions will likely result in highly publicized prosecutions and prison sentences. But the same type of abuses can be committed against prisoners, the mentally ill, and the mentally handicapped in any number of Texas prisons. The perpetrators of abuse in TDCJ-CID very often risk only short suspensions or the possibility of being labeled “unprofessional”.

A huge obstacle in stopping the abuses of mentally ill prisoners in Texas is that the word of even several witnesses will not stand against the word of an officer. Investigators who look into claims of abuse by the mentally ill often



take the mirrors and blue smoke approach to clear officers of wrongdoing: they administer a polygraph test. Polygraph results are deemed to be so unreliable that they are not admissible evidence in any court in the state of Texas. But it is often the result of a polygraph test that determines whether a perpetrator of violence and/or sexual abuse is prosecuted or is allowed to continue to wield the colours of state. Many psychiatric patients have been reluctant to report abuses by prison staff for fear that they will not be believed and that officers will only be emboldened in their abusiveness by surviving an investigation.

### **THE MONEY CRUNCH**

In 2003, the comptroller of Texas informed the Governor and legislature that due to overspending in the previous legislative session, there was currently a \$10 billion shortfall in the state budget. This over-committing of monies had occurred in the legislative session that began in January, 2001. This, incidentally, was the time when George W. Bush was vacating the office of Governor of Texas to take up residence in Washington, D.C.

Due in part to new Governor Rick Perry's vow not to raise taxes, the scramble was on to find places to make budget cuts. The prison system took several hits, ranging from small items such as serving desserts with only two meals a week, to major things such as the cutting of all funds for substance abuse treatment programs and counselors on the Institutional Division units (major prisons). Other cuts resulted in lay-offs for several academic and vocational teachers, as well as the elimination of some of those classes. The complete list of cutbacks in prison spending is not available to me, nor am I able to explain why Managed Health Care providers took this opportunity to make cost-saving changes in the services provided at the Neal Unit.

In the early months of 2003, patients were informed that all group therapy would stop and that individual therapy sessions would be very limited. The explanation for this decision was that the focus of "treatment" was to be "stabilization" through medication therapy. The bar was being lowered. Rather than trying to assist patients in getting "well" (as defined as the target of treatment in the TDCJ-CID Handbook), the goal now is merely to stabilize the patient during his incarceration. This cost-saving approach to treating psychiatric disorders is referred to as "psychopharmacology", which is the practice of using only medication to treat complex mental illnesses.

A rise in the practice of psychopharmacology has been spurred in part by the explosion of medicines for treating psychiatric conditions, and in part by the rise in managed health care, which encourages prescription drugs as a less expensive alternative to extended talk sessions (Soloman, 2005). It is estimated that nationally up to 30 per cent of out-patients see their doctors just for medication. But psychopharmacology is not without its critics. "Fragmenting [the profession] into brain specialists and mind specialists ... is a perversion of good psychiatric care", says Barry F. Chaitin, Chairman of the Counsel on Healthcare Systems and Financing for the *American Psychiatric Association* in Arlington, Virginia. Such an emphasis on medicine, Dr. Chaitin says, "is really the devolution of managed care" (Solomon, 2005, p. 1). One problem here is that prisoners/patients cannot learn coping skills, or process trauma, by taking pills. Also, one would assume that prison psychologists would want to keep closer tabs on their patients.

Also in 2003, patients were being told that they were not eligible for dormitory housing if they were "taking psych medications". Dormitories offer more freedom of movement and more outdoor recreation. These are strong inducements in prison. Many patients got off their medications against medical advice to get moved to dormitories. Some managed well enough, and some did not. In late 2004, the allure of dormitory living was enough of an inducement to coax me into giving up my medication. I was moved to a dorm but soon became manic and agitated. I returned to the doctor and got back the medication. It was several months before the classification committee realized that I was taking psychiatric medication and living in a dorm, but when it was discovered, I was immediately moved into a cell block that was rife with incidents of violence and periodic lock-downs. I felt that I was being punished for seeking treatment, and I started searching for the official policy that had been quoted to me by classification committee members for three years. I could find no such policy. I then complained through an editorial that the administrators here were offering inducements to psychiatric patients to get them off their medications. The editorial was published and circulated. Representatives from the *National Alliance of the Mentally Ill* then joined our struggle. After approximately one year, the situation has changed and this discriminatory practice has ended. I do not know if the health care provider was involved in implementing the unwritten policy that resulted in patients abandoning treatment against medical advice. One employee, who has asked not to be identified, has said of his health care provider employers: "They certainly knew about

it, and they never objected to it.” Because this situation involved patients with diagnosed mental disorders stopping their medication, it appears that if anyone stood to prosper, it was the health care provider who paid the pharmaceutical bills.

### **CRISIS MANAGEMENT**

When patients at Neal Unit find themselves in a psychiatric crisis, their condition is evaluated by the staff on duty or the on-call personnel. If it is determined that the patient is unsuited for continued out-patient care, he is transferred to the Crisis Management Section of the William P. Clements maximum security prison unit nearby. There, as a matter of routine, the patient is placed naked inside a suicide watch cell and held for 72 hours of “evaluation”. All reports are that the temperature is kept very low in this cell and that it is extremely dirty. Some patients have stated that dried feces and mucus are often on the walls and toilet. TDCJ-CID security guards keep watch over these cells, and it is up to the guard on duty as to whether the patient is issued toilet paper. Patients are fed “Johnny sacks”, which consist of two sandwiches in a brown paper sack, three times a day. Very often, this paper sack has to double as toilet paper. With all the reports of unsanitary conditions, the chief complaint is the temperature and how cold the cell is. All indications are that this “suicide cell” is the latest replacement for the legendary tubs of ice water formerly used to control mental patients.

After 72 hours of observation, the patient is evaluated by a psychiatrist. At that time, he may be returned to out-patient status at Neal Unit, transferred to in-patient status at the Montford Unit in Lubbock, Texas, or he may be given a blanket and returned to the suicide watch cell. A psychology department employee revealed that many patients who go to crisis management are delusional and meet the criteria for in-patient placement. Most are returned to the Neal Unit for out-patient care, however, due to a lack of bed space.

### **CONCLUSION**

Mental health treatment in Texas prisons has improved since my first encounter in 1976. While treatment standards were on the rise until 2003, since that time we seem to be experiencing a decline. It would be easy to lay blame on the suspected greed of a profit-motivated managed health care system for the shortcomings in mental health treatment. But to lay all blame for all shortcomings in one place is taking the short-sighted view.

Consider that any service provider who enters the prison system is largely viewed as an outsider, and regardless of profession, education or salary, many prison employees see them as being untrustworthy and just a small cut above the prisoners. It is difficult, and sometimes impossible, for service providers to do their job due to a lack of co-operation and/or interference from security staff and prison administrators.

For persons suffering with a mental illness and not receiving adequate counseling and support, often the push and shove of prison life drives them over the edge, and they lash out violently. It is a common occurrence and it makes no difference that the man is mentally ill, is not receiving adequate treatment, or was provoked by the unprofessional conduct of an officer. Chances are he is going for an indefinite term into administrative segregation, which means being locked inside a cell 23 hours a day. (Texas has one of the largest segregation systems in the nation, and some estimates are that at least one-third of these prisoners suffer from a major mental illness.)

The characteristics of the antebellum South are so deeply engrained in this prison culture that anyone or anything that does not fit the mold is held in disdain. The system is, therefore, geared to produce mindless and submissive convicts rather than good citizens.

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## ABOUT THE AUTHOR

**Don E. Odom** was a prisoner in the Texas state prison system for over 25 years. He was released in 2007.

## Hepatitis C and the California Prisoner

*Eugene Alexander Dey*

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The Hepatitis C virus (HCV) has surpassed AIDS as the next health epidemic. No demographic has been hit harder by HCV than California prisoners, who have an unimaginable infection rate of 40 per cent (California Department of Corrections and Rehabilitation, 2006). A disease of slow progression, 85 per cent are expected to develop chronic HCV over a period of 10 to 40 years (Cowley, 2003). These conditions are fueling a health crisis of monumental proportions because correctional health care administrators are unable to provide even basic medical treatment, falling well below the bare minimum constitutional requisites.

According to Judge Thelton Henderson, this silent killer is concentrated in a system responsible for roughly 60 preventable deaths a year (Plata, 2005). After officials in charge of the California Department of Corrections and Rehabilitation (CDCR) failed in every attempt to enact a myriad of medical reforms, the judge found “incompetence and indifference” were so “deeply entrenched” he appointed a correctional medical receiver answerable only to him (Plata, 2006). Together they will try to bring the CDCR out of the penological Dark Ages, in which most prisoners are oblivious to the realities of their situation.

When Steve Silvera from Vallejo came to prison with a five year sentence for drug possession in late 2003, he knew little about HCV. When confronted with the veracity of the outbreak, Silvera, 41, literally could not believe that every other prisoner has the virus. “I had no idea so many had it [HCV]. I thought it was a rare occurrence,” said Silvera, who has lived in the North Bay area since the early 1990s. “Plus, on the streets, I never knew anyone to have it.”<sup>1</sup>

Silvera’s revelation did not have anything to do with a hepatitis awareness campaign. Instead, the death of Robert “Freddy” Hagenson brought it to his attention. Hagenson had chronic HCV that led to his death in December, 2005, at age 54, when his liver failed due to advanced cirrhosis. Many at the California Correctional Center in Susanville witnessed Hagenson’s excruciating demise.

It scares me that this disease can destroy a human being like it did to Freddy. But on the same token, preventative measures can be taken. One foolish decision in prison, like injecting drugs or a dirty tattoo needle, can end up a death sentence. Luckily, I’ve done neither.<sup>2</sup>

Hepatitis C is a blood borne pathogen and can spread quickly in a community of intravenous drug users. High risk behaviour like tattooing and unprotected sex can lead to transmission. The fact that two-thirds of prisoners have histories of substance abuse - and continue to share tainted needles while incarcerated - explains why HCV is transmitted so efficiently in correctional facilities. By concentrating so many drug addicts together without substance abuse management or education about the dangers of contagious diseases, the death of prisoners like Hagenson will grow in frequency as the natural progression of the liver disorder takes its toll on the afflicted. Silvera said:

It was a shock to see him [Hagenson] deteriorate that fast. That was the first time I ever seen [sic] someone die in prison and I didn't like it. I feel like I am serving two sentences: one the judge gave me, and the death sentence the CDCR might or might not have given me by surrounding me with so many with the disease.<sup>3</sup>

Silvera, whose drug of choice was methamphetamine, is dismayed by the relaxed attitude about the affliction even though nearly "everyone in here has it [HCV]". With a June release date, and plans to go back to work with the roofers' union, Silvera is just trying to make it through some very deadly territory. He said:

Three months to the finish line, but it only takes one microscopic virus to beat me there; it's like I'm running for my life. Freddy's death made me feel like I'm walking through a mine field, and I only have three months to make it to the other side safely.<sup>4</sup>

One of the land mines to which Silvera refers is Larry Gilmore from the San Jose area. Serving a life sentence for armed robbery, the 60 year old Gilmore contracted HCV many years ago. Since being diagnosed with this fatal ailment, Gilmore has had no choice but to prolong the inevitable through diet and exercise.

Right now I am being refused treatment. It is the CDCR's policy not to treat a patient until his liver has sustained considerable damage from the virus. Instead of early treatment, when a patient

is healthy and able to tolerate the interferon and riboviron, they insist on waiting until the liver is malfunctioning.<sup>5</sup>

Due to his age and that his viral load counts are within an acceptable range, Gilmore is barred from treatment under the guidelines. Hepatitis C protocols implemented by the CDCR in 2005 automatically exclude anyone over 60 from receiving the combination drug therapy that costs at least \$10,000 a year (California Department of Corrections, 2005). Gilmore believes prison officials implemented these exclusions not to save lives, but to save money. "I believe that a person should be treated upon request. We are not talking about heroic measures here. We are talking about an easily available drug treatment therapy", said Gilmore.<sup>6</sup>

Hepatitis C is considered an incurable disease (Cowley, 2003). However, if the combination of interferon and riboviron is administered before severe cirrhosis develops and damages the liver beyond repair, 50 per cent to 60 per cent of patients respond favourably and clear the virus (California Department of Corrections and Rehabilitation, 2006). Yet, since the CDCR's medical is plagued by "incompetence and indifference", negligence is automatically suspected by Gilmore in the death of Hagenson. These horrible conditions justifiably worry him.

It really shook me up because Freddy had been pressing medical for treatment for a year or more before he died. Freddy told me that all he got was the run-around; lost blood tests, months and months of... first they treat him and then they wouldn't. While all this was going on his liver worsened to the point of total failure. I can't help but wonder if I will meet the same end in here.<sup>7</sup>

With no other recourse, Gilmore is challenging his exclusion from combination therapy by filing an administrative appeal, a likely precursor to a lawsuit. Gilmore endeavors to force the CDCR to abandon their protocols that deny him based solely on age. In the statistical likelihood his condition develops into chronic HCV, he would be denied treatment under the new protocols and allowed to die.<sup>8</sup>

Henderson recently appointed Robert Sillen as the court's receiver. For prisoners like Gilmore, Sillen's success is a matter of life and death. The judge gave the receiver, a respected health care manager, six months to

implement life-saving measures. Already considered a national disgrace, the recent resignation of two corrections secretaries in a 60 day period has sent the beleaguered agency into an unprecedented downward spiral.<sup>9</sup> Some experts suggest the Governor should appoint an outsider with the political clout and wherewithal to transcend decades of bureaucratic ineptitude. Others want Henderson to place the entire agency under federal control. Gilmore just wants the CDCR to abandon their current protocols and provide treatment for those afflicted with this deadly disease. Gilmore added:

If the politicians and voters think it is such a great idea to build this huge, over- bloated prison system and pass out life sentences like candy, then they should be willing to pay the price of decent health care. HCV care is an example of short- term thinking. There will come a day when there will be an aging prison population, half of which will be HCV infected. Treatment now will be far cheaper than down the road, when thousands will require more expensive measures in the end stages of liver disease.<sup>10</sup>

### AFTERWORD

Inhumane conditions which made the expeditious death of Freddy possible have now brought another friend, Thomas Wallen, to death's door. Due to a rare Hepatitis B and D mutation, Wallen has lost nearly 100 pounds because of an inexcusable misdiagnosis. Unlike Freddy,<sup>11</sup> Wallen has managed to hold off the grim reaper. Still, I am encouraged by the fact that the medical receivership is beginning to show signs of improvement. While medical is making slow but steady progress as of the spring of 2007, it appears genuine correctional reform just might come in the form of a huge state agency being completely taken over by the federal judiciary.

### ENDNOTES

<sup>1</sup> Face-to-face interview with Steve Silvera. California Correctional Centre. January, 2006.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*



- <sup>5</sup> Face-to-face interview with Larry Gilmore. California Correctional Centre. January, 2006.
- <sup>6</sup> *Ibid.*
- <sup>7</sup> *Ibid.*
- <sup>8</sup> *Ibid.*
- <sup>9</sup> The California justice system hit a critical mass when Rod Hickman and Jeanne Woodford both resigned as agency heads over a two month period (*Madrid*, 2006, p. 28–31). Constant interference by prison industrial lobbyists who keep the California Department of Corrections and Rehabilitation in a perpetual state of dysfunction led both to resign rather than maintain the status quo of institutionalized incompetence. Numerous media outlets kept this alarming development in the news until the judge in one of the ongoing class actions determined to conduct yet another round of hearings (*Madrid*, 2006), with the threat of a total federal takeover looming larger.
- <sup>10</sup> Face-to-face interview with Larry Gilmore. *Op. cit.*
- <sup>11</sup> Robert “Freddy” Hagenson’s story, *A Requiem for Freddy*, was recognized by P.E.N. in 2007 with an Honourable Mention.

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## ABOUT THE AUTHOR

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## **Acceptable Casualties**

*Bernadette F. Olson*

*Julie C. Kunselman*

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### **ABSTRACT**

During the last 20 years, there has been a profound change in the manner in which women are treated within the criminal justice system, as well as the impact of those experiences on their post-prison life. This has been the result of more expansive law enforcement efforts, stiffer drug sentencing laws, and post-conviction barriers to re-entry that uniquely affect women. The prison experience itself has a devastating impact on a woman's psychological and physical being; creating a punishment that reaches far beyond the prison walls. In addition to the information garnered from penological literature, this paper utilizes personal accounts of an ex-convict and her interactions with prisoners to provide a critical look at life and culture hidden behind the razor wire. The threat these women are believed to embody represents a failure to acknowledge the damaging effects of even limited incarceration. Despite the dramatic increase in the number of women incarcerated in the United States, scholars still know very little about the culture that is unique to prisoners, the pernicious nature of the incarceration experience, or the more subtle nuances of what it truly means to be a "criminal" in modern society. This manuscript then, seeks to increase awareness, fill the scholarly void, and stimulate a more constructive discourse regarding the nature of incarcerating women.

### **INTRODUCTION: A PERSONAL STATEMENT**

When I was first incarcerated, everything was so foreign. The hard part for me was trying to reconcile the dissonance in my head of where I had come from and how far I had fallen. Even now, when I close my eyes, I can still see, and smell, and hear the inside of the prison. Some days it feels so heavy and tangible. As a first time prisoner, I found myself in an extremely confusing and chaotic world where nothing seemed to make sense and time seemed to stand still. The constant struggle to take in everything and everyone around me left me sick and exhausted. There were so many rules and expectations, some were written, most were not. It does not take a prisoner long to realize there are Federal Bureau of Prisons (FBOP) guidelines, and then there are convict guidelines; strict adherence to both

is necessary. Coming to grips with the actuality of my new found criminal status and the constant reminders of my failed life filled me with dread. The lack of hope I felt when I thought about what life would hold for me upon release consumed me. I was one of “them” now, and only recently have I been able to fully appreciate how deeply I would be changed. Fragments of my time at FCI Tallahassee, and glimpses of people I met along the way, still find their way into my dreams.

The sound of a person walking in leg irons is unmistakable, strangely rhythmic and melodic. Maybe it’s the paper shoes, a muffled rustling on the cement. How strange to see a woman hunched over in an ill-fitted carrot suit (the orange government issued jumpsuit), hands and feet bound, faces that are empty and expressionless, following a guard clearly unconcerned as he walks quickly and without emotion. I hear the jingling of chains in my sleep, I wonder how long it will take me to get used to this world – to watching the arrival ceremony of new shipments; to the knot in my stomach that won’t go away; until I see myself the way others do, as insignificant and worthless (Olson, 2004).

This paper is limited to general observations, personal perspectives, and broad themes regarding one prisoner’s carceral experience. In reading this manuscript, it is important that the reader knows that I (Olson) was a non-violent, first-time offender, and was incarcerated in a federal correctional institution. As a practitioner and then academic, I spent a number of years both working and studying in a variety of criminal justice arenas. In fact, as a practitioner, I was one of “those” punitive, get-tough justice system employees. Despite my knowledge of the various processes and procedures, I was devastated and completely unprepared for what I experienced. I have spent much of the last few years critiquing my earlier beliefs, trying to place those ideals in the present, to make sense of them through the lens of new experiences.

This manuscript utilizes notes and journal entries maintained by me (Olson) and looks inside the hidden and convoluted world of government sanctioned punishment through the eyes of a woman who lived through it, and all those women who will continue to live it. It focuses on the treatment of individuals in prison as a reflection of society. As such, one

might suggest society tolerates and accepts the violence that takes place, the dismal medical and psychological care, the blatant abuse by staff and guards, and the entirety of the efforts to break spirits and tear down the individual (Terry, 2000). The very fact that convicts become accustomed to and even expect such practices and daily routines further reinforces the emotional and physical damage that occurs with even limited incarceration. To be sure, the damages of imprisonment go far beyond the physical; the lasting impact on their psyches and identities is devastating.

### **WHY DID I EXPECT ANYTHING DIFFERENT?**

The unprecedented rise in incarceration over the past quarter of a century, as well as a shift in the overall demographic makeup of the United States prison population, has given rise to an exceedingly malevolent prison culture. Tough-on-crime policies and inflexible sentencing laws have expanded the prison population at unaffordable and unmanageable rates. Additionally, the War on Drugs has not only increased the size of our prison population, but also heavily skewed the population's mix toward society's marginalized individuals and people of colour. Spurred by policy and political change, a popular mentality has developed that celebrates the notion that prisoners deserve virulent and monstrous treatment as punishment. Embedded in this view is the inherent belief that convicts "get" what they "deserve". For individuals in prison, it means a menagerie of intolerable, inhumane and unacceptable conditions.

Against this backdrop, massive prison expansion has occurred, entailing the construction of bigger facilities, in remote locations, with few amenities and even fewer services. Prison policy has moved away from the basic principles that correctional services must be effective, accountable, and humane. The prison complex has become an ominous presence in our society to an extent unmatched in our history. Thus, most people seem to be genuinely perplexed about the current state of crime and punishment in America, confused in large part due to the myths, misconceptions, and half-truths that dominate public discussion (Currie, 1998). Meanwhile, the truths are often hidden or buried, or simply ignored as the complaints of coddled criminals sorry and remorseful only because they got caught.

Despite the huge expenditure of state and federal dollars on the construction of high-tech facilities, America's jails and prisons remain

neglected and vicious institutions (Sheldon, 2001). Of the more than 2.2 million people confined in our jails and prisons, many become familiar with unnecessary and degrading strip searches, food that is sometimes rotten or marginal in nutritional value, and the denial of medical care, medications, and mental health treatment. Further, consider women sent hundreds of miles away from children, family, and friends. Not only do these women endure a certain amount of emotional isolation indicative of the prison reality, but many also experience further alienation from the very things that are known to promote and encourage a more positive and crime-free lifestyle upon release. The following statements were made by women currently serving fairly lengthy sentences at FCI Tallahassee while their families remain hundreds of miles away:

... my travel plans to get back to Texas are fucked up for another year or so because of my out-of-bounds shot [disciplinary write-up] – it was a bullshit charge! A fucking week in the hole ... the chicken shit rules change all the fucking time - especially at quarterlies (rotation of guards into different units). The BOP has changed up their security point system making it harder to transfer. We both know that the longer I wait, the greater the chance I'll end up in trouble, thus starting this crappy process all over again (Personal correspondence, 2007).

The visit from my husband was wonderful and I managed to survive the strip search - how positively humiliating. He visited for three days. He is having a very hard time and working to find out more about the 'second chance' bill that is before the senate. It appears that I would be a perfect candidate for it (meeting all the qualifications for participation). I'd love to be closer to home. It's crazy that there is a camp near [prisoner's home town], and I'm a first time offender (non-violent too) - it just doesn't make any sense. I know I'm one of the lucky ones, so few have family that can actually afford to travel (Personal correspondence, 2008).

... I got to call the woman who has my daughter. I had not spoken to her in four years. I hate being so far away from her and my momma. Guess what? She spoke to me ... my daughter spoke to

me. I have only seen her four times since I gave birth to her in prison when I first got locked up.... Can you believe it? She talked to me (From a discussion with a young woman who, at one time, had been my bunk-mate, 2007).

Prisons are a central component in America's criminal justice system. Although America has always relied heavily on incarceration as a sanction for criminal behavior, an examination of the nation's history reveals substantial variation in public attitudes toward the criminal offender. Most recently, prisons exemplify a sanction of punishment for its own end, with no regard for potential rehabilitation. As incarceration rates have increased, living conditions in prisons and jails have deteriorated (Johnson, 2002). The availability of rehabilitation programs has decreased as the system struggles simply to accommodate the increased number of prisoners. Increasingly, legislators publicize their attempts to intensify the pains of imprisonment by reducing "inmate amenities" such as grants for college education, television privileges, computers in cells, and exercise through weight lifting (Ross and Richards, 2003; Hass and Alpert, 1995).\* As the next passage indicates, the majority of the women in prison are well aware of the disconnect that exists between the system's illusion of "correcting" offenders and the reality of opportunities and survival upon release. One woman, a current FCI Tallahassee prisoner, remarked:

... the jobs and programs seem worthless. I'm not sure how they expect this to prepare these women for re-entry to the general work force, I might agree if we were traveling back in time with plans to re-enter somewhere around the 1930s. The only things that are accomplished with the current model is that the FBOP gets cheap labor (Personal correspondence, 2008).

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\* Editor's Note: The effects of the rapid expansion of the U.S. prison industrial complex have been thoroughly explored in the JPP. See, for example, Victor Hassine (1995), "Runaway Prison or Mr. Smith Goes to Harrisburg"; Jon Marc Taylor (1997), "Pell Grants for Prisoners Part Deux: It's Déjà Vu All Over Again" in Bob Gaucher (editor) (2002), *Writing As Resistance: The Journal of Prisoners on Prisons Anthology (1988-2002)*.

Upon release, many female prisoners have no one to depend on but themselves. They must find a job that will provide an income, as well as something that will afford them a modicum of emotional and psychological support. Without this, the released convict faces a life dependence on welfare or engaging in illegal activity to fulfill her needs, as well as the needs of her children. Effective programs geared towards the training of offenders are crucial if offenders are to succeed post-prison.

### ACCEPTABLE CASUALTIES

My experience of incarceration supports the research that most women are sentenced for non-violent crimes such as fraud or drug-related offenses (see BJS Fact Sheet, 2006; Belknap, 2001; Owen, 1998). However, any attempt to characterize female offenders must include disclaimers, as no single description can capture the variety of etiologies, traits, susceptibilities, or sheer randomness of influences that impel people to violate the law. My experience would suggest that the typical female offender is non-white, poor, a single parent, repeatedly victimized by society. She is expected to work to support herself and her children and to be a good parent; when she finds these expectations impossible to fulfill, and resorts to crime, she is punished. Yet, no assistance is forthcoming to help meet the expectations of medical and family care, or society. She is caught in an unwinnable situation.

Barbara Owen suggests that the dramatic rise in the women's prison population is the result of shifts in the criminal justice system's response to female offending. A significant proportion of the female incarcerated population is related to a shortsighted legislative response to punish drug users and minor property offenses. Instead of a policy of last resort, imprisonment has become the first order response for a wide range of women offenders who have disproportionately been swept up in the War on Drugs (Owen, 1998). A "zero tolerance" response such as this overlooks the fiscal or social costs of imprisonment, and further, it ignores the opportunities to prevent female offending because it cuts crucial social services and educational programs, and creates other barriers to economic success. Instead, this money is being used to fund and perpetuate the ever-increasing correctional budgets.

Make no mistake, a significant number of these prisoners may belong behind the



wire, but there remains a debate regarding how society has and should respond to the distinct needs of vastly different individuals. On the one hand, it is easy to criticize the federal government for warehousing and perpetuating the cycle of violence and despair, but at the same time, some of the women are predatory and dangerous and should not be

wandering freely in society. Further, I would argue that the War on Drugs is a war on women. Female arrestees test positive for drug use at a higher rate than males do, and increased drug use amongst women translates into more crimes such as possession, sales, and petty theft (see Mann, 1995; Merlo, 1995; Singer, 1995, as cited in Owen, 1998). Incarcerating people who use illegal drugs and isolating them from society is the cornerstone of drug war policy. Today in the United States 500,000 people wake up each day in prison for the use of some illegal drug - often not even use, for mere association with someone who uses an illegal drug can bring imprisonment for 20 years or life (*The Committee on Unjust Sentencing*, 2001). If you define success as reduction in the rate of illegal drug use over the period that the War on Drugs has been in operation, one can say that it has not brought about even marginal success. The following are statements from three women I met while in prison. They represent some of the “acceptable casualties” this country’s war on crime and drugs has amassed:

... I’ve been in prison for approximately five years now. I am 69 years old. Since I’ve been here, I went to work at UNICOR [phone/call centre where many prisoners work] where I make approximately 46 cents an hour. My arm is in a sling because of mobility problems, I spend my days in a wheelchair. They say I have six more years to serve.

The sentencing guidelines had just come into effect when I was arrested on a conspiracy charge, and though I was a first time non-violent drug offender, I received a 21 year sentence because I took my case to trial. I not only lost my freedom that day, I also lost my family, my home, and everything I owned. I am now 45 years old and have served over 15 years.

[Prisoner’s name] suffers from depression and schizophrenia. She had been violently raped as a teenager, dropped out of high school,

and spent time living on the streets. She was a prostitute with a severe drug and alcohol addiction who clumsily robbed banks to support her addictions, her disabled schizophrenic mother, her two children (from two different unsupportive fathers), her drug-addicted younger brother, and the pimp who beat her on a regular basis (Olson, 2004).

Violence and chaos were all around us, and dealing with the internal strife and constant conflict was exhausting. There was never any resolution of conflict by the staff, correctional officers, or administration. Each day, sometimes twice a day, they would line up outside the dining hall for some symbolic display of concern and support. The symbolic display was insulting and it made us feel even more transparent; blame was shuffled from employee to employee, questions were never answered, and when they were, it generally meant seeing yet another person (or three), still with no resolution. "Symbolic" because the inaction reinforced the insignificance and worthlessness of the convicts. Instead, most of the women focused on the things that really mattered - staying connected with the outside world and those we loved. Here, a number of the current female prisoners express the frustration that develops:

This place in general, does not care about who you are or what you're capable of. They care about hiding you away so that most of society is comforted that a 'criminal' is not 'at large' (Olson, 2005).

I've wondered many times why it appears that degradation is part of the treatment. If you wish these women to become 'improved' by this process, then you must treat them with some level of respect, even if they don't deserve it. I have never known of any living thing that responded well to humiliation and intimidation. Why would the prison expect women to leave here better than when they arrived. Oh, they might get their GED and they might have developed some new skills through the call center (UNICOR), but if they have no pride in themselves and feel as if their mistakes were a badge everyone could see, then you've doomed them to a

life they never deserved, regardless of the bad choices they made before they got here (Personal correspondence, 2008).

... the shakedown shack? Hell, that ain't worth no fuckin' visit from no one ... lookin' in my ass and making me take my tampon in and out ... that's bullshit, you know they in there doin' that for kicks; because they can (From a discussion with a group of women with whom I worked in the education centre, 2005).

... for me it is a struggle to remember who I am ... and to not allow myself to be degraded just because I made a mistake. Everyone does. That is not who I am or who we are. I don't want to become the person the criminal justice system says I am (Personal correspondence, 2007).

... we've had the usual excitement around here lately.... Another cop [slang term for guard] may be a daddy! Out of all the men it's the one that looks like predator! GAG! Last night someone in A-dorm tried to kill herself with heart pills. It's a wonder more don't give it a go.... For some reason I think the men probably try and succeed more often than us (Personal correspondence, 2007).

Some poor white girl tried to kill herself the other day by jumping from the roof of the chapel - she lived, but they say she's pretty fucked up (Personal correspondence, 2007).

## **DOING TIME**

Most prisoners will tell you that you do your time, or the time will do you. Some prisoners do easier time than others because they are able to engross themselves in the culture that exists within prison. For them, prison becomes their life. They immerse themselves in the lives of those around them. I was actually surprised at the latitude we had in terms of our free time; some would stay in their bunks and read, others would steal away to the iron pile for intimate relations, still others simply sat outside talking with others or reading by themselves. It bothered me the first time I noticed women laughing and seemingly enjoying their time together. I wondered

how it was possible to have fun in such a miserable place. It was offensive that the women could smile and socialize, waving at each other across the compound as if at a mall or a park in the city. I did not understand how these women could be happy here. Then one day, while walking back from the education centre where I worked, I heard my name called from across the compound. There stood several of my friends, talking loudly and motioning for me to come join them. At that moment, I realized I had become like those women I had despised earlier. What I found was that it was not about forgetting where we were, or about mocking the system that had put us here, but it was about feeling human and wanted and valued. It was about finding safety and security in a world where those things are carefully manufactured and easily destroyed.

... how the fuck are you dude? Are you ok? I heard that fucking [prisoner] went off and tore up the fucking classroom... with the police cracking down on all this riot shit, they are sending people to the hole first and asking questions later. We were worried about you [reaching out to hug me] (a conversation that took place with friends as I returned to the unit one day after work).

The new warden is making some huge changes. The facility has gone 24 x 7 controlled movements, which means no more evenings where you can spend them outside or at the track. It means basically being locked down 24 hours a day. You know all this is going to do is bring the chaos and violence from outside into the units ... what do they suppose that is going to do to us? I guess they really don't care, huh? (Personal correspondence, 2008).

Nights were the hardest for me for a variety of reasons. At first it was more about too much idle time to think, but then it became more about the inability to ever really escape the noise and the constant pandemonium. Depending on the guard that night, the evening could go a variety of ways. The more dictatorial and unflinching guards demanded silence and immediate compliance. I preferred these nights because it meant that there was a chance of sleeping free of all night socializing, smoking in the bathrooms, women engaging in sexual escapades too unusual to describe, or any other situation that arises when 240 women are crammed together in small quarters with no supervision and no accountability.

## THE RELATIONSHIPS

Researchers do not seem to agree on the nature and extent of same-sex relationships in women's prisons. In the research that does exist, estimates vary based on varying institutional factors such as distance from relatives, average length of time served, and the policies designed to keep prisoners separated (as cited in Clear, Cole, and Reisig, 2006). It makes sense, especially to the people who have experienced the prison isolation, that linkages with other prisoners, whether physical or emotional, can mitigate the carceral experience.

Understand that by all FBOP guidelines, there is no such thing as "consensual sex" within any facility. All sexual activity is therefore considered sexual assault. While acknowledging the fact that the majority of the women did not take part in the oftentimes juvenile and grade school-like "coupling", the sexually charged nature of the facility cannot be ignored. Much of the arguing and many of the fights that took place were in response to transgressions in a relationship. The nature of the "interactions" ranged from sincere and "loving" (mock marriage ceremonies were not uncommon) to childish and self-indulgent. Public displays of affection were grounds for placement in the Special Housing Unit (SHU); however, a certain amount of physical interaction was tolerated and often times blatantly ignored.

As I observed it, the relationships tended to fall into roughly four categories. I am certain there could be more, and I am sure that there is significant overlap and drift from one group to another. I do not pretend to know why the women behave as they do, falling into one relationship or another, nor do I presume to know how these relationships evolve or the dynamics that keep them going. The "associations" are not defined merely in sexual terms, or by sexual acts alone, because I witnessed a variety of relationships that had nothing to do with physical intimacy. Many of the Latino and Hispanic women, for example, developed exceptionally close "families" that included sisters, daughters, cousins, and even "nephews and sons". Some women assumed surprisingly masculine positions, including the adoption of male dress (even though we all wore the same uniform), hairstyle, jobs and duties, and other specifically masculine roles. This masculine "function" played a part in both the intimate relationships, as well as the more domestic, functional family unit. It is worth noting that race was not a social organizing factor; personal and sexual relationships among the women were often interracial and interethnic.

There is a predominantly “heterosexual” group. These women are typically married or have boyfriends at the time of their incarceration. They may be approached by other women in the facility, but they remain faithful to the ascribed male-female relationships. In my view, this appeared to be the majority of the women. A large lesbian group existed as well. These women were lesbians on the outside, maintained “healthy”, monogamous relationships with partners on the outside, and most will continue them upon their release. These women may at times become involved in a relationship while incarcerated, but being locked up has not directly impacted their sexuality. There were a number of women in heterosexual relationships on the outside who, for a variety of reasons, became involved with another woman while incarcerated. This makes up the third group. I met a number of women who were married to men, or who at one time had “boyfriends” on the outside, but for reasons such as companionship, intimacy, or fear of alienation/loneliness during long term sentences, became involved with other incarcerated females. The convicts referred to this as “gay for the stay”. The “bull-daggers” (or “bull-dagging”) make up the final grouping of women. These relationships were characterized by multiple partners, included the swapping of partners, and sometimes forced/coerced sexual activity/favours. Typically one woman was very dominating, the other(s) would work, cook, clean, fight, and perform sexual favours for the one in charge.

### **MEDICAL CARE**

Prison facilities for women typically lack proper medical services; yet, women usually have more serious health problems than men. It could be argued that the failure to provide women prisoners with the most basic preventative medicine and procedures, ranging from immunizations, breast cancer screening, and management of chronic diseases, is resulting in more serious health problems that are exponentially more expensive to treat (Clear, et al., 2006). It is unfortunate that most in society do not realize poor medical care for those who are incarcerated simply puts off and shifts costs to an already overburdened community health care system once the prisoner is released.

Access to medical care in prison was extremely difficult for many women as the staff were often unavailable, and when appointments were

made (and kept), the staff often minimized prisoners' concerns, and in some cases, blatantly ignored them. It makes sense that incarcerated women may have more serious health problems than women generally. This may be because of the increased likelihood of living in poverty, limited access to preventative medical care, poor nutrition, chemical dependency, or perhaps limited education on matters related to health. Brown and Macallair (2005) suggest that the majority of incarcerated women have never had access to health care. These women have never been employed in a job that provides for any sort of medical or psychological assistance, or because of homelessness, constantly moving from one place to another, and lack of resource awareness, they were never in a position where these crucial needs could be addressed. One of the main problems in women's prisons has to do with the lack of skilled and available medical care (as cited in Belknap, 2001). At FCI Tallahassee, we had one medical "worker" rumored to be a "caretaker of animals" from another country. This is highly likely, and I can tell you without a doubt (as I was there), that not only did he tell a woman her "uterus would grow back", he told another woman she was "lactating because of a sinus infection". Surprisingly, these two "diagnoses" were not the most ignorant or ridiculous statements this man ever made.

The shortage of medical care for women is further exacerbated when one acknowledges the greater medical needs of women. The American Correctional Association (1990) reported that one in five U.S. prisons lack the gynecological/obstetrical services that most women require. While I attempted to go to "sick call" twice during my stay, both times I waited in excess of seven hours only to be turned away with a dismissing instruction to "go buy antihistamines at the commissary" - a solution, by the way, that had absolutely nothing to do with my physical malady.

### **LIFE ON THE COMPOUND**

The activity on the compound was as varied as the women who filled its walls. I met women from all walks of life, and somehow we all had to learn to adapt to our new environment. It is a world like no other, and each day (and night) brought something new. Prison reality is indeed harsh and unrelenting, with a hidden culture of norms, values, and social roles not seen on the outside; a milieu that seemed to force us to think only of surviving day to day. "Hope" seemed to be discouraged, although subtle glimpses of

what could be permeated the walls and the visions of a life not lived. For many, this was their life, and to have hope or to dream of a better life would just make time that much more painful. I would only be there for a short while, but the weight of my future felt oppressive and heavy, and I was certain that if I could not shut off that part of my thinking, I would surely be crushed to death. I had to survive now, and that meant I had to learn to reconcile myself not only to prison life and the immediacy of the violence and the bedlam, but also to the mundane and the monotonous.

... if I stare hard enough through the fence and the razor wire, it seems to disappear. What I wouldn't give to be somewhere else... Tonight, like so many, my thoughts were interrupted by yelling, streams of profanity, the frenzied sounds of gravel under steel-toed shoes, and the unmistakable sound of bodies coming together violently, with force, and with anger. The perimeter guard shouts to the women, pointing his rifle. The blaring compound speaker comes on and admonishes all of us back to our units. Another day ends just as chaotically as it started. There is predictability in the miserableness (Olson, 2005).

Sitting with P. on the patio, I can almost forget where I am. I awoke to the usual fighting and screaming - God I hate the ghetto hollering. I made my bunk, fixed my coffee, and wandered outside knowing she would be there. The anxiety dissipates with a friendly wave and a comforting smile. Today, like many, we discuss failure. She has been here six years, and I think how lucky she must be - she doesn't seem to fear failure, but rather seems to embrace it (Olson, 2005).

The highlight of my day was the time spent on "the patio" (the cement stoops that line the compound) with friends. It is here that I found some of my most intense connections to others. This happened as we sometimes sat in comfortable silence, but also as we shared with each other our journeys through life. We discussed, almost dissected, our lives prior to prison. We recounted stories of pain and unimaginable sorrow and loss, our lessons of love, of resourcefulness and forgiveness, the necessity of laughter, our courage to take risks, and our willingness to fight for those things we believed in most. Somehow this emotional cleansing, to women so very different from me (or anyone I knew), had a way of healing old wounds.



I was out on the track today, in my own world as usual, when L. came running up behind me and mockingly jumped on my back. We laughed and hugged, and recounted stories of the day. We listened to music on our portable radios, made fun of each other's dancing abilities, and shared stories about loved ones in our lives. How is it in a world so far away I find companionship and emotional freedom like nothing I've ever experienced? Is it because all the superficial bullshit means nothing here? Is it because degradation and humiliation have stripped away our exterior? Is it because we share an experience that has so profoundly changed us? (Olson, 2005).

### **BEYOND THE PUNISHMENT**

When I first got here I didn't care about anything. I let myself go. I cried all the time. I kept to myself. It was lonely and it made the days long and the nights even longer. A couple of years into my sentence I decided that it wouldn't beat me. The system took my freedom, the state took my kids, and I was here for life. But they can't take what's here [pointing to her chest and her head] unless you let them. The bastards don't get my soul. I get up every morning, fix my hair and do my make-up. I get pedicures on the weekends, and I help others with their hair and their fashion ... it makes me feel useful, like I have meaning. I've made friends here; I have a girlfriend who cares about me. This is my life now, it's no longer painful, I've accepted it and I've adjusted. I gave up hope a long time ago (a 27 year old FCI prisoner, nine years into a life sentence for a non-violent drug offense).

Even now, almost three years after my incarceration, I find myself consumed with the lives of the women I left behind. I am relieved and blessed at where life has taken me, but I feel a deep sense of loss and guilt for those who remain caged, tucked neatly out of public sight. How strange it must sound to outsiders. We are, after all, merely criminals, without feelings, lesser in spirit and lacking in heart. I get phone calls periodically from some of the women in Tallahassee. On a good day, with no dropped or interrupted calls, the allotted 15 minutes seem to fly, and strangely, it is

as if I have been transported back in time. Very few people will understand how or why I look forward to these calls. Not only is it a chance to make sure the prisoner with whom I am talking is physically safe, but on a very personal level, it allows me a brief moment in time when it is OK to be an ex-con. I have amazing friends and family who have been nothing but loving and supportive, but for those all too rare 15 minutes, my walls can come completely down, and that place in my soul that I work so hard to hide opens up - it is both painful and liberating. For that brief period in time, I am completely exposed, and yet I feel more at ease in those moments than most others in my day. I cannot explain it, nor do I really want to try. It just is, and I long for those times more than I particularly care to admit.

### CONCLUSION

By close of the post-modern era, there were nearly two million individuals serving time in prisons and jails. Despite the “crime drop” of the 1990s, prisons continued to be built and prison populations continued to rise. Yet the most ignored fact of this increase was that, while most Americans believed that hardened criminals were the ones being sent to prison, the reality is that most of the added prisoners were placed there for misdemeanors, and a large portion of those were for minor drug offenses (Oliver and Hilgenberg, 2006).

Society seems to truly misunderstand what it means to “do time”. Prisons, for both men and women, are seen as obscure and distant places of punishment and deterrence; where pain and suffering are allowed and at times even encouraged. While the connection between the motivations for crime and the deterrent effect of imprisonment is unclear at best, the general community continues to believe that prisons should have some effect on the crime rate. Throughout the nation, this has not proven to be the case. As prison populations continue to increase, there seems to be little appreciable difference in crime rates (Austin and Irwin, 2001). As many scholars suggest, the failure of prison policy to reduce crime is based on an incorrect belief in the power of deterrence, something I have experienced and witnessed personally as I was marshaled through the criminal justice system, and from the women I met along the way.

Common thought has it that the prison system is not so bad, and that prison time is easy or inconsequential (Johnson, 2002). Prisons today

may be less cruel than when they were first introduced, but that does not mean that incarceration is an experience without pain. In place of physical suffering, the modern prison inflicts a far more severe damage that is spiritual and social in nature. The loss of freedom is indeed fundamental, as is the loss of social status and the lifetime of labeling that comes with being a convict. Chuck Terry, also a former convict, proffers that in addition to the physical adjustment to isolation in an overcrowded and often violent world, there is a psychological adjustment that must be made as well. The problem is not simply being locked up with hundreds of strangers, but also with the difficulty in having one's self-esteem and identity bombarded with the evidence of a failed life and a lesser human status. Few see prison as a complex social and psychological world laden with challenges so profound that one's very own identity is at stake (Terry, 2000). There is a self-loathing that develops amongst convicts (myself included), a personal feeling of diminished self-worth perpetuated by a system more concerned with effectiveness and efficiency than with human life.

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### ABOUT THE AUTHORS

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## Monument *New York Field Marshall*

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The eight foot high granite memorial stone sits outside the front wall of Attica Correctional Facility, facing a public road about a hundred feet away. Engraved on the stone in the New York State Seal are the words: “In memory of the employees who gave their lives in the riot of September 9-13, 1971. Man’s inhumanity to man makes countless thousands mourn”. The names of 11 deceased employees follow those words.

Altogether, 43 people died in this riot. A prison guard and three prisoners were murdered by prisoners. Thirty-nine were killed in the September 13<sup>th</sup> retaking of the prison - 29 prisoners and 10 employees. All were shot to death by state troopers and prison guards. While some of these deaths were accidental, many murders were committed that day by troopers and guards, and none of them was ever prosecuted for his or her crimes.

Crimes that were committed by prisoners during this riot were pursued with vigour by the prosecuting authorities, while those committed by state troopers and prison guards were covered up. It is not my intention to write about this cover-up. That subject has been adequately covered in the book *The Turkey Shoot* by Malcolm Bell, one of the Assistant Attorney Generals assigned to handle the investigation and prosecution of those guilty of crimes related to this riot. In conflict with the powers that be at that time over this cover-up, Mr. Bell resigned his post. My interest is in the Attica riot monument.

Forty-three human beings died in the Attica riot, yet only 11 names appear on this memorial stone. It does not matter who killed who, why, or how. Everyone who died in that riot was a victim, and every one of their names belongs on that memorial stone.

It is easy to blame the prisoners for the deaths that occurred in this riot. But while the prisoners rioted, it was not the prisoners that brought the riot about. It was caused by subjecting human beings to horrendous prison conditions, without affording them proper and adequate recourse to change them. It was the state itself that caused the Attica riot (Wicker, 1976). This does not justify what the prisoners did, for nothing justifies violence, but those in authority were not ignorant of the fact that, if you make a situation unbearable and hopeless, without recourse or possible remedy, then violence will occur. Has history not taught us this on many different levels? Are revolutions not born of such conditions?

The quote on the stone: “Man’s inhumanity to man makes countless thousands mourn”, is attributable to Viktor Frankl, a *prisoner* of renown,

who survived the Nazi concentration camps of World War II. What does this quote mean on *this* stone?

“Man’s inhumanity to man” - does this refer to the “inhumanity” inherent in the prison system that caused the riot? Does it refer to the prisoners who participated in the riot? Or does it refer to the troopers and guards that shot and killed all but four who died in the riot? Only one out of the 11 employees killed was killed by a prisoner. Ten deaths, and probably most of the deaths of the 29 prisoners killed at that time, were unnecessary and avoidable.

If the employees are seen as its innocent victims, then should the three prisoners who were murdered by other prisoners also be considered its innocent victims? And if the troopers and guards “accidentally” shot the 10 employees, how many of the 29 prisoners were also “accidentally” shot? I say that “Man’s inhumanity to man” refers to the mentality that says the death of a prisoner weighs less than the death of a prison employee. It refers to the mindset that deems it is alright to abuse, mistreat, beat, and even kill prisoners. And it certainly refers to caring so little about human lives that you just start shooting at anything and everything, not caring who or what you hit or kill.

All who died during the Attica riot were victims of “Man’s inhumanity to man”. The prisoners who died had committed crimes to be there. The employees that died chose to be there, working in a penal system that typified “Man’s inhumanity to man”. Neither should have been where they were, but the fact that they were does not lessen the wrongness of their deaths. In death, employee and prisoner were brought together as brothers killed by the prison system. That granite memorial stone should bear the name of every single person who died in that riot.

At the time of the riot, the name of the facility was Attica Prison. The aftermath of the riot brought many needed reforms and a name change for prisons to “correctional facilities”, as if changing the name would change what it was and did. Prisoners stopped being prisoners and became “inmates”. I was 22 years old when the Attica riot took place, and was housed at the New York State Prison, Sing Sing. It is to my great shame that I confess to having lived over three decades behind prison walls, and most of that has been within the New York State prison system. I know of prison conditions then, back in 1971, and I know of them now. Sadly, conditions are no better now than they were way back then; indeed, in a great many ways, they are much worse.

But it is not my intention to go into detail here on those conditions. It is the nature of the beast to disguise itself while being highly resistant to any and all positive and progressive changes. To further highlight this point, I quote a paragraph that was published in March of 1883 in the *Report of the Committee on State Prisons upon the Charges of the "New York Star" against the Management of the Prisons of this State*:

The State seems not yet to have discovered the fact that society is better protected against a criminal by transforming him into an honest and law abiding citizen, an industrious and useful member of the community, that it can by confining him within prison walls. And justice is best satisfied, not by vindictive punishments, but by inducing men to become just. Herein, as we believe lies the true philosophy of all prison management. It should aim at the reformation of criminals, and subordinate to this all other considerations.

That statement pertained to the prison system over 120 years ago, and it *still* applies today. Michael Siferson reflects this in his testimony given on February 22, 1883 during the aforementioned investigation, when he said:

But now the average released convict is a broken man, ruined in health, his body foul and distorted by disease and neglect, his mind dense in its ignorance, and his heart callous and steeled against society, which has treated him worse than you would a mad dog or a wild animal. His soul is changed within him, and he is a modern Ishmael, and this poor wretch is the type of hundreds who graduate from our State prisons, and whose reclamation to honesty and respectability would seem almost an impossibility.

We have learned nothing in the past 125 years, and we have learned nothing from the Attica riot. We have raised an eight foot monument at the site of the system's greatest visible tragedy, compounding that tragedy by including names of only 11 of the 43 victims of the system. Those listed on the stone did not *give* their lives in the riot, as is engraved - their lives were *taken* from them, and from the 32 prisoners who were killed. They were not given a choice to live or die, it was decided for them. It was decided by

those that made prison conditions what they were, which caused the riot, and it was decided by those who took those lives.

If we could now question the dead, if they had a say in whose names were to appear on such a monument, I daresay that every one of them would want their names on it, and want everyone who was killed in the tragedy on it. This monument is not to honour their “sacrifice”, for they did not willingly give up their lives for a noble cause or worthwhile purpose. They are not heroes. The 11 employees, like the 32 dead prisoners, are nothing more than tragic victims of a degenerate penal system. What need do the dead have of a monument? Are such things not for those left living, a visual reminder to us that one cannot escape death?

It is sad to admit that I remember not one name of any of the 32 prisoners who died in the riot. However, none of the names of the riot’s victims are important, prisoner or employee. We need to remember the “inhumanity” that caused the riot, and that took place during the retaking of the prison and after in the abuse and beatings that were inflicted upon the prisoners in retaliation. It is inherent in the system to this present day. To ignore and forget this inhumanity dooms us to being its victim yet again.

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### ABOUT THE AUTHOR

The author was a prisoner in a New York State Correctional Facility when this article was written.



## The Redeemed Spirit of Stanley Tookie Williams

*Dortell Williams*

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December 13, 2007 marked the second anniversary of the execution of Stanley Tookie Williams. He must not be forgotten, and his anti-gang efforts and labours for peace should be hailed as nothing short of remarkable. In light of a three part study commissioned by the Los Angeles City Council in 2006 to track the efforts of gang deterrence, his work is especially relevant. According to the study<sup>1</sup>, close to \$90 million spent on gang suppression has failed to prevent an estimated 40,000 residents from joining the ranks of gangs. This failure helped gang-related crimes, including homicides, reach a zenith of nearly 4,000 incidents.

The study, co-authored by the venerable Connie Rice of the *Advancement Project*, a non-profit organization aimed at making public systems and servants accountable to low income residents, says most of the money went towards arrests and imprisonment. This policy has only fueled the current plague of inhumane, needless prison overcrowding we keep hearing so much about. Los Angeles Police Chief William Bratton has already said, “We can’t arrest our way out of this problem.”<sup>2</sup>

Yet, just hours after Governor Arnold Schwarzenegger denied clemency to Williams, Bratton and Sheriff Lee Baca held a press conference to announce the implementation of the “Community Law Enforcement and Recovery” (CLEAR) program, funded by the U.S. Justice Department. To local residents, that meant more arrests, less social intervention. According to the study, they were right.<sup>3</sup>

In stark contrast to Williams’ successful peace and **prevention** approach, the law enforcement community stays the course on a destructive path towards youth criminalization. There is no doubt Williams, a three time Nobel Peace Prize nominee, and recipient of the “2005 President’s Call to Service Award”, had a better way.

Williams’ approach to the gang crisis was to call the various gang sects to truces; fostering mutual understanding and forgiveness, and bridging the various violent rival rifts. He accomplished this life-saving advocacy through his popular website, “Internet Project for Street Peace”, a series of anti-gang children’s books, and disseminated telephone recordings of his message to unite. His effectiveness cannot be denied. Days before the Governor’s clemency decision, on at least three occasions rival gang members united in droves to offer up their weapons of death in exchange for his life.<sup>4</sup> Williams walked in their shoes of alienation and marginalization, so even his old enemies could relate to him and accept his message of peace.

Thanks to the internet, Williams' message was heard around the globe.<sup>5</sup> In appreciation for turning their lives around and to validate his effectiveness, both children and adults world-wide praised his work. Prior to his execution, fervent young voices, from as far away as the Netherlands, Brazil, El Salvador, Australia and other places where our poisonous policies have pushed the destruction of gang-banging, pleaded for his life.<sup>6</sup> The sweet global voices of precious children floated in the ether amongst the strong and courageous echo of even our troops in Iraq, pleading for clemency.

Wow! Think about that. Williams moved the world with his approach of peace and prevention, while law enforcement terrorizes communities already suffering from chaos by trying to arrest, imprison and even shoot their way out of an ever stubborn, generational cycle of internecine violence.

Williams was convicted in a very suspect trial for the murders of four people in 1979. He vehemently denied involvement throughout his incarceration, even until the moment they stuck the deadly needle into his arm. He admitted that he co-founded the Crips Street gang. He also admitted that he deeply lamented his creation and worked hard from the oppressive confines of his cell to counter that mistake.

Yet I often wonder about those who stifle responsible gun legislation needed to stop the rivers of blood flowing regularly in our streets. Uncontrolled guns often aid and exacerbate the threat of gangs. I also question the policies of those who deny drug treatment and meaningful rehabilitation for prisoners and others who desperately need it, when these methods have been proven to reduce crime and decrease victimization. Furthermore, I cannot help but be disappointed when the Bush administration pushes for a patient strategy of "changing the hearts and minds" of those who threaten us abroad, but insists on a completely opposite course for our own here at home. It is easy to assign blame to Williams for the unforeseen level of destruction his creation helped spawn, but it does not take much to also wonder if those in power are any better for the foreseeable negative consequences of their wayward policies.

The spirit of Williams and his ardent life saving push for prevention must live on through all of us who recognize that peace cannot be attained through force and violence. That is one of the main reasons the Iraq War has failed, and as such, in both situations, too many precious lives are being lost.

Long live the redeemed spirit of Stanley Tookie Williams.

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## ENDNOTES

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- <sup>3</sup> Bihm, Jennifer. *op.cit.*
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## Checking Out But Never Leaving: Women, Prison, and 'Community' in Colonial Australia *Kat Armstrong & Vicki Chartrand*

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While there is a lower class, I am in it. While there is a criminal element, I am of it. While there is a soul in prison, I am not free.

Eugene Victor Debs (1885 – 1926)

If prisons and punitive mechanisms are transformed ... it will be when those who have a stake in that reality, all those people, have come into collision with each other and with themselves.

Foucault (1984, p. 236)

### ABSTRACT

In colonial Australia, a system of identification and regulation was streamed into the social body to ensure a particular ordering and management of the 'convict'. Although not necessarily tied to gender, it was administered in such a way that ensured women were attached to themselves as both women and criminals. Early characteristics of managing women within such a penal ethos are found in the assignment system and ticket-of-leave scheme that eventually merged to be established as a basic aspect of prison administration and a central component of prisoner 'correction' today. In linking such a practice to the prison through a notion of 'reform', ongoing forms of surveillance and management were made both necessary and normal aspects of life outside of prison, while undermining the importance of social, economic and political access and material resources for women.

Since the development of the prison as a penal modality, the system has been diversified, fragmented, and extended in a variety of ways. Although the prison is often considered as the central apparatus of control, regulation, and punishment, just beyond it there exists another domain; one that is situated between the prison and larger society and that problematizes prisoners outside the prison walls through particular vestiges of 'community' management and control. Despite an historical legacy of a general exclusion from social, political and economic practices and decisions, women caught within such penal schemes continue to be expected to adapt to and participate within 'normal' processes of work and life.

The development of prison release arrangements has ensured a continued existence and employment of particular ‘corrective’<sup>1</sup> and punitive measures for women and men outside of the prison. This continuum of care and control (Cohen, 1985) is organized to monitor and direct those released from prison into ‘community’<sup>2</sup> and to produce subjects who contribute to life and labour in particular ways - as ‘productive’ workers, ‘law-abiding’ citizens, ‘caring mothers’, ‘pro-social’ beings, and so on. Within this continuum, and central to the administration of punitive regimes<sup>3</sup>, there exists a system of identification; the deliberate detection and division of individuals to facilitate punitive and corrective processes. In this paper, we discuss this corrective legacy within its historical context in New South Wales (NSW), Australia and show that, through a system of identification and containment, these schemes continued to develop and promote women and colonial society in definitive ways and have been adapted to continue to do so. Through such an historical investigation, we reveal that what exists today in prison release is not a natural or necessary progression in penal, corrective, or rehabilitative practice, but an adaptive process initially established to develop colonial Australia. Given this, what exists today for women only continues to undermine political and economic access and ignore social and material barriers.

### **CONVICTED, CLASSIFIED AND CONTAINED**

The transportation<sup>4</sup> of convicts from Britain to Australia in the late 17<sup>th</sup> and early 18<sup>th</sup> centuries to address British overpopulation concerns was occurring at a time when, according to Foucault (1978, p. 136-137), knowledge was developed around concerns of the body as an individual site of control and as a political site invested in concerns over the health and well-being of the population. Within Australian penal practice, this saw the emergence of those arrangements that encouraged colonial health and development through convict labour and the containment and control of social order and disease. In addition to colonial development, state regulation of convicts also provided a means to maintain control and regulate a growing population. At the time, the gaol was reserved for those convicted of an offence while in the colony, with women housed in a section separate from the men. Earliest convict management was carried out in the form of state labour and service where release from penal obligation was granted through a ticket-of-leave

system; a precursor to current practices such as parole that established early behavioural bonds between the individual and state administration. A ticket-of-leave,<sup>5</sup> which provided general information and a physical description of each convict, was granted for good and industrious conduct and 'freed' convicts from government servitude while maintaining regulatory controls throughout various aspects of their lives which included mandatory monthly round-ups or musters, remaining lodged in one area and attending divine worship each Sunday (Morony, 1974, p. 9-10).

For convict women, penal administration was primarily organized along lines of gender. Through an assignment system, women were distributed and dispersed throughout the colony into domestic service although they were often taken as sexual favour (Salt, 1984). Through gender segregation, various other categories for penal regulation emerged that emphasized women's civil, moral, and sexual conduct. For instance, women were scrutinized and regulated for sexual 'misconduct' insolence, absconding, drunkenness, foul language, and the like (Smith, 1988, p. 236). With this particular focus, the practices for convict women defending, supporting, or sustaining themselves were targeted for penal intervention and regulation. In addition to facilitating colonial development, this certain moral ordering largely limited and excluded the women's participation in public space. Osborne & Rose (1997) suggest that at this time, also linked to concerns of the body and social health, were concerns of death and disease. Health, cleanliness, and hygiene were considered necessary to promote colonial order, stability, and well-being and convict women were linked to notions of contamination (Damousi, 1997) and cast as disruptions to such an order. Dobash, Dobash and Gutteridge (1986) argue that there was a scientific development in Britain around this time that classified women prisoners as biologically perverse, sexually aberrant, emotionally disturbed and intellectually deficient. In NSW, the regulation of various sexual encounters, such as prostitution or sex with one's master was used to develop specific social and moral boundaries of cleanliness that promoted the containment and circulation of the women throughout the colony. Women were created as instruments of cleanliness and order and their management functioned as a form of public hygiene – for the social and the individual (Foucault, 1994, p. 184).

As convicts, women could be granted tickets-of-leave,<sup>6</sup> but as women, access was tied to gender and loosely administered through either marriage

or the assignment system, both of which predominantly saw women localized to private domestic spaces. Through assignment and marriage, as promoted through the ticket-of-leave scheme, the dispersal of women's labour and child-bearing had stabilizing effects for the colony as it relieved the state of ongoing duty and colonial expense, while keeping women obligated to state rule, colonial development and growth. Through the use of incentive schemes for good behaviour while on assignment and the promotion of marriage through the granting of tickets, convict women could be distributed along lines of conduct that promoted a particular physical and moral health and well-being of the colony, while concerns around disease and moral disorder magnified a need for their containment and controlled circulation.

In 1840, when transportation ended in NSW,<sup>7</sup> certain changes were taking effect that reflected a penal transformation that increasingly linked convicts to categories of crime and levels of harm, and that established the prison as a mechanism for punishment and increasingly as a place of 'treatment' or 'correction'. This shift also saw central management and unified administration as priorities for colonial order and organization, and greater emphasis was placed on reformatories and gaols for convict management. While marriage and the assignment of women promoted domestic development, it offered little in the way of the ongoing scrutiny and consistent monitoring of women. Also, because of the generally haphazard way women were assigned and the inability to regulate women who were not on assignment, reconsideration of its application was given and in 1821, the first women only Female Factory at Parramatta<sup>8</sup> was established to receive women upon transportation.

[the] female factory became the means of regulating and controlling the use and disbursement of female convicts and of punishing the recalcitrant or criminal. It was destined to become workhouse and labour bureau, marriage bureau and regulator of morality, gaol and hospital, and at the same time, to relieve the financial burden and the administration of female convicts and their many children (Salt, 1984, p. 102).

The factory was reasoned as a necessity for the good order of women and the immediate containment of the spread of social disorder and disease. In

this way, the prison offered a sort of eugenics or quarantining of certain physical, moral and intellectual capacities (Osborne & Rose, 1997) and privileged a controlled ordering and dispersal of the women's moral health, child-bearing and rearing, and labour.

Women were given a variety of titles to reflect their lack of social and moral health, and articulating a need for their containment such as 'incurable', 'unruly', 'disorderly', 'depraved' and 'damned'. This portrayal of convict women was evident in classification schemes developed within the Parramatta Factory that organized women along their 'potential' for release. Three classes for women were developed where 'third class' women were considered to be the most 'corrupt' and were refused assignment or marriage while having to work in menial labour. In contrast to third class categories, 'first class' women were designated as the most suitable and agreeable for assignment or marriage, while 'second class' women were in a 'transitional' stage between the two. The development of a consistent and coherent system for convict women also lent itself to more sophisticated identification and management strategies. For instance, women in the Parramatta Factory were dressed in all black until 1909 when identification systems expanded and women were sorted through dress and hair. First class women were organized with attire more suitable for 'civil life' outside the prison while third class women were made less socially suitable through their dress and a shaved head. This not only de-feminized women (Damousi, 1997) but also further removed them from a 'potential liberty' by visibly tying them to the penal apparatus. Tying classification to physical appearance reaffirms the visible identification and ordering of women and rationalizes and maintains systems of regularity, unity, order, stability, certainty and so on. The prison factory thus tied women to a unifying moral policing<sup>9</sup> so as to prepare them for newly emerging colonial schemes and the prison was organized to accommodate such arrangements. The combining effects of the prison and colonial arrangements opened up mutually supporting possibilities for the regulation of convict women where a ticket-a-leave was a kind of arbitrator between the two.

The ticket-of leave scheme, coupled with assignment and marriage, established early programs to differentiate, categorize and manage women in the NSW colony and further tied existing discourses on gender to social health, cleanliness and morality. A women's only prison factory further embedded the social and moral ordering of women in institutional



practice with an arrangement for eliminating those who could not be dispersed throughout the colony. These arrangements also established ongoing practices of various forms of penal identification so that women were never completely removed from convict or colonial management and administration, and the ticket system ensured that a recall to penal confinement and control could effectively occur at any time. Where prison classification set the foundation and tone for release schemes to come, it was however the management of women outside the prison that established the ground in which release schemes are now based.

### **THE STORY OF REFORM**

Along with an increased use of the prison, there was also a shift in emphasis placed on attaining ‘freedom from’ the prison rather than a particular freedom through attainment of material reward or gain through marriage or assignment. This shift nonetheless maintained the dual function of alleviating the state from economic responsibility, while promoting a privileging system that awarded ‘desirable’ or ‘agreeable’ social conduct. In 1883, the release-on-license scheme was developed to replace the ticket-of-leave, and granted to ‘well-conducted’ prisoners ‘conditional’ release through a remission of sentence (Chan, 1990, p. 402). Identification of the various aspects of the prisoners’ lives also remained a central component of penal processes and management and women continued to be managed through gender as an ongoing category of thought for detection, classification, normalization, revocation, and the like.

Where the prison initially received women, organized women upon transportation and in and out of assignment and offered skills for the ‘promising’ few who could secure marriage or employment, it eventually became a central and necessary aspect of reform prior to release. Prison release was developing in a way that sought to maintain a certain continuity between prison reform efforts and release practices, as well as to replace state care and support for prisoners once outside. From this, a form of ‘after care’ was developed to offer a type of support for prisoners released from prison. “The Prisoner’s Aid Association of NSW” was thus established as a formal body of after care and, although promoted as an independent body from the state, was aligned with penal thought and carried out those aspects of life and labour previously overseen and provided by the state such as

finding employment, providing food, shelter, tools, et cetera. After care was devised to address the limits of the prison and to maintain a continuity of its practice to 'complement' or enhance reform measures instituted in the prison. After care, held as the key between prison and 'free society', also helped further build a knowledge base of prisoners while on release and outside of the prison domain, further informing 'corrective' and penal discourse. As such, a fluid relationship was developing between prison and community and as Hudson (2002, p. 255) argues, "control is the effect of a continuous process of inspection – to know as much as possible". This 'practical' after care support coincided with the prison rationalities as it further promoted the depoliticizing and individualizing of those in prison and making it increasingly difficult to contest penal discourse, while maintaining individuals within a certain social panoptic 'gaze'.

According to Rafter (1993) women from prison became the client group for the burgeoning women in 'civil' society (Rafter, 1993), and in NSW a 'Ladies' sub-committee of the Prisoner's Aid Association was developed in 1901. The Ladies Committee sought to ease and facilitate the 'transition' of women from prison to community. This was considered to be achieved by offering themselves as role models and by providing a 'link' between prison and community. For instance, women from the committee would read to the women who were of 'good-behaviour' and could "help women to develop self-respect by providing clothing so the women could take pride in appearance and to offer advice, assistance, friendship, and resources" (Ladies Committee Minutes, 1923). Women from prison were considered as being more vulnerable to influences and in need of greater protection. Women were considered as needing to be rescued and reformed, saved as well as corrected. Efforts were thus focused on providing a gateway from prison to 'community' by not only finding women shelter, food, and employment, but also ensuring the moral ordering of women through dress, language and conduct. In the middle of the 20<sup>th</sup> century, the Ladies Committee became increasingly more concerned with the release of women into the 'care' of parents or husbands. The development of release schemes linked the women to social and family networks and perceived social obligations outside of the prison, while the coherence of after care with penal arrangements ensured women were dispersed in a consistent manner that could facilitate their retrieval at any time through the license system and 'conditional' release.

It was through after care that a notion of gradual release was popularized. Although such a scheme existed in early classification schemes in the Parramatta Factory, it was organized around the development, order, and sanitation of the colonies. With a shift in emphasis on prisoner ‘reform’ linked to the punishment of deviance, the prison served two seemingly contradicting forces – i.e., to punish and reform. It was to this end that release schemes and after care complemented and highlighted prison practice by alleviating the effects of the prison as an instrument of punishment as well as supporting a reformatory ideal. Garland (1981) argues that what made the disciplinary logic of welfare such as after care possible at the turn of the 20<sup>th</sup> century was the penal system itself. It was the linking of various systems and networks of support with those supervisory and corrective measures associated with the prison and systems of punishment that made welfare not only possible, but considered necessary. These penal arrangements established entire penal-welfare complexes weaved in and out of the prison and the social at large.

Once constituted, this epistemologico-juridical matrix provides the basis and justification for the entire constellation of entities engaged in implementing the technology of punishment: the police, the magistracy, the prison system, the parole-patronage society, and so on. Other, presumably lesser forms of discourse, may act to reinforce and popularize the ubiquitous matrix (Nye, 1978, p. 500).

By establishing social networks, providing material arrangements, and maintaining consistency with the goals of punishment, a more fluid system of identification and social control of the penal population was sought, with the capacity to pull, draw, attract, or influence individuals in and out of its reach. Through the introduction of after care agencies as overseers in the lives of women outside of prison and by establishing a link between systems of punishment and the family, relationships, work, home life, leisure and other varying aspects of being, the penal apparatus became increasingly more ubiquitous in the lives of women. Women’s ‘correction’ and ‘treatment’ continued to be tied to gender as opposed to their social and material needs independent of social and familial relationships.

In so doing, the harm and dislocation caused by prison practices could be both reasoned and addressed without tremendous state involvement or

responsibility and yet maintain an administrative and regulatory hold on the lives of women. The central tenant behind after care was thus to ensure a certain well-being coupled with the reformation of the prisoner through similar penal mechanisms of oversight and support, without threatening or challenging prison practice and its limits. In maintaining after care as both apart from and embedded in prison discourse and penal practice, the individualizing characteristics of a notion of 'reform' are maintained and a depoliticized form of management is promoted. After care thus fulfills attempts to reinvest women into the social body in a way that will facilitate them in fulfilling 'normal' obligations and without much state responsibility to social and material commitments.

Today, given the emphasis on a popular punitiveness, there is a lack of material resources allocated to the social welfare needs of prisoners on release and given the even fewer numbers of women in the system, after care has a very limited role in providing the social welfare component while levels of supervision take priority. For instance, even when women's welfare is given consideration, it remains linked to punitive arrangements such as appending mandatory urinalysis testing with methadone treatment, and in NSW there currently exists only one women's 'transition' house and a Community Restorative Centre that accommodates the social welfare needs of both women and men. The NSW Department of Corrective Services Women's Action Plan sets out "to contextualize women's needs within the realities of their social, economic and vocational circumstances and women's specific patterns of learning and interaction with peers and authorities" (NSW Department of Corrective Services, Women's Action 2000-2003, p. 1). For women within the correctional continuum, administration and management thus turn to gender as the object and instrument of regulation and control. For instance, women are often seen to have 'different custodial challenges' such as higher rates of mental illness and more incidents of self-harm, and are often confined for non-violent often drug related 'offences' (O'Brien, 2001; Gelstrophe & Morris, 2002; Richie, 2004). Focus then turns to the 'character' of women as ill, abused, or weakened, and programs are developed to address this specific 'nature' of women in prison and upon release. McKorkel (2003) argues that even when women are introduced to 'punitive' regimes adopted for men, the involvement of the staff and administration in the lives of the women still revolves around perceived gendered differences. Calls are often made to

give sanctions that reflect women's 'needs' and to revitalize community resources within gender-specific 'community support' models that address women's 'needs' (Morris, 2000, p. 46; O'Brien, 2001; Galbraith, 2004). Suggestions for 'gender-responsive' policies and approaches nonetheless often remain embedded within institutional thought that maintains a level of management and control in the women's lives. Stanko (1997) for example looks at how women must negotiate their safety from men's violence as an ongoing and embedded practice in their lives. That is, the knowledge and awareness that has been advanced in the field of women often makes them responsible for their gender specific treatment. Punishment and correction for women operates in a way that re-inscribes women into broader gender arrangements, while making use of such ordering to regulate and control women within a correctional continuum.

As we can see, in colonial Australia, prison release or 'community' schemes, similar to those promoted today, were developed prior to the prison establishment and afforded a very particular arrangement of control over the convict population. Although the penal management of women emerged well before the prison, release schemes have come to be understood as a continuum from prison. Framed as a necessary aspect of prison release, these practices further promote surveillance and a particular ordering of prisoners upon release. Institutionalized through legislated and mandated bodies of probation and parole, they became yet another specialized venue for ongoing 'reform'. Where it is often assumed that release schemes were developed in tandem with the prison to assist prisoners adapt and adjust to life outside, understood within its local and historical context, the prison in NSW initially emerged to accommodate the distribution of convicts and release schemes only recently became a part of a 'transitional' process in corrections. Furthermore, while the development of these prison release schemes and programs suggests a move for women prisoners towards 'mainstream society', the development of identification and classification schemes continue to segregate and reinforce certain gender divisions and understandings. As such, women from prison always remain, however tacitly, part of criminal and identification systems that facilitate detection and 'removal' and neglect a broader social, cultural and political relevance. This arrangement is particularly pervasive for those who lack material status, resources and support and are more reliant on the state for such necessities. Women from prison are thus localized within a unifying and consistent

‘corrective’ discourse that individualizes and depoliticizes their social and material worlds and maintains women within a corrective continuum where subsequent punishments, treatments, corrections, removals and, in some instances, eliminations are reasoned and supported.

Rather than search for any specific ‘truths’, we offer an account of and insight into the rules and strategies that shaped penal discourse and the organizing practices of women in the colonial establishment in NSW, Australia. In this way, our inquiry is rooted in the ways women from prison have been problematized and we therefore hope to avoid further problematizing women or imposing our own gendered discussion. Throughout the various spaces of penal thought and practice, discussion around difference, needs, identity, classification and the segregation and ‘treatment’ of various forms of ‘abnormalities’, ‘incivilities’ or ‘irregularities’ are ongoing and often central to the treatment of women in a penal domain. Despite the lack of consideration given to women within the more public realms of social, economic and political government, women were and continue to be maintained and managed in very deliberate and organized ways and negotiated in relation to and throughout various networks of life and labour. In penal discourse, gender becomes a category of thought embedded in formations of discipline, control, and management and the web of law, administration, and regulation can reach into the lives of the women on the outside, as much as they extend or disperse from the prison without a challenge to this ‘corrective’ legacy or concern for broader social disadvantages.

### ENDNOTES

- <sup>1</sup> The use of semi-parenthesis is indicative of the language used by the institutions and experts involved in the field of ‘corrective services’ and serves to highlight the language and discourse within this domain.
- <sup>2</sup> The word ‘community’, an often vague and contentious concept, is understood here to represent the geographic, social, and cultural space within what Foucault (1977) referred to as the carceral network where specialized forms of knowledge and mechanisms of power are used to render the ‘criminal’ as knowable and manageable.
- <sup>3</sup> The terms penal, punitive and corrections are used interchangeably; these terms all represent a certain frame of knowledge that structures thought and action in very specific and definitive ways around notions of security, safety, individual good, and public well-being.

- <sup>4</sup> Women landed in Australia with the first fleet in 1788. There were 24,960 women in all transported, which makes up about 15% of the total of transported convicts.
- <sup>5</sup> Each butt gives the following information: prisoner's number, name, ship arrived on, master of ship, year of arrival, native place, trade or calling, offence, place of trial, date of trial, sentence, year of birth, complexion, height, colour of hair, colour of eyes, general remarks, the district prisoner is allocated to, the Bench who recommended her, and the date of issue of ticket. There are also notes of change of district, conditional pardons, etc. on most of the butts (NSW State Archives).
- <sup>6</sup> Tickets were occasionally granted to women for private land ownership or public work, but were more commonly allocated for women on assignment who were welcomed by their masters or were used in order to promote marriage.
- <sup>7</sup> The transportation of convicts to Australia was ended in 1868 (Daniels, 1998).
- <sup>8</sup> The Parramatta Female Factory or the Female Penitentiary was designed to accommodate 3,000 women. Prior to this, women were housed in a separate section of Darlinghurst gaol.
- <sup>9</sup> As Dean (1994) highlights, 'policing' here should not be understood today as those currently organized forces that uphold and maintain 'law and order' and respond to 'crime', but rather as the *monitoring* of particular administrative, bureaucratic and legal orders.

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**Neo-Prussian Politics:  
Absolutism in the United States**  
*Charles Huckelbury*

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In 1750, Voltaire accepted an invitation from Frederick the Great to become a permanent resident of the king's court in Berlin. The situation quickly soured, and after frequent acrimonious disputes, the two mutually agreed that the best place for Voltaire would be out of the country. On his way home in 1753, however, he was arrested in Frankfurt on the king's order. In a fit of pique, Frederick had accused Voltaire of making off with some poetry that rightly belonged to the Crown. As king, Frederick had the undisputed power to do whatever he wanted without worrying about political repercussions or Voltaire's civil rights. Confined without legal recourse, all Voltaire could do was petition Frederick to reconsider and wait, his future uncertain and his very life in the balance. Voltaire was subsequently freed when the king acknowledged the spurious nature of the charge and relented.

On May 22, 2002, José Padilla was arrested at O'Hare International Airport in Chicago also while attempting to get back home from a trip abroad. Initially accused of plotting to detonate a radiological weapon, he was designated an enemy combatant by the President and confined to a Navy brig in South Carolina, without either legal representation or an opportunity to review the evidence against him. President Bush claimed that, as Commander-in-Chief, he had the authority to order any citizen of the United States arrested and held indefinitely. Once the original charge was shown to be as illegitimate as that levied against Voltaire by Frederick, the government dropped its allegation and subsequently maintained that Padilla is a member of a terrorist support network and therefore subject to criminal prosecution, a tactic apparently not included in even the Prussian legal repertoire.<sup>1</sup>

José Padilla, a former Chicago gang member, is certainly no Voltaire. George Bush, however, has a disturbing tendency to emulate Frederick II, asserting a unilateral authority, unencumbered by statutory restraint or constitutional limitation, to lock up anyone anywhere in the country, maintain secret prisons overseas, order the kidnapping of foreign nationals from other nations' sovereign soil, and even initiate domestic spying without a warrant on any citizen that he chooses. Such an absolutist approach was common in the 18<sup>th</sup> century, but most rational people would argue that it has no place in 21<sup>st</sup> century governance. And yet it flourishes in the United States today.

## CHARACTERISTICS OF ABSOLUTIST GOVERNMENTS

Absolutism is a political system in which there is no legal or moral limit on the government's power. It is, as Jefferson (1787) famously observed, a "government of wolves over sheep". Such a system is generally ruled by a dictator or monarch, but it can also deceptively appear as a democratic creation that grants far-reaching powers to an elected executive. Fundamental to modern absolutist regimes are centralization of power, close control of social groups, and the superficial appearance of popular representation. Although such systems may contain, for example, legislative and judicial branches, the ruler typically operates autonomously, allowing the other branches a sterile existence without any real check on executive power.

To maintain that power, most absolutist governments cultivate symbiotic relationships with the police and military, often establishing covert law enforcement agencies to monitor and, when necessary, suppress dissent. Although this concentration of unchecked power in the executive directly violates democratic principles, absolutist regimes habitually claim that such centralization of power makes the government more flexible and efficient, especially when responding to threats, either external or internal.

Absolutist governments also engage in more subtle forms of control, often infiltrating social groups, such as churches and student organizations, which are subsequently either abolished or co-opted by government operatives. Obviously, this provides the government with maximum control throughout many levels of society and discourages organized dissent, while simultaneously using the surviving organizations for ideological indoctrination in support of its policies.

Religion often plays a role in this indoctrination as well as in the dissemination of the absolutist government's propaganda. Indeed, it is not uncommon for those regimes to maintain close affiliations with churches to promote loyalty within the population.<sup>2</sup> Thus, any criticism of the executive approaches heresy. As James I put it in his speech before Parliament on March 21, 1609:

Kings are... God's lieutenants upon earth, and sit upon God's throne... they make and unmake their subjects: they have power of raising, and casting down: of life and of death: judges over all their subjects, and in all causes, and yet accountable to none but God only (Encarta Encyclopedia, "James I", 2005).

A more recent - and infamous - example of religion propping up an absolutist regime is South Africa's former apartheid government that, until the early 1990s, counted among its most loyal supporters the Dutch Reformed Church, which created a theological justification for the repression of the black majority (Encarta Encyclopedia, "Absolutism", 2005).

Historically, absolutist regimes were flagrantly despotic. Most modern versions, however, at least cloak their intentions in the trappings of democracy, as if they genuinely represent the interests of their citizens. (Zimbabwe's Robert Mugabe comes immediately to mind.) They may even hold fraudulent elections in which the outcome is pre-determined because the leaders have already decided the issue.<sup>3</sup>

Absolutism also employs the Big Lie to consolidate power. Prior to the collapse of the USSR, the Kremlin used this tactic to justify governmental repression, claiming that Soviet policies were designed to build a society of equality for the people. The reality, of course, was something entirely different: favouritism extended to a small clique of influential people with ties to the ruling elite and trickle-down leftovers for everyone else.<sup>4</sup> Those opposed were imprisoned or executed, tactics familiar to students of modern authoritarian regimes.

### **ABSOLUTIST ROOTS IN THE UNITED STATES**

In the United States, the government's preferred tactic for furthering its absolutist goals, either economic or social, has been, and continues to be, the exploitation of its citizens' fears. Nowhere is this more evident than in matters relating to domestic security, whether in the form of alleged threats from al-Qaeda terrorists or, more generally, as a response to home-grown criminal activity. When it comes to the modern politics of fear, the government can usually increase its power by conflating terrorism and street crime, thereby convincing the electorate that massive imprisonment and the surrender of fundamental civil rights is an appropriate price to pay for additional security.

In 1956, to cite a notorious example, J. Edgar Hoover, FBI Director, authorized the first in a long sequence of secret FBI operations under the rubric COINTELPRO. The operation's goal was to disrupt the domestic activities of specific political groups, whose members were exclusively United States citizens (Encarta Encyclopedia, "Federal", 2005). The

operation expanded during the 1960s to include black nationalist groups, civil rights organizations, socialist organizations, and leftist groups protesting the Vietnam War, anyone, that is, who disagreed with the government's foreign or domestic policies. Disregarding legal constraints on their activities, FBI agents illegally broke into homes and businesses, tapped the phones of citizens, collected and leaked defamatory material, and sent anonymous mailings to promote dissension within a specific group or to create tension between groups (Encarta Encyclopedia, "Federal Bureau of Investigation", 2005).

But the FBI was not the only enforcement arm of the government engaged in domestic skullduggery. The CIA, officially tasked with collecting intelligence overseas, was engaged in a massive, illegal domestic intelligence operation against anti-war protesters and other dissidents during Richard Nixon's presidency. A special unit of CIA operatives collected and maintained files on at least 10,000 American citizens and had obviously read the FBI's primer on civil rights, using illegal break-ins, wiretaps and surreptitious opening of mail to spy on American citizens (Hersh, 1974).

Then, of course, came Watergate and Richard Nixon's subsequent resignation, both of which ostensibly produced changes in attitudes and operational guidelines for both the FBI and CIA. Unfortunately, the reorganization was doomed from the start because of entrenched philosophies at the top, philosophies that continue to promote and support absolutism and its most egregious excesses.<sup>5</sup>

### **PRESIDENTIAL CLAIMS OF ABSOLUTIST AUTHORITY**

President Bush is perhaps the world's most vigorous exponent of the precautionary principle, which states that where a specific activity threatens serious injury, although the method by which that injury might be inflicted remains unknown, then all reasonable means should be undertaken to regulate or ban the activity. Ideally suited for use by absolutist governments, the precautionary principle always assumes the worst, even when evidence is ephemeral or non-existent, and focuses on the downside of any scenario. Thus were born, for example, the doctrines of preventive, as opposed to pre-emptive, warfare and indefinite incarceration without trial.

This approach conflicts sharply with an alternative model: the rule of law. Under that more restrictive standard, the state "reserves coercion,

detention [and] punishment... for those who have been shown, on the basis of sound evidence and fair procedures, to have committed some wrongful act" (Cole, 2006, p.17).

The current administration in the United States, however, can insouciantly employ the precautionary principle because U.S. citizens have become preoccupied with worst-case scenarios and are largely disinclined - or unable - to analyze what the President and his proxies tell them. Indeed, surveys show that people cannot distinguish between a risk of 1:100,000 and 1:1,000,000 (Sunstein, 2005). If a risk is made comprehensible to them, they react to it irrespective of the probabilities involved. Their decisions are heavily influenced by the media, which until recently have been loath to offer the mildest criticism of either the President or his policies. Bush can therefore play on the public's irrationality and the phenomenon of, as Sunstein (2005) describes it, "fear as wildfire". That is, if citizens are unreasonably afraid of some risk, public discussion may communicate that fear to others, instead of exposing the irrationality behind it.

The Bush administration can therefore "justif[y] coercive action - whether it takes the form of detention or torture on the basis of speculation... without either the evidence or the fair legal processes that traditionally have been considered necessary before the state resorts to coercion" (Cole, 2006, p. 17). At its most extreme, the result is a de facto permanent state of emergency, justified by the President's self-declared global war on terror.

The muscle behind the government's policies is, of course, the police and the military, increasingly indistinguishable in philosophy, weapons, and tactics. President Bush has shown a troubling inclination to rely on the use of force as his primary tool of both domestic and foreign policy. There is thus created a perceived connection between the existence of peace and the potential use of force, reinforced by presidential rhetoric. Gray (2006) put it trenchantly when he observed that this nexus has become a "permanent feature of human affairs [because] without the ability to use force, peace and by extension civilization are in jeopardy" (p. 8). This sort of extremism in America dates at least to Thomas Jefferson's observations on the French Revolution. In response to criticism of the September Massacres of 1792, in which over 1,400 people were executed, Jefferson said, "The liberty of the whole earth was depending on the issue of this contest... [R]ather than it should have failed, I would have seen half the earth desolated" (Chernow, 2004, p. 432). The confluence of presidential hubris and the government's

monopoly on the legitimate use of force therefore has grave consequences for the country's citizens.

The President was recently forced to admit, for example, that he had ordered the National Security Agency (NSA) to conduct covert spying missions on American citizens, without warrant and without either judicial or congressional oversight. Attorney General Alberto Gonzalez justified the surveillance by telling a national audience that since the President had the power to lock up indefinitely any citizen he wanted without formal charge, then intercepting electronic communication without a warrant was hardly worth mentioning (National Public Radio, 2006). Bush himself justified such intrusions by invoking the tired shibboleth of "freedom": he is protecting "our freedoms" against the actions of those who hate and would destroy them.

There is no sense here of an intellectual addressing an academic audience on an esoteric point of political philosophy; Bush is speaking directly to the people whose rights he is violating and finding a receptive audience.<sup>6</sup> Even if they are not sure what the President is saying, his audience gets the scripted impression that "something politically important is being articulated [and] that there really might be something at stake in political terms" (Beplate, 2005, p. 13).

But the President's claims defy logic. It would have been an easy matter for Bush or his designee to obtain the requisite search warrants before undertaking domestic espionage, or even 72 hours after the surveillance had begun. The *Foreign Intelligence Surveillance Act* (FISA) of 1978 authorizes domestic surveillance for national security purposes, and the judges sitting on the FISA court routinely grant such requests from the government. From its inception in 1978 through June 1983, the FISA court received 1,422 requests for wiretaps and granted all of them.

Bush instead adopted an absolutist approach to domestic policies, ordering surveillance of American citizens simply because he, employing the rationale of the "unitary executive", decided he had the authority to do so. Anyone questioning either the operation or the motives behind it was disloyal by definition,<sup>7</sup> a tactic that reduces, in Allen's (1895) terms to "that rank form of provincialism which we know as patriotism". Adding to the surreal nature of this episode is the President's relentless claim that he stands above the law regulating the surveillance of American citizens while insisting that the only persons who violated the law and compromised the

country's security are those responsible for leaking the information about the domestic spying operation.

The President's position, although likely unknown to the President himself, is supported by the French philosopher Jean Bodin (1606) who claimed that the state has supreme power over its citizens and subjects, unrestrained by any law. That philosophy pre-figured Thomas Hobbes (1651), who maintained that a social contract exists between citizens and their sovereign, one that assigns to the monarch, as the ultimate political authority, the right to absolute power over every citizen. Hobbes further argued that the sovereign's actions did not have to be limited by customs or natural law. Since he/she operates without any obligations to the body politic, the sovereign can create and impose laws as necessary to do his/her will. Small wonder that President Bush, along with James I, equates policy disagreements with sedition.

Bodin and Hobbes are no longer relevant, except as philosophical dinosaurs. The President's absolutist assertion that he can do anything he wants in order to advance and protect liberty, supported by warrantless surveillance, incarceration without charge or trial, gratuitous torture, and execution thus fails for the same reasons articulated by Alexander Hamilton's assessment of the Jacobin Terror: "When conducted with magnanimity, justice, and humanity, [a struggle for liberty] ought to command the admiration of every friend to human nature. But if sullied by crimes and extravagances, it loses its respectability." (Chernow, 2004, p. 434).

### **DOMESTIC EFFECTS OF ABSOLUTISM**

If, then, absolutist governments exist solely to maintain power and control, then the country's citizens - and their rights and opinions - are at best an afterthought and at worst public nuisances, whether risking death on a battlefield 6,000 miles away or at home facing long-term imprisonment or execution. Moreover, they are always assumed to be potential troublemakers and therefore undeserving of traditional constitutional protections when they deviate from the government's official line. They become chattel, something to be controlled, traded, or eliminated as the occasion demands.<sup>8</sup> This naturally requires a combination of subterfuge and plausible deniability by the executive when forced to admit the inconvenient. Treating society like 15<sup>th</sup> century Florence, modern absolutists take a page from Machiavelli's

playbook and operate according to the dictum that in the battle between truth and politics, the former must always lose.

This means that the executive, in this case President Bush, is able to stand before the American people and ask the question: Who are you going to believe, me or your own two eyes? He can call down God's blessing on Karla Faye Tucker while ordering her execution.<sup>9</sup> He can frame every domestic issue in national security terms, while the national poverty level increases yearly to the current embarrassing level of 12.7 per cent (Massing, 2005).<sup>10</sup> He can brag about national preparedness while going mountain biking as the levees in New Orleans rupture during Hurricane Katrina, displacing most of the city's black population.<sup>11</sup> And he can intentionally exploit the socio-economic dichotomy that persists in the wealthiest country in the world, rewarding those who agree with his policies and punishing those who resist, up to and including executing those who fail most egregiously to fit into his pre-conceived idea of what a good (read obedient) citizen should be.

And where coercing the citizens' compliance is the primary goal of government, it is worth recalling the philosophy of George III (no relation) in a letter to his Prime Minister immediately prior to the Revolutionary War: "I am certain that any other conduct but compelling obedience would be ruinous." (McCullough, 2005, p. 6).

### **IMPRISONMENT AS AN ABSOLUTIST TOOL FOR SOCIAL CONTROL**

According to a report by the National Criminal Justice Commission (NCJC), the incarceration rate in the United States is the highest in the world, with two per cent of the potential male work force now behind bars. In some areas, nearly half of young African-American men are in the criminal justice system, incarcerated at a rate six times higher than that of whites. The same report described "the largest and most frenetic correctional build-up of any country in the history of the world" (NCJC, 1996). Since 1980, the number of Americans in prisons and jails has tripled to over two million, resulting in a transfer of hundreds of billions of dollars from taxpayers' checking accounts to penal institutions and the ancillary businesses that service them, including the several million people who have come to depend on the prison industry for employment.

Sustaining the trend is the public's acquiescence to the government's exercise of unlimited power, even in the face of declining crime rates over the



past 12 years. At the end of the millennium, the Bureau of Justice Statistics reported that America's prison population during the 1990s increased at an average of 7.7 per cent each year. Most experts point to longer sentences, mandatory sentences, and a drastic decrease in paroles as major factors in the explosion of the prison population. Those same experts, however, although remarking on the statistical evidence that indicates a racist, elitist, and absolutist system at work, refuse to draw the obvious conclusion that the world's highest rate of imprisonment functions as the principal tool for marginalizing and controlling the expanding number of citizens discarded in the pursuit of wealth and power by those making the decisions.

The government as a consequence insidiously plays on a cultural nationalism that in a time of war makes crime unpatriotic and reduces the ever increasing underclass to irrelevancy. According to the chorus of governmental rhetoric, street crimes, no less than the assaults of September 11, are direct assaults on the freedoms of all Americans. Domestic warfare thus commences, driven by the same *casus belli* as the government's imperial policies abroad: securing freedom and eliminating those who dare threaten it. This polarization is, of course, directly opposed to "a civic or pluralistic nationalism that shuns the divisiveness of narrow-gauge nationalism, that pays its respects to multiculturalism without abandoning the core concept of a common... experience" (Beplate, 2005, p.14).

America's citizens, through their unquestioned capitulation to presidential authority, buy the loyalty the government is selling, thereby underwriting a social catastrophe that works to their political and economic detriment and sends many of them into the criminal justice meat grinder, often in collusion with religious and social groups serving as shills for the government. In 2002, for example, of the 24 major metropolitan areas with the highest crime rates, 22 were in the South (Encarta Encyclopedia, "Federal Bureau of Investigation", 2005), where the President enjoys unqualified popularity and where capital punishment and fundamentalist religion work hand in hand to purge the body politic of undesirable elements, in effect removing potential critics of the government's policies, both domestic and foreign, disenfranchising them via felony convictions, and leaving them nowhere to turn for redress.

This lack of objection to executive fiat and the willingness to cooperate in the government's assault on fundamental liberties is hauntingly familiar. Chernow (2004) recalls Alexander Hamilton's stinging assessment of the

country two years into the Revolutionary War, when he confronted the colony's initial submission to the abuses of George III. Their solipsistic preoccupation with their own comfort at the expense of fundamental rights, according to the primary author of *The Federalist Papers*, rendered them "fit only for the chain" (p. 125).

A supine Congress, the putative guardian of the people's rights and welfare, has encouraged this sort of absolutist overreach by abdicating its responsibility and ceding unconditional power to the executive. In passing the *Patriot Act* in 2001, a piece of legislation that went unread by every senator and representative prior to its passage, Congress gave the president authority to employ any means he deems appropriate to combat terror, loosely enough defined to encompass virtually any felony, including arrest and incarceration without formal charge. Out of that legislation came clandestine searches of libraries and book stores, warrantless domestic espionage, and the indefinite incarceration without trial of American citizens. In reality, the *Patriot Act* was merely the culmination of an orchestrated campaign by the government to arrogate the power to investigate and imprison more citizens for longer periods than at any other time in history.

### EXECUTION AS THE ULTIMATE ABSOLUTIST TOOL

The United States has a long, sad history of killing its citizens, a pattern that continues in this post-industrial era. Following a brief respite from 1972 to 1977, executions resumed, primarily in the Bible Belt states of the South, again the region most supportive of the President. Until March 1, 2005, the United States was the only country in the world that permitted the execution of children under eighteen. That changed with *Roper v. Simmons*, 125 S.Ct. 1183 (2005), but even that vote in the Supreme Court was a narrow 5 to 4 opinion. Four of the nine justices thought it was morally and legally justifiable to execute a high school junior who could not buy a beer or vote.

Going back prior to 1988, the nation's highest court thought executing 15 year olds was permissible. Guided by "evolving standards of decency", the Court gradually increased the age at which citizens would be death eligible, raising the bar to 16 year olds<sup>12</sup> before finally restricting execution to children 18 and older. Those evolving standards did not, however, extend

past the campuses of secondary schools. As the killing of high school students gradually lost its cachet, a majority of the court in 1989 still agreed that executing the mentally disabled was perfectly in keeping with American jurisprudence.<sup>13</sup> It was not until 2002 that the court, under serious international criticism, reversed itself and excluded the mentally disabled from the country's death machinery.<sup>14</sup>

At first glance, the practice of executing children and the mentally disabled, along with the usual array of condemned prisoners, might appear as simply bad luck on the part of the condemned. A closer reading of the application of capital sentences, however, discloses a more pernicious pattern at work: the executioner's axe in the United States falls disproportionately on the necks of the poor and minorities, or those deemed valueless by an absolutist power structure. As Justice Harry Blackmun observed in *Callins v. Collins* (1994), "race continues to play a major role in determining who shall live and who shall die". And once a death sentence has been imposed, no amount of reformation or redemption on the prisoner's part can stop it.

James Allridge was a former high school honour student and a small business owner in Texas when he and his brother were convicted of a homicide committed during a robbery of a convenience store. Both were black, and both were sentenced to death. This arrest was Allridge's only encounter with the criminal justice system (Gaucher, 2005). During his 17 years on death row, he became an accomplished self-taught artist and writer. His work appeared in several issues of this journal<sup>15</sup> and was displayed in galleries across Europe and in the United States. He worked tirelessly from his cell for a variety of human rights causes and drew international support from across the social spectrum. His perpetual optimism was tempered by a realistic assessment of his precarious position, especially following the execution of his brother. He was comforted, however, by "his belief in the triumph of the human spirit and by his understanding that though he was responsible for a terrible mistake, he was also a redeemable human being and not industrial waste" (Gaucher, 2005, p. 103). He was executed on August 26, 2004.

Stanley Tookie Williams died in California's death house on December 13, 2005.<sup>16</sup> Williams was a founder of the Crips street gang and convicted of four homicides, all committed during a string of armed robberies. His appeals exhausted, he petitioned Arnold Schwarzenegger, movie star and

Governor of California, for clemency. Prior to his execution, Williams renounced gang membership, wrote a series of children's books warning of gang involvement, and was a regular nominee for the Nobel Peace Prize. All that mattered not a whit to the Governor. Schwarzenegger considered only Williams' convictions and the potential reactions to his clemency decision, especially significant given the support of the majority of Californians for capital punishment and the Governor's intent to run for re-election this year. As *The Economist* (2005, p. 29) put it, "Refusing clemency was, in political terms, a safer choice than granting it."

### CONCLUSION

Opponents of capital punishment and long-term prison sentences view both through the lens of human rights and the proper limits of political power, something an absolutist government cannot admit. The 64 per cent of Americans who support executions, in contrast, tend to regard capital punishment and life sentences as issues of criminal justice policy, which is precisely what an absolutist government would wish. The American public thus supports the policies of absolutism, which in turn encourages the government to circumscribe their liberties even more, often justifying the measures by shifting the responsibility to the electorate.

When faced with a moral choice to execute or not, most elected officials lack the political courage to make the principled choice, preferring political expediency instead. They justify their decision by invoking "the people" who elected them and who overwhelmingly support the death penalty. It appears that the government of the United States has been successful in its campaign to convince a majority of the people that granting absolute power over its citizens, the power to take their lives as well as their freedom, is not only legal but proper.

Between 1977 and 2003, 7,061 people were sentenced to death in the United States, or roughly 25% of the population of the Yukon Territory.<sup>17</sup> Of that number 875 men and 10 women were executed (Rigby, 2005). Even in face of 172 prisoners exonerated by DNA analysis, 14 of whom were on death row, the absolutist claim to power continues unapologetically. Completely absent is any sense of moral imperative. As Justice Antonin Scalia, the pre-eminent conservative voice of the Supreme Court, has said, "That [opposition to the death penalty] often refers to 'intellectual,

moral, and personal' perceptions, but never to the text and tradition of the Constitution. It is the latter rather than the former that ought to control." (*Callins v. Collins*, 1994).

The most recent addition to the same court is Samuel Alito, whose previous legal opinions have supported the right of police to shoot and kill an unarmed 15 year old fleeing from a \$10 burglary, the right of police to strip search a woman and her 11 year old daughter, even though they were not named in a search warrant, and blanket immunity for government officials who violate the rights of citizens (Turley, 2006). When asked if an innocent citizen had a constitutional right not to be executed, Judge Alito said that it depended on the procedural posture of his appeals (National Public Radio, "Morning", 2006). After his confirmation hearings in January 2006, Judge Alito took his place beside Justice Scalia, both physically and philosophically, which will doubtless permit an absolutist government to continue to spy on, imprison, and execute American citizens according to the desires of the executive.

George W. Bush has declared himself a born-again Christian and war president and has selected people for government positions who echo his *ex cathedra* philosophy, irrespective of their qualifications for the positions. But his political rhetoric applies to more than the consuming conflict in Iraq, his perceived strong point. Given his own participation in the deaths of 155 men and women when he was Governor of Texas and his Manichean division of the entire world into realms of good and evil, given his re-election and the Congress' refusal to administer even the smallest corrective to his fiscal and social policies, the President now functions as an absolute ruler with the power to make war on anyone he chooses, even American citizens, whom he can imprison and even execute without restriction.

The current state of affairs in the United States thus confirms Clausewitz's (1883) observation that war is "nothing but a continuation of political intercourse, with a mixture of other means". Prisons and executions are those "other means" and therefore less about addressing criminal activity than political methods for controlling a restive population. The current government's laws and legal opinions, as extensions of its political thought, demonstrate that the war on crime and the war on drugs are not salutary efforts to cleanse the body politic but rather a thinly disguised, supererogated attempt to maintain an imperial status quo that relegates the majority of the population to a Hobbesian world of perpetual struggle. Since, as Duskin

(2006) points out, “problems cannot be solved within the mindset that created them”, the United States will continue to be the world’s unenviable leader in imprisoning and killing its own people until philosophical and electoral changes produce a different mindset, one that ends the systematic assault on citizens whose primary offence is being poor and therefore irrelevant.

### ENDNOTES

- <sup>1</sup> The government abruptly dropped its original charge in 2005 just as Padilla’s case made its way to the Supreme Court. Padilla was convicted in August 2007 of terrorism conspiracy and material support of a terrorist organization and sentenced to 17 years.
- <sup>2</sup> Cf. Televangelist Pat Robertson’s suggestion that the U.S. government assassinate Venezuelan President Hugo Chavez because of Chavez’s opposition to the policies of the Bush Administration, or the Reverend Jerry Falwell’s assertion that the terrorist attacks of September 11 were God’s punishment visited on an apostate society.
- <sup>3</sup> The U.S. presidential election of 2000 was decided when the U.S. Supreme Court, by a 5 to 4 vote, halted the recount in Florida, where a substantial segment of the black (and Democratic) population was illegally disenfranchised.
- <sup>4</sup> Cf. George Bush’s touted “ownership society” that is eroding the middle class’s influence and prosperity through his regressive tax policies.
- <sup>5</sup> The U.S. is currently training Iraqi police units via a 10 week, 32 hour course in human rights and rule of law. Twenty-two police commandos were subsequently arrested as part of a death squad. See “Iraqi cops face abuse probe”, *USA Today*, February 17, 2006, p. 7A.
- <sup>6</sup> A *USA Today* poll released on January 18, 2006, showed a solid majority of the public supporting Bush’s authority to monitor their phone and e-mail conversations without warrant or oversight.
- <sup>7</sup> Immediately after September 11, Bush divided the world into two distinct spheres: “You’re either with us or you’re with the terrorists.”
- <sup>8</sup> To illustrate, in 1993 the federal government launched an assault on the Branch Davidian compound in Waco, Texas, knowing that innocent women and children were present. The subsequent gunfight and fire killed all 80 people inside the compound. No government agent was ever disciplined.
- <sup>9</sup> Tucker, executed in February 1998 while Bush was Governor, was the first woman put to death in Texas since the Civil War. Bush subsequently ridiculed her clemency request in an interview with *Vanity Fair* magazine.
- <sup>10</sup> In New York alone, one in every five residents is now poor.
- <sup>11</sup> Even the President’s mother is not immune, insisting when visiting the Astrodome following Katrina’s devastation that the evacuees’ plight “wasn’t so bad” because they were all poor to begin with and were used to doing without.
- <sup>12</sup> *Thompson v. Oklahoma*. 108 S.Ct. 2687.
- <sup>13</sup> *Penny v. Lnaugh*, 109 S. Ct. 2934.

- <sup>14</sup> *Atkins v. Virginia*, 122 S.Ct. 2242.
- <sup>15</sup> *Journal of Prisoners on Prisons*, Volumes 6:1,8, 11, 12.
- <sup>16</sup> See Nagelsen and Huckelbury, "Let Nature Take Its Course," *Journal of Prisoners on Prisons*, Volume 14:2 for a more extensive discussion of Williams' clemency application and execution.
- <sup>17</sup> Population as of 2001.

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### ABOUT THE AUTHOR

**Charles Huckelbury** has been incarcerated for over 30 years and has hopes for release in 2008.

A regular contributor to the *Journal of Prisoners on Prisons* since 1997, Charles is an Associate Editor who co-edited Volume 14:2, 2006 with Susan Nagelsen. His essay, "Made in the U.S.A: A Post-Modern Critique" (JPP, Volume 15:1, 2006) won Second Prize in the Essay Category of the American P.E.N. Awards in 2005.

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# RESPONSE

## Why the Journal of Prisoners on Prisons? *A Conversation Between Susan Nagelsen and Charles Huckelbury*

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The following is a recent conversation between Susan Nagelsen and Charles Huckelbury, Associate Editors of the *Journal of Prisoners on Prisons* (JPP). The occasion was an appearance by Sister Helen Prejean, author and tenacious opponent of the death penalty, on the campus of New England College (NEC) where Susan teaches. Once Susan introduced Sister Helen to the JPP, she became a vocal advocate during her lecture. The conversation below traces Susan's introduction to the Journal, her evolving participation in its publication, and the fundamental role she sees for the JPP in contemporary discussions of crime and punishment.

**Charles:** How did you first discover the JPP?

**Susan:** I was teaching a writing course as part of NEC's curriculum at the New Hampshire State Prison in Concord, and one of my students told me about an article he had submitted to the JPP. I asked to see it when the issue came out and was impressed with the quality of writing, the structure and format of the journal in general, and the obvious passion Bob Gaucher and others brought to the subject. I had, and still have, an intense interest in higher education inside prison, so when a subsequent issue was devoted to education, I published an essay on post-secondary curricula behind the walls and was invited to become a member of the editorial board. Later I became an associate editor and issue editor, and the experiences have been enormously rewarding.

**Charles:** Obviously you found something that interested you.

**Susan:** Yes. Since I teach writing, the JPP's emphasis on writing as a means for prisoners to communicate with the outside world was important to me. Second, since the JPP is a research journal with an international scope, I was impressed by the potential for use in both undergraduate and graduate classes in disciplines other than writing.

**Charles:** Such as?

**Susan:** Oh, there are many. Criminology, sociology, criminal justice, law, to name a few. Generally students in those disciplines get only brief glimpses of the punishment side of the equation, but the JPP provided the opportunity for students to hear from the prisoners themselves, as well as

concerned professionals and academics. The journal also provides my first year students with a much needed opportunity to expand their world, and it is imperative to me that we begin with young people. We can't wait to educate citizens about what is happening in prisons around the world; we should be telling the truth so that these young people can help be a part of the voice that makes the change. That was 10 years ago, and I think the need for that kind of awareness is even more important today.

**Charles:** Those of us inside would agree, but why do you think that is so?

**Susan:** Because, given the unprecedented expansion of both incarceration and state sanctioned murder as first-use tools for social control, specifically in the U.S., aided and abetted by a credulous and frightened public whose representatives long ago realized that crime is always an election year winner, a research journal designed to provide a voice for men and women behind the concrete and steel barriers can dispel some of the myths about prisons and prisoners. Plus, the cold, hard truth is that other than prisoners' families and a few academics, few people really know or care what kind of conditions exist inside prisons, or in many cases whether prisoners live or die. That doesn't seem to me how an enlightened society should function. How can citizens make informed decisions if they don't have accurate information, or if the information they do have leads them down a path that results in apathy?

**Charles:** It seems to me that you're saying that hardly anyone cares about prisoners' welfare, so if that's the case, how can the JPP influence those attitudes and encourage people to take an interest in prisoners' writing?

**Susan:** First, you have to consider why people don't care. Most people in the outside world are not concerned because they have been conditioned to think that prisoners have nothing to offer. The only information they have about them comes via the print or electronic media or, again, politicians who have no other election issues but crime. Tookie Williams, recently murdered by the State of California, was nominated three times for the Nobel Peace Prize, but how many people, for example, were aware of those nominations before his clemency application made the national news? Prisoners as a rule have no voice, and where individuals have no voice, their fundamental humanity and the thread that connects them with fellow human beings on the outside gradually fades until both are no longer distinguishable by the people who make the laws and support the system. The JPP provides a primary means to fight this intentional isolation and enables prisoners to resist becoming what the criminal justice system says they are: faceless entities whose lives and deaths are essentially meaningless.

**Charles:** OK, I agree with you, but knowing the men and women inside have something to say is one thing. Convincing a sceptical public is another.

**Susan:** Of course, and the paradox is that history is replete with great writers who either wrote from prison (St. John of the Cross), wrote about their own prison experiences (Dostoyevsky), or created classic literature built around the prison experience (Alexander Dumas). The educated public still validates these authors by purchasing and reading their works in spite of their incarceration and carceral themes, while concomitantly ignoring the men and women who write behind bars in their own countries. With a broad enough audience, the JPP can function as a tool to increase public awareness of contemporary prisoners' conditions, artistic merit, and fundamental humanity.

**Charles:** Unfortunately, most of what the public hears concerns our specific crimes, like Tookie Williams. Even with all the children's books he wrote, most of the publicity dealt with the four murders he was convicted of.

**Susan:** Yes, and there are certainly other literary precedents that tend to stick in the public's mind. Jack Abbott's association with Norman Mailer earned both his freedom and literary fame with the publication of *In the Belly of the Beast* (1968), but Abbott subsequently lived down to the public's expectations by murdering a waiter less than a year after his release. Mailer was subsequently criticized as a naïf for believing in Abbott's redemption, an attitude that persists 25 years later, not because Mailer misjudged Abbott's character, but because he dared to accept *any* prisoner on *any* terms other than those defined by the criminal justice system.

**Charles:** But Abbott turned out to be more harmful to prison writers because, as you said, he turned out to be exactly what the public thought he was from the beginning.

**Susan:** Granted, but Abbott told the truth about the repressive nature of prison and spoke eloquently about its destructive effects on human beings. His personal failures don't diminish that criticism, nor do they mean that today's prisoners should stop advocating for change. Without discussion prompted by the men and women inside, those outside the system will be tempted to ignore the elephant in the living room devouring their tax dollars and destroying lives. This is where the JPP plays such a vital role by providing a forum for those otherwise mute voices that, like Jack Abbott's, can possibly reach beyond the walls to provoke questions about a system that has as its primary goal the total subjugation of human beings rather than the rehabilitation of those humans for the greater good.

**Charles:** It seems like that's an uphill battle. I've been in prison for 32 years, and each year it seems like the attempt to isolate us gets more intense. I've submitted essays and short stories to publications and had them returned unopened because of the label the prison stamps on the envelope. Do you really think it's possible to overcome that kind of prejudice?

**Susan:** I'm not saying it will be easy, but there are more people working to expose the current system's failures than you might think. Sister Helen Prejean, author of *Dead Man Walking* and *Death of Innocents*, was recently on campus for a discussion of prisons and prisoners. When I told her about the JPP and gave her the latest issue, she immediately embraced the concept. She urged her audience to get involved by reading the copies I had made available and subscribing or donating to help get out the word. The response was wonderful. We raised a lot of money that night for the JPP. She shares with Bob Gaucher, our Editor-in-Chief, a connection with James Allridge, murdered by the State of Texas, so it's clear to me that there are other concerned, intelligent voices out there who recognize the JPP's vital role in educating people about a self-defeating system that many unwittingly support.

**Charles:** It's always amazed me that people give their tacit consent and tax dollars to a system that abuses men and women who will one day be back in their neighbourhoods. How can the JPP help ease the shock of prisoners coming back to a world that hates them?

**Susan:** The current system is counterproductive and works against reintegration. Prisoners, after all, retain their connection to society, however slight and transient that connection might be. We are social creatures, and no matter what crimes prisoners might have committed, only the most unregenerate are willing to discard their connection to the world outside the walls. The JPP therefore provides a means by which prisoners can maintain that connection through public discourse and maybe ameliorate the effects of the imposed isolation and brutality they've experienced inside. Since most will return to the world left behind, even without any response other than editorial feedback, contributors will at least have the sense that they are addressing "real" people without the necessity to self-censor to protect against retaliation by prison staff.

**Charles:** That seems like a lot to expect.

**Susan:** The criminal justice system certainly erects barriers, such as censorship and isolation, that limit both free expression and the ability to communicate with the

outside world, and unfortunately, men and women getting out of prison too often encounter the same prejudices they have had to deal with inside. Victor Hugo in *Les Miserables* describes this tendency mordantly with Jean Valjean's capture by Javert. In less than two hours, all the good Valjean had done was forgotten once the town learned he was an escaped convict. Prisoners, however, can't afford to be complicit in this type of depersonalization by sitting by and permitting society to define them by their last illegal act.

**Charles:** That can be pretty difficult, especially if people outside think we've got it too easy because we can watch television and lift weights.

**Susan:** I hear that from my students all the time. It is something I laugh at. So, you should see their little eyes pop out when I tell them about the rest of it: six by nine foot boxes, steel doors, strip searches, counts, snitches, no visits, no phones, years and years and years. My students' lack of information speaks to the heart of the problem. If Southern plantation owners could propagate the myth that their slaves were happy labouring in the fields, it's an easy matter for prison officials to sell the idea that prisoners have it pretty easy because of televisions, radios, and three meals a day. But most slaves were kept illiterate, making it impossible for them to dispute their owners' versions while they were in chains. Thanks to the JPP, contemporary prisoners have another option.

**Charles:** As Associate Editor, is there anything you want to add as far as the JPP's future is concerned?

**Susan:** We're exploring the possibility of making the JPP a quarterly and in that way increasing its attractiveness for course adoptions. We can also accommodate more submissions in that venue. I hope that each prisoner who reads an issue of the JPP takes the opportunity to pass it along to someone else so that we are able to reach more men and women who suffer with no hope. Other than that, I would like to express my gratitude for the opportunity to be a part of the JPP. As we near the twentieth anniversary of the JPP, my colleagues and I would like to remind all men and women in every gulag that, as Bob has phrased it, writing is indeed resistance. We encourage all of you to stay strong, keep focused, and above all, keep writing.

**Susan Nagelsen** is a full professor and Writing Program Director at New England College in Henniker, New Hampshire, and has taught in the New Hampshire State Prison for men for many years. Susan is a member of the Editorial Board of the JPP and

Issue Editor for Volume 14:2, 2006. Her written contributions include “What Have We Got to Lose” (Volume 13, 2004) and “Time Spent Doing Time” (Volume 14:2, 2006).

**Charles Huckelbury** has been incarcerated for over 30 years and has hopes for release in 2008. A regular contributor to the JPP since 1997, Charles is an Associate Editor who co-edited Volume 14:2, 2006 with Susan Nagelsen. His essay, “Made in the U.S.A.: A Post-Modern Critique” (JPP, Volume 15:1, 2006) won Second Prize in the Essay Category of the American P.E.N. Awards in 2005. Charles Huckelbury (#19320) can be contacted at the New Hampshire State Prison, P.O. Box 14, Concord, NH 03302, U.S.A.

## BOOK REVIEWS

### *The Story of Cruel & Unusual*

by Colin Dayan

Cambridge: MIT Press (2007), 100 pp.

*Reviewed by Mike Larsen*

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In a JPP article entitled “What did you expect?”, Roger Buehl (2006) makes a short but provocative argument against the tendency towards depicting U.S. abuses at Abu Ghraib as novel, abnormal, and unusual. He suggests that the atrocities, so compellingly documented in photograph, are better understood as extensions of the policies of degradation and abuse that are characteristic of the U.S. penal system. Buehl’s observations are echoed in and serve as an excellent preface for *The Story of Cruel & Unusual*, a recent book by Colin Dayan. Dayan’s objective in this short and succinct text is to use the legal history of the U.S. Eighth Amendment (against cruel and unusual punishment) to show how abuses at Abu Ghraib and Guantanamo Bay are rooted in a legacy of permissible prisoner abuse that stretches back to U.S. policy regarding the treatment of black slaves. Buehl asks us “what did you expect?”, and Dayan explains why the reasonable - and troubling - response ought to be “more of the same”.

Dayan makes it her task, in a short 100 pages, to demonstrate how, in the American context, the political and legal debates around the limits of permissible pain have consistently empowered the state to degrade, dehumanize, and abuse prisoners. She begins by noting how the Eighth Amendment prohibits punishment that is both cruel and unusual, a coupling that has opened the door to normalized and institutionalized cruelty. The origins of this conceptual coupling, she argues, can be traced to U.S. law regarding the treatment of black slaves, which was characterized by ambiguity and superficiality; by constructing a legal prohibition against treatment that was *both* cruel and unusual, regular and structured (“usual”) forms of abuse were protected by the law. Dayan moves from this discussion of slave law to an exploration of U.S. Eighth Amendment jurisprudence, which has, to summarize her argument, emphasized the irregularity and intent associated with prisoner treatment, and not its effects. The result is a legal history that refuses to recognize the abusive effects of prison conditions, of deprivations, or of the carceral experience more generally. Instead, a focus on intent in

determining abuse has ensured a culture of explaining away the excesses of bad apples, instead of acknowledging the structural abuses of the penal system. This approach, as both Dayan and Buehl recognize, is reflected in the official reaction to the Abu Ghraib abuses.

Dayan paints a disturbing (but not unsurprising) picture of a penal policy that has outlawed only excesses “at the outer limits of the barbarous” (p. 84), permitting and legitimizing more “normal” and regularized forms of abuse. She shows how decisions around the U.S. Eighth Amendment have consistently favoured the state, rejecting arguments based on the cumulative effects of incarceration. Similarly, she notes how jurisprudence around cruel and unusual punishment has consistently constructed prisoners - and security detainees and “enemy combatants” - as carceral “bodies”. In practical terms, this corporeal construction has enabled non-corporeal (mental) forms of punishment. This legacy of permissible and institutionalized abuse has produced the contextual backdrop for the mistreatment of detainees in the “war on terror”.

*The Story of Cruel & Unusual* is a useful, well-written, and well-documented book, and it makes an important contribution to the literature on prisoner treatment and human rights law. Dayan draws on a variety of sources to make her argument, including first-hand accounts and statements from prisoners and court officials. These statements emerge from her extensive research into contemporary and historical texts, as opposed to interviews, and the reader is left with the impression that greater direct engagement with ethnographic material would add additional strength and legitimacy to Dayan’s arguments. Another shortcoming is the text’s exclusive focus on American law and policy. A broader, more well-rounded and transnational analysis would doubtless find important parallels in the policies of many western states. Such work would better equip us to discuss and critique global carceral politics.

## REFERENCE

Buehl, Roger (2006) “What did you expect?” in *Journal of Prisoners on Prisons*, Volume 15:1, p. 1-3.



### **ABOUT THE REVIEWER**

**Mike Larsen** is a Researcher at the York Centre for International and Security Studies (YCISS), and a PhD. candidate in Sociology at York University, Toronto, Canada. His research deals with post-September 11 trends in the confinement of non-citizens on the basis of official suspicions and allegations related to national security. He is currently studying the Canadian security certificate regime (known as ‘secret trials’) and the Kingston Immigration Holding Centre (known as “Guantanamo North”).

## ***Blue Cage at Midnight***

**by Gary Freeman**

**Toronto: LyricalMyrical Press (2007), 35 pp.**

*Reviewed by Lisa A. Smith*

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What is the human compulsion to place a message in a bottle? The fragile container, holding the carefully crafted note, releases a cry for help into the wide open ocean. The pounding waves toss the bottle about until it finds its way into a sheltered alcove, where a curious beachcomber picks it up. Will it be opened? Will it be understood? When we put a message in a bottle we leave to chance the possibility that the message will reach the right hands, and further that they will understand our message and know what to do.

What type of message might we send? Do we lay our soul bare for the readers and allow them to see, feel and hear our experience? Do we tell them what we need and hope for? Do we apprise them of our deepest fears and darkest moments? Do we risk sending such a message to someone we have never met and may never see?

Great poets, writers and musicians place messages into a bottle and release it into the universe - pure humanity, pure soul, no fear, no pretension, no bullshit. And that's what Douglas Gary Freeman does in his book of poetry, *Blue Cage at Midnight*. As Freeman currently hangs in limbo awaiting extradition for a crime he allegedly committed over 30 years ago, this book is a message in a bottle that Canadians interested in working to foster social justice and end human suffering need to read. But the prospective reader should not worry about feeling overwhelmed; this is not a list of history dates or complicated political and philosophical arguments. Rather, the author artfully takes us on a journey with him through his life, his passions and his fears, which are fundamentally implicated in the political and social struggles into which he was born.

Freeman grew up in a tumultuous inner city neighbourhood and came of age in an even more turbulent political climate in 1960s Chicago, the hot spot for FBI repression of the Black Panther Party, of which he was a member. Beginning with "memories of my youth" the author immediately illustrates his mastery of powerful imagery and metaphor, which remains the thread weaving together all of his compositions.

as children  
we learned to stand on one leg  
clasping bundles of hope between our teeth

He shifts effortlessly into a commanding tone in “Like Caught Niggas”. Freeman delivers an opening phrase which pulls the reader into the powerful political message driving the piece.

Slaves are made  
Not born:  
The fabric of the mind must be mutilated  
Then supplanted  
By the desired synthetics.

The book is comprised mostly of poetry (save for a few short prose style expositions) and is drawn from just under two decades of Freeman’s writing.

The cover art, by Paul Morin, blends excerpts from the poems with bold images which provide an excellent complement to the compositions. The opening to the book, by George Elliott Clarke, apprises the reader of Freeman’s current circumstances and situates his case within the wider history of African-American struggles in the United States, as well as highlighting the long tradition which Freeman enters into in using verse as a form of struggle and resistance. Clarke calls Freeman’s writing “spiky, tough, explosive”, which is without question true. However, I most connected with how the author lays bare the darkness in life without shame or apologies. His writing is heart wrenching, painfully honest, beautiful, and at times jarring, in many ways akin to jazz, which Freeman loves and lives for.

Visit <http://www.web.net/~freemandrum/index.html> for more information on Freeman’s story and how to become involved in his campaign. Let Freeman’s message be one that inspires action to turn his “Blue Cage” into one with a door which we all push open.

### ABOUT THE REVIEWER

**Lisa A. Smith** is currently a doctoral student in the Department of Sociology at Carleton University, Ottawa, Canada. She worked for many years in conjunction with the Centre for Restorative Justice at Simon Fraser University. She held a research internship at the Crime and Justice Research Centre at Victoria University of Wellington, New Zealand, along with research positions at Simon Fraser University’s Department of Criminology

and Concordia University's Department of Sociology. Her work has appeared in *Social Compass*, the *Sociology of Religion*, and the *Journal of Prisoners on Prisons*.

**Editor's Note:** After being detained at the Don Jail in Toronto, Canada since July 2004, Gary Freeman was extradited to the U.S. in February 2008. All but one charge against him was dropped. Gary pleaded guilty to this charge and served one month in Cook County Jail. He is on probation in the U.S. for a two year period. Gary is with his family in Chicago where he is starting a foundation for children who are victims of violent crime. American authorities view the outcome of this three decade long case as an effort at reconciliation with the African-American community.

***Prison Voices***  
**edited by Lee Weinstein and Richard Jaccoma**  
**Kingston: John Howard Society of Canada /**  
**Black Point (NS): Fernwood Publishing (2007), 176 pp.**  
*Reviewed by Patrick Derby*

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Developed as a means of encouraging literacy within as well as outside prison walls, *Prison Voices* highlights the creative writings of 12 Canadian prisoners. While prison writing is the grounding force of this volume, the authors' lives are also portrayed through photographic portraits, biographies and short interviews. This collection includes various forms of expression, from poetry to short stories and fables. Some of the pieces for this compilation were written in moments of pained self-reflection, dedicated to loved ones, or meant to provide long distance parental guidance to young children.

Of noteworthy quality are the writings of Jon Brown and Mike Oulton. Members of a writing workshop at Matsqui Institution (Abbotsford, British Columbia), Brown and Oulton have shared short vivid works portraying their prison experiences. In his piece "Ten hours in the Valley", Brown writes of his experience being transferred from a provincial detention centre to a federal penitentiary, while in "Five bucks'll getcha burned", Oulton describes an act of violence which he witnessed at an American prison. Each of these pieces provides a glimpse of the inhumanity that is suffered in prison, at the hands of both correctional staff and other prisoners.

Not only does this collection of prisoner authors represent a cross-section of Canada's federal prison population (in terms of age, race, gender, offence, and geography), but their writings also address a cross-section of issues and debates within criminology and penology. The primary theme which weaves its way through this volume is that of *pain*. In most cases the contributors describe a pained childhood, and/or experience while living within society, and such pain continues - in some cases worsens - inside prisons. Certainly this book addresses the traditional discussions of the pains of imprisonment, which tend to focus on the prisoner's experiences of the deprivation of liberty, autonomy and security. However, the material moves beyond these themes, opening the door for the reader to consider the pains of imprisonment as experienced by the family and loved ones of prisoners.

*Prison Voices* goes into the "black box" that is the prison and does something that many critical academic criminologists are struggling to

accomplish. That is, it presents critical criminological discourse (in this case specifically on the topic of imprisonment) in a manner that is accessible and appealing to a diverse public. Lay persons and academics alike will find the volume educational and engaging. While members of an increasingly conservative public may not empathize with the many pains experienced by the so-called “criminal other”, as is illustrated by the not uncommon refrain “you do the crime, you do the time”, they may accept that imprisonment has the capacity to destroy families - the so-called cornerstone of conservative values.

This volume is designed in such a way that it can be read cover-to-cover in one sitting, or it can be read in snippets. Be warned, however, that once you begin reading you will find it nearly impossible to stop. *Prison Voices* has the power to challenge readers’ assumptions about the alleged benefits of incarceration and their perceptions of prisoners. One cannot read this collection without acknowledging that the contributors are more than “inmates” or “offenders”. They are mothers, fathers, children, grandchildren, brothers and sisters. Above all, they are fellow human beings with voices that need to be heard.

#### ABOUT THE REVIEWER

**Patrick Derby** is a PhD. Student at Queen’s University, Kingston, Ontario, Canada. His current research interests include the sociology of criminological knowledge, as well as the political economy of surveillance and social control. His MA thesis is entitled, *Interrogating the ‘selective gaze’ of Canadian CCTV operators: Perspectives from behind the camera’s lens.*

***Where I'm Writing From:***  
***Essays from Pennsylvania's Death Row***  
**By Reginald Sinclair Lewis**  
**Baltimore: Publish America (2005) 150 pp.**  
*Reviewed by Justin Piché*

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Prisoners on death row are among the most vilified individuals in the United States. Portrayed as guilty, remorseless and sadistic killers by Fox News and the mainstream media, the picture painted is black and white. *Where I'm Writing From: Essays From Pennsylvania's Death Row* by Reginald Sinclair Lewis is a collection of 28 entries that paints a much different picture. With a pen and paper in hand, his words and ideas cover once blank tapestry, capturing the shades of grey and colours of criminal justice in America made unintelligible in mainstream accounts.

Literary, stylistic and real. Lewis' work makes visible the corrupt, racist and thuggish orientation of law enforcement, courts and corrections in the United States. In "The Auschwitz Factory", he extends his critique of the criminal justice system by comparing the process in which those accused of having committed crimes are dehumanized much in the same way that those of Middle Eastern decent are depicted today in order to justify the implementation of policies and practices that strip one's right to freedom and life. Lewis also explores the dynamics of living under constant surveillance in the United States in "These Are Not God's Eyes", serving as a critique of those who support imprisonment while also admonishing countries governed by similar draconian rules such as Iran.

In keeping with the title of the book, each of the pieces written by Lewis allows the reader to connect with the moments that have shaped the man he has become and where he finds himself today. The opening salvo, "Sweeter Than Sugar", explores scenes and characters from his childhood in North Philadelphia. "Good Night, Boo Baby" describes the author's thoughts on his exchanges with a dying aunt through letters and coping with her loss behind bars. "Prison Father Sessions" introduces the reader to the difficult task of helping to raise a daughter from death row. In "The Evidence of Things Unseen", we learn of the circumstances that led to the 1983 conviction of Lewis for murder, a crime he attests he did not commit. This anthology is an artifact of a life. It is a reminder that prisoners are human beings and that the pains they experience inside transcend prison walls, impacting their loved ones.

Writing in prisons is not without its challenges. For instance, being in prison means that one is stripped of many of the resources needed to express one's ideas intelligibly. This is made visible in Lewis' chapter, "A Very Cold Place", where he describes having what little materials he had access to, including books and his own manuscripts, confiscated during an institution-wide raid. Even in cases where he evaded these forms of censorship, his essay, "Where I'm Writing From", provides examples of difficulties he faced in finding publishers and an audience for his work. Beyond barriers to knowledge production and dissemination, Lewis has also encountered reprisals for his publications, including harassment from fellow prisoners and guards. The author has also drawn the scorn of politicians, including former Governor Tom Ridge, who signed his death warrant in 1997 following the release of his article, "The Shame of Philadelphia Blue", which criticized the corrupt and racist culture of the police force in the city. This was done despite the fact that Lewis' case was scheduled for an appeal, shedding light on the cruel and unusual politics of criminal justice in the United States.

While prisons are not conducive environments for writing, Lewis and his contemporaries allow these experiences to inform and motivate their unique sense of the world and the spaces in which they are caged. Throughout the collection, it is made clear by the author that writing is resistance, a means of connecting to the outside to make a contribution to society and to transcend the deprivation of liberty. As illustrated in "Say Hello to My Little Friends", writing is transformative. In the piece, Lewis outlines his exchanges with a group of school children who began corresponding with him in 1995 after having read his work. In 1997, the youth organized a march to the Pennsylvania State Capitol to oppose his death sentence, prompting a stay of his execution.

An award winning author and a master of his craft, this collection of essays written by Reginald Sinclair Lewis is a must read, particularly for those who blindly support a corrupt criminal justice system and are quick to call for the harsh treatment of the incarcerated. Students of the carceral would also be well advised to pay attention to this compilation as it provides a grounded account of the ongoing brutalities of incarceration, a rarity amongst texts on imprisonment circulating today.



### ABOUT THE REVIEWER

**Justin Piché** is a doctoral candidate studying sociology at Carleton University, Ottawa, Canada. His doctoral research examines where prisons are built and why, drawing on both governmentality and political-economic perspectives. The study also examines the impact of prison location on prisoners and their loved ones. In 2007, Justin co-published articles in the *International Journal of Restorative Justice* with Véronique Strimelle and the *York Centre for International Security Studies Working Paper Series* with Mike Larsen. His MA thesis, entitled “Restorative Prisons?” was awarded the Commission on Graduate Studies in Humanities Prize from the University of Ottawa. He is currently Organizational Planning Coordinator of the JPP.

## ***The Autobiography of Tiyo Attallah Salah-EI***

**New York: iUniverse (2006), 154 pp.**

*Reviewed by Mechthild Nagel*

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I am writing this book review as a friend, as somebody who has recently come into Tiyo's life. I am one of his many American and international friends who marvel at Tiyo's capacity to reach out and to make the prison walls disappear psychically and symbolically. Tiyo's sense of friendship is indeed fiercely loyal. I am not much of a letter writer but in the course of these past six years, we have managed to stay in fairly regular contact, and I was able to perhaps average one letter for his three to four letters a month. I was pleased that Robert Cox, an archivist with the W.E.B. du Bois library of the University of Massachusetts at Amherst, contacted Tiyo's friends and persuaded us to hand over our volumes of letters to the archive. We can now rest assured that his legacy will live on, as one of thousands of U.S. citizens who remain incarcerated for life, and as one who has used the prison as a schoolhouse to further his own incessant quest for knowledge.

Tiyo's recollections are more than personal. They are a much needed, stirring-the-conscience type of analysis as a response to the ongoing prison crisis in the United States in the 21<sup>st</sup> century. His text follows the best of slave narratives, in particular, radical slave narratives.<sup>1</sup> Such stories and analyses break with the familiar script of writing oneself into freedom through education and of associating the "escape" from prison with real freedom. Tiyo's writing is quite different, although he takes his educational path - earned under tremendously difficult circumstances in prison - very seriously. Growing up as a child in Jim Crow suburban Pennsylvania as David Jones, Tiyo had a relatively happy childhood. He was one of only two black youths in his high school and became something of a sports star, if not a local legend, and received a diploma, even though, as he acknowledges, he lacked an interest in academic work (p. 2). Tiyo takes full responsibility for his youthful life path of wrong choices, even when he makes it clear that he was set up by his own kin in a drug bust and eventually indicted for a murder which he not commit. Due to the murder charge, he ended up as a lifer in SCI Dallas, Pennsylvania.

There are at least three major areas of transformation mentioned in his autobiography:

- Education: From "the fast life" of drugs and mob violence, Tiyo literally reinvented himself into a disciplined, published scholar

(earning a B.A. and an M.A. in Political Science while imprisoned), and a tireless teacher of music who recently has undertaken to impart GED skills to his eager pupils - 60 in all and growing. Tiyo has published several articles on the value of education in academic journals, including "Attaining Education in Prison Equals Prisoner Power".<sup>2</sup> "A Call for the Abolition of Prisons" (2004) was published in the JPP issue focused upon "prisoners and the production of knowledge", and reprinted widely.<sup>3</sup>

- Faith: Tiyo had a Methodist upbringing, converted to the Moorish Science Temple of America, and finally joined the Quakers while imprisoned at SCI Dallas. Becoming a Muslim also prompted a name change - Tiyo Attallah Salah-El. On his religious conversion, Tiyo wittily notes: "Being a Quaker in prison is not something I'd recommend for the faint of heart" (p. 87). Faced with ignorant assumptions that a black man could not possibly become a Quaker, Tiyo again set on his own path of defiance, especially when criticized about joining an organization that started the prison experiment in the United States. Chapter 12, "Brief Overview of Prisons in Pennsylvania", is a good rejoinder to his sceptics, and his self-education on the history of prisons explains why he eventually started to identify with the abolitionist cause, which the Quakers now champion as well<sup>4</sup> (p. 94). His research led to probably his greatest political endeavour, organizing "The Coalition for the Abolition of Prisons, INC.", which did not exactly endear him to the "powers that be".
- Politics: After high school Tiyo enlisted in the army and was sent to Korea for three years; he returned with a shrapnel injury after his tank hit a mine. During another soldier's funeral service, he had a political conversion and vowed that he would never "enter any military service or support any war efforts of the United States" (p. 25). If one could use one word to characterize his personality, I would choose brazenness, which leads him to take risks, such as forming an anti-prison organization. Tiyo was an irritation to many correctional authorities early on. In a particular daring move, while being a prisoner on remand, he decided to organize the jail and actually had a sizeable number of prisoners sign a union card. Yet, predictably the Pennsylvania Labor Relations Board ruled against the Prisoners'

Labor Union and eventually the case was terminated at the State Supreme Court level. Being found guilty of murder, Tiyo was sent to Huntingdon state prison where he was classified as “a dangerous political prisoner” and placed in the “Hole” (p. 63). Shortly thereafter in 1977, he was sent to SCI Dallas where he still is caged. Being ever the optimist, Tiyo writes:

It became clear I had crossed onto the forbidden path of politics and power of the wealthy and would begin paying the price that most poor people pay who become ‘uppity’ and dare take on the powerful and the rich. However, as bad as things seemed to be I was still alive and able to think and survive (p. 63-4).

One of my favorite passages in the book gives the reader a glimpse not only into Tiyo’s long search for the right answers for our prison crisis, but also into some of the unusual studies undertaken which transformed him into an ardent abolitionist. In Chapter 14, “Some Reasons to Consider Abolition,” Tiyo writes:

I did not become an abolitionist over night. It took years of reading, studying, and asking lots of questions. Having teachers, such as Monty Neill and Howard Zinn, leading me into new fields of study was the key factor which in turn was indeed a blessing. Reading the works of Marx, Homer, Cervantes—looking at the powerful paintings of Picasso, Chico Mendes, African, Native American and Mexican art—listening to the powerful and beautiful music of Miles Davis, John Coltrane, Charlie Parker, Thelonious Monk, Dizzy Gillespie, Bach, Liszt, Schubert, Tchaikovsky, Stravinsky, Bartok, Schumann, Handel, Haydn, Mozart, Beethoven, and other musicians and artists, all played a part in my development. My imagination soared. I gained an international perspective regarding politics and prisons. I became a dialectical dreamer with my brain reeling with visions and dreams of a radically new society founded on a total transformation in human relationships and the abolition of prisons (p. 100).

Our appreciation of the text, and the life of a prison writer/abolitionist is enhanced if we note that Tiyo wrote the book under trying circumstances.

He was harassed by guards intent on destroying his typewriter and his work. Not surprisingly, the author has not seen a copy of his published work. Tiyo's autobiography thus joins the venerable tradition of prison writers (such as Kenyan playwright Ngugi wa Thiong'o) who see their work smuggled out, at times even on toilet paper.<sup>5</sup> I would recommend this book to anybody interested in the tradition of the African-American experience in resisting slavery (in particular in Pennsylvania) and to prison critics, interested in joining the global struggle for transformative justice.

### ENDNOTES

- <sup>1</sup> Franklin, H.B. (1989) *Prison Literature in America: The Victim as Criminal and Artist*, New York: Oxford Press.
- <sup>2</sup> Salah-El, Tiyo Attallah (1992) "Attaining Education in Prison Equals Prisoner Power", *The Journal of Prisoners on Prisons*, Volume 4:1, p. 45-52.
- <sup>3</sup> Salah-El, Tiyo Attallah (2004) "A Call for the Abolition of Prisons", *The Journal of Prisoners on Prisons*, Volume 13. Also reprinted in J. James, ed. (2005) *The New Abolitionists*, Albany: State University of New York Press; M. Nagel and S. Asumah, eds. (2007) *Prisons and Punishment: Reconsidering Global Penalty*, Trenton, N.J.: Africa World Press.
- <sup>4</sup> Editor's Note: Ruth Morris, co-founder of "The International Conference on Penal Abolition (Toronto, 1983) and a staunch Quaker, worked closely with "Society of Friends" groups across Canada. Her seminal work on abolitionism includes: *Penal Abolition: The Practical Choice* (1995, Toronto: CSPI) and *Stories of Transformative Justice* (2000, Toronto: CSPI). Ruth was also a member of the Editorial Board of *The Journal of Prisoners on Prisons* from its inception (1988) until her death on September 17, 2001. See L. Elliott, "Editor's Dedication", *Journal of Prisoners on Prisons*, Volume 12 (2003).
- <sup>5</sup> Brook, Peter (2003) "Prison Samizdat of British Conscientious Objectors in the First World War", *The Journal of Prisoners On Prisons*, Volume 12 (2003).

### ABOUT THE REVIEWER

**Mechthild Nagel** is a Professor of Philosophy at State University of New York in Cortland. She has a B.A. equivalent in Philosophy from Albert-Ludwigs-Universität at Freiburg, Germany, and an M.A. and Ph.D. from the University of Massachusetts at Amherst. Her most recent publication is *Prisons and Punishment: Reconsidering Global Penalty* (with Seth Asumah), Africa World Press (2007). She has received many awards and honours for her extensive work in many areas of speciality in philosophy, including prisons.

## ***Prison Stories***

by Seth Ferranti

St. Peters, NO: Gorilla Convict Publications (2004),

276 pp.

*Reviewed by Kevin Walby*

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**P***rison Stories* by Seth “Soul Man” Ferranti is a gripping tale about the hardships of prison life and the ironies of the War on Drugs in America. A young suburban white kid nicknamed Guero, the main character, is in prison serving a lengthy sentence for pushing drugs on the outside. In prison Guero gets swept into pushing again, for kicks, money and respect. He works his way up the ranks of a Latino drug gang. Initially the drugs are supplied by a guard. Then someone drops a note on Dave, the front man who has the whole pound “on lock”, bringing down the network, including Leonardo who is orchestrating the whole operation from behind the scenes.

It becomes known that Roberto the Cuban was tapped by the DEA to infiltrate the network. Opportunities open for Guero to rise to prominence moving weed. Drugs get in - through swallowed or keistered balloons. Sometimes Guero is living “Big Willie style”, other times he is “hustling backwards”. Most of Guero’s *carnalitos*, including Vance and Travieso who are deep in with La Raza, end up transferred or back on *la calle*. Guero takes up work in a UNICOR prison factory, which he laments as controlling. *Prison Stories* ends when Guero is shuffled to a new BOP stop and has a chance to knife Roberto, the known snitch. When Guero approaches Roberto in the final scene, shank in hand, he must decide whether to vindicate those whom Roberto wronged through the DEA scam or steer straight and endure with plans to end up back on the outside.

The book’s main story is broken up by several shorter vignettes. Interludes pertain to big fights, cell extractions, prejudice against “gumps” (men who have sex with men in prison), and despised prison guards like Shakedown Billy. Refusing to sensationalize prison life as popular culture representations tend to do, these little tales provide context, and allow Ferranti to weave in additional attention grabbing narratives and prison slangs.

Ferranti’s book reflects academic writings that document how snitches who violate codes of honour are targeted for retribution (Rosenfeld et al., 2003) and how prison officials use inmate snitch reports for control (Marquart and Roebuck, 1985). Scott’s (2004) research touches on one of

Ferranti's major theses: gangs are a double-edge sword enabling but also impeding reintegration after release. Ethnographic research (Crewe, 2005) substantiates Ferranti's account of how prisoners' lives are deeply marked by the pervasiveness of drugs inside.

*Prison Stories* offers an in-depth look at the gritty politics of loyalty and violence that govern life and death on the floor of American prisons. When Ferranti writes about gang-based and ethno-racial tension, *Prison Stories* is as powerful as the 1993 film "Blood In, Blood Out" at conveying the realities of prison violence and brotherhood (without the melodrama). Loosely autobiographical, *Prison Stories* will appeal to other prison writers as well as fellow travelers interested in prisoner masculinities and the politics of imprisonment. Overall, Ferranti's *Prison Stories* is a fantastic read, a real feather in the cap of Gorilla Convict Publications.

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## ABOUT THE REVIEWER

**Kevin Walby** is a PhD. candidate in the Department of Sociology and Anthropology at Carleton University, Ottawa, Canada. His research interests include the sociology of emotions, the sociology of risk, masculinities, surveillance and governance studies. His dissertation research explores emotional labour and negotiation of risk as it concerns male sex work. He has recently published in *Social & Legal Studies* (2007), *Qualitative Inquiry* (2007), *Critical Sociology* (2007), and the *Canadian Journal of Law and Society* (2008).

























