On the inside, within the first layer of ramparts that envelop the grey-walled penal structure, sits a lethal electrified fence that is arguably more gruesome and deadly for prisoners than the lofty gun towers that dot its foreboding perimeter. Within the second layer of divisions is a labyrinth of restrictive barriers and brickwork that snake their way toward a larger maze of pavement and chain-link fences that house a virtual world of hardened concrete and fortified steel. A purgatorial home for most prisoners before they are released back into society, this is also your average house of hopelessness for the fast-increasing population of men, women and children forever sentenced to life without the possibility of parole (Nellis and King, 2009; see also Appleton and Grover, 2007).

In 2008, 41,095 people were serving life without the possibility of parole. The extended influx of life without the possibility of parole sentences is reflected in its rapid growth: In 1992 there were 12,453 people serving life without the possibility of parole sentences. Just sixteen years later that number tripled (Nellis and King, 2009, p. 4). Why? That is the question every American citizen should be asking. Senator Jim Webb (2009, p. 4) of Virginia questioned America’s penchant for disproportionately locking up its own citizens, stating: “Either we are the most evil people on earth, or we are doing something very wrong”.

Nevertheless, this elaborate bulwark of impediments is designed to protect society from the varied lot of denizens to such hell houses for the crimes they’ve committed against society. From the non-violent to the extremely violent, their attitudes, temperament and dangerousness to society is about as diverse as the offenses they have committed.

It is society’s hope that while inside, offenders will repent and reform themselves; that they will conform to societal standards of comportment and become productive, taxpaying members of the law-abiding community. Unfortunately, the vast majority of penal institutions fail miserably at their calling. Indeed, it is rather a unique aberration for most American ‘corrections’ and ‘rehabilitation’ systems to claim even a reasonable parole-to-success rate. California, by all accounts, has the very worst recidivism rate at nearly 70 percent (CDCR, 2011).

So the failing system and the weary citizenry engage in a vicious and destructive cycle, with the citizens growing evermore angry at the persistent recidivism rates and the malignant continuum of repeat offending. The
hapless prisoner is caught somewhere in the middle (Zimring et al., 2001). The truth is that the process of programming, progression and rehabilitation hinge on the guidance and tools made available to the prisoner while incarcerated. If nothing is offered, or made available in these steel-barred dungeons of deprivation, then the prisoner has little more to do than be idle.

Not surprisingly, California also has one of the most extensive populations of prisoners sentenced under life without the possibility of parole (3,679), along with Florida (6,424), Louisiana (4,161) and Pennsylvania (4,434) (Nellis and King, 2009, p. 3). The cause of at least a portion of the growth in life without the possibility of parole sentences is the failure of the penal institutions to rehabilitate prisoners. Some life without candidates graduate to society’s level of so-called incorrigibility by repeat offending, gradually growing more brazen. Yet, while previously in the “system” they were systematically neglected in being taught new skills, having a new mindset instilled and being provided real and tangible post-release support (ibid).

It cannot be overstated how important it is for institutions to steer prisoners away from idle time. But in reality, prisons are too often idle places where little if any rehabilitation is offered. Personally, I find this interesting because studies have shown that for every $1.00 spent on rehabilitation, a projected $2.50 is saved in prevention (California Rehabilitation Oversight Board, 2011). Indeed, the only difference between the criminal mind and the law-abiding mind is the thinking, and it is likely that the person will be rehabilitated.

Another contributing factor to the growth of life without the possibility of parole sentences is that too often prisoners with non-life sentences are released without any meaningful job training or the educational tools necessary to succeed. When they inevitably fail, including the very few who commit the more notorious and tragic offences, the news media recycles the stories as if such cases were the norm. The more gruesome the crime, the more repetitive and sensational the coverage. Understandably, the public becomes infuriated. The public demands harsher sentences; society wants “life to mean life” (Nellis and King, 2009, p. 3). Consequently, the public’s ire is then exploited by politicians seeking office or trying to secure an incumbency seat. Society is often bewitched by the deception that such crimes of notoriety are the rule, not the exception. Instead of holding wardens accountable, much like teachers are held accountable for their lack of success in the classroom (Torres, 2010), society misdirects its anger on the unequipped prisoner.
Another factor exacerbating this paradigm are the policies behind the recidivism. In most cases a parolee does not have to commit a crime to be sent back to prison. A parole violation – basically breaking some minor rule – can be grounds for a person to be sent back to prison. California, in particular, has been criticized for re-imprisoning parolees for technicalities as minor as being in association with another ex-felon – even family members. So officials hurl the parolee back into a prison overflowing with full-fledged felons.¹

Others have been returned for failing a drug test, which might be acceptable if they were offered some type of drug rehab once back inside. But this is not the case. For the vast majority of parolees, such policies severely challenge and threaten their long-term stability on the outside as they strive to re-integrate into society. Yet, absent a life sentence they are mandated to be released. It is a violent vortex that takes its ever-depleting toll. Failure at the bottom of the system extends itself above. Lifers, a rarely released segment of the population, are frequently assumed to have the same failure rates and are often denied any chance at parole to prove otherwise.

In the past twenty years America’s punitive structures have become so out of sync that the U.S. stands shamefully unique among industrialized nations in its regressive approach to sentencing via mandatory guidelines. These inhumane guidelines judge crimes by cold, coded and set formulas that ignore the person and their behaviour. The individual’s history is ignored, any symptoms that led to the offense are ignored – and thus many remedies for preventing crime; tracking patterns, or tailoring a treatment for the offender are lost. In earnest, any objective review of America’s draconian sentencing statutes would reveal a mishmash of punishments that lack any rhyme or reason. None of it makes any sense.

Life without the possibility of parole is nearly unthinkable in other civilized nations. Other countries, such as Japan, Italy, Mexico and Peru, among many others, limit incarceration at thirty years (USA Today, 2010). When life without the possibility of parole is applied in other industrialized nations, it is used sparingly.

During a February 2010 address to lawyers in Los Angeles, California, U.S. Supreme Court Justice Anthony M. Kennedy expressed his dismay at the politicizing of prisons in California stating that U.S. sentencing is eight times longer than in European courts (C. Williams, 2010). This brings to the fore another prudent question: is America’s prevalent use of an absolute
sentence such as life without the possibility of parole really necessary? Particularly as pertains to your average first-time offenders.

Without giving any mind as to whether these people are redeemable and without at least screening them through parole boards during the course of their incarceration, how would anyone know if such offenders are salvageable? To just throw people away without giving thought to human possibilities is about as arbitrary as anyone can get. On the other hand, I can already hear the professional victims’ rights people saying something cynical like: “Well, these murderers didn’t give their victims any such consideration”. And perhaps that may be so, but is not that the difference between a criminal mind and a civil society? Should the goal not be to reform the criminal mind? That is precisely why society must do everything within its power to rehabilitate the minds of its miscreants. More to the point, America’s merciless penchant for throwing people away shows a blatant disregard for human life that is eerily similar to sociopathic criminal thinking.

Truth be told, there is no evidence-based foundation to America’s sentencing patterns. In reality, it is not necessarily how much time an offender does, but the quality of one’s incarceration that can determine if the person is redeemable or not. Americans need to decide what they want from prisons. If Americans truly want to prevent crime, and utilize prisons to “correct” and “rehabilitate” then they must invest in the human beings that they now so apathetically warehouse. Nevertheless, in general, if punishment, and punishment only, is the goal, then America is on the right path, but the consequences of this current vain and short-sighted approach is to punish and release the vast majority of prisoners no better, and perhaps worse, than when they entered. Any people so sadistic that they would rather punish than rehabilitate needs to first rehabilitate themselves.

Still, American television constantly harps on second chances. Not for the errant rich and famous, of course, but for these faceless souls, the poor and undeserved, the message seems to be the complete opposite. This fact is frequently lost in the fog of demagoguery that competes to see who can be tougher on crime, in lieu of being smarter, wasting valuable prison space and scarce financial resources. This is hard to make sense of.

The politically motivated “tough-on-crime” pursuit, in the past three decades, has proven itself an annual $60 billion farce and failure, as indicated by unacceptable recidivism rates across the land. Still, life sentences have more than tripled since 1992 (Nellis and King, 2009, p. 2). States with the
largest life without the possibility of parole populations corner the market with an average of one in six of their prisoners sentenced to these eternal sentences (ibid, pp. 5-9).

In many cases, life sentences with the possibility of parole are so frequently served beyond their minimum eligibility dates that they become, for all intents and purposes, life without the possibility of parole. In the federal trial regarding California’s severe overcrowding problems, Justice Thelton Henderson criticized the corrections system for routinely denying prisoners’ parole despite their having fulfilled all the requirements necessary to meet suitability. Alexander Cockburn was absolutely correct in the article, “Dead Souls”, saying: “What [life without the possibility of parole] means is that for the convicted murderers who would otherwise get life with parole, often at very young ages, and who redeem themselves through rehabilitative efforts, even the remotest possibility of release will never become available” (Cockburn, 2009). This is also hard to make sense of.

One of the early foundations of mandatory sentences in America was the passage of the Rockefeller Drug Laws. Enacted in 1973 by the New York Legislature to counter the drug epidemic, harsh-draconian mandatory sentences were imposed to stem and deter black market drug sales. The selling point of the law was to go after drug kingpins, but like California’s Three Strikes Law, priorities got turned upside down and it was the petty offender that became the focus of arrests. The Rockefeller law preyed on street peddlers caught selling two to four ounces; The Three Strikes Law primarily nets small time offenders: drug possession, petty retail theft such as diapers and chewing gum. Under both state laws life sentences were the consequence for these minor crimes (Families to Amend California Three Strikes Law, 2011). However, after a stirring grassroots battle against the “tough-on-crime” rhetoric, the Rockefeller Drug Laws were scaled back some, saving the taxpayers untold billions and, at least to some degree, reserving limited cell space for the more dangerous felons (Papa, 2010).

Like most judges who frown on removing judicial discretion from justices through mandatory sentences, U.S. Supreme Court Justice Kennedy criticized California’s most influential union, the California Correctional Peace Officers Association (CCPOA) for their role in pushing controversial laws like three strikes, characterizing their prison peddling tactics as “sick” (New York Times, 2010). Under California’s version of the Three Strikes Law, an individual convicted of a misdemeanor can be sentenced to
twenty-five-years to life, the same punishment for murder in the Golden State.

One of the more widely publicized instances of a three strikes injustice was the case of Gary Ewing, who was sentenced to twenty five years to life for shoplifting three golf clubs from a Pro-golf shop (ibid). This is the epitome of what Confucius would call “using a cannon to kill a mosquito”.

To be fair, the CCPOA is not alone in exploiting prisoners to bolster job security. Many states, such as New York, have relied on prisons for employment (Moore, 2009). As factory jobs were shipped overseas with little discouragement from lawmakers, a quasi neo-slavery system of prisoners took hold. “Build them and they will come”, goes the saying. Tweak the policies that lead to prison, toss in a “no-tolerance” scheme for children of public education as we have seen across the board, and after they are built and filled with taxpayer funds, the American dream – for the privileged – will materialize. Longer sentences with more social snares to catch their prey make for a rather secure financial windfall for prison guards despite a consistent decrease in crime in every state, including those with less punitive measures (Johnson, 2010).

Another incentive for local communities to host prisons is a keepsake from the slavery-era Census count: the infamous three-fifths of a person rule. Here, prisoners counted in modern Census undertakings augment the population for the local community. The mechanics of this work like so: Joe Average gets himself in trouble in his own community; the community where he was raised and perhaps paid taxes all of his life. Once found guilty, he is sent to prison, usually in some rural remote place. During the Census Mr. Average is counted in his new community, which augments the local population and as a result, the local community gets more revenue and an increase in political representation. However, Mr. Average cannot vote, benefit from the extra funds, nor does his community of origin – just as it was during the slavery era. The incentive for such exploitation is obvious under such rules. It is for these reasons, I surmise, that correctional worker unions do what they do: promote the growth of prisons for the wellbeing of their membership. Such benefits also help the powers that be sell the idea of prison construction in new communities.

This writer happens to be a Mr. Average, serving a life without the possibility of parole sentence. In any case, it was a dark summer night in 1989, I was twenty-three years of age. I was driving my pregnant, twenty-
two-year-old wife and two-year-old daughter home. On the way I had witlessly planned to make a drug drop, which culminated into the robbery of me and my wife. My wife resisted and was mortally shot. I refused to deal with the police because of my culpability in the drug deal. A few months later I was charged with the murder of my beloved wife. We owned a life insurance policy, as most responsible couples do, and the police readily declared financial gain as my motive. In addition, I was also charged with lying-in-wait, which, like the financial gain charge, is a special circumstance worthy of death in California. The trial endured for seven long months, with the jury deliberating for five stretched weeks. I was found guilty. The jury rejected the financial gain allegation, but found true the ambiguous charge of lying-in-wait (because I was driving the car). For that, I now sit in a concrete box sentenced to life without the possibility of parole for the last twenty-one years with no hope of ever being released.

At the conclusion of the penalty phase of the trial, which gives the jury the option of voting for life or death, the panel of twelve voted against having me put to death. I sense they were attempting to be sympathetic after hearing a company of character witnesses testify that I had lived a relatively trouble-free life. Still, while I was relieved to have my life spared, it was not lost on me that my wife and unborn child were gone forever, and my daughter will never again be held by her mother. Not to mention, I am to blame. I must live with that for the rest of my life.

Furthermore, I was betwixed within the finality of a sentence – to be forever lived out in hell’s clutches; and though I was spared from death, I lost the right to all of the statutory protections that come with a death sentence. With life without the possibility of parole, absent are the automatic appeals and the close scrutiny that is guaranteed with a death sentence, though incapacitating us for the rest of our natural lives is every bit as serious. To subsist under a life without the possibility of parole sentence could still classify one as a dead man walking – though excruciatingly slower.

Strictly interpreting my case by statute, it was the very technical mistake of driving the car that made the deference between twenty-five years with a possibility to parole and life without the possibility of parole. It was not until recently that research led me to learn that it was the savvy (and sadistic) political maneuvering of the CCPOA that created this snare for me, as well as thousands of others. Crime Victims United (CVU), funded primarily by the CCVPOA, helped sponsor the growing definition of
California's special circumstance laws in 1982 and 1990, respectively. In a sense one could say lifers, and all prisoners for that matter, are political prisoners. Political prisoners, not for their conscious, subversive or political ideologies, but indispensible pawns in a rapacious political system that sees them as nothing more than exploitive fodder.

For instance, there is a distinct difference between sincere victims of crime, who want common sense adjustments to the system that not only brings about healing, but also effectively contribute to prevention. Murder Victim Families for Reconciliation (MVFR) and the restorative justice collective is a perfect example. MVFR believes in and strives for reconciliation, a process that involves positively influencing the delinquent mind. They believe in bringing people together, fostering understanding and nurturing forgiveness, healing and closure (Wright, 1998).

If I were a victim, I would want criminals to know how I feel; I would want prisoners to understand what their actions put me and my family through. I would therefore demand that, at the very least, prisons offer some type of victim orientation; videos that capture the various realities and adverse circumstances victims suffer – the financial loss, the sentimental value of items stolen, the temporary or permanent absence of a loved one and the effects of that on the family. And knowing that the majority of prisoners are undereducated, I would demand that they be educated with time off for their achievements. This model creates the incentive and motivation necessary for success, as opposed to the usual model of force, which only serves to provoke resistance and rebellion.

Instead, we have very powerful professional victim groups such as the Doris Tate Crime Victims Bureau (DTCVB) in California, that receives 85 percent of its funding from...guess who? You guessed it, the CCPOA. The DTCVB strives for nothing less than total deprivation, punishment and suffering. This short-sighted approach as a prison model only exacerbates the problem of crime by perpetuating ignorance, the enemy of mankind, idleness, that invites its own dark consequences, all of which amount to pure, unadulterated bitterness, increased individual aggression and, in worse case scenarios, wanton violence (KTLA-5 News, 2010).

It is this manner in which prisons become a self-fulfilling prophecy. Prisoners find themselves in adverse circumstances that are all but predictable; circumstances for which they did not design, and like stressed and repressed animals in a zoo, many finally lash out – at each other and at
staff. The guards then herald ever louder that the “animals” are incorrigible – they cannot be redeemed or saved. Under the banner of “victims” through CVU and the DTCVB the guards lobby at the top for tougher laws and pile up rules violation reports at the bottom – on the prison compounds.

A problem for taxpayers, and the state, is the incredible stress the costs of these inordinate sentences wreak on other public services under the guise of public safety. As Joseph Cassily, former president of the National District Attorneys Association, told USA Today, long prison terms are a “huge drain on resources” (Johnson, 2009). Cassily is not alone in his assessment, prison reformer Susan Nagelsen (2006) writes that the “growing rate of geriatric prisoners is a looming threat to state expenditures. With elongated sentences, strictly for retributive purposes, not for the more effective rehabilitative process, prisoners are spending longer and longer sentences at state expense, and this population is growing at a rate of ten percent annually”.

In the decade between 1984 and 1994 the California prison budget ballooned from $728 million to $3.1 billion. Today it oscillates between $10 to $11 billion, not including annual cost overruns (Domanick, 2004). The Centers for Disease Control in Atlanta, Georgia, estimates an annual cost of $70,000, or nearly triple that for younger incarcerated men and women, to treat inevitable geriatric-related conditions and diseases (Koch, 2011). At the outset of proposals for such stretched sentences were prudent fiscal warnings that went unheeded.

Now eviscerated are the days when I could run around the prison exercise yard at twenty-three years of age for two hours straight. The challenge to contain my hereditary high blood pressure was rather effortless, particularly when exercise yard hours were consistent during the good budget years. These days yard time is limited and sporadic at best. The right of regular exercise has been seemingly whittled down to a whim. And these eight-by-twelve concrete cans we’re stuffed in were not designed for exercising, only warehousing. The quarters are so crammed that not even yoga’s simple sun salutation postures can be completed without metal or concrete obstruction.

Advanced age after twenty-one years in, along with more frequent lockdowns due to staff shortages, and more idle time for fellow prisoners to cause lockdowns, have made the challenge more formidable. Concrete and steel bunks lend to inevitable backaches. The inherent constant stress of prison frays the nerves, raises cortisol levels, which in turn eat away
at the circulatory system. Add to the natural inescapable depression that accompanies a hopeless sentence and health problems are compounded with mental health issues. Just this week my new blood pressure pills caused a severe ringing in my ears, which will more than likely require a battery of tests before an alternative medication can be prescribed.

The prison diet, alone, is mortal. Almost everything is served from a can, or is otherwise processed, which translates into high-sodium meals laden with PCBs (polychlorinated biphenyl: any of several compounds that are poisonous environmental pollutants which tend to accumulate in animal tissue) certain to kill over consistent and prolonged consumption (ibid).

Local prison policies also cause prisoners’ health to decline and health care costs to balloon. Pruno, otherwise known as prisoner-manufactured alcohol, is a popular substance among addicted imbibers. Pruno is easily made from fruit but can be composed of anything which can cause fermentation: rice, potatoes, corn, you name it. Yet, in comparison to the general population, the super sippers are a rare minority. However, that fact does not restrain the powers that be from virtually eliminating fresh fruit from the menu. I have not seen an orange or tomato in over five years. Such policies counter medical wisdom like that of David L. Katz, MD, who recommends men over forty consume at least ten servings of fresh fruit daily (Brant, 2011). Mass punishment is a penological way of course which makes the guards’ job easier and the strategy prevails under often-cited claims of “safety and security”.

The above only touches the surface as to why the sentence of life without the possibility of parole is another form of death penalty, and offers a graphic elucidation as to the myriad reasons other civilized nations abhor such sentences. Then again, America, unlike other industrialized countries, also continues to cling tightly to the ultimate and most irreversible of punishments.

Again, on yet another occasion to critique misdirected U.S. penal policies, Justice Kennedy is not short on brash criticisms of his homeland’s penal policies: “It’s true that a death sentence is unique in its severity and irrevocability, yet life without the possibility of parole sentences share some common characteristics with death that are shared by no other sentences”. Kennedy emphasized that “[l]ife without the possibility of parole deprives the convict of the most basic liberties without giving hope” (ibid). The sagacious jurists speaks with much insight, for indeed, those serving life without the possibility of parole may be placed in the general population,
but these men, women and children are prohibited from earning their way to lower level prisons for good behaviour. Yet, like most lifers, those with life without the possibility of parole are by far some of the most behaved prisoners in the system. Still, California, arguably one of the worst prison systems in all of the United States, correspondingly owns the highest suicide rate in the nation (USA Today, 2010). My guess would be that many of those who attempt or succeed at suicide are lifers, the most hopeless of prisoners.

Those sentenced to life without the possibility of parole need not wait until their forties to crash into the wall of mid-life crisis. The wall slams face first into its victims early on as they discover how very restrictive these excessive sentences are compared to others who have murdered and can still look forward to a future, no matter how distant that future promises to be.

It’s been a long journey. I grew my first beard behind bars. I learned that my natural hair pattern flows to the right in the Los Angeles County Jail when I was forced to cut my hair low. While stuffed headfirst into a four-man cell in the county jail, I discovered I had a forte for writing. Since those early days of self-discovery in my faded youth, I have taught myself Spanish. I have also taught myself to type by sneaking on the clerks’ typewriters during their breaks, and I have earned a paralegal certificate through correspondence. My first nationally published article was printed by the Christian Science Monitor, “My Shawshank Redemption” (Williams, 2008) and my first book publishing experience came a year later with Looking in on Lockdown: A Private Diary for the Public (Williams, 2010). Though frowned upon by my keepers, I have also taught myself to operate various computer programs, formed my own writing class to instruct, and am within a few short months of earning as associate of arts degree in Seminary through a local college.

At age forty-four I am now anxiety ridden by the dark unknown future. While pleased with some of my accomplishments, I cannot help but be cynical: “For what? What good will it do anyone in here?” Those are the bad days and are far outnumbered by the good days, but walking the opposite way of Oz is no piece of cake. Over the years I have witnessed a mass of violence. I have seen prisoners assault, stab and viciously cut other prisoners. I have seen guards brutally baton, kick and punch prisoners and even fatally shoot my peers. It is a hard mix to digest.

I have seen some of my long-term peers literally lose it. Some progressively became anti-social. They refuse to attend social gatherings, they stop going to the yard or if they do go, they sit off in a far corner and
silently stare off into the hinterland hovering some place over the abyss. A place only they can see, a world that exists only in their mind. Fred does that, on the few days he comes out. Will tried to commit suicide, along with many others, too many others in fact. They are the fortunate ones, the ones who fail. There are too many who have succeeded.

To counter this dark twisting path I requested to see Dr. Organibu, the facility psychiatrist. Tall, bald and very dark complexioned, Dr. Organibu, with his contrasting bright smile, invited me into his small well-lit office. Nervous, I exploded into jabber: “I’m not crazy, you know. I’m just here because I have some things on my mind...Nice day isn’t it?” The doctors smile persisted as he silently analyzed me.

With a hand gesture he beckoned me to sit in the padded seat in front of his desk. I began the session describing my observations of others who had lost it. I explained that I have been in for twenty-one years and was concerned about my own mental health. I told the doctor that I study a lot and have some limited knowledge and that draws people to me. Plus, I am an optimist and people draw from that. At times I feel bombarded. People dump their problems on me and are constantly at me for one thing or another. I explained that I do not mind helping people, but sometimes I need a break. So I avoid yard and dayroom, just like Fred. When I thought about that it scared me. I asked the doctor if I was in trouble. He asked if I get visits from family and talk with them over the phone. I said, “Yes”. He then asked if I have withdrawn from them. I said, “No”. At that point the doctor assured me that I am normal.

He then explained that I am in a toxic environment and relationships in prison tend to be toxic. Dr. Organibu explained that normally people compartmentalize their situations as a way to cope. He shared the example of a guy who shares the everyday stresses of work the best way he can. The guy gets off work and puts on a new mindset for home. It breaks up the day by compartmentalizing it. It helps him cope by separating the various roles he must play at each juncture of his day. But prison is not like that he explained. There are no breaks and the human mind was not designed for that. So he assured me that my alternative active and aggressive approach is healthy.

Dr. Organibu then asked how I deal with work. I explained that there was a power struggle going on between the computer department and custody. The computer department is prohibiting us from having the Excel program, a program that computes, while custody likes the work product better with
Excel. The computer department is winning, yet custody wants the same quality of work in spite of the confiscation. I told the doctor that I had adopted the attitude that I can only work with the tools I am given to work with. The doctor smiled and told me that is a good strategy. In the end he said I am well, considering my environment.

Kenneth E. Hartman is another man sentenced to life without the possibility of parole as a youth after he killed a man during a fist fight in a drug-fuelled, alcoholic stupor that earned him the eternal sentence (Hartman, 2009). For Hartman the technical element that earned him life without the eligibility of parole was that he took his victim's wallet and maliciously threw it on the roof. It was that sole act that separated his crime from say, Robert Jenkins, a man principally sentenced to twenty-five years to life for the mortal shooting of one person and the attempted murder of another. Jenkins can earn his way out prison if he works hard enough, Hartman cannot.

Reviewing the circumstances – mitigating and aggravating – I would think that shooting a person to death and the deliberate attempt to kill another would garner a greater punishment than the weapon-less killing of a person in a street fight. Moreover, Hartman was drunk, certainly a mitigating circumstance, though I am not arguing his drunkenness was an excuse. On one hand, Jenkins' state of mind was without question malicious, for he sought to kill two people – he simply failed. And for his failure Jenkins was rewarded, he may see the light of day. On the other hand, Hartman remains incarcerated after nearly thirty consecutive years in prison, and a spotless disciplinary record that spans over twenty years. Hartman, I can say with all sincerity, is possessed by an altruistic spirit that has contributed more to curb prison violence than any prisoner I know.

Unfortunately, Hartman could very well die in prison, but until that day he could just possibly break the state in medical costs. A few years ago Hartman was diagnosed with Hepatitis C, a prevalent ailment in prison that affects the liver. It is most often contracted through needle sharing. After a series of treatments, the disease was brought under control. Not long after, he contracted Valley Fever, another prevalent ailment in prison. Apparently Hartman inhaled the fungus, which lies dormant in the soil in many remote areas. Valley Fever knocked Hartman to his knees. He was again subjected to a battery of costly, debilitating treatments before his health improved.

Hartman’s latest challenge is his heart with the hardening of his left ventricle. As the doctors monitor his situation and figure out Hartman’s
options, he has been placed on five different medications. One of those medications is called Plavix, which reportedly cost $400.00 a month. Hartman is not alone, as cited above. There are thousands of geriatric prisoners who have practically grown up in prison setting an historic, but ignoble precedent in American history.

Critics complain that people who have made some of the worst mistakes, like Hartman, should just be allowed to die in prison. Yet that stance is not only at odds with the ideals of America, but is also as immoral as the minds of the murderers who are the subject of the criticism. It is little understood that prisoners are afforded such protections because prisoners are one of the most vulnerable citizen classes in the nation. Prisoners must rely on the guards to provide everything pertaining to life: food, medicine, showers, clothes. Without such protections and at least the appearance of value for human life, America would be no better than the rogue nations we accuse of violating human rights abroad.

Trevielle Craig was yet another man convicted of an offence resulting in the extraordinary sentence of life without the possibility of parole. In the aftermath of the Rodney King riots, when South Central Los Angeles erupted into mass violence in response to the not guilty verdict of four white police officers who were filmed mercilessly beating King, Craig got caught up in the contagion of chaos that had spread its malignancy to North Hollywood, California. Craig was involved in a fistfight with another man who died eight months later. The victim descended into a coma the night of the fight as a result of a single blow to the head. Craig cooperated with police, his story was corroborated by the physical evidence, yet he ended up eternally chained to a sentence of life without the possibility of parole.

It is worth repeating that life without the possibility of parole was originally introduced as an alternative to the death penalty for serial killers and people so psychologically deranged that there was never any possibility of redemption. What I find most astounding is the absurd assertion that prisoners (implying all) are “hardened” or “incorrigible”. Indeed, whenever the majority of people fail in any system, it becomes apparent that the failures are that of the system, not the people. Again, the trend has been for society to overlook the failing system and punish the hapless prisoner with evermore excruciating sentences – though the prisoners are not the ones who determine how much or of what quality of rehabilitation they are exposed to, if any at all.
The prudent must ask why prisoners cannot be reformed. Or can they? We see a host of troubled celebrities here of late ordered to rehabilitation by the same criminal justice system that sentences scores of faceless poor to prison. Yet celebrities such as actor Tom Sizemore, singer Lionel Richie’s daughter Nicole, NFL sports star Michael Vick and former child actor Todd Bridges have all committed felonious acts. And all seemed to have been cured—rehabilitated after the fact.

So the question remains, why can the entities we call “corrections” not do the same? Is it possible that guards’ training does not include rehabilitation? Could it be that a violent system lorded by guards trained primarily in the use of force, not human behaviour, is the wrong approach, the wrong model? Could it be that the Prison Industrial Complex is actually denying rehabilitation for its own job security? These are questions that demand answers during this national crisis of prison overcrowding and atrocious recidivism rates. Because if prisons can rehabilitate people, like the military and non-custodial institutions, then life without the possibility of parole is completely unnecessary for a vast number of prisoners.

The reality is that people are incredibly malleable. The military has an extraordinary record of “reforming” people. In fact, when it was U.S. policy to send people accused of crimes to the military, the success rate for the military was nearly the complete opposite of what our prison failure rate is today. According to a wide ranging list of sources, statistics show that for lifers reformation comes almost automatic. Age, experience and maturity tend to shed the criminal mindset from most lifers. Not only are lifers historically the most well-behaved in the prison system, they are also the least likely to return to prison once released (CDCR, 2009, p. 11). In fact, according to the California Department of Corrections and Rehabilitation’s own website, rehabilitation programs such as the California Prison Industry Authority are impressively successful. “CALPIA’s pre-apprenticeship program is a leading example of how effective rehabilitation reduces recidivism”, said Kathy Jett, spokeswoman for CDCR. CDCR’s research shows that participants of CALPIA have a 25 percent lower rate of recidivism than the general population (CDCR Today, 2011).

On the other hand, it has long been forgotten why America adopted the Quaker’s version of justice called “penitentiaries”. The root word is penitent. The objective was to subject the miscreant to a solitary cell with a bible and let him repent, that is, to come to a place of penitence and reform.
himself. While the results of that experiment have left a murky history, it is obvious that the very aim and ideal of the Quakers has been corrupted and subverted. As mentioned earlier, profit and political motives have filled already overcrowded cells, prohibiting any one prisoner from “finding himself” in the chaotic ruckus of the prison environment we have today. The modern American prison atmosphere offers prisoners nothing more than an idle, purposeless setting to be physically warehoused and mentally stagnate. Again, how can such a model contribute to public safety?

As is often cited by prison reformers, America comprises just 5 percent of the world population, but imprisons 25 percent of the world’s prisoners. While it is obvious that the United States is at odds with most of the world in its approach to punishment and human reform, Vernor Muñoz, Special Rapporteur on the Right to Education appointed in 2008 by a body of the United Nations, had this to say about modern criminal justice, prisoners and education: “Opportunities for education should be commonplace in detention, not simply an add-on should resources ‘allow’ it. It should be aimed at the full development of the whole person requiring, among others, prisoner access to formal and informal education, to literacy programmes, basic education, vocational training, creative, religious and cultural activities, physical education and sport, social education, higher education and library facilities” (Muñoz, 2009, p. 165).

This is what it takes to reform the criminal mind into a law abiding mind. If there is to be any hope in converting the criminal mind, Americans must give prisoners access to the mainstream social activities the majority of indigent prisoners were deprived of in the first place. Indeed, if society refuses to invest in its prisoner-citizens, how can society ever expect to reap any dividends from those so commonly deprived?

During a recent Democratic state attorney general candidate debate, California Assemblyman Ted Lieu points out that six out of ten prisoners are illiterate, yet the California prison system allots a mere two percent of its annual $9 billion budget toward rehabilitation programs. Considering that the vast majority of prisoners will eventually be released, that is a backward approach to public safety. Many politicians forward the myth that it is a waste to lend any rehabilitation to prisoners who will never get out, effectively sealing their ‘incorrigibility’, and perpetuating the self-fulfilling prophecy of violence and failure. Indeed, how can politicians and prison officials claim anyone is incorrigible if they prohibit the very tools that make rehabilitation possible?
Muñoz (2009, p. 171) further offers the following: “The challenge before us is to create an environment for those who are detained that enables human dignity, capacity and positive change”. Society has a choice of what model of prisons it wishes to facilitate and pay for. It should choose the most practical and humane; the very model that offers some hope of at least the possibility of change. That is what makes sense. Once the process of personal reform is claimed by any prisoner and their minimum time is served, a parole board reviews, screens and measures their claim based on the accomplishments and positive behaviour of the prisoner, as documented by officials. For every prisoner trying to convince a sceptical parole board that they have been rehabilitated is in and of itself a formidable challenge.

According to Scott Handleman, an attorney in San Francisco who represents prisoners in parole hearings, there were 31,051 prisoners serving life with parole in California in 2008. Of those lifers 8,815 were beyond their minimum eligibility dates. Of those 6,272 prisoners went before the parole board. A total of 272 prisoners were found suitable for parole dates. Under relatively recent California law, the governor must review parole board recommendations for suitability, imprudently politicizing the process. In 2007, between .01 and .02 percent of those found suitable for release were approved by the governor’s review (Cockburn, 2009). This is completely arbitrary. Why even have a parole board if a politician can rescind the findings of the state’s purported experts? This makes absolutely no sense.

It is interesting that Charles Manson, the man who stands convicted of ordering the brutal murders of actress Sharon Tate, and others, the man convicted of one of California’s most horrific crimes, gets screened by a parole board. Does this make sense? If Manson, with his hate-filled swastikas and continued displays of the most bizarre behaviour can be screened, then why not allow others with a documented history of change the opportunity to be screened? Taxpayers and people of conscience should demand this to at least see if any changes, any growth, any rehabilitation has occurred. Otherwise how else will society ever know? How can taxpayers ever judge a system that refuses to leave any type of record to justify itself?

There are countless men and women who have been incarcerated for decades who are demonstrably reformed and redeemed, who prove the sceptics so very wrong. What I find most interesting here is that neither politicians nor prison guards are experts in human behaviour. If one stops to really think about it, politicians are, well, just politicians. They are, perhaps,
experts in the art of politicking, but politicians are not psychiatrists, psychologists or criminologists. And this might come as a surprise to some, but nor is the average prison guard trained in these fields. According to my interviews, prison guards are primarily trained in human control through commands and use of force – a euphemism for violence by government officials. The majority of guards possess absolutely no credentials in the sciences of human behaviour.

Where is America’s penchant for second chances for cases such as Hartman and Craig, both of which are first-time offenders. Both have performed years of disciplinary-free behaviour. Should a parole board forever be prohibited from reviewing their cases and cases like theirs? Mandatory sentences – the immoral conveyor belt to justice – only cheapens the American justice system. The one-size fits all approach to treating people, particularly in life and death cases, discredits the American brand, shames the moral mainstream and dilutes American ideals of justice.

America sentences and imprisons its citizens with the same callousness it condemns other countries for human rights violations. I believe Mr. Muñoz, representing the United Nations, makes his point and my point indistinguishable with this closing statement of his report: “Deprivation of liberty should be a measure of last resort. Given the considerable long-term economic, social and physiological consequences of detention on detainees, their families and the community, considerably greater attention should be paid to implementing alternatives to detention for children and adults alike (Muñoz, 2009, p. 173). Makes sense to me.

ENDNOTES

2 Ibid.
3 Ibid.
4 See Proposition 18 (SB 1878 of the 1997-98 Reg. session) Murder: Special circumstances; Legislation Initiative Amend.; Proposition 7 (SB 155, 1997); Propositions 114 and 115 in 1990; Proposition 196 enacted by the voters in 1996, explaining the number of special circumstances)
5 People v. Jenkins, 19 Cal. Rptr. 3d 386 (the name of Robert is fictional).
6 Treveille Craig, CDCR# H98882; Superior Court No. LA012897, Van Nuys Superior Court: RT 2, p. 462 (Dr. Sathyavagiswaran’s testimony); RT 1, p. 193 (Confession
tapes); RT 1, p. 8 (Craig only stuck victim once); RT 1, p. 17 (Craig co-operated with police).


8 33 percent of the California prison population emanates from Los Angeles County.


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ABOUT THE AUTHOR

Dortell Williams has been incarcerated for 21 years consecutively serving a sentence of LWOP. He is self-educated and now teaches others Spanish and Creative Writing. Author of articles appearing in a number of local and national outlets, Williams has recently written a book entitled Looking in on Lockdown: A Private Diary for the Public (Infinity Publishing, 2010). To see more of his work readers can visit www.myspace.com/aprisonersperspective. Williams is currently seeking books and other resources pertaining to prisons and penal policies in other countries. He can be reached at dortellwilliams@yahoo.com.
August 2, 2006. Sirens blare. Running feet stampede the hall. Pulse racing, I search for a spot out of harm’s way. Contingents of correctional officers converge, wielding batons and pepper spray. “Get on your stomachs!”, they scream. “Don’t move a muscle!” The officers bind our hands behind our backs using plastic flex-ties that are much stronger than the zip ties they resemble. The officer’s panic only adds to the pandemonium.

My mouth is dry. I’ve been breathing open-mouthed, out of control. Once the rush of adrenaline subsides, my pulse will return to normal and my mouth will moisten again. A few feet away, a prisoner is pressing a shirt against his throat. It’s been cut open. He staunches the wound while waiting for the ambulance to arrive. After he’s whisked away, prisoners begin to complain. “My hands are turning blue!” “This is fucking bullshit!”

To take my mind off the pain in my hands — the tingle rapidly turns to a sting, then to pinpricks of fire — I listen to the officers’ talk. I watch them as they watch us. Some take photos and write notes. Others stand around and look bored. A fan of the reality competition Rock Star Supernova I wonder who will be voted off tonight. Lying on my stomach with my arms tied behind my back, I try to look cool. It doesn’t work. The smell of disinfectant and mouldy mop is a humbling experience.

Prisoners secured in their cells come to their windows and stare. They are unimpressed by the chaos. This is how we do it — just another day. Most are happy they aren’t cuffed up. I’m happy for them. Running out of distractions, I fix my gaze on the solid steel door of what looks like the lid to my concrete casket. Lockdown looming large, my concrete coffin beckons.

THE CALIFORNIA MODEL

Lockdown has become the norm in the prisons of my native Golden State. When an incident occurs, prisoners are “slammed” in their cells. If the incident is racial, we are sorted out by gang, race and geographic considerations: total segregation. While prison managers determine what tactics to employ in controlling prisoners, all prison activities come to an abrupt halt. No movement whatsoever.

Sequestered 24 hours a day, wards on lockdown are allowed to live and not much else. While those “involved in” or “suspected of” institutional
transgressions are carried off to administrative segregation (ad-seg) the "hole", or "supermax" -- identical all -- the rest are left to fester in total seclusion.

Cut off from outdoor exercise. Educational programs cancelled. The ability to obtain basic amenities like hygiene or canteen items is completely taken away. The thin grasp even the strongest have on sanity is challenged by the conditions of untreated addiction and, for some, co-occurring mental ailments. As they exacerbate existing ailments, the lockdowns create new ones. The human mind can only take so much. California's suicide rate is the highest in the nation.

It's all bad. California's prisons are racially segregated systems prone to chronic violence. Simple solutions to the unending conflicts don't exist. We're literally forced to live next to and on top of our friends and enemies. Reluctantly we tolerate one another. It's a nightmare.

There was a huge race riot at the California Correctional Center in Susanville on July 31, 2006. Just a few days later, a number of white prisoners had their throats cut. We call it "clean up." Prisoners suspected of betrayal or cowardice -- not to mention sex offenders and snitches -- are violently removed from the population. Like nefarious alchemists, convicts turn grown men into "victims".

Automatically, I knew it when I saw it. I could care less if someone fought valiantly at the riot, but most do not share my indifference. Not participating during a riot is a serious offence and this particular person ran. To say we are harsh critics for those who don't tow the party line would be an extreme understatement. The following night, two more "vics" had their throats cut. We heard the Skinheads did it. In the vernacular of the underground, "Susanville is rocking and rolling".

SLAMMED

If rehabilitation were truly the goal, then placing the institution on lockdown would be counterproductive. When over two-thirds of the prisoners in the California Department of Corrections and Rehabilitation (CDCR) have substance abuse issues, a system of treatment and training seems would be a more logical approach. But under the California model, lockdown is the main staple on penology's pungent diet, treat 'em bad enough for long enough and they'll correct their behaviour. What a sad joke.
Lockdowns are the norm. The practice of trapping two grown men in a concrete cage produces an amalgam of mind-numbing isolation and disagreeable conditions of cohabitation. For those with pre-existing conditions, seclusion exacerbates mental disorders. Deviance is reinforced as the prisoner is pressured into a state of desperation. Subtle are the strains isolation places on the psyche.

While some institutions allow visiting during lockdowns, Susanville takes a harder line. Family photos become the only solace. My celly, a young man from Los Angeles, stares at pictures of his wife for hours to counteract the pressures of being locked up with me 24 hours a day. Maybe he’s just lonely as hell. I’m not qualified to make a diagnosis, but I don’t need a doctorate in psychology to recognize the damage he’s enduring because of severed family ties.

Each extended session of solitude takes something away from me I’ll never get back. As I try to maintain a grasp on sanity, no matter how tenuous, I manage to keep writing, and exercising in order to keep myself busy. Testing the patience and sanity of my celly, I rarely stop moving. I made a permanent departure from the ranks of the sane long ago, so why bother to pretend. I just do the best I can. Institutions generally return to normal program at the same point, but not always. Even when the lockdown is lifted, we know that peace is always temporary. Our escape from the confines of two-man asylums never lasts long.

**HARD TIMES**

On August 2, I spent three hours as a piece of “physical evidence” at the crime scene of the stabbing. It ended with being escorted back to my cell. I had mixed feelings. Relieved this torturous session of being treated like physical evidence is about to come to an end, I resisted the temptation to yearn for the familiar comforts of my concrete coffin. Prisoners find comfort in their cells, and I find it inhumane. Escorted like a dead man walking past a number of cuffed up suspects, I knew some of them to be innocent. Rarely do the guards get it right. But they had their own problems and I had mine. In times like these it’s every man for himself – doing time isn’t a team sport.

The process begins in the first few days of a lockdown. Enveloped by the warm embrace of the cell, I begin to fight off a coven of personal demons. It’s
a struggle. Through a regimen of litigious, literary, and physical exercises, I try to expand the claustrophobic parameters of the coffin. Only time will tell if I’m successful.

On lockdown, hard times can hit someone like a ton of bricks. Everyone has a method. Some sleep all the time, others read. Most, however, watch endless hours of television. When we’re finally let out of our cells, it’s like being released from one form of hell into Hades. A few weeks into this lockdown, I was given a breath of not-so-fresh air. Starting with a strip search in the doorway of our cells, we’re then escorted in boxer shorts and shower sandals back into the dayroom. Seated at tables, separated by race, we’re held like hostages in the middle of a standoff.

Once again, I was cuffed up in the dayroom, the scene of the previous crime. Though no longer in the middle of an emergency, “search teams” of correctional officers ripped through our belongings like Nazis through Warsaw. They confiscated a multitude of books, clothes, and small appliances. There is a policy about excess property. It seems more about the constant pressure of correctional managers who use policy to draw the walls of an already-restricted environment even closer. As I awaited the completion of this stripping – materially, physically and emotionally – I caught it staring at me. The solid steel door of my cell, much like the lid of a coffin in shape and form, locked into the open position. This was going to be a bad trip.

THE CHILL EFFECT

While group punishment rolls on, investigations of individuals continue behind the scenes. Periodically suspects are taken away, excised from the whole. In order to catch their prey off guard, raids are usually executed around sunrise. Dulled senses diminish the likelihood of resistance.

For me, my turn came a few months after the cell search on the morning of Friday the 13th, October 2006. “Dey. Get dressed”, an officer ordered as the electric door to my cell was again locked open. An early riser, I put down a book I was reading. I stared at two officers who filled the narrow doorway and took my time putting on my clothes. They tried to look mean. Most guards are regular folks and many are decent. The nature of their job, however, turns them into the enemy. I’ve seen this movie a million times as they become faceless ghouls. Already knowing the cause, I inquired about my destination.
“Where am I going?” I asked, as if unconcerned. “R&R”, replied a third. Receiving and release is where we pick up care packages from home.

Three against one hardly seemed like a fair fight. Having worn many hats throughout my crazy life, a hustler’s cap being one of them, I recognize a game of dirty pool a mile away. Picking up packages at R&R had been taken away long ago. Dangling a coveted box of morsels in front of the stupid prisoner added insult to injury. I don’t care if they lie. It’s us against them and they lie just as much as we do. The enemy isn’t privy to the truth – with distinct lines of demarcation that I won’t cross. My honour and integrity are at stake, not to mention my life. As they say, snitches get stitches.

Going to R&R to pick up a package sounded so stupid I felt like refusing. I would make my stand. Like a soldier, I would go out on my shield. But I was in no position to initiate a debate; I just did what I was told. I knew the deal. A shit list had been assembled, and like turds we were being flushed down the toilet.

My third handcuffed sojourn into the dayroom in as many months, and this would be my last. Under heavy escort, I was now the suspect. I saw many staring from the cells. Some just looked. Others just looked scared. Trying to look tough, I mainly looked busted. Paraded around like a punk, I made my penological “perp walk.”

The chill effect is age-old. By intimidating and terrorizing the masses from speaking out, those in positions of power effectively scare the masses. The chill effect is a control mechanism. I don’t blame someone for being afraid. Oppression defeats the spirit. For me, it’s a matter of principle. I’m too stubborn – or stupid – to allow fear to take control of my emotions. “Eugene”, screamed a friend. “Is it good or bad?” “It doesn’t look good, bro!” I yelled, to the irritation of my escorts. Oppressors prefer their captives quiet. Given the circumstances, I couldn’t care less. “Take it easy, Eugene!”, he replied. “Give ’em hell, brother!”, hollered another. My heart growing heavier by the second, I held my head up high and smiled. They whisked me away, and out of the corner of my eye I caught it staring at me. It’s wicked miscreant, my concrete coffin. Good riddance.

THE QUAGMIRE

The officers of the CDCR are a lawless lot. A lack of competence, compounded by corruption caused the federal judiciary to take control of various functions
of the mammoth agency. Ranging from unconstitutional delivery of mental and health care services, to offer malfeasance and contempt of court in numerous class action lawsuits, the Supreme Court would validate a population cap placed on the agency by a three-judge panel.

Stacking prisoners high and tight like oily cords of human firewood forces us to compete like savages for scarce resources. Negative resources are tattooed on our minds. Riots, stabbings, and fights – not to mention the homies carted off to the hole, the infirmary, or the morgue – are all too familiar sights. While most taken to the hole are guilty of something, many have not done what is charged – or nothing at all. After the August stabbings, without an iota of evidence, a friend of mine had been charged with orchestrating one of the assaults. Every document had been falsified in a sad example of police work.

While the right to seek redress against the government is absolute, the courts give wide deference to the actions and decisions of correctional officials. Hitting an apex in the tough on crime 1990s, the civil liberties of prisoners had been completely stifled until serious officer misconduct at the notorious Pelican Bay State Prison blew up in their faces. Officers attempted to suppress numerous instances of guard-on-prisoner assaults, and the media discovered a cover-up going all the way to Edward Alameida, the director of what was then the CDC. Under threat of a federal contempt charge, he resigned in 2003, citing personal reasons. Despite the ensuing scrutiny, including federal oversight and unending negative media, a higher standard of peace officer has not materialized.

FIGHTING THE GOOD FIGHT

Prison administrators can always be counted on to viciously reciprocate. It’s the nature of the game. Following the August 2006 stabbings, after confiscating from the population mass quantities of personal property under the catchall label of contraband, the officers made sure white prisoners would bear the brunt of the administration’s nefarious quid pro quo. This time us, next time prisoners of colour. Waves of punitive methodologies are unleashed just to let us know who’s on charge.

It’s difficult to pinpoint exactly what I did during this lockdown to become a target of corrupt officials. I’ve covered many facets of prisondom for numerous publications (see Dey, 2005a; 2005b; 2005c; 2006a). These
legal actions don't coalesce with the malicious goals of prison officials. A complete ban on the press implemented in the tough-on-crime 1990s gave corrections a much-desired cloak of secrecy. Penitentiaries are closed societies by their very definition. Keeping investigative journalists out of prisons gives agents of government absolute power.

Incarcerated activists like me are an anomaly. Corrupt government officials have little respect for free speech. Whether they are covering up malfeasance or choosing not to weather some well-deserved criticism in the press the CDCR will never voluntarily end their embargo on free speech. Retaliation is assured.

The Constitution is the ultimate loser. My activism took shape in late 2006. On behalf of those on lockdown, I filed an administrative appeal in early October. Severed family ties caused by the total denial of all visitors for months based on race, not individual culpability, motivated me to file the administrative class action. Exercising my rights on multiple levels, I also covered the story for a publication for whom I served as an inside reporter (Dey, 2006b).

With corrections mired in crisis, one must take chances. Medical was placed in total federal receivership, and, perhaps, if enough prisoners speak out, the entire corrections agency would face a similar fate. Overcrowding brought the CDCR to the precipice of overcapacity. The federal judiciary hovered over the prison system like an angry parent. The time to act was now. Though few constitutional protections exist for those who lawfully express themselves in a literary or litigious manner, at some point those able to must be willing to make a stand. Generally motivated by a sense of social responsibility, not gang or race-based intolerance, I placed cause over self.

**FALSIFIED EVIDENCE**

Such were the factual circumstances under which “the guards” took me to the hole. Having already worn me down from months of lockdown, my captors then took me to an even worse place. To the harbingers of correctional sorrow, incarcerated activist is synonymous with institutional transgressor.

On the morning of October 13, 2006, I found myself seated and handcuffed in front of R&R. The abundance of racial tattoos and lengthy rap sheets amongst my co-defendants -- and my lack thereof -- had me horribly miscast for this production of *The Usual Suspects.*
As if being treated like a recently captured enemy combatant wasn't bad enough, each of us had been served identical documents alleging our instrumental roles "in promoting racial unrest" as members or affiliates of the "Skin Heads". I'm not a gangbanger. Not one to accept a total fabrication of charges without a vicious court battle, I took such charges very serious. Instinctive reflexes on how to fight false charges fired in the back of my mind. But the first order of business involved survival.

Memories resurfaced. The six months in 1999 I spent in the Serenity Housing Unit (SHU) in Corcoran had shaped me. Corcoran SHU is infamous. Throughout the late 1980s and early 1990s, Corcoran applied a morbid doctrine of pitting rival gang members against each other on concrete exercise yards. Roughly 50 men were shot point-blank. Seven were killed. Forced to fight their rivals, these human beings had been executed under a murderous shooting policy. Nothing has changed. One horrible policy is replaced by an even worse procedure to be administered by yet another carbon copy prisoncrat cut from the same piece of shit.

When I arrived at Corcoran, I was mad at the world for an unjust life sentence for drugs, determined to fight back. From the platform of the chair's position of the inmate council, I took on one of the most notorious prison administrations in the nation. Corcoran's administration made short work of me. After a riot between the whites and the Crips, Corcoran's version of the Green Wall -- a guard gang of sorts -- sent me to the hole. So when the Susanville faction of the correctional oppressors came to get me, I felt like I had come full circle.

They did me a favour. In Corcoran, I learned how to really do time. I entered a notorious hellhole an undisciplined and angry quasi-activist. In such settings, with absolutely nothing to lose, the guards have no choice but to show respect. We give it like we get it, and the calming effect of mutual respect is almost therapeutic. I emerged a better man. I emerged an accomplished activist who desired to become a jailhouse lawyer -- and to start writing again. I would now rather die than submit. By the hard-times that seem to be in abundance, I'm empowered.

THE VORTEX

That Friday morning in October an explosion of barbed wire, chain-linked fence, and one-man holding cages overwhelmed my senses as I entered
the abyss. My heart rate elevated. The reality that a torture chamber once
resembling a housing unit would serve as my new home slapped me hard
in the face. My mind raced. I tried not to lose my cool. I had to fight back
the instinct to cry out like a wolf caught in a steel trap. Girding the mind for
the rigors of a supermax, the absolute bare minimum the law allows, is an
exercise of extreme difficulty. I maintained control at all costs.

Ritualistic greetings and salutations peppered the airwaves as the shit
list enters the abyss. Those who went MIA days, weeks, and months ago
welcomed us into the vortex. "Eugene!", I heard someone scream over
all the noise. "That's fucked up!" Everybody knew the administration
arbitrarily deemed us insurgents. My inclusion seemed like a capricious
stretch of the evidence that everyone knew didn't exist. "I never expected
to see you in here, Dey", said the guard performing my inaugural strip
search. Such disingenuous small talk did little to diminish the indignation
of unjustified subjugation of being flushed down the toilet. "Neither
did I", I lied. I shrugged off his comment with a grin. Just another day at the
office - my demeanour was calm. "Dey. You're going to cell 24/7". It was
a bad dream that kept getting worse. I tried not to make eye contact - my
cauldron awaited.

AFTERWARDS

If life imitates art, then my body of work chronicles my existence as an
activist. One of my hometown newspapers ran a part of this piece that I
drafted while on lockdown (Dey, 2007a). Since the charges were so poorly
crafted, I determined to flesh out the entire episode as an example of
correctional corruption. My effort won third place from PEN America (Dey,
2008a). With the perpetual assistance from Jessie, my PEN writing mentor, I
further developed two PEN pieces: "Cauldron" and "Requiem for Freddy",
which won an Honourable Mention in 2007 (Dey, 2007b). Since the events of
"Cauldron", I feel I've progressed as an advocate for social justice.

After going to ad-seg in 2006, for the next couple of years my litigation
took on a sense of purpose. In the hole I met J.P. Cuellar, and for him and
the cause I took his poorly written prisoner appeals earning my first Order
to Show Cause (Cuellar, 2007). When released from another trip to the hole
in 2007 (Dey, 2008b; Dey, 2008c), I managed to have my case joined to
Cuellar's (Dey, 2008d).
With the appointment of counsel, evidentiary hearings, and the attorney general deposing those responsible, pressure coming from outsiders undoubtedly didn’t feel so good. I broadened the scope to cover how complaints of misconduct against guards are systematically covered up. As my petition worked its way through the state courts, I found myself in a streak of litigious success. Covering an assortment of claims, I had attorneys appointed in the state and federal courts for over half a dozen guys. In 2009, I secured the release of a lifer.

My all-out reactions to the actions of dirty cops made me a hero in the eyes of my people. The experience made me a better person. Advocacy is serious business. I may be mad, but I treat it like a game. By not taking it personally, I kept my sanity. After I finally transferred (Dey, 2010a), I still couldn’t let it go. But a reporter at my other hometown newspaper used my case as part of a larger piece about correctional corruption (Piller, 2010). Being part of a story that led to statewide changes in the appeals process, I achieved closure.

Preferring to write rather than litigate, my literary activism restarted in Soledad (Dey, 2010b; Dey, 2011). Administrators in these lower-level institutions are not as quick to retaliate with felonious deviations from the law. When I determined to illuminate the injustice of forcing integration on the most volatile demographic in the carceral (Dey, 2011), a minor act of retaliation didn’t warrant a response. Battles with merit and substance move me.

Since jailhouse journalists are frequent targets (Hucklebury, 1999; McMaster, 1999; Dey, 2009), our underappreciated work deserves a place in the literature (Gaucher, 1999; Piché, 2008). Risks involved with intrepid expression are universal, but the intensity of the almost automatic response by staff is decreased in the more stable carceral environments. Officials will go to great lengths to chill the effectiveness of resistance in higher custody institutions, and for those who take a stand I’m there with them in spirit. Making it out of the warzone and to Soledad feels like a miracle.

Times are changing, and I’m adjusting my focus. In my last year at Susanville, and my first year and a half at Soledad, I’ve been working with a team of “qualified offenders” to develop and deliver evidence-based programs. With the assistance of a well-connected non-profit organization, through a group we call Inside Solutions, I’m holstering some of my “acidic views” (Dey, 2009, p. 122) as I chase transcendence in the form of unleashing systemic restoration to the community.
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ABOUT THE AUTHOR

Eugene Dey, a regular contributor to the JPP, is immersed in the pursuit of academic, literary and systemic goals. By using higher education certifications in alcohol and drug studies as the educational foundation, Dey and a cohort of “qualified offenders” are developing programming
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Visiting days are the most important days in a prisoner’s life. The authors of this article know this from personal experience. One of the authors spent twelve years of his life in prison. The other is his wife, who visited him for twelve years. This article explores the emotional aspects of prison visitation and the central importance of visiting days in people’s lives. It also links the authors’ personal experiences to research in order to critique policies that impact visiting. The United States incarcerates over two million people each year. More than two million people visit prisons each year given that many prisoners have multiple visitors. The impacts of prison visitation are far-reaching (see Beck et al., 2008), impacting not only prisoners but also their loved ones and communities.

Part one is a detailed narrative that describes the visiting experience from the perspectives of a prisoner and a visitor, highlighting the importance of visitation, as well as the challenges facing visitors that are created by institutional policies and actors. Despite evidence that visitation programs increase safety and reduce recidivism, prison policies do not support visitation. Rather, as the narrative portion of this article explores, visitors must travel long distances, wait for long periods of time, and experience various rituals of degradation in order to spend time with their incarcerated loved ones.

Part two integrates our ethnographic accounts with academic studies to critique specific policies that impede visiting, including transferring prisoners to be housed in out-of-state facilities and locating prisons far away from where the family members of prisoners reside. This section explores how visitation helps prisoners to stay positively focused in the midst of difficult circumstances, thus promoting institutional safety, and questions policies that interfere with visiting. The link between prison visitation and successful re-entry is also discussed in order to emphasize the importance of visitation for people’s successful integration into their families and communities when they are released.

Given the importance of visiting on people’s lives and the associated positive impacts of visiting on safety and recidivism rates, prison policies should support, rather than discourage, visiting. However, the cumulative effect of prison policies and interactions between prison officials and visitors creates a climate that is hostile to visitors. The article concludes by recommending that prison policies support visitation, and
that incarceration be replaced by more community-based responses to crime so that people who are criminalized can maintain closer ties to their families and communities.

PART I:
NARRATIVE ACCOUNT OF A PRISON VISIT

Alternating between the perspective of a prisoner and a visitor, this section explores the emotional aspects of visiting and the central importance of visiting for maintaining relationships. By focusing on the details of the visiting experience, subtle and often-overlooked obstacles for visitors are highlighted. This ethnographic portion provides the context for the critique of prison policies that interfere with visiting that is presented in the second part of the article. Further, the experiences discussed point to the need for the institutional culture of prisons to shift such that people are treated with dignity regardless of whether they are prisoners, visitors or anyone else.

Visitation (Joel)
I had butterflies in my stomach as I entered the visiting room. My heart was pounding, my palms were sweating. At first glance, I did not see her. Then I spotted her on the far side of the room, sitting alone at a table surrounded by four plastic chairs. As I crossed the room, she looked up, saw me, and flashed a smile. I knew she was happy to see me, but I could also see that she was tired. She stood up as I took her into my arms and gently squeezed her. She melted into my body. Her arms wrapped around me, clinging tightly. I could feel her warm breath on my neck. I kissed her. Feelings of life surged through my veins. I did not want to let go of her, but knew that I had to. I did not want to risk having my visit terminated for holding her longer than the 30 seconds allowed. We sat down, gazing quietly at each other. I got lost in the moment and forgot about my surroundings, enjoying her presence as she once more awoke me to myself.

This is the moment that I used to dream about in between visits – a time that I got to be myself, laugh, and talk to her about my fears, and my dreams. I glanced up at the clock and noticed the hands were moving too fast – time flies when every second is so precious. Just sitting there with her felt good. Listening to her talk about what was happening in her life out in the world.
made me feel like I was a part of it, even though it sounded so foreign to me. Sometimes she would cry. I wanted to make it all better, but all I could do was listen. Sometimes it was enough to let us forget, smile and laugh.

It was a relief to be able to talk to her about whatever I was going through without the threat of being recorded, as we were during every phone conversation. At times, I would vent about racial tension on the yard, which usually meant a riot waiting to happen. I would share how upset it made me to see people ready to kill each other over the most trivial things, like somebody accidentally bumping into another person. Other times, it would be that a CO [Correctional Officer] had it out for me and kept trying to provoke me to go off on him. Some would go as far as shoving me or poking my chest. I knew that any reaction would lead to serious consequences, but it was a challenge not to respond to such taunting. She would tell me, “It’s okay baby. Those guys are just pathetic – don’t let them get to you”. Just hearing those words would change everything for me. With her, my life had meaning, even enough promise to ignore the world in which I lived.

Our Time Together (Beth)
I sat in a hot, plastic chair with my eyes fixed on the ground. It does not take much to start problems between prisoners, and I did not want anyone to misconstrue my gaze. Every second or two, I glanced up at the door that prisoners walk through to enter the visiting room. I usually waited for him for 20 to 30 minutes after getting into the visiting area. It had been close to an hour and I was getting anxious. If he did not come out in the next 15 minutes, it would be count time. That meant that the prison would stop allowing prisoners to come to visiting for the next two hours. I did not want to think about missing out on two hours of time that I could be spending with him.

I glanced up again. This time I thought I saw him through a small glass window. The door opened and I saw his smile. My heart started racing with relief and excitement. He had made it before count, so we would get to spend four precious hours together that day. He moved towards me as if there were no one else in the crowded room. He was finally here. I closed my eyes and cherished the feeling of being held.

Sometimes, on visiting days, we got to forget about the prison walls that normally divided us – just for a minute or two at a time. Like when I got there early enough for us to find a picnic table outside on the patio. We sat outside, enjoying the sunshine and the sounds of kids playing little league
in the park across the street from the prison. We would daydream about being able to sit in a park together sharing a picnic someday. Or when we sat outside on the concrete patio at Ironwood Prison, shaded by a tarp that hung over the tall barbed wire fences surrounding us. One time, as he sat with his arm draped around me, a butterfly landed on his hand right next to my face. It sat there for a minute as we stared at this beautiful creature.

Our relationship was sustained by visiting days. Visits are when we laughed and cried together. It was the time when we could talk openly about whatever was on our minds. I complained about issues at work or about problems with my car. He told me about his day-to-day struggles in there. We argued and made up. We smiled, held hands, and sometimes just stared into each other’s eyes, appreciating each moment that we got to spend together. I do not know if I would have made it without visiting days.

**Expecting a Visit (Joel)**

It was 10:30am – past the time I usually got called for my visit. I was pacing the dorm aisle impatiently. Institutional head count would begin in 20 minutes. If I was not called out by then, I would have had to wait until count cleared; that could take up to two hours. My neighbors were telling me, “Relax she’ll be here”. Without looking up from his magazine, the CO told me jokingly, “Leave me alone Medina”. He knew that I was once again coming to ask if Visiting had called for me yet.

This anxiety was nothing new – I had the same emotions every time I expected a visit. I would get up early to shower and get ready. Having ironed my visiting clothes the night before, it did not take long. Once dressed, the waiting would begin as the nagging fear that visiting would be cancelled hovered over me. A fight on the yard, a riot at another facility, fog outside or too many staff calling in sick – there were plenty of ‘reasons’ why visiting could be cancelled. I would worry that my wife would hit traffic and miss the cut-off time. Waiting for a visit was stressful. It was the best thing that could happen to me, so I had a lot to lose.

**Waiting (Beth)**

The process of getting to see him was emotionally charged, time consuming and physically draining. The alarm clock would start beeping at 4am. I am not a morning person, but I had to get up early in order to have enough visiting time. Otherwise, we might only get to spend an hour or two together.
It was a 3 ½ to 4-hour drive and if I did not get there around 8:15am, the wait to enter the institution would be even longer. I groggily got out of bed, made some coffee for the road and got ready. I had already selected the clothes I was going to wear and I had another bag packed with extra clothes in case the guards told me I had to change. I grabbed the zip lock bag filled with quarters, made sure I had my ID and I headed to the car.

The solitary drive is something I both loved and hated about visiting. Some mornings, like this one, I enjoyed driving down the 10 freeway while everyone else was sleeping. I watched the sunrise as I drove through the desert. Other mornings, I hated the drive—like the day when the freeway was closed for two hours in a lonely, solitary stretch of desert. Cars lined the freeway, stopped in a long row. Tears filled my eyes as I watched the clock, all too aware of the time I was losing with my love. But this morning, the roads were clear and the drive went well.

I exited the freeway and decided not to stop at the rest stop adjacent to the exit. I gambled I could make it another hour for the restroom at the prison. If I stopped, I might miss the moment when they pass out the numbers to the cars waiting in line. As I drove down the long, desolate road that leads to the prison, I could glimpse the row of cars already lined up on the side of the road. I parked in behind the other cars, beginning the process of waiting for the next four hours or so. After a while, one by one, people started their ignitions and a slow parade of cars drove towards the gate marking the entrance to the prison grounds.

By the entrance, each car was stopped by a pair of guards who looked for contraband. “Good morning”, I said politely to the guard as I handed him my driver’s license through the window. “Morning”, he said. “Do you have any drugs, alcohol, or weapons in the vehicle?” “No”, I said quietly. “Pop the trunk”, he instructed me, handing back my license. I reached down and pulled the lever to open the trunk. He looked through my things. “Go ahead”, he said, handing me a pass with a number on it. I peeked at my number and saw that I was number 104. I would probably get to see him by 11:30am—that would give us a 4-hour visit.

I had experimented with arriving at different times and had found that although I much preferred to have a lower number, it was too difficult to get there that early. One time, I wanted to get in early to spend as much time with Joel as possible. I left home around midnight and parked in the line of cars outside the prison at about 3:45am. It was cold out in the desert, and I
had not thought to bring a blanket. I remember huddling on the floorboard of my car trying to stay warm in the dark, staring at the barbed wire and humming lights of the prison to my right. That was a long night. By the time I got inside, I was so exhausted that it was hard to sustain a conversation.

Another time, I got there early again because I wanted to try to circumvent the long waiting process. Arriving half an hour later could mean waiting for an additional two hours. I arrived to the line of cars while it was still dark outside. Two hours passed before the cars started moving. I turned the keys in the ignition to start the car, but there was no response. I had forgotten to turn my lights off. The battery had died while I was waiting. Tears burned in my eyes as the cars behind me drove past, taking my place in line. I called a tow truck and eventually made it inside, but I lost hours of visiting that day.

After the guard waved me through, I drove down the road until I entered a large parking lot, surrounded by desert on one side and the prison on the other. Once in the parking lot, visitors began to freshen up, apply make-up, and change their clothes. Many had left home in the middle of the night. I walked into the Visitor Processing Center with a crowd of other people. Eventually, the COs began to call out people’s numbers, beginning with one. There were upwards of 300 numbers that would be called out throughout the day. It was a slow, painful waiting process.

I found an empty plastic chair and sat down, hoping that by some miracle the process would move quickly. I scanned the room and recognized many of the faces of the COs. This reassured me. Last time I was there, they were training new visiting staff. It took five hours for me to be admitted, and we only got to spend an hour and a half together. The waiting room was filled with women and children. A young girl wearing a pink, flowered dress kept asking her mother when she would get to see her daddy. “Why does it take so long mommy?”, she asked. I glanced up at the clock as I heard a CO call out the next number. It was 10:00am and they were only on number 48. The waiting felt unbearable sometimes.

Academic research identifies prolonged waiting as a common experience for prison visitors (Comfort, 2003; Christian, 2005). Johnna Christian’s (2005, p. 38) study regarding prison visitation in New York revealed that some visitors spent 24 hours travelling to the visit, waiting, visiting for a few hours and then travelling home. Megan Comfort’s (2003) ethnographic research on visiting at a California prison reflects on the emotions I experienced while visiting processing seemed to proceed at a snail’s pace.
According to Comfort (2003, p. 92), "The lengthy and inefficient queues required for visiting a prisoner do not just belittle the worth of his family’s and friends’ time—they also deprecate the importance of the visit itself, the preciousness of moments spent with those who are otherwise physically barred from one’s presence". Comfort’s study includes an interview with Lynn, a prison visitor, whose sentiments echo those of visitors I overheard and spoke to for years:

For instance, visiting hours are 7:30 to 2:30. But they don’t start processing you until 7:30. And that’s a frustration to me in that, “No, I would like to be face-to-face by 7:30, why can’t you start processing at 7:15? What is the problem with the mentality behind starting processing fifteen minutes prior to visiting time?” […] [Once processing begins] they take their time, and they have to know that every minute— or maybe they don’t. Maybe it’s just a matter of not really comprehending, every minute is so valuable, you know? (ibid, original emphasis).

Over the years, as I waited in a various parking lots and visiting rooms in order to spend a few hours with my husband, I would return to these frustrations, feeling as if with some slight adjustments the process could be so much more efficient and more humane.

Secondary Prisonization – The Emotional Toll (Beth)
Most official prison policies claim to prioritize helping prisoners to maintain ties with their family members through visiting. However, this does not seem to be reflected in the actions of prison staff. The arbitrary enforcement of regulations and the derogatory treatment by correctional officers wears heavily on the spirits of those who fill visiting waiting rooms. Comfort (2003, p. 79) has termed the dehumanizing process that visitors go through “secondary prisonization”. She explains that female visitors “experience restricted rights, diminished resources, social marginalization, and other consequences of penal confinement, even though they are legally innocent and reside outside the prison’s boundaries” (see also Hannem, 2011).

As I was standing in line for visiting one time, a CO stepped out in front of the visitors and announced, “Listen up. I’m going to go over the dress code with you because some of you want to come up here looking like you work on the corner of Hollywood and Vine”, making a reference
to a corner known for prostitution. According to California Department of Corrections and Rehabilitation regulations, visiting “must be conducted in as accommodating a manner as possible in keeping with the need to maintain order”. Being compared to prostitutes did not feel “accommodating”, nor did it seem to promote the institution’s need to maintain order. The CO proceeded to read some highlights from the list of rules and regulations regarding the visitor’s dress code. He included some basic information, such as the fact that blue jeans were not allowed because the prisoners wear them. He also chose to read off some of the more offensive guidelines, such as the rule that visitors cannot wear any clothing that exposes their genitalia.

I heard a guard yell, “100”. Knowing that my number would be called soon. I stood up and walked towards the counter so as not to waste any time. When I heard “104”, I handed the CO my pass and my ID. She ran my name through the computer system, looked me up and down to see if I was dressed according to her satisfaction, and stamped my paperwork. I was relieved; the stamp meant that she approved me to advance to the next stage of the process.

Problems with a visitor’s attire or with one’s belongings often result in visitors being sent back at this point. First-time visitors who are unfamiliar with the dress code guidelines are almost always ordered to change their clothes. Many come in jeans, tank tops, or t-shirts in one of the many prohibited colors. One of the most unsettling parts of this process is the unpredictable and changing nature of the dress code regulations.

“I wear this outfit every time I come here to try to avoid problems, but today they decided I have to change”, I heard the woman next to me say to another visitor. This is a common problem. There is a sense that the enforcement of the dress code is arbitrary in nature. One week, sandals are allowed. Another week, they must have a strap on the back of the shoe. Yet on another day, no open-toed shoes are allowed. One year, on Valentine’s Day, the COs did not allow anyone wearing red to enter. Because it was Valentine’s Day, over half of the visitors were wearing red for the occasion. As far as I saw, that rule was never enforced before or after that day. I got to be an experienced visitor and would generally bring three different changes of clothes and two extra pairs of shoes with me in the car. That way, no matter what the rule was that day, I would have something to wear.

A visitor’s fear of being ordered to change clothes is that, even if it is as simple as walking back to one’s car to put on something different, it means
less time with your loved one. Everyone is counting the minutes and these delays matter—a lot. One time when the CO asked me to empty my pockets, I pulled out a twenty-dollar bill that I had forgotten about. Rather than waste the time it would take to go back to my car, I gave it to another visitor who was being sent back to change.

Because I had been there so many times before, I knew to walk directly over to the line of COs near the metal detector after my paperwork was stamped. I presented my paperwork and ID to the CO and put my shoes, belt, and earrings into the plastic bin that sat on the counter. The CO instructed me to bend down so that he could inspect whether any cleavage was visible from his vantage point. They did not all do this—only those who seemed to want to add to the demeaning nature of this screening process. “Now turn around”, he said, as he inspected my clothing, and body, from behind. “Those pants are a little tight, but I’ll let you slide”, he said with a wink. I cringed inside, but I heard the words “thank you”, come out of my mouth. He had the authority to delay or refuse my entrance, and I felt powerless.

This was an unsettling feeling for me. I was not used to feeling so powerless. But over the years, I learned that as a prison visitor my freedom, power and humanity were limited. By virtue of loving someone in prison, the rules of his incarceration extended to me. It gave me a limited glimpse into what it must have been like for my husband all the time. Writing this article, I re-experienced the degradation that I used to feel during the visiting process. I was reading some other women’s accounts of their experiences with visiting when my body began to tremble and I began to sob. The experience has had long-term effects on me.

I advanced to the next stage, walking barefoot through a metal detector. I made it through, but the woman behind me set it off. It was the underwire in her bra. The CO handed her a large, rusty pair of scissors and instructed her to go to the restroom to cut the wire out of the bra. “I just bought this bra though”, she protested, “and it cost $40”. “No bra, no entry”, replied the CO, “and I can’t let you in with a wire in the bra”. She sighed and walked back to the restroom in the waiting area, scissors in hand. This is a familiar scene that plays itself out with most first-time female visitors. I had to do it my first time too.

My heart beat faster—I had made it through the most difficult parts of the admission process. I walked down the road to the visiting area. The cool air-conditioning hit my face and I smiled as the sweat that had accumulated on
my forehead began to dry. I handed my paperwork and ID to the CO seated outside the visiting area. He picked up the phone and called for Medina #K96616 to be sent out to the visiting room. I picked a table and bought some frozen burritos, chips and soda from the vending machines before they ran out. I returned to the table and sat with this pile of food in front of me, glancing up at the clock and at the door.

He walked into the room, and the fatigue, frustration and dehumanization I had felt over the past few hours melted away. We would get to spend three-and-a-half hours together, lost in the comfort of one another’s presence.

PART II:
THE RELATIONSHIP BETWEEN VISITING AND PRISON POLICIES

In addition to providing a necessary time for emotional support for prisoners and their loved ones, visiting supports the institutional goals of prisons, such as maintaining order and promoting rehabilitation. In this section, Joel’s personal experiences highlight the influence of visitation on prisoner’s emotions and behaviours. Academic research is discussed in order to link these experiences and research on the positive effects of visiting. Prison policies that interfere with visiting are critiqued on the basis that prisons should support visiting because it promotes positive social outcomes.

A Visit is a Lifeline: Institutional Safety and Security (Joel)

Academic research regarding prison visitation programs cites a range of positive effects of visiting. According to Bales and Mears (2008, p. 293), “a sizable literature examines factors that influence visitation and the hypothesis, largely supported, that prison visits can improve inmates’ behavior while incarcerated”. Another literature review regarding prison visitation reveals, “an inmate’s connection with the outside, through visitation programs, could greatly reduce inmate tensions and in turn reduce the likelihood of riots, disturbances, and deviant behavior” (Tewksbury and DeMichele, 2005, p. 295).

My personal experiences, as well as my observations of the experiences of other prisoners are consistent with this research. There are many reasons why visiting promotes safety and positive behaviour among prisoners. Visits connect you to the outside world and help you to get a broader perspective.
Joel Medina and Beth Caldwell

They remind you of what you have to lose if you get into trouble. A good visit replenishes your emaciated spirit with love and encouragement that is otherwise virtually absent within the confines of prison. I can recall many times when a visit helped me to stay on track, and to stay out of trouble.

One instance, in particular, stands out in my mind. As I sat up quickly to the sound of footsteps approaching, I was relieved to see it was an elderly man walking to the restroom. I had spent the last four days in a state of paranoia, waiting for the worst to happen. A prisoner had attacked me four days ago as I got ready to shower. As I placed my towel on the towel rack, I suddenly felt a strong punch on the side of my face. Half dazed, I looked back and, moving quickly, I managed to dodge the prisoner's fist. Having seen a shiny metallic glimmer coming from his hand, I focused on his hands to see what he was holding. I was relieved to see that his hands were both balled up without a shank; it must have been the reflection of his watch or something. Feeling more confident having realized that he did not have a knife, I responded the only way I knew how. I charged him and unloaded a series of punches. I was trying to drop this guy, but he was not going down. I kept looking towards the door, expecting more people to come towards me to jump me when a prisoner ran into the showers to tell me that the cops were coming. As I ran towards my bunk, I heard the incident alarm start to blare. I reached my bunk, put on my workout gloves, and started to do push-ups so that the COs would believe that I was agitated from my workout and not from fighting in the bathroom. They took him to the infirmary and ordered everyone to go to their bunks and to strip down to their boxers. They were coming around to do a body inspection to see who had marks or bruises. I took off my gloves and noticed that I was bleeding from a couple of my knuckles. “I’m caught”, I thought to myself.

Even though I was defending myself and I was the one who was attacked, I knew no one would care about that. They were coming around in order by bunks. As a CO approached my bunk, my neighbor told me that my nose was bloody. I grabbed a t-shirt and wiped my face. The CO looked at me, told me to turn around, and inspected my body. He looked me in the eyes, nodded his head as if disappointed and walked over to the next bed. I would call this CO my friend, but in my environment, friendship with a CO was completely forbidden. I had talked with him in the past about my desire to change and about how the person I was forced to be in prison was not really me. He gave me a pass.
Two days prior to this attack, the guy who punched me had exchanged strong words with a prisoner of another race. Since I was a few bunks away and had not run over to him during this argument, he felt that I had failed to back him up. A rule among Hispanic prisoners mandates that we must back each other up in a physical confrontation with a person of another race. Although this rule does not extend to verbal disagreements, I had become more and more distant from the crowd, and someone must have been looking for an excuse to reel me back in. I was fed up of hanging out on the yard, hearing war stories and listening to gossip. I was immersed in the correspondence college courses I had enrolled in, and that upset people. Maybe they were jealous, or they thought I was stuck up. They would have preferred that I hung around doing nothing, waiting for something to happen, rather than spend time in the library.

Now, four days after the incident, I found myself full of stress and anxiety. I was hyper vigilant, constantly watching my back. I was so paranoid that I felt like everyone was against me. I could not sleep because I would have been vulnerable. I was tired, and part of me wished that I had gotten caught. They would have taken me to a cell where I would be locked inside 23 hours a day, but at least I would feel safe while I was in there. Normally, for a prisoner to attack another prisoner of his same race, he must have approval. By virtue of an attack against me being authorized, I knew that the people calling the shots on the yard had it in for me. That is why I felt so vulnerable. I did not share my worries or fears with anybody; I lived in an environment where it was dangerous to trust people. I walked around with my chest out high. The only solution I could envision to my problem was to get them before they got me. My survival instinct had kicked in and I decided that I would rather be a survivor than a victim, although I did not want to get in trouble or to hurt anyone.

By this point, I had narrowed my potential attackers down to just a couple of people – friends of the guy who punched me in the showers four days ago. I kept seeing these two guys watching me as if they were hunters and I was their prey. I had decided that I would make my move the next morning. I was sitting on my bed when suddenly I heard the CO call my name out. I stepped out into the aisle to see what he wanted. “VISIT” he shouted out. I got dressed as fast as I could, wondering who had come to see me. I stepped into the visiting room and right away spotted her by the vending machine. It was my girl. Suddenly, with a deep exhale, I let go of
all my worries. A sense of relief washed over me at the sight of her. I did not tell her about my situation because I knew it would worry her - I did not want to add more stress to her life. She worried about my safety all the time. I knew that telling her my problems in that moment would overwhelm her.

Even though I did not confide in her that day, being in her presence helped me to put things back into perspective. I did not want to disappoint her by jeopardizing my release date. We had so many plans - that was what I was living for. All of my stress suddenly felt bearable. During that visit, I decided that I would not initiate any confrontation but would instead continue to wait, ready to defend myself if ambushed again. She allowed me to think clearly and to gather my shattered mind. Everything seemed so much clearer now. I realized that I had to be strong - I knew that I had to control my thoughts so that I would not allow myself to be controlled by my circumstances. Once again, a visit was my lifeline.

There were many times when I was on the brink of breaking and a visit from a loved one gave me strength to hold on - to keep treading water. Holding my infant nephew and breathing in that distinct smell of a newborn, talking to my younger brothers about the importance of doing well in school, laughing with my sisters, or exchanging hopes and dreams with my girl. These were the small things that mattered and that kept me sane.

Looking around visiting rooms, I would see the softer, more humane side of the prisoners that I lived with. I remember seeing Sniper, his face covered in tattoos and quick to fight on the yard, holding his baby daughter lovingly with a soft smile on his face. Or Youngster, who generally walked around with a “fuck the world” attitude, crying while talking to his elderly mother. Visiting reminds us of our humanity, a perspective that is sometimes lost when living in an environment that seems designed to make us forget. Seeing this side of each other promotes compassion and, in turn, makes violence between people less likely. Visiting also promotes safety within prisons both because it provides prisoners with an opportunity to reconnect with the people who give our lives meaning.

**Prison Geography: Distance as an Obstacle to Visiting (Beth)**

Although the positive benefits of visiting are widely accepted, the locations of prisons in relation to urban centres where most prisoners’ families reside pose a major obstacle to family members making regular visits. Increasingly, new prisons are built in rural areas far away from the urban areas where
most prisoners’ families live (Huling, 2002). The decisions regarding where to build new prisons are influenced by economic interests of rural communities hoping to attract more jobs for local residents (Huling, 2002; Gilmore, 2007). The implications of the location of prisons on visitation seem to be ignored in the decision-making process.

Christian (2005) describes the distances of New York prisons from the city center. She notes that the closer facilities range from a 2 hour drive to a 6 1/2 hour drive, while other prisons are up to 11 hours away. Her study details some of the obstacles that this distance poses to the visitors of New York prisoners, concluding that “staying connected to a prisoner is a time, resource, and labor intensive process, which may create barriers to prisoners’ maintenance of family ties” (Christian, 2005, p. 32; see also Bales and Mears, 2008).

Locating prisons far away from the homes of prisoners’ families also places visiting family members in dangerous situations as they drive for many hours to reach prison facilities, often fatigued. I remember hearing about Guero’s family. His parents got into an accident on the freeway while they were coming to visit him and they were both hospitalized as a result of the injuries they sustained. I also remember talking to Arturo after he got the phone call that his wife and son had died in a traffic accident while driving home from visiting him. He committed suicide not long after getting the news. These are some of the invisible costs of building prisons in remote locations.

Prison geography has significant political and economic impacts as well. Prisoners are counted as residents where they are imprisoned. This transfers both federal funds tied to U.S. Census, as well as political representation from poor minority urban areas to white rural areas where most prisons are located (Hunter and Wagner, 2009).

**Cutting Family Ties through Out of State Transfers (Joel)**

A growing number of states within the US transfer prisoners to serve their prison sentences in privately operated out-of-state prisons. This makes receiving visits impossible for many. In California, for example, the Governor declared state of emergency due to the extreme overcrowding of the state’s prisons. This allowed the state to begin the transfer of thousands of California prisoners to private prisons in other states against their will, despite the fact that the State of California’s constitution mandates that prisoners be housed within the state unless they volunteer to be transferred. I was one of the prisoners involuntarily transferred out of state.
Despite the rotten food, the poor quality of medical care, and the constant threat of danger in California prisons, none of us wanted to be transferred as it meant we would lose our contact and visits with our loved ones. I remember standing in a long line of prisoners who were scheduled to be transferred waiting to ask the authorities to allow us to stay in California. I was standing next to Jose, who told me, “Damn dog, this is some fucked up shit. I just started having contact with my kids after eight years of trying to get my ex-wife to bring them to visit me. I barely started to establish some type of relationship with them; I don’t know what’s going to happen now. She wouldn’t bring them to see me when I was only five hours away, so I know damn well she’s definitely not going to bring them to see me all the way across state borders”. Juan Carlos was one of the most devastated because his family members, including his wife, were undocumented immigrants. To risk coming to see him in either Arizona or Mississippi would be out of the question due to immigration checkpoints along the way. He still had eight years to serve.

These patterns are replicated in other states as well. In an article about the implications of mass incarceration on families, Donald Braman (2002) presents the case of Lilly, whose son Anthony was transferred out-of-state from Washington D.C. to Ohio. Since his transfer, Lilly has spent 20 percent of her total income on prison phone calls. She has also had to invest a substantial amount of their family income to travel halfway across the nation money to visit Anthony in Ohio (Braman, 2002).

**Visiting’s Positive Effect on Recidivism and Re-entry (Beth)**

In addition to improving the behaviour of prisoners while incarcerated, visits also reduce recidivism. Bales and Mears’ (2008, pp. 304-305) analysis of Florida data found that for prisoners who received visits, “the odds of recidivism were 30.7% lower than the odds for those who were not visited”. Their research also indicates that visits over a longer time period contribute to even greater reductions in recidivism. They found that “for each additional 3-month quarter in which visitation occurred, there was an 11.6 percent reduction in the odds of recidivating compared with the odds of not recidivating” (ibid, p. 306).

A growing recognition of the need for effective re-entry programs in the U.S. has been driven by an interest in reducing recidivism rates. The importance of visitation in reducing recidivism has been ignored despite clear evidence of the importance of developing the support of family and
friends to assist prisoners upon their release. It is during visiting times that relationships can be built or rebuilt in preparation for life outside. This is a critical bridge to reintegrating into one’s family and community after spending years in prison.

CONCLUSION

Our personal experiences, in conjunction with the academic research discussed in this article, have important policy implications with regards to visitation policies and the geographic locations of prisons. Prisons should be located closer to the communities where most prisoners’ families reside. Visitors should be treated with humanity and respect. The visiting entry process should be conducted in such a way that it does not contribute to the physical and emotional obstacles to visiting. Given that visits improve the behaviour of prisoners while they are incarcerated and reduce their recidivism rates once they are released, programs assisting and supportive of family visitation should be given high priority in correctional budgets and operations.

Furthermore, recognizing the profound importance of family in the rehabilitation of prisoners begs the question of whether relying upon incarceration as a primary response to crime, particularly given its negligible impact on crime, is good public policy. Furthermore, current evidence indicates that policies of mass incarceration are doing great harm to low-income communities of colour (Clear, 2007). Prisons isolate those they incarcerate from their families and communities, thereby making reintegration into these entities quite challenging after one has been incarcerated for a substantial period. Given the value of relationships on rehabilitation, as reflected by these ethnographic accounts on the effects of visitation, community-based alternatives that prioritize relationships represent a promising alternative to incarceration as a social response to crime.

REFERENCES


ABOUT THE AUTHORS

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Unilaterally Punitive *

Joseph Dole

The United States is unique in the world for its overzealous love affair with life without parole sentences (LWOP). It is one of the few western countries to have LWOP sentences and the only country in North America to have them. Even the other western countries that do have LWOP sentences reserve them for only the most extreme circumstances (e.g. acts of treason or serial murder). In contrast, the U.S. uses this sentence routinely. As of 2010, there were over 41,095 people serving LWOP, accounting for approximately 30 percent of persons serving life sentences in the USA (Nellis, 2010). More embarrassing is the fact that we are the lone, adamant, upholders of the right to sentence juveniles to die in prison, a practice that the rest of the world views as barbaric (see Goliath, 2003; De la Vega and Keighton, 2008).

There is a near universal consensus in the international community that it is immoral and reprehensible to execute or incarcerate a juvenile for life without parole. The U.S. Supreme Court, acknowledging these views, finally abolished the death penalty for those under 18 in 2005. Unfortunately we are still one of the last nations on earth that currently have juveniles sentenced to die in prison by way of LWOP. According to a study by Human Rights Watch and Amnesty International in October 2005, only 4 countries have juveniles serving LWOP: Tanzania has 1, South Africa has 4, Israel has 7, and the U.S. – the ‘land of the free’ – has over 2,200 (Human Rights Watch / Amnesty International, 2005). Even this number is deceiving though as it fails to take into account the thousands more who have sentences so long that they constitute LWOP (e.g. 100 years at 100 percent).

There are numerous calls to abolish LWOP sentences for juveniles worldwide. The U.S. stands unabashed against them all. In 1989, there was the United Nation's Convention on the Rights of the Child. Articles 37(a) of this Convention provides “Neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offenses committed by persons below eighteen years of age”, and Article 37(b) states, “detention or imprisonment must be used as a last resort and for the shortest appropriate period”. Throughout history no other human rights treaty has been ratified by so many so quickly. To date 191 out of 193 countries have ratified it. The U.S.

* An earlier version of this paper was published by The Real Costs of Prisons Project (see http://www.realcostofprisons.org/writing).
and that other stalwart protector of human rights, Somalia, are the only two to refuse to do so. In 1992 the United States became a party to the *International Covenant on Civil and Political Rights*. This prohibits LWOP sentences for juveniles. More recently, in 2006, the United States was the lone opposition (176-1) against a resolution in the U.N. General Assembly calling to “abolish by law, as soon as possible, the death penalty and life imprisonment without possibility for release for those under the age of 18 years at the time of the commission of offense” (De la Vega and Leighton, 2006, p. 15).

In a 185 to 1 vote (again U.S. versus the world) in December of 2006 the U.N. again took up a resolution calling to abolish LWOP for juveniles. The U.S. State Department’s defence of this position was that it is mostly a matter of state law and that the juveniles, some as young as 13, were “hardened criminals who had committed gravely serious crimes” (Liptak, 2007). Regardless of the fact that brain research has shown that a person’s brain does not fully mature until the mid-twenties, how hardened of a criminal can a 13 year-old be? What was he doing, sticking his mother up for breast milk as a baby? Maybe robbing the cookie jar as a toddler? The ignorance of the State Department is astounding when you consider that close to 60 percent of these juveniles serving LWOP had no prior convictions.

Approximately 10 percent of the 73 kids age 13 or 14 who were sentenced to die in prison were sentences for crimes where no one even died. In one instance no one was even injured. More than a quarter of juvenile lifers were not the actual perpetrators of the crimes, but were rather found guilty by way of accountability or felony murder statues, in the classic “getaway driver is just as guilty” reasoning (Equal Justice Initiative, 2007).

Rather than seeing a decline in the use of LWOP sentences we have seen an expansion. LWOP sentences are more prevalent overall and those for juveniles are now used three times more often than 15 years ago. Part of this love affair with LWOP sentences is due to the short-sightedness of the anti-death penalty movement. The death penalty is another issue the U.S. stands steadfast in support of. In their rationalization of the lack of need for a death penalty, they push LWOP as the “perfect alternative” (see Hartman, 2009; Hemmings and Lashuay, 2009). A couple decades ago only a handful of states had LWOP sentences. Now almost all of them do. As has been shown time and again, our criminal justice is broken and more than 100 people have been put on death row for crimes they were later found to be innocent of. In Illinois more people were exonerated from death row than executed
when former Governor Ryan finally had enough and called a moratorium. People sentenced to LWOP – there are over 1,400 in Illinois alone – went through this same broken system, but without the added safeguards afforded to people sentenced with the death penalty. Thus, it is much more difficult for a lifer who was wrongly convicted to get his conviction overturned; ergo many more innocent people are almost definitely serving LWOP sentences than were sentenced to be executed. Especially when considering there are many more people sentenced to LWOP than to death each year.

The courts have amazingly decided that sentencing a juvenile to LWOP does not violate the 8th Amendment right against cruel and unusual punishment. The hypocrisy of many LWOP sentencing schemes and court rulings is glaring. Take Illinois as an example again: Article 1, Section 11 of the Illinois Constitution specifically states “All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship”, and part (d) of the purposes of the Illinois Code of Corrections is likewise to “restore offenders to useful citizenship”. Nevertheless in 1978 the Illinois legislature passed a law making all life sentences in Illinois LWOP. Prior to this a life sentence allowed for parole eligibility after 11 years. The Illinois Supreme Court has ruled that a LWOP sentence does not violate the Illinois Constitution due to the “fact” that an offender still has a chance – theoretically at least – to get out of prison by way of clemency from the governor (Roper v. Simmons, 2005). Unfortunately, this is not realistic in today’s tough-on-crime-rhetoric inflamed fear-mongering, political world. No governor with political aspirations – which is all of them – will risk granting clemency and being painted as a bleeding heart liberal, soft on crime, or even worse, be blamed for letting someone out who reoffends upon release.

Compared to the rest of the world the United States incarcerates more of its citizens per capita than anyone else, and for much longer than any other industrialized country (Mauer, 2007). An entrance requirement to the European Union is that the death penalty be outlawed in that country upon joining the union. Concerning life imprisonment, the Council of Europe in 1995 stated “A crime prevention policy which accepts keeping a prisoner for life even if he is no longer a danger to society would be compatible neither with modern principles on the treatment of prisoners during the execution of their sentence nor with the idea of reintegration of offenders into society” (Mauer et al., 2004, p.1). Both the European Court of Human
Rights, as well as the German Constitutional Court have held that a term of life imprisonment must include the possibility of release. Both Brazil and Portugal have banned LWOP sentences. In Spain, the maximum sentence one can serve is 40 years. While in Slovenia it is 20 years.

The United States cannot continue to demand compliance with human rights principles and norms aboard while it refuses to apply them here at home. We have an obligation to implement humane principals embraced by the rest of the world for our own people if we are going to admonish other nations about the inhumane practices of dictators, despots, and others – many of whom we all too often support.

In a country where the majority of the population describe themselves as Christians, it is astonishing how few seem to believe in forgiveness and redemption, and how many champion punishment and revenge. In the words of the United States Supreme Court Justice Anthony Kennedy: “Our resources are misspent, our punishments too severe, our sentences too long [...] Courts may conclude the legislature is permitted to choose long sentences, but that does not mean long sentences are wise or just [...] [A] people confident in its laws and institutions should not be ashamed of mercy”. Well said, too bad few are listening.

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ABOUT THE AUTHOR

Joseph Dole is currently serving a life without parole sentence after his first felony conviction upon a theory of accountability – a conviction he continues to fight pro se. He has been isolated in Tamms Correctional Center, Illinois’ only supermax prison, for almost 9 years. Beginning to write 7 years ago, his first essay was included in the book Lockdown Prison Heart (iUniverse Inc., 2004). Since then he has written a number of articles, essays, research papers and proposals, two of which were catalysts for Illinois legislation including a bill and a resolution. This essay won a PEN America Award. He has also been published in Stateville Speaks Newsletter, Grapevine Newsletter, The Insider Magazine, Prison Legal News and the Public I newspaper. Some of his writings can be viewed at www.jailhousejournalist.info which is a slow work-in-progress.
Feeding the Beast
Thomas E. Parton

It is difficult for me to write about my incarceration experience because the subject raises so many issues, thoughts and feelings. Very seldom do I see simple black and white answers and solutions to very difficult problems that I face as a prisoner. Reality has come home to rest for me. Seventy-two years, not my age, but the average life span of man. Here I am living on a gigantic sphere in the middle of infinite space, and despite all my self-imposed wisdom and street smarts I now realize that for a long time I truly did not have a clue about my own thinking process. Now at fifty years old I have grown very self analytical.

I lay down in the grass in the prison yard upon my little parch of this great earth. I breathed deeply feeling my heart beating and I feel anxious thinking, “what if I fall off?” What if the world just stopped spinning, who can prove it will not happen? How is it that I thought I knew all that I did and not really have any understanding about my own cognitive process? For me, life and the world seemed crazy from the start, and I was out to grab whatever I could with my 72 years before my world stops spinning. I rolled over on my stomach and looked around the prison yard. Some men are walking the track, others are running. Some are lifting weights, others playing handball or basketball.

Everywhere in prison there was a constant drone of noise that vacillates from a low rumble to ear-busting chaos. Men, women, hundreds of them packed into small areas trying to be heard over the other. As I listened, I heard many of my own past beliefs being expressed. I heard the fears, the anxiety, anger, the frustration, the mistrust. I also heard the conversations that glamorized crime, violence, racism and continued anti-social behaviours. Hundreds of these conversations were broken by occasional laughter or talk of God.

Prison, inside the belly of a great and perpetually growing beast. The blacks over there; the Hispanics over here; the whites roaming in small clicks. Sounds, voices and rolled cigarette smoke whiffs over me on the breeze. I heard sex stories, dope stories, denials, justifications, prideful boasts and people displacing blame. I heard all of my own glorious, self-centred thinking at its best.

I closed my eyes and imagined myself out in space, looking down on the earth. I saw this beautiful blue globe shining back at me. The enormity, the spirituality of it all blows me away. “My God”, I think, “what to hell
am I? What was I thinking? What am I? Who am I? What is my purpose? How did I let this happen to my life, not once, but many times?” That is when it dawned on me, yet again, that I am where I am because of my own thinking based on a lot of self-destructive, self-defeating and anti-social belief systems, attitudes and idealisms created my choices and actions no matter where I try to paint the picture.

I looked and saw all the greatest potential for positive quality of life and love not only for myself but for mankind. There are enough avenues, ways and means for all of us to meet everyone’s nutritional, medical, financial, mental, spiritual and emotional needs. Yet we seek, kill and destroy in the name of money, greed, race, oil, land, religion, good and evil, have and have-nots. When I factor my own life into this fray I only feel how wrong, how very wrong I have been in my own thinking and actions.

Prison, for me, has become the final frontier of what my life was. I created my own prison, became my own jailer in my mind long before and after prison became a physical manifestation in my life. Man! How I wish I could claim to be a political prisoner or even a man wrongly convicted. I wish there was some righteous cause. At least then I could feel some worth in it all. But like thousands of us, that is not the case. I am one voice in many who set out on a direct path to prison. I developed the character, adopted and created my own self-destructive cycle of criminal thinking, addictions and the so-called outlaw/gangster lifestyle.

I do have a purpose and a responsibility in my life, in and for society. At times I do feel like a lone and reluctant traveller on a long and difficult journey. I now realize that changing a character, a set of lifestyle belief systems is not an event, it is a process. It is a process that demands total and unconditional honesty and a willingness to explore, analyze and question everything about my attitudes, idealisms and beliefs.

The journey began several years ago. After serving eleven years I was released on parole in January 2001. The following December I turned 41 and was arrested for a robbery I committed in November. I ended up serving the remainder of my previous sentence of three years. In 2003, I turned onto a new six to twelve-year sentence for the robbery.

I was born here in Pennsylvania in a rural farming county. I was raised on the farm into my teens. My parents were both alcoholics, divorced, and stayed in other alcoholic, violent and abusive relationships thereafter. At points in my life we lived on welfare and were abused physically, emotionally and
mentally. For me, that environment played a huge role in the development of many self-defeating and destructive coping skills. I came up through my teens in a reform school for boys, foster homes and juvenile joints. I was abusing alcohol by age thirteen. I started using drugs at age fifteen. I ran away from every place the system committed me too. At age 20 I hit the county prison for the first time. I escaped from county prison three times and from state prison once. I saw myself as a genuine Cool Hand Luke – an outlaw, a warrior, a runner. I ran. I ran from life, from myself, from marriages, from the law, from good jobs, from great opportunities to succeed, from anyone and anything that made me uncomfortable. I ran by using alcohol and drugs. I ran by committing crimes and coming to prison. I have a rap sheet knee deep, twenty-seven charges, seventeen convictions ranging from forgery, burglary, robbery, dealing, assaults, escape to driving while intoxicated.

I blamed society – I raged against the system, the judges, the lawyers, the prosecutors, the cops. I blamed my parents, the abuse, my alcoholism, my drug use. I swam in anti-social glory, hated any authority, rejected any responsibility and refrained from being accountable. I made victims and felt little remorse except that I got caught. I was a loner. I minimized my crimes, twisted truth into lies. There was no truth in me. I was a con and the biggest con I had done was the job I had done on myself. I adapted and I conformed in prison, but I never changed. I was “all the right answers man”. In groups I said what they wanted to hear, did the right things, kept a low profile to once again win my freedom only to return or continue on with the same destructive mindset and lifestyle. Sex, drugs, booze, let’s rock and roll man – easy money, no effort, no responsibility on my shoulders.

Here I sat again, July 2002, in my counsellor’s office that I had left “for good” I swore just a little over a year earlier. My counsellor sat at the desk staring at me. I felt sweaty and anxious like I always did when around someone in authority. The counsellor had also supported me for parole. She broke the uncomfortable silence with a simple question: “Mr. Parton, what happened?” The words that came out of my mouth seemed surreal. I looked up into her eyes, raised my hands and said: “This is who I am, this is where I belong”. The light came on, the big click, like an emergency generator kicking in. I felt disconnected. That was the first honest and factual insight I had made about my life in twenty plus years of doing time. I had finally owned a small but precious piece of truth about my real character. I was tired, had nothing more to lose or hide. I remember thinking, “Wait a
minute. What the hell was that?"

What purpose from that point on was, and still is, to identify those belief systems that continually drove me towards my criminal actions, and as much as possible, to also share my journey of healing and recovery with others. As I began to work on changing my thinking I began to grasp the idealism and feeling of freedom. How I defined freedom before was in my desire for the unrestricted, unrestrained ability to live a hedonistic lifestyle. In my life I would do what I wanted almost impulsively. I would take what I wanted regardless of the laws I had to break or the people who got hurt in the process. I rarely measured the consequences.

The way I define freedom today is my deliberate surrender to truth, the ability to listen for and communicate the truth. Today I strive to accept the idealisms of justice and the values, morals and standards of our society. I realize that no government and no authority is perfect and some you need to make a stand against, but not for criminal reasons. In order to affect change in my life I have to question and analyze every thought and choice of actions. Is this healthy? Is this productive? What am I basing my thoughts and feelings on?

It sounds simple enough, I suppose, but I found it one of the hardest tasks in my life. "To know thyself". How does one human being come to a place where he or she can take another person's life? How did I get to a place in my thinking where I could shove a weapon in someone's face and rob them? How does a drug dealer not think they are doing wrong or see how the drugs they sell impacts the addict and society as a whole? How does stumbling into a vehicle drunk or stoned become so different than a loaded gun? The only real difference for me is how I manipulate facts and my own belief systems.

Here is a prime example of what I am saying. I live in the United States, in the state of Pennsylvania. In an 18-month period from mid-year 2008, into late 2009, in the city of Philadelphia, seven police officers were killed. A majority of them shot to death while responding to crimes in progress by men out on parole who had long-extensive criminal histories. As a result legislation has been passed that has radically changed our laws and the parole process here in Pennsylvania. There is almost always a knee-jerk reaction to such extreme violence and for the actions of a few, thousands pay the price.

The topic of these cop shootings came up in a group I was attending
ironically entitled “Thinking for a change”. The counsellors’ solution was to take all guns from cops and criminals alike. From my peers I heard things like cops set people up and other justifications as to why cops deserve to be shot. Some suggested that if cops simply stayed out of their neighbourhoods and let them sling drugs then they would not get shot. Now, I am a long-time offender and have been a violent one at times. But I sat there astounded at the insanity of these lines of reasoning. Here we were in a class about thinking for a change. Thinking about the same way we did that brought us to prison. It was painfully obvious that some of the people in the room did not have a clue. That is the depth of this ingrained self-deceptiveness of anti-social thinking. It gets so deeply rooted into every aspect of our belief systems.

I know for myself, and many others, the birth of such thought processes began early in our lives from environmental, social, and economic standards of living. I did not roll out of my mother’s womb toting a .357 revolver and robbing people. I know a lot of my character and personality developed by the age of twelve and was definitely influenced by my parents’ alcoholism and the abuse suffered as a child. Also the violence, isolation and rejection I experienced through the juvenile justice system played a part. We ended up in prisons from all walks and stations in life. We come from cities, from the country, from trailers and from the projects. We come from the financially able and influential down to the poor and welfare families. There are the few who had everything from families who gave everything and still made the wrong choices. We come from broken families who created broken kids. We come as alcoholics and drug addicts. Some have made one self-destructive choice, others repeat them over and over. Then too, unfortunately, there are people who will never change no matter what you do to teach them, they just refuse to see any truth because the effort is far too reaching for them. Some grow colder and harder pressed under the weight of never ending sentences as time slowly passes, lacking less and less empathy. They like to coin the term, “aging them out”.

No matter where we come from, we have one common thread. Each of us has developed an anti-social belief system that becomes a direct path into the belly of the beast. Once swallowed up by the correctional system, the prison environment only begins to fine tune your negative thinking process. In the beast, abnormal becomes normal as the environment thrives on violence, force, lies manipulations and thousands of other twisted games we play to survive inside. Once you dance with the beast, the beast do not
change, the beast changes you.

We come out of the system worse than when we came in. We are angry, frustrated and confused. We believe ourselves to be outside the laws, the rules and the norms of society. The beast has taught us well that we do not fit in, we do not belong outside prison walls and fences. We make enemies of the system, we trust no one, especially not the cops, the judges and no authority. We become trapped in these idealisms of blaming others for the path we chose. I developed extensive rationales from my incarceration experience for my irresponsibility and lawlessness. I painted myself the victim of elaborate conspiracies, of racist systems, parents, shortcomings of society and of addictions. Now understand me -- I do believe that many of those rationales are based in factual truths and you are what you learn. That is the power and the deceptiveness of what you learn while incarcerated. We buy into all these lies. My thinking created a trap, a cycle of self-fulfilling, self-defeating and destructive actions created by my own belief systems. These are belief systems impacted by the past, how we are raised, the role of society, our peers, demographics, addictions abuse and especially the entire incarceration experience

"This is who I am. This is where I belong". When I made that statement several years ago I had finally come to terms with myself. A simple truth and hope birthed in my heart and mind. I then understood, "This is not who I have to continue to be". Since then it has been a hard work in progress. It has been a selfish and sometimes lonely journey. The more I change, the more alien I now feel in prison with so many cons still trapped inside the same old mindset. There is nothing good or life changing about prison. Prison's main purpose is to punish and separate the criminal from society. And I do understand that society has a right to be free from criminals preying on them. But the system is flawed in its half-hearted attempts at rehabilitation and over ninety per cent of all women and men incarcerated will one day be returned to society.

The mental, emotional and physical condition in which they exit prison should be a major concern to society as well as the criminal being punished for his or her crime. The way that prisons function at this time only perpetuates the alienation and anti-social mindset of many of its captives. Continued criminal thinking processes, separation from society creates a great gulf between us and them. The effect of incarceration only reinforces these anti-social idealisms. Not only are we locked away from society, but while incarcerated we are constantly judged and rejected, but given no tools
to come out of it differently. The beast grinds you up and spits you out. We live in these abnormal prison societies growing further from reconnection, two men to a cell, which is no bigger than a small bathroom. We live in groups, gangs and small clicks dressed in the same drab prison uniform with the Department of Corrections stamped on our backs. We are ridiculed by staff – often small-minded men in superman uniforms who find salvation with the high paying jobs demeaning prisoners. The whole system is an ever-present reminder of our continued separation and categorization as convicts perpetuating our mindsets.

We are pressed under the division of race, attitudes of controlling staff members who often abuse their power and authority. Some even seem to thrive and get off on it. Please allow me to qualify these statements about staff. There are on exception a few who actually do care. There are a few who refuse to lie on misconduct forms. There are a few who try to ensure a sick prisoner receives proper medical treatment. There are a few who actually counsel and make a valiant effort to help prisoners rehabilitate. These few pay a price from peers who alienate them, call them bleeding hearts, convict lovers and harass their efforts on all levels.

Often the system, the beast, and the people who work in it strive to remind us daily that we are only convict scum and deserve whatever abuse, treatment or lack of treatment we receive. It is important that we realize that politicians and legislators help build their careers upon platforms of fear created by the crimes we commit. The last thing I want to do is to pass blame. As individuals we must come to terms with the bottom line; our actions fuel the correctional industry. In the 1980s there were fewer than 10 state prisons in Pennsylvania. With the passing of legislation creating mandatory minimums and excessive sentencing practices and the unwritten procedures that violent offenders serve upward to eighty-five per cent of their maximum sentences, the beast grew enormously. In the 1980s the state budget for corrections was twenty-seven million. The prison complex in Pennsylvania has grown to a fat 28 state prisons at a cost of 2.2 billion dollars. And by the way, seventy-two percent of that goes toward staffing costs, not in housing costs such as food and clothing for prisoners. We feed this beast and few among us is standing up to say it. Instead of dropping out of the system we drop in.

We come into these prison environments that are filled with micro subcultures. We separate ourselves by gang affiliations, race, according to geographic locations, types of crimes and our religious affiliations. These
micro-cultures thrive in prison and are steeped in affirmation of anti-social criminal thinking attitudes and remains one of the main reasons rehabilitative efforts fail. We make the system’s job easier for them by dividing and conquering ourselves. We perpetuate our own criminal attitudes. For the most part, when we do participate in therapeutic programs it is simply in an effort to gain our release and not for making any change. These groups are generally non-confrontational. They are hardly ever facilitated effectively. For these reasons, our distorted thinking processes are rarely confronted or addressed on any real level. Prison becomes a revolving door of recidivism.

In conclusion, I have found that the answer is not, and never will be found outside me. I must first make a change in my own thinking. The exodus out of the beast’s belly becomes a solo journey, one that takes great effort and determination. The system will not help you and will be suspicious, if not at times determined to see you fail, as will your peers. So you are warned. Be prepared. Let us have a true blue grassroots movement behind these walls and fences. More and more of us need to find our own real ways to achieve self-fulfilling and lasting change. I have to believe there is a better life at the end of my efforts, a greater path. Seventy some odd years, on average, and my world stops spinning. I, for one, will not feed the beast another time. There are no outlaws or gangsters. It is an illusion—a lie that the system helps create. No one gets out alive following that mentality. Here is the stripped down, bare-knuckle truth; thinking leads to actions, and our actions always have consequences. No matter the how or why of ending up in prison, from the rocking of the cradle to the rolling of hearse, it all starts and ends in our own minds.

ABOUT THE AUTHOR

Thomas E. Parton was born in Wellsboro, Pennsylvania in 1958. A self-proclaimed country boy from head to toe, he graduated high school in 1977 from Canton High and served two years in the United States Air Force where he received an honourable discharge. Through the 1980s he began his involvement with alcohol and drugs, which cumulated into criminal activity and years of incarceration. While incarcerated he taught himself how to read and write music, as well as play guitar. He served his time doing art and leather craft, while also earning an Associates Degree from Penn State University in 1993. Having recently been granted parole, he plans to continue his education and earn a Certified Addiction Counselling (CAC) training accreditation to work as a drug and alcohol dependency counsellor.
INTRODUCTION

Over the past three decades, the number of prisoners has surged in every state in the country (Pew Centre on the States, 2008). This growth resulted, in part, from perceptual changes in how the criminal justice system processed and punished juveniles, women, violent offenders and drug offenders. Prison expansion intensified with ‘get tough’ legislation that decreased judicial and parole authority using sentencing guidelines, mandatory minimums and three strikes laws. As a result of the ‘war on drugs’ and new sentencing policies, the United States currently has over 7 million people under the supervision of the criminal justice system. Of this number, more than 2 million people are incarcerated in local, state, and federal prisons and jails throughout the nation (U.S. Department of Justice, 2009).

According to the Pew Centre on the States (2008), the vast majority of incarcerated adults (91 percent) are under local or state jurisdiction, while the federal prison population continues to grow at a far more rapid rate than state prison populations. Despite the fact that over 200,000 people are locked up in federal correctional facilities, practical information about the Federal Bureau of Prisons (BOP) remains elusive. What we do know is that the federal prison system is a nationwide system of prisons and detention facilities for the incarceration of prisoners who have been sentenced to imprisonment for federal crimes and the detention of individuals awaiting trial or sentencing in federal court.

Prisons run by the BOP are spread throughout the country and comprise a range of correctional institutions, detention centres, medical centres, prison camps, metropolitan correctional centres, and penitentiaries. Each is organized according to five security levels: minimum, low, medium, high, and administrative. Offenders are classified and assigned to an institution based on such factors as severity of the offence, length of incarceration, type of prior commitments and history of violence (U.S. Department of Justice, 2009). The BOP is considered by many – including academics, practitioners, and those familiar with life or work within the federal prison system – to operate a better system than most state prisons. Generally, the prisons appear cleaner, with more amenities like food and programs, and the prison staff are better educated, trained, and paid (Roberts, 1994).
Because of the nature of federal criminal law, prisoners in most federal facilities are thought to be different from those in state institutions. The image of federal prisoners being a more sophisticated type of criminal, from a higher socioeconomic status, who have committed crimes of extortion, mail fraud, bank robbery, and arson stems from the celebrity status of some BOP “clients” such as Alphonse Capone, G. Gordon Liddy, and Bernard Madoff. However, since the beginning of the “war on drugs” and “get tough on crime” approaches in the 1980s, the proportion of non-violent drug offenders has increased and now makes up approximately 60 percent of the incarcerated population. Fewer offenders (less than 15 percent of the federal prison population) have committed crimes of violence than are found in most state institutions. And, about 30 percent of federal prisoners are citizens of other countries (U.S. Department of Justice, 2009). Federal prisoners with celebrity status in free society are the minority within the contemporary federal prison system.

While the federal prison system may appear to operate a better prison system and house different clientele when compared to state prison systems, imprisonment in any American correctional setting involves exposure to deprivations that require prisoners to adapt to the setting within which they will reside for the duration of their sentence. Most Americans never even see, let alone become ensnared in, the nation’s vast correctional system. But the unprecedented prison boom is incurring unprecedented costs – economic, social and ethical – that are being paid, one way or another, by everyone in this country. Prisons are an enormously costly failure for controlling and reducing crime, expensive beyond belief, debilitating, demeaning, counterproductive (Austin and Irwin, 2001; Ross and Richards, 2003), dangerous to prison staff and the non-violent majority who are imprisoned, and efficient breeders of even more serious future offenses against society. They only work to remove from the streets the relatively small percentage of persistently and irrationally violent, dangerous, and repeat offenders who happen to be apprehended by the agents of social control.

If you want to know how the criminal justice and penal machinery functions, then ask someone who has been in the system. Federal prisoners have a story to tell about their journey through the federal system of courts and prisons. This article provides the story of a former law enforcement officer, recent recipient of a graduate degree, and relatively new resident of the federal prison system who wanted to share his experience with the
free world. He does not bemoan his current status as a federal prisoner nor does he play into the “I’m a victim of the system” argument. Rather, he notes the hypocrisy of the American criminal justice system. Specifically, the implementation of structured sentencing, the near-constant use of plea agreements to temper multiple count indictments by prosecutors, and the legal engineering of supposed justice that feeds an environment in which the mechanism of justice has become corrupted.

The federal prison experience presented here grows out of the collaborative effort of the authors to document the incarceration experience – from entry to release – and analyze that experience over the course of several years. The work presented reflects his initial entry into the federal prison system and adds to the growing body of literature and scholarly work on the impact of prison life on those who live it. We echo the call for prison reform efforts at all jurisdictional levels including the federal prison system. This is Andrew’s story.

THE FALL

In the ancient federal system of Japan, warlords maintained a central form of government through the use of Samurai – devoted warriors to the state. These warriors unquestionably obeyed the edicts laid down for them by their masters and enforced the law with earnest zeal. They held themselves to a different standard, or warriors’ code, which enabled them to operate outside the established standard to effectively enforce the law.

Occasionally through the political manipulations of their warlord masters, these Samurai warriors lost their honour and positions. Now masterless, they became wandering rouges and mercenaries. A pariah to the natural order, they often nevertheless maintained the central values of honour that made up the bulk of their previous existence. These fallen Samurai were called Ronin, and this is the story of a modern one.

I was a law enforcement officer, a cop, and by most standards a good and righteous one. I was a military professional, a highly decorated veteran of the Cold War, Desert Storm, and its aftermath. I was a scholar, pursuing my studies in the juggling act of academia and career. I was, in effect, everyone’s all American; the kid next door; the local boy “done good”. For fourteen years, I stood as the first line of defence for American freedoms and values. I swore oaths to the Constitution to uphold and defend it against enemies, both
foreign and domestic. I had pride and honour, and the battle lines between right and wrong were clearly defined for me. I followed a warrior's code.

And now, I am a federal prisoner. With Thoreauian civil disobedience, I violated a law of my master that I thought unjust and, in turn, took full responsibility for my actions. Now I am a pariah, humbled by a system I truly believed in, a fallen knight of the realm. Ronin.

The purpose of this paper is not to elicit sympathy, but to demonstrate an example, for scholars and laymen alike, of how a man’s view of justice and integrity are shaped by his experiences. Throughout my tribulation, I have tried to maintain my sense of honour and dignity, but have found it to be a daily struggle as I fight a mercilessly bureaucratic system. And while I have kept my values intact, I come to learn my previous master, the American Justice System, is a flawed and failing entity.

These are not sour grapes, borne out of bitterness of my situation, nor will I use this as a forum to attack our system of justice out of spite or vindictiveness. This is merely a warning, issued by a man who has seen both sides of the conflict. The implication is clear. The modern American system of justice is a failing entity. We, as a society, are creating a monster: an entire disenfranchised society within our own, full of second class citizens. As a country that prides itself on being the most free, we have more persons incarcerated per capita than any other country in the world. Even as our crime rate drops, our incarceration rate is rising. We are heading for a climax, as the costs for maintaining such a system outweigh our means of paying it.

The pragmatic goal of the justice system is to provide its citizenry with order, prosecute lawbreakers, rehabilitate them and return them to society. This classical societal ‘maintenance’ system infers that, regardless of the causation of criminal behaviour, once an offender receives his sanction and serves his sentence they can successfully be reintegrated back into society as a citizen. But this is not the case. The recidivism rate of criminals is very high, ranging from fifty to eighty percent by different accounts (Visher 2003). Why is this? Could it be that criminals are incorrigible, incapable of rehabilitation? Or could the answer lie in a more damning hypothesis – that once condemned by society and labeled as a criminal, an offender considers himself a non-citizen, unable to maintain the social bonding expected of a law abiding member of that society, even when they want to. Could it be that the conflict of rehabilitation and reintegration has given way to economic efficiency in
our system of justice and machination of bureaucracy - this despite great leaps by society to make the pursuit of justice more equitable and fair?

I, for one, was convinced that our system of justice was clearly the best in the world. Innocent until proven guilty, the protections of the constitution, and the concept of equality under the law were at the forefront of my consciousness whenever the issue was raised. I have been in countries throughout the world where I worried about the legitimacy of my host's justice system, but never in my home country. My view of penology was conservative: an emphasis on education and rehabilitation, but at the expense of comfort. Prison was not supposed to be a nice place. It was negative sanctioning in the first degree and anyone there deserved to be there. After all, we have our constitutional safeguards, right? I believed that there were neither innocent persons in prison, nor unnecessarily severe punishment. The system would not allow it. Experience has taught me otherwise.

**MY PARTICULAR CASE**

As I am using my own case as an example of what is wrong with our system of justice, perhaps it will help the reader to understand the particulars of my situation. After the Cold War had ended, and Desert Storm completed, there was a diaspora of former military personnel out of the services and into the community. Like in so many previous instances of military draw downs, most of the former service men and women freely integrated back into society without difficulty. I was no exception. Based on my military background, I became involved in law enforcement. I started a law enforcement supply, became a federally licensed gun dealer and began a long process of law enforcement training. I soon became a deputy sheriff and had a relatively successful initial career. I was a good cop, yet somewhat over-zealous. I had been fed a steady diet of misinformation concerning criminals and criminality, and accepted it at face value.

My mind-set concerning the justice system was strengthened by my initial experiences. While certainly no angel growing up, I was the archetypal middle-class, rural, Caucasian cop. "Criminals" were easily identifiable to me as they were typecast the same in training and my initial experiences: stereotypes with characteristics, physical or otherwise (es tu Lombroso?). I learned to be suspicious of the lower economic classes, and minorities in particular, as they were the most likely to commit crime. I fell into a pattern
of stereotyping criminals and criminality. Violent and property crime were my bane, and I gave a zealous performance in pursuit of drug offenders.

In the meantime, my fledgling gun business suffered the ups and downs associated with a small, first-time business. Balancing its success with my law enforcement career, military reserve service, and full-time college pursuit became a complex chore. In late 1993, my business on the brink of failure, I took a partner, a former customer with whom I had dealt for some time. Unfortunately, I did not check his background and this would be part of my undoing.

Surprisingly the anti-crime hysteria of 1994 proved to be a boom to my little business. I became very successful almost overnight. I was a federally licensed firearm manufacturer and dealer, a position that proved to be very important in the mad scramble by law enforcement and citizens alike that ensued in wake of the proposed anti-firearms provisions of the 1994 crime bill. I was no fool. From my law enforcement experience, I knew that firearms were hardly the bane to public order and safety that they claimed to be. In fact, I believed the mood of Congress to be an assault on the rights of free, law-abiding men. As a constitutional literalist, I felt that our second amendment rights to keep and bear arms were just as important as the First or Fourth Amendments – absolute cornerstones to our way of life.

It was because of this stance that, at the prodding of my business partner, I began to stockpile arms and manufacture fully automatic weapons. I could have easily paid an insignificant $500 excise tax, coupled with my federal license, to produce and register these firearms without fear or repercussion. Unfortunately I did not, fearing registration leads to confiscation. In that instant I became a criminal, although I had no criminal intent. If anything, the firearms constituted a viable tool in my law enforcement duties. I would not be “out-gunned” by a criminal element to which the firearms provisions of the crime bill meant nothing.

In hindsight, what I did was foolish, while well-meaning. Although I had no intent of using any of those firearms in the course of committing a criminal act, it was the mere possession of them that constituted my criminality at a time when the hysteria of firearms being a bane to society was greatest. The inevitable conclusion, of course, would be that I would be punished for my crime.

It came without warning. By late 1997, I had shed myself of my business partner whom I felt was operating too far outside the law, and directed my
full attention to my law enforcement career. I had begun to do great things in the community, clearing the drugs out of the local high school and involving myself in the lives of students. My previous infractions of firearm laws were long forgotten, my works either dismantled and destroyed, or locked away in a box in my home.

Unfortunately, my former business partner had felt the potential market for illicit firearms too great to ignore and continued to acquire and produce all manners of firearms for the black market. He quickly caught the attention of federal law enforcement agencies and, after a long investigation, was arrested and charged with a variety of firearm offences. At this point he was given a simple ultimatum: he would help his case greatly if he would implicate others, regardless of their level of involvement. Of course, I was the one implicated. What further compounded this was, unbeknownst to me, that my former business partner was already a convicted felon who had misrepresented himself, using me to gain access to firearms to begin with.

The agents came while I was in the middle of a narcotics investigation and caught me, and my department, greatly by surprise. They asked for my cooperation in their investigation and not sensing the trap, I fully agreed. These were, after all, fellow officers who needed information for the malfeasance of my former partner turned rogue. I cooperated but much to my horror the investigation turned towards me. I had implicated myself and the same offer of “helping” my case was given to me: implicate other officers and military personnel and I would get a light sentence. I refused. I could not help them; there was no one to implicate. My belief was that if they were truly interested in public safety then they would leave me alone to pursue the ‘real’ criminals in my community. But in their eyes my assumed non-compliance made me the ‘real’ criminal. It was a very awkward time.

Obviously, I became an instant pariah: my fellow officers, fearing that suspicion alone would wreck their career (and correctly so), turned away from me. I became an outcast in my own community. As I could not bear to see my good work condemned, I transferred my responsibilities to an up and coming young officer and tendered my resignation. I left the career I loved.

I was quickly picked back up by the Department of Defense (DOD) as a full-time National Guardsman. I was back in uniform, but the cloud of my legal trouble hung heavy in the air. Within a year, the answer would come. I would be indicted with firearm charges. Any hope for a law enforcement or military career was to be dashed.
ENTERING THE MACHINE

Up to this point, I have no complaints as to the issues of justice. Clearly I violated the law, admitted to my wrongdoing, and faced the repercussions for my level of culpability. But after the indictment and my arrest, I suddenly found myself entering a judicial machine. My previous exposure to the felony workgroup as an officer gave me some basis of what to expect, but I was in no way prepared for what happened next.

My arrest was the understatement of subtlety. I received a call from the investigating officer who requested I meet him at the federal courthouse for processing. As I was coming from my DOD job, I was in uniform. Whisked into the Marshall’s office, I was served with a G-charge indictment, fingerprinted, photographed, literally snuck into a courtroom before a magistrate, given bond and pre-release conditions, sent over to pre-trial services for the name of my pre-trial probation officer, and sent on my merry way. This all took place in the space of an hour. I was back to work before lunch. I’ve had misdemeanour arrests and processes take longer and I practically spun with dizziness from the event. I wonder to this day if the speed of my processing was because the court did not want negative press (since I was in uniform) or if it had more to do with shame, since looking at me they could see their own career mortality.

I returned to work, gathered my officer-supervisors and told them what had transpired, fully expecting to be released from duty (read “fired”). On the contrary, they were exceptionally supportive. I ended up staying in positions of responsibility, either in a full- or part-time capacity, for two years after this date. A month after my final judgement and commitment, I received an honourable discharge. I have nothing but the utmost respect for the defence establishment for their caring and protective nature during my crisis. They took care of their own.

But now I was officially in trouble. I was referred to a criminal attorney (not so much an oxymoron as you might expect) who took my case for a paltry $4000. While I should have been suspicious of the low amount requested for a fee, I never the less put my full faith and trust into this man. This was my second mistake.

The United States Attorney’s Office provided my lawyer and me with the evidence to be presented against me. Aside from the physical evidence that I provided the agents when they first questioned me, the bulk of the
“case” against me consisted of uncorroborated statements from other individuals, including my former partner, who were attempting to mitigate their prosecution. I have since learned that the majority of this “evidence” could not have been used against me in trial. Further, I have learned that most of the physical evidence, that is, the evidence I provided thus incriminating myself, was inadmissible as well. Unfortunately for me, my attorney was more interested in his role in the plea process to take note of this, as he was fully integrated in the felony workgroup – the defence, the prosecution, and the judge working in concert to elicit a guilty plea and thus speed prosecution. I was never given the opportunity to even prepare a defence as my attorney began to immediately negotiate a plea bargain (my third mistake).

While I desired a misdemeanour plea for my failure to pay the $500 excise tax, the prosecution, especially the investigator, wanted a felony. Ostensibly, this was in retaliation for not revealing additional names or leads for them to continue an investigation. Privately, the investigator told me it was about politics, and his boss wanted additional gun convictions during the Reno Justice Department. While dissatisfied with the plea, I agreed to it anyway because after awhile the stress of the process and pressure from the attorneys (who want the simplest, least time-consuming method available) began to wear me down. Besides, the most culpable individual involved so far, my former business partner (who had actually sold upwards of twenty machine guns to undercover agents alone), had received an eighteen (18) month sentence. Another individual involved received probation. My attorney advised me that my level of involvement assured me of little or no incarceration time. I signed the plea bargain, but did not completely agree with the terms, as in waiving my right to appeal. Only later did I learn that the plea agreement is just that, a non-negotiable contractual arrangement (my fourth mistake).

After signing the plea agreement (by now it was no bargain), I waited a few weeks for it to be formalized during a Rule 11 plea colloquy before a magistrate. This is just another formality, but it had tremendous importance later. Because it was in an open court, and because the magistrate asked if I understood the ramifications of every point of the agreement (I didn’t, but was advised by my attorney to agree to it anyway), I effectively eliminated most, if not all, of my constitutional protections. I had set myself up. By this time, I felt a noose slipping around my neck. During the Rule 11 hearing, I wanted to rise up and tell the magistrate, “NO! I don’t agree to this”. Apparently my angst was noticeable by the judge, who asked very slowly
and deliberately if I understood the plea. I understood it all too well. I had been lured deeper into the machine and my paid advocate, my lawyer, was pushing me deeper still.

By this point I had learned to be distrustful of my attorney, and his compatriot, the Assistant U.S. Attorney. There was no longer an adversarial system at work here. Clearly, both my attorney and the Assistant U.S. Attorney had the same goals – for my submission to the felony workgroup. Now, I was a criminal. I could no longer plead the how's and why's of my behaviour. After the Rule 11 colloquially, I was totally subject to the machine, and it had another surprise for me: the preparation of the single most important document in federal judicial process – the Pre-Sentence Investigation Report, know as the PSI.

THE PSI

The PSI is prepared by a civil servant working for the Federal Department of Probation and Parole. In federal jurisprudence no one – not the investigator, prosecutor or even judge – has greater discretion and / or judicial power than this single probation officer. Ostensibly empowered to prepare a short, concise report on a guilty individual’s culpability, the officer is allowed great latitude in what they put into the report, including undocumented hearsay evidence, past criminal history (including exonerations), work history, military experience and education. A synopsis of the crime is the bulk of the report. From there, the probation officer researches the federal manual for structured sentencing, the judicial bible of the federal sentencing process since 1986, and calculates the number of points assigned to one’s crime. From these points, cross-referenced with one’s previous criminal history, a range of months of incarceration is derived. A simple enough system in its overview, as individuals whose culpability is greater and have a more involved criminal history get more time. Unfortunately, especially in my case, those numbers can be stacked based on hearsay evidence and innuendo.

It took approximately a full year for my PSI to be completed. By this time, I had successfully completed my Bachelor’s degree, applied for my Master’s and began my graduate studies. I still worked on a part-time basis with the DOD after my graduate studies began, flying on humanitarian relief flights and other important missions. It was as if I was not involved in a criminal prosecution at all. My position as a graduate assistant afforded
me opportunities to continue to train and advise law enforcement agencies, including state prison officials. It was an odd and paradoxical time. I felt like a fraud, ready to be outed at any time as some agent provocateur — “who let this criminal in the tent?” At the same time I was happy and proficient at my job, living the “good side” of my double life. It was not without tension, mostly on my end as I struggled with the duplicity, but I was accepted as a ‘normal guy’ by the cops. Apparently, no one got the memo about my label yet, or if they did they did not care. I was a Ronin in disguise.

Yet, despite my good deeds performed before and after my indictment, my PSI was crafted to make me look like a dangerous and unruly criminal. In addition to my base crime to which I pled, I was given copious amounts of sentencing enhancements, “bonus time”, for comments and other hearsay evidence provided to the investigators by my former business partner and other implicated individuals. As my point total rose, I began to realize exactly what the Justice Department was doing. If I would not implicate others, then I was going to get as much time as could be loaded on top of me in order to pressure me to spill. My attorney did a lax job of complaining about my additional sentencing enhancements and we were only given 14 days to formally voice our objections. In the end, objections were raised, but they were so ill-constructed as to be practically useless. A first year law student could have done a more thorough job. My attorney was done with this “loser” case.

The final tally of points was shocking and disturbing. Rather than receiving the sentence of probation, or even the 18 months that my former partner received for his multiple violations, I was now looking at 46-56 months. I was stunned. How could I, who clearly had less culpability than anyone involved in the cases that led to mine, receive more time? Was structured sentencing not supposed to prevent this from happening? My attorney was non-perplexed. “Your background and public service will reduce your sentence”, I was assured.

In February 2000 I went to my sentencing. I was nervous, of course, but had been assured that I would receive what is known as a “downward departure” in my sentence for my admission of responsibility and community work. Much to everyone’s surprise, including my lawyer and the assistant U.S. Attorney, I did not. Rather, I received a 46-month sentence with 24 months of probation to follow. The judge, not familiar with my plea agreement, assured me that I could appeal his decision. I could not, as it was prohibited by sub-clauses of the agreement.
I was crushed, stunned and in denial. How could this happen? How could someone who was clearly not a criminal, with no criminal mindset or intent, to whom rehabilitation was unnecessary, who had effectively provided the investigators with all pertinent information on himself- be given a sentence double in length of the individual more culpable? The answer: I had not cooperated enough. Admitting responsibility was not enough. The machine needed more fuel.

It was not over. I was given a year reporting extension by the sentencing judge in order to finish my graduate degree and teach a course in social deviance at my university. But by now, the full realization of what had transpired had begun to affect the participants. A few weeks after the sentencing, the judge contacted the Assistant U.S. Attorney, stating that he was unhappy that he was forced to give me such a stiff sentence and asked if something could be done to reduce it. The fact that he even was still thinking about it after several weeks is amazing. The Assistant U.S. Attorney conferred with my own attorney, again. For the year prior to my incarceration, the felony workgroup argued amongst themselves over who was at fault, and what, if anything could be done. The Assistant U.S. Attorney contacted my mother, reassuring her that everything was being done to remedy my case. The investigating agent was brought back into the mix with the hopes that I could give him additional information he could use on someone – anyone. There was a lot of hope but, in the end, all these efforts proved inadequate. My failure, my inability, to provide information to the government was what condemned me. I had not played the game right.

I wrapped up my fledgling career and began a rapid process of preparing for my four year hiatus into the federal prison system. I tied up loose financial ends, transferred all my remaining assets to my estranged wife and drove myself to prison with the aid of a former student. As I sat in a restaurant before reporting to the prison, I wondered if it was the right and moral thing to do. I felt wronged, humiliated and angry. I thought about skipping it all and heading to the various countries overseas that I was familiar with from my military time. In the end, I rationalized that I was a good citizen, even up to the end, and as a good citizen it was my obligation to accept my punishment. I surrendered to the Federal Bureau of Prisons Correctional Institute at Elkton, Ohio on April 2, 2001. I have never been in handcuffs and never been in a prison “cell”, per se, but now I am quite definitely a prisoner, sharing living quarters with murderers, crack dealers
and bank robbers. I am one of the disenfranchised. The one difference: I'm still a cop at heart – the cop that wants to help people in trouble and stop the bad guys. Now, I was a bad guy by definition. Pardon me while I look up irony and see my mug shot.

CONCLUSIONS

Please allow me to reintroduce an earlier point. The purpose of this work is not to induce sympathy, or cry for help to correct an injustice – the time for that has long sense passed. Nor is this borne out of bitterness and resentment. I consciously violated United States law; law crafted by our elected representatives for whatever intent they deemed necessary at the time. I was properly investigated, properly indicted, properly arrested, and even properly judged under the legal system's controls in place. And while there is some doubt as to the effectiveness of my counsel, I was afforded all my constitutional protections, as they were, at all stages of the process. Regardless of my personal feelings towards the law, which led to my civil disobedience, and subsequent refusal to pay the excise tax that led me to my current position, what I did was illegal and was punishable by the law of the United States. While I am not proud to be a convicted felon, I cannot be ashamed either. My conscience is clear. My problem lies in the instrument of justice itself. Somehow, we as a society have begun to remove a level of accountability from the justice system, which seems bizarre because that is exactly the opposite of what the reforms of the 1990s were said to achieve. Structured sentencing, plea agreements, and the multiple count indictment are creating an environment in which the mechanism of justice is being engineered with efficiency and expediency in mind. The result is a corruption of individual justice and personal accountability.

Finding criminals, prosecuting them, and entering them into a system is simple, regardless of what some law enforcement officials might have you believe. I state this from my own experience as a police officer. There are simply too many laws, too much redundancy, and far too many resources on the side of the justice system to prevent a criminal to "slip through the cracks". Once identified, a criminal is easy to catch, as their criminal behaviour is easy to track. Indeed, some case building operations are complex endeavours, and make for interesting and challenging exercises for law enforcement. But the simple reality is that, once identified and under
scrutiny, case building is an elementary exercise: criminals and those who commit criminal acts (notice the separation), are generally either careless or cooperative when faced with exposure. Thus told, the old cop adage of "If asked, we could have every 'criminal' locked up within hours", is patently true. Great, then what?

Now the machine takes over and what an efficient little machine it is. The overwhelming mass of pending cases forces the criminal justice system to discard the concept of individual justice, culpability and accountability into a system of expediency. The felony work group – once again the defence attorney, prosecutor, and judge working in concert to keep the system moving regularly – often discount the merits of individual cases. No longer is the defence an advocate for innocence. Rather, the defence attorney is concerned with maintaining their client's freedom. The machine has little or no tolerance for a defendant fighting their case.

The proliferation and constant use of the plea agreement process has led us down this road. Defendants are expected to plead now and this affects the justice system all the way down to the front lines. As a young officer I was trained to charge a criminal with as many counts as possible to ensure the prosecutor had ample "negotiating space" for the plea process. The downfall, of course, is that potentially some defendants have no option to resist, as they simply do not have the energy or resources to defend themselves adequately. If law enforcement reform was intended to level the playing field, and remove the economic factors out of consideration, then we have failed.

Plea agreements themselves are subject to abuse both to the criminal and the victims (if any). Very often defendants plead out to behaviours not committed. Once again, I must hark about the individual accountability and culpability issue. This is in direct conflict with the law enforcement and prosecutorial desire of conviction "at all costs". Further, except in very narrow circumstances, the plea agreement generally limits or eliminates a convicted defendant's right to appeal, even if there are significant issues raised later.

Another issue of interest is the federal structured sentencing guidelines themselves. Aside from certain programs and sentencing options for drug abusers, there are no "safety valve" provisions for first-time offenders. Indeed, a first-timer is as culpable and responsible as a hardened career offender is, yet how is justice being best served? To this end, I could certainly argue with Dr. Stephen Mallory, Chairman of the Department of Criminal
Justice at the University of Southern Mississippi, who stated unequivocally that there is no such thing as a first-time offender. I was. And if there is any doubt that the destruction of my law enforcement and military career, family, marriage, and finances was not enough punishment, then the four years I am spending in prison for essentially a tax crime certainly is more than enough. Safety valves would benefit the individual, as well as society economically and emotionally.

The major emphasis on sentencing reduction in federal prosecution is through cooperation as a government witness. These processes, called Federal rule of criminal procedure 35 (Rule 35) or Federal sentencing guideline chapter 5k.1 “Downward Departures”, were designed to assist investigators and prosecutors, assign culpability to potential suspects, solidify cases, and implicate others in an investigation. Defendants look at the possibility of long prison sentences are encouraged, even pressured, to provide information (accurate or not) on other potential or actual suspects or defendants. The pragmatic goal, of course, is that the information provided will assign culpability upward, seeking out “higher level” offenders. This falls under an assumption that criminals are organized into some sort of hierarchy.

While this might be true for some drug or financial crimes, this does not apply across the board. In fact, as noted in my case, other, more culpable individuals provided the government with information (often untrue) implicating me and received substantial downward departures upon my plea acceptance. Lies, especially really good ones that give what the machine wants, outweigh context. In this respect, providing information in order to see a downward departure and mitigate one’s own sentence becomes a game of musical chairs, albeit a serious one. Those individuals who are lower level players in the game and who do not have sufficient information to attract the interest of the prosecution are quickly left without a seat.

In addition, it is my belief that far too much emphasis is being placed on the merits of the PSI report. A single, unaccountable civil servant has greater judicial power than a federal judge with years of professional training and experience does. In the advent of structured sentencing, this effect was hailed as eliminating the human factor or emotion from corrupting the pursuit of justice, thus making the system equitable and fair. Yet, the framers failed to consider that the probation officer preparing the PSI is as human, and subject to biases and prejudices, as any judge, if not more so because of their law enforcement obligations.
The PSI is a repository for information, both factual and alleged, that allows for an increase of a sentence without the judicial fairness of evaluation by trial. Hearsay, non-criminal but socially marginal information, and even criminal acquittals and exonerations may find their way into the PSI, thus slanting and downplaying an individual’s positive attributes and emphasizing criminality or pseudo-criminality. If judges do not have enough discretion, then perhaps the preparer of the PSI report has too much. This is not to say that the defendant has no rebuttal to claims and sentencing enhancements in the PSI. In fact, a defendant has no more than 14 days to read, evaluate and make objection to any issues in the PSI. This is without the benefit of witnesses or supplementary evidence. 14 days, compared to months and years of preparation time allowed the Department of Justice. It seems vaguely unfair in its application.

Finally, all the issues I have raised would be null and void (to varying degrees) if federal judges would have sentencing discretion. Presently, judges have little to no discretion in applying a sentence less or more than what is provided for in the PSI report. Departing from the guidelines, whether upward or downward, can only be done in the narrowest of circumstances, and then it is often for a Rule 35 cooperation issue. Federal judges have been complaining for years about how their lack of discretion is harming the concept of criminal accountability, lost under the guise of fairness and equity. I understand the controversy – judges may give wildly disparate sentences for the same criminal behaviour, and may be tainted by racial, cultural, ethnic or sexual prejudices. However, their human factor is the last possible “safety valve” left available to prevent injustice, and their years of experience and intellect has been effectively neutered by the machination of the justice system. By allowing judges to exercise more discretion, sentences like mine could be handled with the best interests of the public in mind, rather than forcing the judge to commit me for the guideline sentence. But the machine that is the current system does not like context, nor does it want to understand circumstances. The machine wants to be fed and it has an enormous appetite called bed space openings in our correctional facilities. I guess one could say I got too close to its funnel and got eaten.

In conclusion, I have learned a hard lesson. I know now that mistakes occur and that constitutional safeguards I always assumed were there sometimes are not enough. The justice system, my former master, has, indeed, shown its true face to me and has humbled me greatly. It has, intentionally or
not, turned one of its knights into a Ronin: a dishonoured rogue. Yet, I am not finished. I will learn from my mistakes, identify the weaknesses and shortcomings of my former master, and make it accountable for its actions. I will not let conventional wisdom cloud the real and pressing issues facing our criminal justice system. Hopefully, my voice will be heard and joined by others before the system fails completely and the machine has consumed everyone.

**REFLECTIONS**

The gauge of success for any undertaking is the achievement of its prime objectives at acceptable cost over a reasonable span of time. The measure of a prison system’s success would be the ultimate reduction of crime and the restoration of much of the prison population to law-abiding citizenry. By that standard, United States prisons have failed dismally. United States prisons today are dangerously overcrowded because of the myopia of too many judges, prosecutors, legislators, community leaders, editors, and well-meaning, but frightened citizens who wrongly see prisons as the panacea for escalating crime. The clamour for more and stronger prisons, along with stiff sentences makes no sense. We cannot build our way out of the crime problem.

And no matter what the length of the term, doing time in prison is a long, hard ride. Surviving imprisonment requires patience and humility. The imprisoned battle with time, the months and years that pass as one ages behind the wall. The differential effects of incarceration are well known. Sutherland *et al.* (1992, p. 524) noted that “Some prisoners apparently become ‘reformed’ or ‘rehabilitated’, while others become ‘confirmed’ or ‘hardened’ criminals”. Similarly, we know that hundreds of thousands of prisoners who, although they were convicted of a crime, are not violent felons and pose little threat to the community. Many times, these individuals are sentenced to prison, for too long a time period (Austin and Irwin, 2001).

As prison populations remain large, so too will the number of individuals released back to the community. This is a compelling reason – and there are many other reasons – for doing all we can for civilizing corrections, reducing the number of men and women in prison, and lowering the rate of recidivism. The real problem is a societal one. As long as we have an indifferent and uneducated public with respect to crime issues, the deplorable state of American criminal justice policies and practices will continue.
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Anat – February 2004
The phone rang. I prayed it would be him. It was.

"Mom, prison is not a place for human beings". My heart sank. We thought we knew a bit of what lay ahead of us, what prison was like. So much more had yet to be learnt and absorbed during these months of 2004, in which Haggai, my elder son, served time in the civilian prison in Ramle, having been convicted by the Israeli military court for refusing to enlist in an army of occupation and oppression.

Our first acquaintance with the prison system came through a long correspondence with Ossama, a Palestinian administrative detainee who became a friend.

Anat – March 1997
The issue of administrative detention was hardly known to the general public, and probably it should be explained here as well. Administrative detention is detention without charge or trial, authorized by military administrative order rather than by judicial decree. At the end of the 1990s Israel held several hundreds of Palestinian detainees – some for months, many for several years – without even informing them of the content of the suspicions held against them. The detainees could indeed appeal, yet neither they nor their attorneys were allowed to see the evidence, which was supposed to justify their detention. I belonged to a small group of activists that decided to bring this catastrophic state of affairs to an end by exposing it to the public. We thought that even ‘non-political’ liberal minds would object this clearly unjust policy, and we believed that focusing on concrete persons and personal relations would attract the needed attention. Each member of ‘Open Doors’ adopted one administrative detainee and built a strong personal relationship with him. After some time, these special relationships indeed got the attention of the press, and gradually our small group of detainees was released. Upon being released, in August 1999, our pen-pal who became our friend, Ossama Barham, had spent six years as administrative detainee in the Israeli prison without being charged of anything, apart from a vague and unsubstantiated claim about his being a member of the Islamic Jihad.

Ossama was then in his 30s. He wrote me long letters in which he described in detail the ways in which he was tortured by the secret service
during his interrogations, the horrors he went through, the conditions in prison, his fellow-prisoners and their own stories. We exchanged views on the political situation and told each other of our families, our work and our childhood. I met Ossama several times during his bi-yearly appeals to military court, joining his lawyer. Once the wardens, who were so impressed by our unusual relationship, even let us spend about an hour together, just talking, without any interference. Palestinian relatives never enjoy such gestures.

It was my first encounter with the prison system, the grey, old and derelict buildings, the barbed wire, watch towers; the omnipresence of wardens, not a moment of privacy, a constant suppression of any will; the everlasting yearning for freedom, every day, every minute. Haggai was a curious and sensitive teenager, and got into the correspondence as well. As he would later testify in his own trial, this correspondence was one of the factors leading to his decision to refuse the draft.

Haggai

I was first arrested for my refusal to enlist in the Israeli Occupation Forces on 23 October 2002. As I was to testify in my military trial several months later, my family’s correspondence and friendship with Ossama Barham were one of the first triggers that brought me to question the socially obvious and legally binding mandatory draft which sees Jewish men and women joining the military for three and two years respectively. Precisely one year later, on 23 October 2003, Ossama was once again arrested. It was not long before he made his way to the maximum-security ward in the very same prison compound as me. We spent almost a year in a distance of no more than 500 meters from one another, but the walls and the racist separation that is strictly enforced even within prison grounds kept us apart. To pass letters we had to use several liaison people on the outside. It was a classic illustration of the life in Israel-Palestine: two comrades, partners in the joint and popular struggle against the occupation who are trying to offer an alternative of peace and cooperation, both behind bars and still forcefully removed from each other, but persistent in their commitment and solidarity with one another. It was also an eye opening experience for me.

The realization that I could not in good conscience join the army came to me gradually over the first two years of the millennium. 2001-2002 were years of great violence, and by attending countless demonstrations,
talking to Palestinian friends and reading alternative information sheets I learnt that the army which I grew up believing is there for my security was actually a tool of oppression against Palestinians, committing war crimes and enforcing a murderous Apartheid regime.

Once making the choice to refuse I also decided to make my refusal known. I found many young people who felt the same way I did, and together we wrote the ‘Seniors’ Letter’ to then PM Ariel Sharon, stating that we would refuse to serve the occupation. The movement grew and held some 350 young people. Soon after we were followed by hundreds of reserve combat soldiers and officers. The rising numbers of people who were openly declaring that they would rather sit in jail than serve the occupation was becoming a threat to the system, and so they singled out five friends. As a result they singled out five friends and myself, and instead of sending us to the then customary three months in jail and then releasing us, they put us on high-profile military trial, eventually sentencing us to two years in prison.

And so I went into prison for a very particular reason. By that time I had already developed a wider ideological scope, rejecting Zionism and militarism as a whole, together with my colleagues I chose to narrow the message down and focus on the occupation. The prison experience, however, held different plans for me and I was to go through some serious transitions inside.

Anat

Every time I attended the military court sessions in which Ossama’s detention was prolonged, I focused my attention on the judges. What account do they give themselves of their total acceptance of the secret services agenda? Six years of detention, no trial, no possibility to present an alternative to the hidden story of the security forces – how did those judges comply with this blatant breach of justice? Then, less than three years after Ossama’s release, it was my own son who was brought before military judges – same numbness, same compliance, same smugness and self-righteousness, same cynical, deaf and unquestioning adherence to the Law.

Haggai’s trial lasted for about half a year. The case for the defence was simple: the army’s refusal to acknowledge the young would-be conscripts’ refusal to enlist was based on its claim that their act could not be classified as conscientious objection (which is formally allowed); the case for the defence consisted, then, in five detailed personal accounts presented by
the objectors themselves, exposing their motivations in refusing to serve in an army of occupation. Each one of the objectors told the court about his background, beliefs and experience, which shaped his decision to refuse. These testimonies were accompanied by an opinion of Professor Joseph Raz, one of the world’s best-known philosophers of law, who wholeheartedly and unreservedly supported our claim that such refusal should clearly be seen as conscientious. The prosecution, on the other hand, brought to court the opinion of two marginal scholars who justified the army’s insistence of drawing a sharp line between a man’s conscience and his political decisions.

By the time the trial reached its end we did not expect anything of the three military judges, and indeed, unsurprisingly, they cited the latter ‘expert opinion’ as more convincing than that of Raz, and sentenced the boys for another year in prison, following the one they had already spent in detention. This was a harsh decision, and it was particularly striking given the army’s usual lenient behaviour towards soldiers who committed serious offences, such as shooting illegally at Palestinians, let alone obeying their commanders’ immoral orders. After my experience with those military judges who kept approving Ossama’s detention, I was no longer surprised. I realized how naïve we all were – how conveniently naïve – in believing that judges honestly try to be independent of the army’s pressures, indeed of the State’s.

All these lessons brought me to my present activity within the Israeli Association for the Palestinian Prisoners. Needless to say, conditions for these prisoners are much worse than those of Israeli refusers. Family visits are scarce, phone calls are totally denied, discipline is harsh, and above all, the chances of parole are nil. Even when the judges are civilians – indeed, even when cases reach the High Court of Justice – I witness the same inhumane ‘depoliticized’ attitude, the same hollow adherence to formalities, and at the same time the skillful ways of ignoring the formal letter, when this is what the State expects, in the name of holy ‘security’.

**Haggai**

It was my mother’s accumulating experience with the judicial system that led to her disillusionment with the world of ‘justice’, whereas for me these realizations came through the day to day life behind bars. Both the military prison and the civilian one, to which my friends and I were transferred after being accused of having a bad influence on the soldier-
prisoners, taught me a lesson about the dynamics of power, of violence, and therefore also of law and order.

As mentioned above, I entered prison for my resistance to the occupation, rejecting the wide-spread notion (in Israel) that the army is just there to defend us from the surrounding Arab world which is conspiring to eliminate us. I also held a wider socialist ideology, but had a bourgeois-liberal notion of the legal system. While rejecting the parallel ‘security story’ regarding the army I did believe that there are bad people in the world who kill, rape and steal, and that the police, courts and prisons are there to defend us from these people.

But then I met prisoners. In the military prison I met soldiers who deserted to support their poor families and others who tried to evade the draft altogether, feeling the state has given them nothing and therefore they should give it nothing in return. In the civilian prison I met people who were imprisoned for minor debts to the cell-phone company, for illegally hiring Palestinian workers or for giving Palestinians a ride in their cars and so on. I also met some ‘real’ criminals – murderers, robbers and the like – but gradually came to see how the major criminals of our society – the masters of war and of poverty – remain unharmed. In the words of Charlie Chaplin from “Monsieur Verdoux”, crime does not pay in a small way; “kill one man and you’re a murderer, kill ten thousand and you’re a general or a capitalist”.

And then there was the prison routine itself. For the first time in my life I truly came to understand totalitarianism from within. The prisoners’ complete and utter dependence on the grace of each guard for the fulfilment of their most basic needs, the extreme detachment from one’s life (a family, a loved one, a job, a hobby, a home, a sunset), the normalization of brutality and arbitrariness – these are the bricks the prison walls are made of. Only from within could I truly see the inherited mass-scale violence of the system and the oppression used against the few to scare the many into form.

I was released from prison sad and confused. Speaking from his own experience, H.D. Thoreau said a night in prison makes the entire world look different. Two years make you feel like a complete stranger to it. However, I gradually returned to life and once more became politically involved. Having gone through the judicial and prison systems I can now better define the sorts of oppression which I am fighting, and create stronger bonds with others who have gone or are going through similar processes – like Palestinian prisoners. Like Ossama.
ABOUT THE AUTHORS

Haggai Matar is a journalist for Tel Aviv Times, the local supplement of the daily national Ma'ariv, and a columnist in the new-media website MySay. He has served two years in military and civilian prisons for conscientious objection to join the Israeli army, and is an activist in Anarchists against the Wall and in New Profile – the movement for the de-militarization of the Israeli society. In recent months, he has also taken part in the J14 movement for social justice in Israel.

Anat Matar is a senior lecturer at the Department of Philosophy, Tel Aviv University. She has been an anti-occupation activist for many years. Currently, she serves on the steering-committee of Who Profits? – Exposing the Israeli Occupation Industry and is the Chair of the Israeli Committee for the Palestinian Prisoners. Matar has recently edited, along with Adv. Abeer Baker, a collection of analyses and testimonies about the Palestinian political prisoners entitled Threat - Palestinian Political Prisoners in Israel (Pluto Press, 2011).
From 1993 to 2001, Andrew Cuomo, Clinton’s White House Cabinet Secretary for Housing and Urban Development (HUD), authorized his father Mario Cuomo, then Governor of New York State to use HUD funds to build more prisons instead of low-income housing for the poor (The City Project 2000). This was a major indicator on a federal level that the idea prisons were profitable and minorities from low-income neighbourhoods of inner cities would fill these prisons. Politicians, correctional facilities, unions, and business corporations bought into the idea of “prisons for profit” in the United States.

Yet, no rural community wanted prisons in their backyard. While communities rallied against prisons, government leaders executed plans to convince these communities to cash in on the boom of the Prison Industrial Complex (PIC) in America, regardless of the human cost (Schlosser, 1998). Once convinced, upstate communities – that acquiesced – thought themselves to be justified. In their minds, because commercial businesses like Alcoa and General Motors were closed and / or moving on, opting for the PIC was a good move that lifted the North Country out of dire circumstances. As a result, North Country legislators and residents used this excuse to welcome a few modern day plantations to sustain their economies (ibid). As advocated in a statement by Mayor Henry Rausch, he encouraged his constituents to politick for more prisons or to increase the size of current correctional facilities in the Village of Coxsackie in New York (Huling, 1998). It was these rural and mostly white communities in the North Country that rationalized its justification to have these modern day plantations in their communities as being “pure common sense economics”. It is no surprise that this distorted thinking continues to be articulated today.

In a 14 February 2010, article in The Advance News – the St. Lawrence County’s Sunday newspaper – the Executive Director of the St. Lawrence County Chamber of Commerce Patricia McKeown (2010) wrote in support of this twisted rhetoric in stating “Struggling North Country Seeking [recession proof jobs] jumped at the opportunity to bring a prison or two to their towns.” They sent their sons and daughters downstate for training and fended off
critics for the sake of the jobs”. McKeown went on to say that “[s]oon, 13 state-run incarceration facilities, with their all-male inmate populations and their gated exterior, sprang up across the northern tier, bringing with them great-paying state jobs and sweet benefit packages” (ibid).

After reading those comments, it seems that the business of “prisons for profit” was great while it lasted, yet it is clearly proven that prisons are not the sustainable economic development needed in the North Country. To prove this, we need look no further than Governor Paterson’s Executive Fiscal Budget Report outlining the necessity to close those prisons operating under capacity (Office of New York State Governor, 2010). The Executive Budget, now under review by New York State legislators, allocated $2.68 billion for operating expenses and $320 million for capital expenditures to the Department of Correctional Services for the fiscal year that took effect 1 April 2010. The sum reflects an 8.6 percent budget reduction or a $283 million dollar decrease from 2009-2010. The closures would save $3 million in 2010-2011 and $45.8 million annually when fully effective, plus another $13.8 million in avoided capital costs over the next five years. These are funds that could have originally gone towards better schools, libraries, treatment programs, re-entry services for ex-offenders and families in under served low-income communities (New York State Department of Correctional Services, 2010).

Now, some 20 years later, as New York State is faced with a budget deficit of more than $14 billion dollars for the fiscal year 2010 alone, current Governor David A Paterson and State legislators have to do something to close this enormous gap (Office of New York State Governor, 2010). A realistic proposal presented for approval is to reverse the trend of “prisons for profits” by closing 10 to 12 medium security and four maximum security prisons, all in the Northern Country. It just makes fiscal sense (see New York State Department of Correctional Services, 2009). There is opposition to these plans, however.

McKeown (2010) further claims “[t]hat the loss of 287 professional jobs, at Ogdensburg medium state prison, and even more related service and business contracts would mean that families would have to make do with old cars and trucks. It would mean no new school clothes or winter coats. It means no snow blowers or snowmobiles. It would mean late house and utility payments, as well as fewer groceries. And forget college tuition, health insurance, dinners out or flowers on Valentine’s Day”.

It is shameful that this conversation is one-sided in the North Country media. Equally shameful is that, only one article written by residents or
representatives in the Northern New York State area mentions "prisoners are people" with humanistic or redemptive value. We are most often seen as modern day slaves—a commodity. Yet, in a separate article—same paper, same date—Robert Gangi, the Executive Director of the Corrections Association of New York—a New York City based State agency vested with complete legislative authority to investigate prison conditions—makes a profound point by stating: "[w]arehousing human beings is not economic development!" (The Advance News, 2010). With that in mind, we should realize that this decision to close prisons was not brought on by a crisis of conscious or morality, but rather, something more disastrous—a huge deficit.

In an attempt to be objective, let us look at all the factors. According to the New York State Division of Criminal Justice Services (2009), crime is down nationwide. With the crime rate down in NYS, less people are convicted and sent to prison. In addition, and even more interesting, are recent statistics noting that 399 A-1 violent prisoners, the top category, were released between 2005 and 2007. The statistics show that of the 399 that 385 prisoners were incarcerated for murder and attempted murder. To date, "NOT ONE" of the 399 A-1 ex-prisoners released returned to prison. That means no bodies to fill the 10 to 12 medium or the four maximum prisons mentioned above. If these prisons cannot function at capacity, they should be closed. It is common sense.

Closing 10 to 12 medium security prisons or four maximum-security prisons could save New York State $89.5 million annually. Had this been done 20 years ago, well over a billion dollars could have been allocated to fund programs, to provide jobs and housing, to address the needs of low-income communities and those affected by prison, instead of wasted funds spent warehousing human beings for a phantom profit. Especially, since these same individuals (some) will have to one day return to low-income communities that are dysfunctional and completely disenfranchised. Since money will not be available, North Country representatives—Democrat and Republican—together will have to earn their keep. They will have to think of new ways to entice commercial business back to the region with economic development projects focused on long-term sustainable growth! And, they will have to get started real soon.

The lesson that should be learned from the elimination of those alleged recession proof prison jobs is that it does not pay to profit off the pain, misery and circumstances of others. Especially, when your life and the lives of your children depend on it.
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ABOUT THE AUTHOR

Chas Ransome is one seeking alternatives and has served 27 years in various New York State plantations. His articles, essays and poetry have been featured on a number of radio stations, including CKUT in Montreal on “Prison Radio” and “Off The Hour”. In the future, he plans to be a motivational speaker. In prison, Chas has participated in a number of activities, including as lead trainer and facilitator for programs such as the Alternatives to Violence Project. He has also been involved in a number of fundraisers for The United Negro College Fund, Hale House, Coats for Tots, Toys for Tots and local food pantries, which he plans to continue once he is released from prison. Chas can be reached at:

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The Prison Industrial Complex: 
The Final Solution to the Three-fifths Problem 

Mujahid Farid

The whole law and order movement that we have heard so much about is — in operation — anti-black and anti-underclass. Not in plan, not in design, not in intent, but in operation.

— Professor Norval Morris, former Dean of the University of Chicago Law School.

History has a tendency of repeating itself. Oftentimes the repetitious cycle comes in a different format but the broader dynamics are the same. Then it may require astuteness to recognize the path well-travelled. I find this to be the case with the thoroughly entrenched Prison-Industrial Complex (PIC) (Davis, 2003). It is my contention as others have argued (e.g. Davis and Mendieta, 2005), and I hope to show, that the prison experiment in the West is inextricably rooted in the chattel slave system, but has been masked so well in the culture of crime that even many well-meaning prison abolitionists could miss the full import of this insidious connection.

To make this point I focus on New York prisons for several reasons: I have been a continuous New York State prisoner for what is now approaching thirty-three years; New York is a state which has openly used prison expansion as a tool for addressing a wide range of social problems; its prison system seems to reflect a wider penal philosophy in America and growing worldwide; and New York prisoners have a rich history of literary analyses and protest to which I have often contributed.

The term PIC has an interesting historical connection and the word complex itself has at least two meanings that make it an appropriate double entendre. One definition is: “consisting of inter-connected or interwoven parts,” and consequently hard to understand fully. In the realm of psychology the meaning of complex is an “exaggerated or obsessive concern or fear” (American Heritage, 2004). The current colloquial terminology dates back about fifty years.

Shortly before leaving office in the early 1960s, President Dwight D. Eisenhower made an announcement that was somewhat unexpected from someone with a long military career and his credentials. He warned the American public about a growing social phenomenon and the warning rang so true that the phrase he coined describing it entered the argot. The
phrase, now common in social and political studies, is “Military-Industrial Complex” (MIC). Eisenhower had grown concerned about a threat to American democracy when fears of a missile gap with the Soviet Union were promoted by a cabal of power elites. Eisenhower noted that a close relationship amongst military, political, business, and media elements had coalesced to assist each other in perpetuating selfish economic and pecuniary interests. This movement was built on the type of capitalist jingoism reflected in G.M. President Charles Wilson’s earlier statement that “What is good for the country is good for General Motors, and vice versa”.

Here, we find earlier expressions of the current day too-big-to-fail policy where the government comes to the rescue in big business fiascos notwithstanding evidence of sordid and even criminal practices. While comparing the prosecution and subsequent imprisonment of Bernard Madoff for his infamous financial breach-of-trust with other governmental activity, one social analyst asked: “On the larger canvas, what exactly separates Madoff’s operation from those of the banks rewarded for their shady follies by a $700 billion bailout? [...] the banks finally had to admit that all of their public financial statements were false [...] unlike Madoff who looted his clients of a mere $50 billion, they were ‘too big to fail’” (Cockburn, 2009). Thus, we also see in the historical MIC the makings of big business interests being the driving force of government policy, even when those policies benefit a few at the expense of the masses.

Capitalist expansion – especially to the benefit of the propertied class – relies on schisms and tricks to hoodwink the masses, and success usually requires a scapegoat. To establish the MIC communists were the designated boogeyman. Once the American public was primed with the fear of communist hegemony – the Red Scare – they were ready for milking. As the perceived threat of Red domination loomed over the heads of the masses like the mythological Sword of Damocles, the real threat to the American economy and pocketbook of common people came from within – a classic sleight-of-hand technique. The practical effect of the MIC was the American public finding itself financing the enrichment of an elite business cabal associated with the Defence Industry. During the presidency of Ronald Reagan a substantial portion of the nation’s budget was spent on the “Star Wars” program even while funding for social services for the underclasses was consistently cut back. The insatiable beast was unleashed and sucking the economic lifeblood of a sleeping and deluded public.
Over time a new existential reality developed in the United States. With the fall of the Soviet Union and the development of a new global economic order, the MIC was threatened with serious downsizing, if not obsolescence. As capitalist expansion crept towards its zenith the name of the game changed. The power elite in America then promoted the North Atlantic Free Trade Agreement ("NAFTA") and subsequently the General Agreement on Tariffs and Trade ("GATT"). These governmental enactments gave the business class the incentive to re-locate their productive capabilities and factories overseas to countries where they could cut costs by employing cheap labour. What also emerged from this new reality was a shuffling of the power elite domestically. With the loss of manufacturing, more and more, the business sector of the power elite became dominated by those who wielded influence in the financial markets and Wall Street. In 2006, the average CEO was paid 364 times what the average worker earned, up from 42 times more in 1980 - the world's largest income gap between classes (Prins, 2009). The insatiable beast had become leviathan. This new reality called for domestic re-direction, updating the sales-pitch, and finding an appropriate scapegoat.

From the perspective of the power elite it was the PIC that could address some aspects of the evolving social and economic reality. The social planners recognized in the PIC the opportunity to kill two birds with one stone by appeasing their mainly white rural constituents who had been economically and structurally displaced by the emerging global dynamics, and at the same time deal with the perennial problem of Blacks in the midst - people never accepted as full-fledged Americans and whose historical usefulness as chattel had become obsolete. Since 1980, government spending on prison building has been a Bull Market on Wall Street with investors finding a host of ways to tap into this developing phenomenon as if it was the new "gold rush" (Christie, 2000). The PIC includes some of the nations largest architecture and construction firms, plumbing supply companies, health-care companies, food-service providers, security providers, and much more (Schlosser, 1998). Now private-run prisons have become the fastest-growing segment of the PIC (ibid, p. 64).

In speaking of the PIC, let us first recognize that similarly as the MIC, this is largely an American phenomenon with the United States being the world's largest prison camp, beating out every other nation, even communist China with its over one billion people (Schlosser, 1998, p. 52). In 2002,
in preparation for his State of the Union Address, President George W. Bush had his speechwriting team come up with a phrase he could use to effectively manipulate the public to support his desire to invade Iraq. The sinister phrase developed by the team was “axis of evil”, a theologically loaded term that associated Iraq with North Korea and Iran (Bumiller, 2007, pp. 173-175). It is indeed ironic that the United States imprisons more of its population than the so-called axis of evil, and George W. Bush never spoke out against the prison-building frenzy at home; nay, he found nothing evil about it and was part of the process.

While undoubtedly the entrenchment of prisons in the United States is attributed to class and economic conflict, race plays a significant role in this policy choice and is sometimes, wittingly or not, downplayed or overlooked. In the United States African Americans have never, by and large, been accorded full citizen status by the power elite. It is well-known that the U.S. Constitution designated Black Americans to be counted only as three-fifths of a person (Davis, 2003). Some believe this assignment was abrogated with the passage of the thirteenth and fourteenth amendments to the Constitution, but the situation both de jure and de facto belies that conclusion. It appears that the assignation of lower status to Blacks was never intended to be fully abridged. Contrary to popular belief, the thirteenth amendment did not abolish slavery in the United States. What it did was abolish slavery except in instances where a person had been duly convicted of a crime. Thus, the Peculiar Institution remained intact so long as it was supported by the stigma of criminal conviction.

Many social scientists appeared shocked and dismayed when classic research studies in the 1990s revealed that one of every four American males in his 20s was under the control of the criminal justice system (Mauer, 1999). By 1996 in New York State that number had elevated to one in three (Butterfield, 1996). Beginning in the 1980s, a supposedly liberal governor in New York, Mario Cuomo, added more prison beds than all previous governors in the state’s history combined (Schlossler, 1998). The crux of the new prisons built in New York to accommodate the influx of bodies were constructed in an area called the “North Country” (ibid, p. 57; see also Ransome, this volume). The North Country is six contiguous counties in the upstate Adirondack region reaching from Lake George to the Canadian border. The population of the North Country is almost exclusively white, politically conservative, and save for the prisons, economically depressed.
As the MIC took shape President Eisenhower knew there was no missile gap, and just as the MIC proponents conjured an unreasonable heightened fear of communists, so too did the PIC proponents with crime as the central issue and prisons as the panacea. It was understood that success of the imprisonment program required a boogeyman; a tangible and identifiable group to provide fodder for the juggernaut. In America there was a ready clientele waiting.

During a period of research, prisoners at the Green Haven Prison in New York looked at the anecdotal disproportionate incarceration of minorities and discovered that 85 percent of the prison system was African American or Latino, and 75 percent of minority prisoners come from only seven neighbourhoods in New York City to which 95 percent of them return upon release. Most of the remaining 25 percent of prisoners come from the other five major urban communities throughout the state (Green, 1994, p. 20). Since African Americans comprised only 17 percent of the state’s population, this statistical anomaly cried out for further investigation and explanation.

Some social analysts think that it is wrong to view the racial configuration of the prison population vis-à-vis its employees as deliberate and planned. Their position is that this situation is the result of unintended consequences. For example, Professor Morris, whom I quote in the opening of this paper, takes the position that the “anti black” component of the PIC is only so in “operation [...] not in intent”. I challenge this statement and cannot imagine a similar socio-economic arrangement, in America, where the racial component is so reversed. It would seem that from this reversal standpoint the notion of explaining the situation as unintentional becomes untenable. Yet, even Loic Wacquant, in his seminal work connecting slavery to the prison system seems to vacillate on the motivating factor of race where he states: “An unforeseen by-product of the systematic enslavement and dehumanization of Africans and their descendants on North American soil was the creation of a racial caste line separating what would later become labelled ‘blacks’ and ‘whites’”. (Wacquant, 2002, p. 45, original emphasis). It appears that, to many researchers, a finding of racial motivations primordial over the economics is simply too much to grapple with.

In any event, an interesting phenomenon that occurred during the height of prison expansion in New York, and which may be racially motivated or be rooted in the desire to maintain the chattel slave mentality, was the outcry
from a segment of the public, encouraged and led principally by prison guards and employees, to deprive and take back any service or amenity afforded to prisoners and deemed to be a perk. In a full-page advertisement taken out by the prison guard union in the Middletown *Sunday Record* in 1991, the guards launched an attack against prisoners receiving free medical and dental care; commissary discounts; five free letters per week; getting paid for work; provision of AIDS treatment; free G.E.D. testing; parole for long-termers; and especially providing college education to prisoners.

With the support of their legislative representatives, power elites and media outlets, the prison guards prevailed in having most of these so-called perks rescinded. Many of these policy changes were obviously irrational. For example, it is widely recognized that prison recidivism and level of education are inversely related. Yet, the college programs were yanked based on the seemingly racial angst of providing higher education to a largely Black population. In addition, providing prisoners with the five free letters was predicated on the long-established fact that a prisoner who maintains family ties and community connections is also less likely to recidivate. Nevertheless, the free letters were yanked. Perhaps the objective was to appease rural constituents’ visceral hatred, even though it ran counter to rehabilitation or just maybe Black recidivism was precisely the objective in the grand scheme.

Concomitant with the assault against providing higher education and other so-called perks to prisoners, prison staff and administrators commenced a movement to keep prisoners docile and accommodationist—a return to the days of yore. We witnessed all the originally prisoner-inspired, created and directed progressive programs that came into being after the Attica rebellion of 1971 be co-opted by prison staff. These programs no longer focused on prisoner empowerment, but instead they morphed into vehicles primarily for jobs for white rural residents. For example, the acclaimed "Pre-release Centers", which had long assisted prisoners in developing job skills and community connections while confined and also facilitates release were disbanded. In their place came “Transitional Services”, a program sponsored by the prison system and controlled by counselling staff. Likewise, Alcohol Anonymous (A.A.), Narcotics Anonymous (N.A.), Alternatives to Violence (A.V.P.), and other therapeutic programs, all of which had been run by prisoners and civilian community volunteers, were made dysfunctional and replaced by the counselling staff with “ASAT”, “ART” and the “PHASE I,
II, & III” programs. What essentially happened was the curricula stayed the same, but the name changed and the new instruction taken over by prison staff. And of course the new programs became mandatory. The practical effect – more jobs.

Individual expression by prisoners began to be suppressed with jailhouse lawyers becoming a prey more hunted and scorned by prisoner administrators than violent predators. The idea was to limit judicial oversight over the new direction. Suddenly prisoners found legislative changes making it more difficult to bring a civil case in court. In 1999, the New York State statute that regulates “poor person” civil filings in the courts was amended to specifically affect prisoners. The New Amendment states: “If the court determines that the inmate has insufficient means to pay the full filing fee, the court may permit the inmate to pay a reduced filing fee, the minimum of which shall not be less than fifteen dollars and the maximum of which shall not be more than fifty dollars” (see New York C.P.L.R.1101(f)(2)). This means that even after the prisoner proves that he is poor and cannot afford to pay, he still must pay between fifteen and fifty dollars. This rule only applies to prisoners and a poor person in society would not be subjected to the reduced fee.

The change to the poor person statute in the Federal system is more onerous. This change made in 1995 reads: “Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee”. The section under 28 U.S.C.A. 1915 allows the prisoner to pay the filing fee in instalments – but every penny of it must be paid. Currently, the filing fee for a civil action in the Federal system is $350. If the prisoner chooses to appeal an adverse decision it’s another $455.00.

With all of these onslaughts, the animosity and contempt directed towards prisoners by prison staffers reached a pitched level and nothing could compare to the situation in the North Country with prisoners confined there finding themselves subjected to daily brutality – often without even committing any rule infraction. In the North Country prisoners are not allowed to forget how thoroughly despised they are by the prison staff. One may wonder, beyond the question of race, why the unnecessary rage? Actually, the answer may lie beyond race since in the North Country this rage is directed at Black and White prisoners alike. It can be explained by a well-recognized socio-psychological phenomenon. It may be that this
inordinate severe treatment is explained by “cognitive dissonance”. That is, many residents of the North Country -- whose very livelihood depends on the prison economy -- who are on the one hand being upstanding and noble people, and on the other hand being parasites dependent on human misery, must convince themselves that the prisoners under their charge are all inherently deficient, even evil, and therefore not deserving of basic humane treatment. Thus, they themselves are not parasites; the economic relationship is preordained by Providence.

During the rise of the PIC the blame-the-victim mindset and justification for social policy received some support from elements of academia. In 1965, in a startling report, Daniel Patrick Moynihan introduced the idea of a “culture of poverty” wherein he posited that the black urban family was caught in an inescapable tangle of pathology. While Moynihan’s analysis never lost its appeal in certain conservative quarters, for quite some time it was taboo in academia to conduct research or offer policy recommendations based upon its premises. However, the Moynihan analysis had a resurgence and measure of success when President Bill Clinton signed a bill in 1996 “ending welfare as we know it” (Cohen, 2010). Clinton’s initiative prevailed largely on arguments that the welfare system, with its large percentage of unmarried black mothers, was contributing to self-perpetuating moral deficiencies (ibid). Cohen (2010) notes that at a recent annual meeting of the American Sociological Association, the attendees discussed the resurgence of scholarship on culture and poverty. One very prominent attendee was quoted as saying: “We’ve finally reached the stage where people aren’t afraid of being politically incorrect”, and that “Moynihan was unfairly maligned” (ibid). This issue of cognitive dissonance has come more to the forefront with a newly developing political and economic scene nationally and especially in New York State. In the quest to expand the PIC, or to even maintain the status, the veneer of crime has been lost.

Throughout the past decade or so, the PIC proponents and its benefactors began confronting a serious dilemma. That is, the crime rate began dropping drastically, not only in New York State but throughout the country. Facing this kind of change made it difficult justifying the cry for an ever-expanding PIC (New York Times, 2011). Yet, despite that difficulty, PIC proponents have somehow fought an uphill battle to keep the money flowing and have thus far survived rational business practices. David Paterson’s budget during his waning days in the governor’s office
notes that the prison population in New York dropped from a peak of about 71,600 in 1999 to about 56,000 in 2010. Nevertheless, the state prison budget rose from 2.3 billion in 2000 to 2.8 billion today (ibid). Similarly, the governor in Nevada wanted to close the 148-year-old Nevada State Prison in Carson City after a business advisory group said it was economically unsound to keep it open. The opinion was supported by the prisons’ commissioner. It was established that the prison required three times as many guards per prisoners as a modern prison – which Nevada had already built. The prison guards union opposed the closing, citing the jobs that would be lost, and the prison escaped the legislative axe (Cauchon, 2010). A confluence of developments in New York, however, have compelled government representatives and officials to face the PIC once and for all. The PIC’s days of reckoning may finally have arrived.

With the ever-decreasing crime-rate, change of the legislative guard, and a critical international economic crisis, eventually the closing of prisons became something not just timidly discussed, but actualized. Before completing his term in office, Governor Paterson mustered the courage to actually close a few prisons, though nowhere on the scale that he had originally proposed as he closed mostly a few small “satellite” facilities. Even so, the North Country politicians read the handwriting on the walls and went into an uproar. Responding to Paterson’s milquetoast downsizing, one state senator representing the North Country is quoted as saying: “It’s unfair […] our area responded with open arms when the state began looking for locations for prisons over two decades ago […] today, the prison closings are killing our economy” (Reagan, 2010). A North Country Chamber of Commerce executive director declared: “Gov. David A. Paterson is recommending cutting costs and saving money by shutting down the Ogdensburg Correctional Facility. This proposal is a disaster for St. Lawrence County and must be stopped. If it succeeds, more than 287 professionals will be out of jobs” (Id.). Now, the masks, pretensions and illusions are gone. The arguments for supporting the PIC is no longer crime reduction – it is openly an issue of jobs. The position of the PIC proponents is clear: “Crime reduction be damned. Go find or make black bodies to keep our economy alive!”

That cry may now be hollow – sterilized by the test of time. It appears that the confrontation against PIC expansion has even been ratcheted-up, at least by a few degrees. When the incoming governor assumed office in January 2011, one of the first items he mentioned for his tentative budget
balancing was the shutting down of prisons (New York Times, 2011). Although stranger things may have happened before, the newly installed governor, Andrew M. Cuomo, is the son of the former governor Mario Cuomo – the same Mario Cuomo who singularly led the largest prison expansion in the state’s history.

When Andrew Cuomo gave his State of the State Address on 5 January 2011 he employed unusually strong language to attack the PIC and its modus operandi. Amongst other things, he stated: “An incarceration program is not an employment program. If people need jobs, let’s get people jobs. Don’t put other people in prison to give some people jobs [...] That’s not what this state is all about and that has to end this session” (Murtaugh-Monks, 2011). Citing Andrew Cuomo’s visits to Sing-Sing, Manhattan Psychiatry Centre and Tyron Juvenile Residential Facility just “days” after his election, some PIC opponents believe that there is reason to believe the tide is turning (ibid). This father-son diametric approach may be explained by the father’s embarrassment – after his three terms in office – of his prison legacy to New Yorkers (Schlosser, 1998, p. 57). The father referred to it as “stupid, an immoral waste of scarce state monies, an obligation forced on him” (ibid). So, it might be understandable that the son would feel a personal responsibility to work at cleaning up the mess.

What could facilitate the downfall of the PIC is a political development that goes to the very root of formulating the three-fifths doctrine. Since the adaptation of the North Country as a PIC region, the North Country, in violation of the State Constitution, counted prisoners as residents of the North Country for the purposes of the census. The practice gave inflated political power to upstate communities where most prisons are located, by allocating more residents to those communities than would be merited if prison populations were not counted. This allowed additional legislators to be assigned to those communities while diminishing the number of legislators assigned from which the majority of prisoners derived. New York’s prisoners are not allowed to vote, but their presence in upstate prisons, where their vital interests often run opposite to the white rural residents, gave the PIC proponents in those communities the political clout required to perpetuate the relationship. The more prisons that were established in the North Country, the more difficult it became to challenge the practice.

Prior to leaving office, Governor Paterson signed legislation ending the longstanding practice of counting prisoners in the prisons where they
are confined. In New York State prison-based gerrymandering has ended (New York Times, 2010). Although the practice has ended in New York, it is still rampant in states throughout the country. For example, in Virginia as a result of the U.S. Census Bureau counting prisoners in the countries where they are confined, “every single resident of districts 1, 2, 3, and 4 in Powhatan County is padded with prisoners” (Green, 2010). There is one county in Virginia, Southampton, where prisoners constitute 58 percent of the population (ibid). This reliance for political power on disenfranchised prisoners, whom the benefactors supposedly despise and regularly abuse, is all too reminiscent of the three-fifths compromise included in the United States Constitution.

The New York change ending the practice could have a significant effect on the state’s political map. Seven upstate Senate districts could have trouble meeting the federal population requirements – meaning those districts will cease to exist (New York Times, 2010). Does this definitively mean that the PIC is about to be crushed? Perhaps and perhaps not. We do know that the power, influence, and vested interests in the PIC are not to be taken lightly and no one or few politicians will likely have the wherewithal to cause it lasting harm. But even if it is crushed, the point I make here is “so what?” We should bear in mind that the PIC demise does not necessarily spell the demise of slavery. One astute researcher has identified four “peculiar institutions” that have successively operated to define, confine, and control African Americans in the history of the United States. They being (a) chattel slavery; (b) the Jim Crow system; (c) the Ghetto; and (d) Prisons (Wacquant, 2002). The resurrection and rise of the phoenix can come in myriad forms.

Hopefully, the foregoing explains my view that, in the American context, that abolitionists who concentrate their focus on prisons, per se, may lose sight of the magnitude of the problem. The struggle to maintain racial inequality in America has and can morph into forms that may be immediately out-of-sight.

I have a dream. I dream to be free; not just from the clutches of the PIC, but free from American slavocracy – in whatever form it may be.

REFERENCES


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**ABOUT THE AUTHOR**

*Mujahid Farid* has been a prisoner in New York State for the past thirty-three years. He is serving a sentence of fifteen years to life for a conviction of attempted murder of a New York City policeman after being accused of trying to fire a pistol, which misfired, at the plainclothed officer. He has been denied parole nine times, every two years, since 1993, and maintains his innocence. He states that in New York parole denials are being widely applied to long-term prisoners and is part and parcel of the PIC movement and its supporters in the penal system. He is one of the founding members of the widely acclaimed PACE (Prisoner for AIDS Coounseling & Education) program in the New York prison system. In 1990, he won the PEN American
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Breaking Down the Walls to Stop the Violence: 
Prison Abolition through the Lens of Trauma Healing 

Joel Medina and Beth Caldwell

INTRODUCTION

Prisons and violence are inseparable. I was forced to fight for my survival as a prisoner in California penal institutions from the age of 16 until the age of 28. Violence, and the ever-present threat of violence, were the most consistent aspects of my living conditions while I was incarcerated. I was trapped in the middle of prison riots, surrounded by flying fists, shanks, blood, pepper spray and bullets. The first time I saw someone get stabbed, I was shocked. One moment, everything seemed calm. The next, blood was gushing out of a man’s throat, covering his body and pooling onto the floor. Over time, I became accustomed to the smell of blood and to the graphic nature of the injuries that are common inside prison walls. I learned to be on high alert at all times because that was the only way to survive.

Exposure to such violent incidents over many years took a toll on me. Prisoners live in war-like situations. Not surprisingly, prisoners are affected by exposure to high levels of violence in much the same way as soldiers in war, often experiencing the effects of trauma long after the incidents have passed (Kupers, 2006). Unfortunately, the institutional design and the values that prisons are founded upon perpetuate violence. Although violence within prisons is well documented and recognized, it persists in prisons throughout the world. On an international level, authorities have consistently failed to implement meaningful reforms to reduce the harms that prisons perpetuate and to address consistent failures to bring about rehabilitation within them (Papendorf, 2006; Piché and Larsen, 2010). Concerns regarding the apparent impossibility of effectively reforming the problems endemic to prisons have given rise to an international movement for prison abolition with strong roots in Norwegian criminology (Christie, 1997; Papendorf, 2006; Piché and Larsen, 2010). The prison abolition movement has been advanced by a series of International Conferences on Prison Abolition, the first of which was held in Toronto in 1983 (Piché and Larsen, 2010). Research regarding trauma healing supports the central tenets of the prison abolition movement, although the connections between trauma healing and prison abolition have not been previously explored in social science literature.
When viewed through the lens of trauma healing, prisons must be abolished in order to stop the cycles of abuse and violence that they perpetuate. People experience emotional, physical and sexual trauma while in prison. Further, most prisoners have experienced high levels of trauma and violence prior to their incarceration (Gilligan, 1996; Kupers, 2006). When trauma is not treated or healed, it can result in both the internalization and the externalization of pain (Herman, 1997). Victims can turn into victimizers when their bodies house unhealed trauma. Therefore, trauma healing is an integral part of stopping cycles of violence and of decreasing future violent or criminal behavior. While necessary, such healing cannot possibly occur in the context of prisons.

This article takes a unique approach to the analysis of trauma in prisons by incorporating narrative examples from the first author's experiences as a prisoner who served twelve years in prison in the United States. The violent nature of prison life is described in an effort to draw attention to the disturbing realities of life behind bars. "Demasking the system" in this way is a strategy employed by Norwegian prison abolitionists in the 1970s, who had success with shifting public opinion regarding some penal practices (Papendorf, 2006). The narrative accounts in this article focus on traumatic incidents that the author experienced, with an emphasis on the systematic and institutionalized nature of trauma in the context of prisons. These examples are analyzed in the broader contexts trauma healing and prison abolition in order to highlight the impossibility of healing trauma inside prisons.

The first part of the article addresses specific aspects of trauma that are inherent to prisons, including: violence between prisoners; trauma inflicted by, and experienced by, prison guards; sexual assaults in prisons; and the psychological trauma inflicted by institutional policies. This section explores how the infliction of trauma is an unavoidable characteristic of prisons. The second part focuses on the need to help people to heal from the trauma they have experienced in their lives in order to stop cycles of abuse and victimization. This section incorporates research regarding the necessary preconditions for trauma healing and links the issue of trauma to literature regarding prison abolition. The article concludes by discussing need for an alternative paradigm for responding to crime that prioritizes healing and marginalizes the use of incarceration and other penal responses to crime.
PART I:
TRAUMA IN THE CONTEXT OF PRISONS

Trauma occurs when people experience an event that threatens their sense of safety, producing terror or feelings of helplessness (Yoder, 2005). It can be experienced through a wide range of events. People experience trauma at the individual level when they are attacked or injured, for instance. Those who victimize others may also experience trauma as a result of their participation. Trauma can be structurally induced, arising out of institutions and social structures. Although traumatic events affect everyone differently, an experience can generally be defined as traumatic if it "overwhelm[s] our usual ability to cope with and respond to threat" (ibid, p. 15).

In many ways, prisons are structured so as to create conditions that breed trauma (Reiman and Leighton, 2010). Many people, housed in overcrowded, small spaces and subjected to rituals of degradation, resort to violence as a means of self preservation in order to protect themselves physically or to preserve their identities by demanding respect (Kupers, 2006). The pervasive nature of traumatic experiences in the lives of people in prison highlights the inherent connection between trauma and prisons. It is virtually impossible to conceptualize a prison that does not create conditions that lead to trauma. Trauma is an inevitable component of a system of incarceration, and prison abolition is the only viable alternative to stop this state-sponsored infliction of violence, abuse and degradation.

Violence between Prisoners

Violent attacks between prisoners lead to experiences of trauma in a variety of ways. An event that threatens one's sense of safety and overwhelms the individual's capacity to respond to the threat constitutes a traumatic experience (Levine, 1997). An individual may experience trauma as a result of witnessing a violent incident, which is quite common for prisoners (Herman, 1997). Prisoners are exposed to trauma as both victims and perpetrators of violence towards other prisoners. People also experience trauma when they are personally physically attacked (ibid). In addition, trauma is experienced by those who inflict violence on others (Yoder, 2005). This phenomenon is referred to as "perpetrator trauma" and leads to more pronounced symptoms when the perpetrator engages in violence against his or her will (Herman, 2007). Prisoners are exposed to prolonged, frequent
trauma as a result of the conditions of their incarceration. This is referred to as trauma of “captivity”, the impacts of which are often more profound and long-term than for one-time traumatic incidents (ibid).

Violence was so pervasive in the prisons where I was housed that it was virtually impossible for me to trust anyone, including my own friends. I survived by becoming hyper vigilant. Violent attacks occurred regularly between different prison gangs, generally divided along racial lines in California prisons. These incidents frequently sparked riots. Even within racial groups or prison gangs, people frequently assaulted one another.

A prison riot is a profoundly traumatic experience that exposes people to the graphic violence of hand-to-hand combat that one would generally only expect in a battle. The trauma of the experience is exacerbated because there is no option to flee as prisoners are literally locked into enclosed spaces. According to trauma expert Peter Levine (1997), people are more likely to experience negative symptoms following exposure to traumatic events when they freeze or when they do not have the option to exercise the body’s nature fight impulse. When one remains trapped or frozen, adrenaline and stress hormones become trapped in the body and are not discharged. This can create more long-term problems as a result of trauma.

Furthermore, given the dynamics between prisoners, people are forced to participate in violent acts even when they do not want to. Thus, people also experience the trauma of participating in inflicting violence. Being in the midst of a riot is chaotic. People attack each other from all sides, and a combination of fear and survival instincts seem to propel people to become more violent. As a prisoner in the midst of a riot, one must decide whether to comply with institutional orders to lie down on the ground. If one complies, there is a high probability of being attacked by other prisoners while lying on the ground. If one does not comply, he may be shot by prison authorities.

I was exposed to countless violent incidents while I was in prison. I observed another prisoner walk up to a man with whom I was talking and slice his throat with a razor blade. Blood spurted everywhere, covering his white t-shirt and splattering onto my arms as I jumped back in shock. I witnessed other people get stabbed on various occasions. Often, people were stabbed up to twenty times in a row, leading to bloody scenes and serious injuries. I recall hearing someone scream repeatedly from within the confines of his locked cell, pleading for his life as his cellmate stabbed him to death. I felt helpless hearing his pleas, as I was trapped within the
confines of my cell as well, locked inside with no means of communicating with the guards.

Most prison assaults are meticulously planned and happen when one least expects it, which is why in prison people learn to expect the worst. This contributes to people living in a chronic state of hyper vigilance, which is difficult to move past even after one’s time in prison is over. I remember a stabbing that occurred in the midst of a basketball game when two members of one team brutally attacked a player from the other team. I witnessed a man lying on the floor unconscious, with his head cracked open as other men continued to stomp and kick him as his limp body moved around like a rag doll. And my memories feel endless. There was a guy who commented on the picture of his friend’s girlfriend who found himself getting his neck and face sliced an hour later because of his friend’s extreme jealousy. I remember a man who had an overdue drug debt of 50 dollars. He died due to a fatal shank to his heart because of this debt. Exposure to such high levels of violence has a profound impact that often continues long after we are released.

Trauma experienced by those in captivity typically impairs one’s ability to trust others and to have healthy relationships (Herman, 1997). According to Herman, prisoners learn to adapt to the difficult conditions of confinement by dissociating from the negative circumstances surrounding them. Over time, this state becomes internalized, and people become disconnected from other people, activities, thoughts, feelings and physical sensations. Dissociation is a symptom that persists after one’s release from captivity, and has profound effects on people’s emotional stability, relationships and identities.

Correctional Officers
The violence within prisons is so pervasive that it encompasses everyone within its limited boundaries, including those who work on the inside. Prison guards, referred to as Correctional Officers (COs) in California prisons, are on both the giving and receiving ends of violence. Prisoners experience trauma in relation to prison staff through verbal as well as physical interactions. The traumatic experience is heightened by the power differential. According to trauma expert Judith Herman (1997, p. 94), “during captivity, the victim cannot express her humiliated rage at the perpetrator, for to do so would jeopardize her survival”. Suppressing anger in response to abuse by authorities causes people to experience feelings of being trapped, where their adrenaline or emotions are rushing but they preventing from releasing the emotions. As
discussed previously, this often leads to people developing more long-term symptoms of trauma (Levine, 1997).

I had numerous abusive experiences at the hands of COs. On one occasion, I was taken into a room for getting into a disagreement with a CO. I was verbally taunted and beaten while I was shackled. My body ached so much that I was not able to eat without excruciating pain for weeks after the incident. Over ten years later, I still experience shoulder pain as a result of the injuries I sustained. Trauma is also inflicted in more passive ways. For example, I saw an elderly man having a heart attack while a group of COs slowly sauntered towards him. He died because he did not receive timely medical attention. I witnessed a group of six prison guards beat and pepper spray a Samoan man for fifteen minutes without mercy, simply because he had refused to walk in a straight line. There were also COs who would purposely unlock people’s cell doors in order to allow their enemies to enter their cells.

My friend had an argument with a guard one day. Later on that night, they came and picked him up from the dorm. I did not see him for two months. When he returned from the hole, he told me that they took him to a room and stripped him of all of his clothes. They slapped him, peppered sprayed him and beat him with their batons. In the 1990s, a highly publicized group of COs in California’s Corcoran State Prison would stage gladiator-style fights between prisoners, betting on which one would win (Arax, 1996). Over fifty prisoners were injured during these fights, and seven were shot and killed by COs over an eight year period (ibid).

Abusive behaviour by prison guards appears to be virtually inevitable due to the institutional environments of prisons. Philip Zimbardo’s infamous Stanford Prison Experiment demonstrates the power of the prison structure to impact the psychology and behaviour of individuals (see Zimbardo, 2007). In Zimbardo’s experiment, young men were randomly assigned to play the roles of inmates and guards in a simulated prison. The people assigned to play guards became so abusive, and the people assigned to be prisoners were suffering from such emotional distress, that the experiment had to be discontinued after only six days. Zimbardo concluded that the environment of the “prison” and the roles assigned to the individual participants affected their behaviour in significant ways, causing the “guards” to become overly authoritarian, and in many cases abusive. Even six days in the simulated prison environment, where physical violence nowhere near as pervasive as in a regular prison environment, caused serious psychological reactions
in many of the participants assigned to be prisoners. The findings of this study highlight serious problems with penal institutions; it would appear that abusive behaviour by authorities and psychological deterioration by prisoners are virtually inevitable in the environment of prisons.

In addition to perpetrating abuse, prison guards also experience trauma as victims—they are constant targets within prison walls. Prisoners throw bodily fluids such as semen, feces and urine at them, for example. I recall a CO who came to help my neighbour move to another cellblock. I watched through the window of my cell as the CO held my neighbour’s TV in order to assist him. In response, my neighbour started slicing this man’s face with a razor blade. Another time, I saw a nurse come to someone’s cell to deliver medication, only to be punched in the face by the man she was trying to help.

The prison environment is structured so as to put both prisoners and prison guards in the positions of perpetrators and victims of violence. Abusive behaviour by prison staff is particularly problematic given their position of authority. Not only is exposing prisoners to violence at the hands of government authorities inhumane, it is also problematic because it will contribute to greater psychological problems and higher levels of violence among prisoners after their release.

**Sexual Assault**

Being sexually assaulted profoundly impacts victims’ emotional and physical health. The prevalence of sexual assault within prisons is well documented. Recent surveys with incarcerated peoples in the United States revealed that 4.4 percent of prisoners reported being sexually victimized by another inmate or prison staff in the past 12 months (Beck and Harrison, 2010). 20 percent of male prisoners are victims of sexual assaults at some point during their incarceration (Struckman-Johnson et al., 1996, Struckman-Johnson and Struckman-Johnson, 2000).

My exposure to this problem was limited due to strict rules among Hispanic prisoners within California prisons. Any kind of homosexual activities were strictly forbidden according to this prisoner code and violations of this rule resulted in serious consequences. I do recall one night about an hour after the lights were turned off, loud screams echoed throughout the unit. A grown man was screaming, pleading “Please Stop!” as he was beaten and raped repeatedly by his cellmate. I also remember hearing about a young man in my building who was hog-tied and raped multiple times throughout
the night by his cellmate. The next day, he walked to the program office and reported it. The victim was a seventeen-year-old in an adult prison. Research indicates that youth in adult prisons are particularly vulnerable to becoming victims of sexual assaults (Beck et. al, 2010). The prevalence of sexual assault within prisons is particularly problematic because many prisoners have experienced sexual abuse as children (Gilligan, 1996). They are thus at greater risk of suffering long-term psychological consequences because the abuse exacerbates the trauma they have already experienced.

**Trauma Inflicted by Institutional Policies and Actions**

High levels of violence between prisoners, abuse perpetrated by prison guards and sexual abuse within prisons are ultimately created by prison systems that are founded upon values that breed these conditions. Prisons throughout the world consistently fail to rectify these problems. Theoretically, abuse by prison guards could be curtailed by more meaningful monitoring, investigations and training. In practice, penal institutions do not seem to be capable of responding to problems of high levels of violence and abuse. Even where efforts have been made to minimize violence or abuse within prisons, the problems persist. Any efforts to change these conditions are impaired by the values and assumptions underlying the penal system. According to Norwegian criminologist Nils Christie (2000) punishment is the intentional infliction of harm. A penal system that is created with the purpose of inflicting harm is incapable of implementing reforms aimed at reducing the harm that the system inflicts upon prisoners. Such reforms would run counter to the fundamental values underlying the penal system. As such, abolishing prisons and the value structure underlying penal systems is the only viable way in which to address the institutional conditions that breed trauma in prisons.

In addition to creating conditions that create violence, institutional policies combine to create a system that inflicts psychological trauma that has profound implications on people's lives. Although less overt than physically abusing a prisoner, violence is enacted through prison policies that deliberately demean people or limit their autonomy more than necessary. The consistent deprivation of people's liberty and the way in which institutional actors arbitrarily, and often inhumanely, enforce the institutional rules, combine to create a sort of psychological torture that traumatizes prisoners. In Philip Zimbardo's prison experiment, for example, the individuals assigned
to the role of “inmates” experienced severe psychological reactions due to authoritarian and demeaning treatment by “guards” (Zimbardo, 2007). Although the threat of physical violence was minimized in the experiment, the “inmates” nonetheless experienced trauma.

For many prisoners, relationships with family members are the most important aspect of their lives. Institutional policies regularly interfere with prisoners’ family relationships as a form of punishment. This has a profound effect on people (Kupers, 2006). Many prisoners would rather be physically beaten by a guard than to lose the opportunity to visit with family members. During searches of people’s cells, guards destroy photos of family members or make derogatory remarks about them. Prisoners are forced to decide between demonstrating their anger, which would likely result in further restrictions of privileges, or swallowing their emotions. This is a type of trauma (Herman, 1997). Other formal and informal disciplinary techniques include throwing away or hiding prisoners’ mail or other personal belongings, as well as taking away commissary and visiting privileges. Each of these actions serves to further dehumanize a prisoner, stripping away the few aspects of one’s life that bring happiness and a connection to the outside world.

PART II: TRAUMA HEALING

Traumatic experiences affect every individual differently. Some people internalize their reactions, while others display their symptoms through externalized behaviours. Despite these differences, there are some common reactions to traumatic experiences. This section explores some of the common symptoms of trauma and the benefits of approaches that focus on healing trauma. Successful practices of trauma healing are a promising tool for breaking cycles of violence, thereby reducing crime, improving community safety and healing lives. The preconditions for the implementation of such practices, however, stand in stark contrast to the conditions within prisons, rendering trauma healing impossible within the context of prisons.

Impacts of Trauma
When people experience trauma, physiological changes occur, triggering what has been termed a “fight-or-flight” response in the brain (Levine, 1997).
This in turn leads to a state of heightened arousal in the body, characterized by an increased heart rate and rapid breathing. Drawing from observations of animals in the wild, Peter Levine explains that this response is designed to help people protect themselves when they are in danger. People who are able to use these survival mechanisms to fight off a danger or to run away from it are generally able to process the traumatic experience in a healthy way.

When people are unable to fight or flee from danger, such as in a situation where someone is physically trapped or is frozen by fear, trauma is more likely to have long-term effects (Yoder, 2005). As discussed previously, prison riots occur under circumstances that almost ensure that people experience this “frozen” state given that they are trapped within limited geographic boundaries with no options for escape. When trauma is trapped in the body, as in cases where people “freeze”, it can cause long-term emotional and behavioral issues (Levine, 1997).

Some immediate responses to trauma include: hyper arousal, dissociation or denial, and feelings of profound helplessness or immobility (Herman, 1997; Levine, 2006). Common symptoms of trauma are flashbacks, nightmares, abrupt mood swings, shame, panic attacks, addictive behaviors, the inability to bond with others and physical pain or illness (Levine, 2006, pp. 17-18). Trauma can cause profound challenges to interpersonal relationships, to one’s emotional state and ability to function.

According to trauma expert Judith Herman (1997, p. 35), hyper arousal occurs when “the human system of self-preservation seems to go onto permanent alert”. In a state of hyper arousal, “the traumatized person startles easily, reacts irritably to small provocations, and sleeps poorly” (ibid). Upon my release from prison, I have experienced these symptoms. I feel the need to protect myself, for example, when someone walks towards me because I imagine that the person might stab me. I worry that someone might jump out of a car that drives past me to attack me. I am aware that my reactions to ordinary events are at times irrational, yet I am instinctively on-guard at all times.

The Need for Trauma Healing
Symptoms of trauma can be generally divided into two categories: internal and external. Internal symptoms of trauma include substance abuse, eating disorders, self-mutilation, depression, anxiety and physical ailments (Yoder, 2005, p. 33). Trauma can trigger a cycle that ultimately leads a victim to become a victimizer due to unhealed wounds. External symptoms include
domestic violence, child abuse, gang activity and aggressive behaviours (ibid). Experiencing ongoing trauma often causes people to become disconnected from themselves and from other people (Yoder, 2005). People seem to have an innate capacity to heal from trauma and that the experience can lead to profound transformations. Unfortunately, such healing cannot occur while people are incarcerated.

The Impossibility of Trauma Healing in Prisons
A growing body of literature discusses techniques for trauma healing that have brought about profound improvements in people’s lives and in societies. Trauma healing generally incorporates a variety of practices, including mental, physical and spiritual components. However, being in a safe place is a prerequisite to trauma healing. According to trauma expert Carolyn Yoder (2005, p. 25), the most urgent need for trauma survivors is often for safety and security—physically, emotionally, and spiritually”. Peter Levine (2006, p. 37) cautions people that prior to beginning the healing exercises he describes for people who have experienced trauma, readers must “find a safe place”. Similarly, Judith Herman (1997) explains that there are three primary stages of recovery from trauma, and that the first stage focuses on establishing safety. People cannot progress to the next stages of the healing process without first establishing a sense of safety. Given the inherent violence and danger facing people in while they are incarcerated, creating this sense of safety is impossible within prisons.

Due to concerns regarding the inhumane and counterproductive nature of prisons, Norwegian criminologists such as Thomas Mathiesen have written about and advocated for prison abolition since the late 1960s (Papendorf, 2006). Such problems are not only present in prisons but are also entrenched within the broader penal system, including the courts, probation, police and the professionals involved in crime control systems (Christie, 1977; Piché and Larsen, 2010). Penal abolitionists envision social responses to crime that return responsibility for responding to conflicts to the individuals most directly involved, rather than vesting this responsibility with professionals and the state (Christie, 1977). Trauma healing would be much more possible in the context of such community-based responses to crime that focus on involving the parties directly involved in a conflict. Providing opportunities for people to heal from trauma is a crucial link to ending violence and abuse, yet it cannot occur within a punitive system that prioritizes incarceration.
CONCLUSION

Violence creates more violence. Successful experiences with trauma healing provide hope for breaking cycles of violence within people and societies. However, state-sponsored penal institutions simultaneously inflict violence while also creating conditions under which it is impossible for people to heal from the trauma they have experienced both prior to and during their incarceration.

The prison abolition literature suggests, penal systems that are founded upon a commitment to retribution, revenge, and inflicting harm upon those subject to their control are incapable of being reformed to end prisoners’ subjection to physical violence, sexual abuse and psychological trauma. Ultimately, continuing to expose prisoners to trauma and failing to create conditions in which they can heal causes harm to a much broader segment of society than prisoners themselves. Members of prisoners’ families and communities are profoundly impacted when cycles of violence are allowed to continue. Alternative justice paradigms that directly involve victims, offenders and communities founded upon values such as restoration, reparation and healing have great potential to create healthier, safer, and more resilient people and communities (Christie, 1977, Zehr, 2005). Such alternatives must be pursued in order to stop the cycles of abuse and violence endemic to penal institutions.

REFERENCES


ABOUT THE AUTHORS

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Prior to the circumnavigation of the globe, cartographers relied on supposition, myth, and embellishment when configuring those lands that had not yet yielded their secrets to exploration. European maps that featured amorphous islands and continents in what would become known as the New World consistently carried the notation in those uncharted regions, "Here There Be Dragons". There were, of course, no dragons, but that did not stop either the makers or the subsequent users of those maps from believing that monsters were lying in wait for the intrepid or merely foolish who ventured to sail beyond the limits of the known world. Modern attitudes toward prisons and prisoners are analogous to those ancient misconceptions and expectations, which explains why prison abolition faces a protracted and difficult battle in the United States; after all, politicians need voters to feed the prison complex and to keep that happening prisons must remain at capacity.

CONTEXT AND CONFLATION

Nativist sentiment in the United States has always been robust, illustrated primarily by an overt hostility toward immigrants. According to British historian Tony Judt (2009, p. 86), "where immigration and visible minorities have altered the demography of a country, we typically find increased suspicion of others". The reaction includes designating English as the country's official language. There are cities in America such as Nashville and Miami and states, Oklahoma, for example, that have taken the additional step of mandating that all government business be transacted in English. This contrasts sharply with, for example, Canada's Official Languages Act of 1969, which recognized the rights of both French- and English-speaking citizens to converse in the language they prefer.¹ Vigorous debates continue to erupt regarding the rights of immigrants to health care and restrictions on school attendance for their children. Those debates have spawned a form of vigilantism, in which armed patrols of citizen volunteers monitor the border between Mexico and the United States, intercepting and detaining anyone suspected of attempting to enter the country illegally.
Given this toxic brew of xenophobia and tribalism, it follows that anyone designated as outside the cultural mainstream—including the current President of the United States\(^2\) — generates suspicion and frequent derision. Carried to the extreme, men and women whose behaviour violates the law find themselves classified as subhuman, denied fundamental rights, and declared undeserving of humanitarian consideration.

**A LITANY OF HORRORS**

In order to justify the mass imprisonment of its citizens, a government must convince the public of the necessity for such extreme measures and a powerful political-economic alliance in the United States has been able to realize that goal with remarkably little resistance. All that is necessary is to publicize a vicious crime, offer a tendentious inductive rationale that an isolated case of brutality indicates a general breakdown of law and order, and co-opt the electorate into supporting longer sentences and more prisons. It is this "uncertainty—elevated to the level of insecurity and collective fear" (Judt, 2009, p. 86), that is the most corrosive force threatening today's abolitionist agenda. "[A] society can give individuals a secure sense of meaning only if it gives them a secure sense of belonging to a community rooted in time [which produces] a shared understanding of what is of ultimate value, of obligations that must be met and lines that must never be crossed. Every healthy society ... needs some sort of orthodoxy" (p. 26).\(^3\) If these lines are crossed, then at least in the culture as it is presently entrenched and defined, prison is the only answer for some.

In New Hampshire, where we live, the state recently convicted Michael Addison for the murder of Manchester police officer Michael Briggs. Addison was portrayed as the quintessential urban predator, guilty of multiple prior felonies, with no redeeming social value. This contrasted sharply with Briggs' exemplary life as a dedicated policeman, husband and father. Indeed, in a supreme bit of irony, Briggs had previously saved Addison's life after Addison had been shot. The outrage following the murder persisted to the penalty phase of Addison's trial, after which the jury imposed a sentence of death. New Hampshire has not executed anyone since 1939, but Addison became the poster child for the resumption of capital punishment through the government's success in identifying him as unworthy of continued existence, not just in the community but in the world.
More recently, four men broke into a residential New Hampshire home where a young mother and her 14-year-old daughter were sleeping. Two of the men attacked the sleeping residents with knives and a machete, killing the mother and seriously wounding the daughter before fleeing with a small amount of money and property. The sheer brutality and callous nature of the crime provoked an immediate call in the state’s legislature to expand the classification of crimes for which perpetrators would be eligible for the death penalty (Schoenberg, 2010.)

Violent crimes alone, however, are not the *sine qua non* that drives calls for more prisons and longer sentences. Whether it was the Enron scandal or Madoff, when people feel as though they have been affronted they scream for the only thing they know: revenge. And as it stands prison is the only revenge available. Perhaps we should consider that fact.

**CIVIC REACTION, JUDICIAL RETRIBUTION**

During the recent global recession, men and women struggling to meet financial obligations and feed their families had little patience with apparently soulless predators who would rob them of their fortunes and their lives. Politicians consistently respond to this fear and loathing by passing even more invasive laws and increasing the punishments for existing ones. The media continue their collusion by adhering to the time-honored precept, “If it bleeds, it leads”. That is, newspaper and television reporters are encouraged to give primacy to stories designed to appeal to the most prurient interests, clamoring to interview victims or survivors, with an emphasis on wringing every ounce of emotion possible from the reporting. The response is predictable.

In a recent poll by the newspaper *USA Today* (2009), 49 percent of the respondents thought that the death penalty in the United States was not applied enough. Another 24 percent said that it was applied adequately, while only 20 percent believed that the frequency should be reduced. Obviously, abolitionist arguments have enormous philosophical obstacles to overcome in a country in which 73 percent of the population thinks that is acceptable for the government to kill its citizens. These statistics, however, provide only a narrow window into the rebarbative theories that underlie them.

It was not until 1988, for example, that the Supreme Court of the United States barred the execution of defendants who were under the age of 16 when they committed their offences. The same court subsequently held
that the Constitution does not prohibit the execution of convicted persons who were 16 or 17 years old at the time of the crime, as if the emotional maturity and psychological development of a tenth-grader were superior to that of a ninth grader. Adding insult to injury, the Court has also authorized executions of mentally challenged defendants and held that indigent death row prisoners do not have a right to counsel in state courts during appeals of their death sentences.

Court observers should not indulge in an optimistic predictions following the more recent decision, in which the majority finally ruled that executing teenagers under 18 violated constitutional norms. That decision was also 5-4, and the four justices voting to execute high-school students remain on the Court.

**THE DRAGONS IDENTIFIED**

In the United States, the fear and resentment generated by crime is disproportionately directed at those defendants who do not look or sound like the majority. And that majority, shrinking as we write, is white. David Cole’s (2009, p. 42) recent analysis of America’s prisons describes the fallout: “[T]he biggest challenge is that the very demographics that make the pattern of crime and punishment in America so skewed against blacks and Latinos also make it all too easy for politicians, and the majorities they represent, to adhere to an unthinking tough on crime attitude”.

The tradition is hardly new; the racial component of crime and punishment has a long and sordid history in America. The back story to today’s startling incarceration rates includes 250 years of enslavement of black Africans and their descendants, the forcible confinement of Native American peoples to reservations, and the en masse imprisonment of Japanese Americans during the Second World War. In a grim perpetuation of the same pattern, most male prisoners in United States prisons today are poor and members of minority groups. Nearly half are African Americans, while Hispanics comprise about 18 percent of that population. Limited education is a contributing problem, with 49 percent of prisoners incarcerated without having earned either a high school diploma or a GED.

For most observers, these depressing statistics, betraying as they do a systemic bias against the culturally defined Other, would beg for immediate action to redress the obvious discrimination. Sadly, even when faced with proof of the discrimination, the courts persist in pointing out those frontiers where dragons continue to lurk in order to justify capturing and killing them.
In 1987, the U.S. Supreme Court affirmed the death sentence of an African American man convicted in Georgia of killing a white police officer during the course of a robbery. The defendant had submitted data to the Supreme Court supporting his assertion that defendants in Georgia charged with killing white victims were more than four times as likely to receive a death sentence than those convicted of killing a nonwhite victim. In another 5-4 opinion, the Court concluded that although the study indicated "a discrepancy that appears to correlate with race", the evidence did not require overturning the sentence of death. It should therefore surprise no one that Michael Addison, sentenced to death in the New Hampshire case previously discussed, is black while his victim was white. It is interesting to note that New Hampshire had gone decades without having a capital case and then found itself with two cases running simultaneously – one with a black defendant (Michael Addison) and one with a white defendant (John Brooks). It is also interesting to note that the white defendant was sentenced to life without parole. As Gary Younge (2008, p. 10) put it in a recent essay, “Never having considered solidarity with blacks and Latinos, [white Americans] see them not as potential allies but as perpetual enemies”.

**ECONOMIC DISENFRANCHISEMENT**

Aggravating the racial component driving mass incarceration is the pronounced economic disparity between those going to prison and those who are not. Following a marked decline through the 1960s, the chasm between rich and poor, irrespective of the metric used, has increased significantly. “In the US today, the Gini coefficient – a measure of the distance separating rich and poor—is comparable to that of China” (Judt, 2009, p. 87). Although one’s civic status should not be a function of his or her economic participation, that is precisely the nature of American society today, where the poor, from whose ranks most prisoners are drawn, remain largely voiceless with respect to elected officials who pass the laws that disproportionately affect them.

The resulting dichotomy has created a cult of celebrity worship and corporate greed that need not be revisited here but that has produced a culture in which a balance sheet, athletic ability, or star power determines an individual’s worth as a human being. Ironically, it was Adam Smith, the titular father of the free market, who observed that this “disposition to admire, and almost to worship, the rich and powerful, and to despise, or, at
least, to neglect persons of poor and mean condition [...] is [...] the great and most universal cause of the corruption of our moral sentiments” (ibid).

With respect to the current state of those moral sentiments, the disturbing ease with which prisoners are written out of the civic process is no less brutal than the ancient Greek punishment of banishment from the polis. Those deemed morally reprehensible by the majority forfeit any consideration, banished as they are to facilities that the majority justifies by filling them with those it despises. Absent is any sense of collective moral outrage over such asymmetrical treatment. David Cole (2009, p. 43) reminds us, “our addiction to punishment should be troubling not only because it is costly and often counterproductive, but because its race and class disparities are morally unacceptable”. Indeed, it should be troubling, but it is not.

Such an egoistic philosophy threatens the fabric of society for a number of reasons, most prominently the lack of a social cohesiveness that binds citizens together and promotes mutual recognition as human beings. Where there is no society, there is only competition and scant regard for underperforming men and women on the margins, similar to the brutish world envisioned by Thomas Hobbes in his _Leviathan_ (1651). We need look no further than the former British Prime Minister Margaret Thatcher for corroboration of this kind of social evisceration: “There is no such thing as society. There are only individual men and women and families” (Judt, 2009, p. 92).

The obstacle to abolition thus lies in both the policies of the state and the language used to justify them. To be successful, we must therefore address both.

**STRATEGIC ENGAGEMENT**

Concomitant with the intrinsic hostility toward criminal defendants is the misperception that “abolition” means a modern storming of the Bastille by contemporary sans-culottes and setting loose the monsters inside to prey on innocent children and unsuspecting adults. Educating the public about precisely who is in prison and why must be our priority and should include expanding the public’s awareness of the benefits, both moral and economic, of abolition. This will naturally involve organizing like-minded groups that currently work at cross purposes, both locally and transnationally.

In a recent essay in the _JPP_, Kenneth Hartman (2009) provides what is perhaps the clearest example of this challenge. While many groups currently
work for elimination of the death penalty, they feel compelled to advocate for a sentence of life without parole to replace death as a punishment, simply because the public demands a harsh alternative. According to Hartman, the California prison system already holds 3864 prisoners serving life without parole (p. 35). How, then, does one argue for the abolition of prisons when sympathetic organizations are advocating their persistent existence as placeholders to stop the government from killing people?

We do not quarrel with the ultimate intent – deconstruction of the current system – of those organizations. We suggest that when exploring abolitionist strategies, modifying current models can be a helpful beginning. Here, Julia Sudbury’s (2009) discussion of her group’s approaches in California provides a lucid example of what can be done – and what might yet be done.

Sudbury was among those who founded Critical Resistance 10 years ago at Berkeley, “a turning point in abolitionist work in the United States” (Sudbury, 2009, p. 177). And yet, although we have been active in many prison reform activities for over two decades, neither of us had ever heard of CR until Sudbury’s essay appeared in the Journal of Prisoners on Prisons. Whether this is due to CR’s absence of national publicity or our lack of awareness, the result is the same: isolated struggles in geographical pockets where unity should be employed. This confirms Judt’s (2009) observations regarding the difficulty in organizing and sustaining shared purposes in a country as large as the United States. As Judt puts it, social democracies function best in “small, homogeneous countries, where issues of mistrust and mutual suspicion do not arise so acutely” (p. 86).

Sudbury (2009, p. 177) describes her preliminary work in “[exploring] the ways in which prisons had become embedded in the political and economic landscape”. This is, of course, mandatory if we are to understand fully the nature of the adversary and the consensual silence supporting mass incarceration in order to develop coherent responses. Without, however, an orchestrated educational program, designed to explain abolition to a sceptical public, the results will always be the gloomy reality Sudbury describes: “Despite our best efforts, the use of imprisonment as a catch-all solution to social problems—from poverty to addiction—has become more, not less [e]ntrenched” (ibid).

To counter and potentially reverse this trend, we should, as noted, first undertake a rigorous examination and explanation of the nature of prison abolition in order to assuage public fears. The corollary is a concession – to the sceptics and ourselves – that modern prisons hold some individuals who
must be physically restrained, in some cases for the duration of their lives. A noteworthy example of this tactic is President Obama’s intent to close the military prison at Guantanamo Bay.

During his campaign, the President cited examples of men who had been swept up in the incarceration frenzy of the two-front war in Iraq and Afghanistan, only to be subsequently cleared of any offence that warranted imprisonment, including minor association with questionable organizations. That number as we write in June 2010 has reached 560 (NPR, 2009). The Government’s recent decision to close the prison and transfer 100 of the remaining 198 prisoners to a maximum-security prison in Illinois carries with it the implicit assumption that some of the prisoners cannot be freed. Although the move marks a watershed moment, it has been met with vigorous opposition (ibid)

Representative Mike Pence (R-IL) invoked the tired canard that moving the prisoners and closing Guantanamo will put the public at risk. Senator Roland Burris (D-IL) countered that he had full confidence in the safety and security of the new facility, a sentiment echoed by Senator Dick Durbin (D-IL), who added: “We believe this is in service of our country” (Jackson, 2009). While the closing the prison at Guantanamo represents a step forward, positions on both sides of the argument, as illustrated by these antagonistic reactions, present severe obstacles for abolitionist campaigns.

The two senators’ support of reducing the number of prisoners and transferring them to Illinois includes an economic determinant, as opposed to any humanitarian consideration. The move will bring an estimated 3000 jobs and “valuable federal dollars” to the area (Jackson, 2009). Officials from other jurisdictions that were competing for the Guantanamo prisoners said they would welcome the jobs created by the transfer (ibid). As long as opponents of abolition continue to frame the argument in terms of public safety and fiscal necessity, promising steps toward the abolitionist goal, such as reducing both the number of prisons and prisoners inside them, will not bring the desired changes without first demonstrating that the number of prisons can be radically reduced without endangering anyone’s personal or financial welfare.

**THE NUDGE FACTOR?**

As elementary as it might sound, the first step toward abolition of the monolithic prison system now thriving in the West is a precise definition
of the society we want. This might begin with a "moral narrative in which to situate our collective choices", thereby providing a "substitute for the narrowly economic terms that constrain our present conversations" (Judt, 2009, p. 94). Following that definition, we suggest posing specific questions in order to find common ground with our opponents: What are the structural and philosophical defects in the policies that support mass incarceration? What can we do about them? What have we lost as a result of implementing those policies? As Judt (2009) eloquently argues, the answers to such questions should take the form of a moral critique, but we cannot ignore the power relationships and economic factors that continue to play such dramatic roles.

Our task is therefore to explain to a skeptical public why America’s prisons and the policies that support them offend our sense of justice and equality and concomitantly diminish access to social services that would otherwise be available to the general public. Part of that explanation must be a recognition of the many existential factors – war, terror, pandemics, recession, climate change – that have made us “less confident of our collective purposes, our environmental well-being, or our personal safety than at any time since World War II” (Judt, 2009, p. 96).

One promising avenue for addressing this skepticism is an approach derived from behavioral economics and experiments on how people process information, particularly numerical data. Given the often illogical and counterproductive nature of contemporary prison systems, it will surprise no one that the work of Amos Tversky and Daniel Kahneman (1973) “challenged the prevailing notion that the economic decisions [people] make are rational” (Groopman, 2010, p. 12). Specifically, people are “prone to incorrectly weigh initial irrelevant information into [their] analysis” (ibid). This, of course, describes the reaction of Western democracies to perceived internal criminal threats, and explains the proliferation and industrialization of prisons.

An excellent beginning to remedy these misperceptions would be a systematic description of precisely who is inside all those prisons. The number of state prisoners held for drug offenses has increased thirteen fold since 1980, and the half of the prisoners held in federal prisons are being held on drug-related offenses. Contrary to popular belief, prisons are not full of drug kingpins, who own fleets of cars and airplanes and who vacation on Saint Tropez. Prisoners tend to be lower echelon addicts
who would clearly benefit from therapeutic intervention. Instead, they are sent to prison, often with life sentences, when they could be treated more economically and effectively in a community based setting without endangering anyone.

Convincing a predisposed public to reconfigure its standard response to criminalized behavior, however, will be no easy task. As Groopman (2010) points out, maximum-security prisons have acquired a default status that will require genuine innovation to modify, because most people continue to choose the default option, building and maintaining more prisons, instead of making an effort to identify alternatives. As Sunstein and Thaler (2008) put it, “These behavioral tendencies toward doing nothing will be reinforced if the default option comes with some implicit or explicit suggestion that it represents the normal or even the recommended course of action”. How, then, to combat such an entrenched and implacable adversary? By “nudging” them toward change.

Abolitionists can, utilizing Judt’s moral narrative model, begin to exert a subtle influence on social philosophy that shifts the paradigm away from the perceived normality of massive incarceration and its associated costs. Our task is to offer viable alternatives that will enable people to feel that those new choices result in improved personal feelings, as judged by those making the choices. Diverting nonviolent drug offenders is a logical first step and one the community will find more palatable especially when the offenders are their husbands, sons and daughters. It is an infinitely more appetizing than the idea of freeing a dangerous predator.

Acknowledging those unreconstructed predators does not abdicate the battle for abolition. On the contrary, it infuses a sense of recognition and kinship that will aid in the incremental process that must lie at the heart of all abolitionist efforts. We are, pace Ms. Thatcher, a society after all. Dangerous individuals do indeed exist in our world, and our failure to identify them and the need for facilities to secure them jeopardizes any chance of progress, at least in the United States, which has become the model for applied criminal justice in the Western world.

Only after conceding this point can we begin the graduated process toward elimination of the physical plants and their philosophical underpinnings that have corrupted our response to criminalized behaviours. And it must be a graduated, Darwinian process. Abolition will not come easily or quickly for most have been fed a diet of fear. Rather, it will be a death of attrition, as
the current prison-industrial complex becomes too cumbersome to support and begins to starve, coupled with a new public awareness of the cost, both in financial and human terms, of maintaining it. No one disputes that we have a fight ahead of us, but neither does anyone deny the effort is worth it.

ENDNOTES

1 See <http://www.parl.gc.ca/information/library/PRBpubs/prb019-e.htm>.
2 So-called “birthers” continue to insist that President Obama was born in Kenya and therefore constitutionally barred from holding the office. Conservative pundit Glenn Beck has accused the President of hating white people.
3 This was taken from “The Story of the Woman’s Party”, accessed at <http://www.archive.org/stream/storywomanspart00gillgoog/storywomanspart00gillgoog_djvu.txt>.
5 Wilkins v. Missouri (subsumed within Stanford below).
9 Current analysis indicates that white Americans will be a minority by 2045 (see Younge, 2009, p. 10).
10 The actual percentage of blacks is 43.7 percent of blacks nationwide are incarcerated. See <http://www.scribd.com/doc/938139/Percentage-of-Blacks-Incarcerated-vs-Population>.
15 See <http://www.sentencingproject.org/template/page.cfm?id=128>.

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ABOUT THE AUTHORS

Susan Nagelsen is Director of the Writing Program at New England College in Henniker, New Hampshire, where she has taught for over 25 years. She is an essayist and a fiction writer as well as the author of two writing manuals. She teaches first-year courses, as well as advanced essay writing courses such as the art of the essay and content based writing. She also teaches in the Criminal Justice program where her course focuses on teaching students about prison from the point of view of prisoners. Her most recent published fiction can be found in the fall 2005 edition of the Henniker Review, Tacenda, Bleakhouse Review and in the Journal of Prisoners on Prison Volume 14(2), an issue addressing aging in prison. She is a frequent contributor to the JPP and is currently Associate Editor. She is also the editor of an anthology of work by incarcerated writers entitled Exiled Voices, Portals of Discovery (New England College Press, 2008). The book features 13 incarcerated writers with an introduction to each written by Nagelsen and is being used as a textbook in courses focusing on criminal justice issues.

Charles Huckelbury was sentenced to life imprisonment – 35-year minimum – at the age of 27 and spent three decades in prison. Awarded second place in Prison Life’s fiction contest in 1995, he won the PEN American Center first prize for fiction in 2001. A regular contributor to the JPP since 1997, Charles joined the Editorial Board in 2001 and is now an Associate Editor. He was one of four featured writers in Shawn Thompson’s Letters From Prison (Harper Collins, 2001). His new book of poetry, Tales From the Purple Penguin (BleakHouse Publishers, 2008) has received rave reviews from students and academics.
I hate how much I dream about cops. They’re not all nightmares, but police presence has become a pervasive force in my subconscious. And this is after a mere 22 hours spent at the G20 detention centre, an experience that was barely a taste of the horror that is correctional and policing culture both in Canada and worldwide.

In June 2010, the city of Toronto played host to the semi-annual Group of 20 summit, where representatives from the 20 most “systemically important industrialized and developing economies” converge to discuss policies of continued economic growth. During this time, thousands of people took to the streets to protest the proliferation of neo-liberal economic policies, but more importantly, to use the G20 moment as an opportunity to build coalitions among existing local community organizations, focusing on issues such as “Indigenous Sovereignty and Self-Determination, Environmental and Climate Justice, Migrant Justice and an End to War and Occupation, Income Equity and Community Control over Resources, Gender Justice and Queer and disAbility rights”.

In a massive pre-emptive strategy, the municipal, provincial and federal governments brought in more than ten thousand police, RCMP, military and private security forces from all over Canada, simultaneously giving them incredibly extensive powers of search, seizure, arrest and detention. In the face of aggressive police tactics of intimidation and brutality, the focus of the protests over the weekend shifted, and diverse groups of individuals and organizations came together to highlight and fight against police violence and repression of political dissent. Community members across the city also organized legal observers to monitor, document and track police actions and arrests, and serve as witnesses to any abuses perpetrated by the authorities.

I was arrested on the night of June 26, 2010 with a group of about 30 people just outside of the old movie studio turned temporary detention centre by the City, in the East of Toronto. I had been legal observing that weekend, and after witnessing several brutal arrests and incidences of serious police violence, I felt compelled to go to the detention centre that night for a small
prison solidarity action. Soon after my arrival, myself and other activists, legal observers and allies of people who had been detained that day were penned in on all sides by riot police and placed under arrest; it is clear to me now that after we arrived, they had never intended to let us leave.

In writing this piece I have struggled to find a cohesive purpose, and I have battled with feeling as though my experiences as a detainee are not valid or legitimate, due to my relative privilege, and the more extreme life conditions that other more marginalized people face. At times, writing this reflection has felt like an exercise in self indulgence, especially given that I do not want to over-particularize the G20 moment. Attempting to see my experiences as a valid contribution to the discourse on correctional and policing culture is a constant tension within this narrative.

The overall objective of this piece is to draw connections between my personal experiences with aspects of the prison industrial complex; in my role as a legal professional, as someone who has worked with incarcerated people, and as a detainee myself. Recognizing the interconnectedness of the various struggles that I have been a part has been crucial to my personal understanding of how to harness this G20 experience and channel it into action. I emphasize that in writing this, I am not speaking for anyone but myself and what is my interpretation of the collective experience in detention, amongst myself and my fellow detainees.

What follows is an examination of three distinct but interrelated experiences I have had with carceral spaces: my exposure to Canadian immigration detention, working with the prison population in Malawi, and my second hand experience with correctional culture in Canada. I hope to draw connections between these experiences and my own firsthand experience as a detainee during the G20, and use this to contribute to ongoing collective and personal resistance to systems of oppression.

**WHY WAS I SURPRISED?**

The conditions in the Eastern Avenue detention centre, housed in an old movie studio, were much as they have been described in personal accounts and in the media since that weekend. We were kept in wire caging and it was freezing cold. The food was barely edible and we had little water. Few of us were given access to phone calls or counsel. People were denied medical care, and everyone faced a barrage of threats, insults, intimidation
and open antagonism from the court and police officers that were running the detention centre. While I was detained, I was acutely aware that these conditions are reflective of the realities of incarceration everywhere; I kept reflecting on how what I was experiencing in detention reinforced truths about state repression that I had experienced and been exposed to in the past. I know that the *purpose* of imprisonment is to strip you of your dignity, strength and willingness to fight. So given this awareness I cannot help but ask myself, why was I so surprised that all of this happened?

I grew up with a lot of Canadian pride. I was born here, but my family is from India, and we would often go visit my relatives there. From a young age I was exposed to the harsh realities of daily life in lower income parts of the world. I saw other children my age, and compared their existence with my own, knowing I had done nothing in particular to deserve the privileges that I have. It became inherent in my understanding that there is very little justice in this world. But until relatively recently, I’ve focused on the shortcomings of other systems and the brutal nature of regimes outside of Canada. I spoke out against the persecution and imprisonment of dissenting political voices abroad. I understood that there was a great deal of injustice in this country, but in my mind, life in Canada was always relative to life under other, more repressive regimes.

A major shift in my mentality started a couple of years ago when I began working intimately with communities that are moving through the nightmare that is the Canadian immigration and refugee system. Though I grew up in an immigrant community and have worked with migrants in the past, I suppose I was never forced (or perhaps I just never chose) to critically examine this structure in the way that I have recently. I did not expect a system that so openly and unapologetically propagates racism and intolerance.

Working in this field also exposed me to the cruel and shameful world of immigration detention, which is arguably the most brutal form of “short term” detention in Canada. I place these words in quotations because in reality, “short term” frequently means several months or even years of confinement. Thousands of people from vulnerable, racialized communities are deprived of their liberty and separated from their family and friends sometimes indefinitely. Non-citizens detained pursuant to a security certificate are most often held indefinitely; are deemed too dangerous to be released into society, while the *Canadian Charter of Rights and Freedoms*
simultaneously prohibits their deportation to a country where they might face torture or death.\textsuperscript{5} Non-citizens who have been convicted of a crime face the additional risk of "double punishment" whereby they remain in prison on an "immigration hold" even after their criminal sentences have been served, sometimes for a length of time exceeding the original sentence.\textsuperscript{6} What is particularly notable about detention in the immigration context is the absence of the requirement of culpability in order to detain, which as remarked by the Federal Court itself, is an "extraordinary" power.\textsuperscript{7} The \textit{Immigration and Refugee Protection Act} authorizes the detention of foreign nationals on grounds that could encompass virtually anything, including the suspected inadmissibility of a \textit{family member}, something that may not be in the direct control or even knowledge of the person detained.\textsuperscript{8} In addition, the standards for assessing these grounds are often based on norms in the Global North.\textsuperscript{9} For example, in applying an unrealistic standard of what constitutes a "reasonable proof" of identity, immigration authorities may not be satisfied with explanations as to why a document cannot be produced, a conflict which may go on for months.\textsuperscript{10} This may also be interpreted as lack of cooperation, a highly normative concept, which in turn increases the perceived likelihood that the individual will not appear for an examination or removal, and therefore leads to ongoing detention.\textsuperscript{11} Even those who do comply with these rules continue to feel the hand of the state blocking their paths forward and directing them instead to the exit. As Pratt well articulates, immigration detention "has no official purpose other than to confine and ultimately expel the actual bodies of undesired noncitizens".\textsuperscript{12}

While in detention, thoughts of people I had worked with in this context and what I had learned from their experiences returned to me. I thought about families being stripped of their freedom and dignity in the way I had, and about the everlasting impact of this degradation on communities and relationships. In the months following, I continue to draw strength from focusing in the resilience of people who survive this unjust system.

My initial astonishment at the sheer level of injustice in the immigration and refugee system is a sentiment that was mirrored through my experience of summit detention. I simply did not anticipate the brazenness, the scale and the visibly pre-planned nature of state repression during the G20. The defensive response of the Toronto Police Services and the Harper government to post-G20 criticism has only added insult to the injury of profit-driven policy objectives that drove human rights abuses, and necessitated the pre-emptive
use of fear tactics and media manipulation to justify the expenditure of more than 1 billion dollars over the course of 3 days. Canada's ravenous and seemingly insatiable appetite for the almighty dollar is glaringly demonstrated by (but by no means limited to) its violent and unapologetic activities in the tar sands on stolen indigenous land in Western Canada, or abroad through the unfathomable destruction being caused by Canadian mining companies throughout Latin America and Central and Sub-Saharan Africa. In seeking the continued proliferation of such policies during the G20, the state felt the need to criminalize the forces that threatened these interests, which it did through the arrest, detention, intimidation and demonization of community members, activists and organizers, dissenting on the streets and in their personal lives. It should also be noted that this 1 billion dollar figure does not account for the cost of prosecutions, and may not account for the cost of surveillance and infiltration into the lives of activists and community groups in the year and a half leading up to the G20, which included the use of undercover operations, surveillance teams and comprehensive intelligence gathering, the extent of which is still being uncovered. But at the same time, this outrageous expenditure of resources also demonstrates the immense power of my friends and allies to elicit such a response by the state, and as we come together, we are only getting stronger.

**BEING FORCED TO BOW TO THE POWER OF THE STATE**

At the same time that my eyes were being opened to the realities of immigration detention, someone very close to me began working in a men's correctional facility in Ontario, and we spent a great deal of time sharing thoughts and experiences. One topic we discussed that continues to resonate with me is the trauma of segregation. The stated legislative purpose of administrative segregation is to keep the prisoner away from the general prison population if it is believed that he/she/they would jeopardize the security of the penitentiary or other prisoners, or for their own safety. My friend recounted one occasion when she went to go visit with a prisoner who had been placed in segregation. He was kept in a small room by himself, and there was a slot at the bottom of the door. Both the visitor and the prisoner had to kneel at this slot in order to communicate with each other. I remember my friend describing how sick this made her feel, how degrading
and humiliating this experience was both for the prisoner and for herself. Correctional workers and society at large, she felt, were trained to assume the worst of prisoners, all in the name of safety.

This recollection stands out to me as one which so clearly reveals the ultimate purpose of such measures as segregation. While safety is the ostensible concern in the institutional context (due to the state created systems that perpetuate this prison violence) forcing the inmate to kneel to communicate or to receive food and water does nothing to protect the safety of the institution; rather it serves as a forceful physical and psychological reminder that the prisoner is ever at the mercy of the state.

This goal of inducing powerlessness in the prisoner played itself out in several forms while I was being detained. Being forced to beg for basic necessities such as food, water and medical attention were tactics aimed at ensuring we knew who was in control of the situation. More degrading still was that some women, in their desperation, eventually felt forced to resort to their sexuality to negotiate for their needs, through flirtation with guards or offering them sexual favours. The sense of powerlessness and sadness that was felt by the outsider visiting segregation also highlights a key component of the G20 aftermath; the feelings of impotence and helplessness that were felt by those who had not been detained themselves, or who hadn’t even been out on the streets protesting. Sharing in those feelings with people in my life and experiencing them myself has been difficult but also healing, and it reminds us that systems of oppression are all fundamentally rooted in the same ugly things: ignorance, intolerance and greed. Exposing these roots strengthens my resolve and makes me realize how many allies we actually have in this fight.

INJUSTICE ACROSS BORDERS

In 2009 I had the opportunity to speak with prisoners and prisoners’ rights organizations in Malawi, while carrying out a research project on the sexual and reproductive health rights of prisoners. I was overwhelmed by the enormity of the challenges that lay ahead. As in most all countries, the rights of prisoners are seen as somehow separate and different from human rights generally, and fighting for these rights is low on the list of societal concerns. In line with this, prisoners’ rights fall at the bottom of the list of government priorities as well. As a very low income country, conditions in Malawi are
compounded by extremely limited resources in the prisons themselves. There is virtually no legal representation or legal aid. Most prisoners are on remand and have been incarcerated for 5 or 6 years, without ever having gone to trial. I spoke to many women who had been sentenced to several years behind prison walls for trying to defend themselves against abusive partners, because they did not know how to plead self-defence. Many prisoners I spoke to had not even heard of bail. Extreme overcrowding also results in serious food shortages and many health issues, particularly HIV/AIDS, tuberculosis, and hepatitis.

One prisoner in particular who I interviewed in Malawi kept coming to my thoughts while I was detained. He was a very warm and open person, who I kept in touch with after I left. He had been behind prison walls for several years; and I couldn't help but marvel at the kind of strength it must take him every single day to keep moving forward. I thought about him constantly while I was detained, in part because his resolve was inspiring to me, but also because as horrible as it was in detention, I kept saying to myself, at least I'm not being detained in India, or in Malawi. As much as my detention felt endless and terrifying, I knew I would be getting out.

But, I did get a taste of it. Experiencing the loss of my freedom and dignity through direct state violence has given me an awareness and sense of solidarity that I could never had gotten otherwise. It has created a visceral, tangible link between my lived experience and that of prisoners I met in Malawi, and all other communities that have experienced various forms of state oppression. I feel that this is a unique understanding that will continue to remind me what is important in life, and connect me to ongoing struggles and resistance.

THE POWER OF EXPERIENCE

After about 15 hours in detention, I hit what was my ultimate low. I had just spoken to duty counsel, who told me I might be held indefinitely. One woman in my cell had a serious panic attack and the guards simply watched, refusing to give her medical attention until she fell to the ground because she couldn't breathe. The guards forced us to carry her to the door of the cage before they would provide her with assistance. At this point, we all cracked. I felt no one could help me or hear me, and I was utterly powerless. After about an hour or so, we calmed a little. We told each other that there would be accountability and retribution for this. This would not defeat us,
but make us stronger. If we didn’t fight harder than ever, then the whole
time in detention will have been in vain.

It is undeniable that people and communities of colour experience
a disproportionate amount of policing and state violence; it is therefore
problematic and counterproductive to particularize what happened during
the G20 and to differentiate the summit detention experience from daily
lived realities of police repression and incarceration in communities here
and abroad. In every single province and territory in Canada, the number
of aboriginal adults in correctional services is far greater than their
representation in the overall population, a number which appears only to be
growing. Harassment and abuse at the hands of the police are a common if
not daily occurrence for non-white youth across Canada. Visible minorities
are subjected to racial profiling by Canada Border Services Agency (CBSA)
officers and police officers alike, and non-status people are detained and
deported on a daily basis. The existence of these realities are often
overlooked by the public at large, and there is a palpable, justified anger in
various segments of the population that it took a few hundred upper middle
class, mostly white people getting arrested in order for any thought to be
given to the everyday state violence in non-white communities.

But at the same time, what happened at the G20 was a particular
experience. It was the largest mass arrest in non-war-time Canadian history,
with 1,105 people taken into custody. This can be compared to the (equally
 alarming) 850 arrests made during the Clayoquot logging protests in 1993,
and 465 and 463 arrests respectively during the 1970 October Crisis and
the 2001 Quebec City Summit of the Americas. And it should not be
forgotten that the G20 arrests arose out of a beautiful thing: thousands of
people out in the streets demanding, rights for marginalized peoples, even
if these community members (such as people with precarious status, people
of colour and indigenous people) were not themselves proportionally
represented in the detention centre.

The more I reflect on the events of that week in June, the clearer it
becomes that what happened at the G20 afforded us a unique opportunity
to increase the traction of existing community mobilization against various
forms of state repression. Maybe it has just been my exposure or within my
circles, but I do feel that the G20 events served to bring light to the ongoing,
daily criminalization of poverty and of racialized communities. There are
people around me who have had their eyes opened to these realities; and
are looking to fight against them. And we are coming together- people are meeting talking listening and strategizing about how to integrate the G20 moment into the larger issues from which it arose. The feelings of anger and frustration due to the attention garnered by the G20 arrestees are well justified, and we must work to ensure that the G20 does not remain the only focus. But we also cannot continue to focus on whether or not the police oppression we experienced during the G20 is a "valid experience of state oppression", because then we risk losing our momentum. To let this experience pass without harnessing its potential would be a grave mistake.

RESILIENCE

When I think about my time in detention now more than a year later, it is the moments of resistance that stand out the most. One form of this that I remember vividly is how throughout our confinement, the detainees would periodically begin shaking their cages, resulting in a very loud thunder like noise. This in turn shook all of our cages, because they were attached to each other. It happened in waves, where one cell would yell something and start shaking their cage, and others would follow, like a ripple, until it was deafening. It was simultaneously the most disturbing and the most intensely beautiful and powerful thing that the prisoners could do. It was something we could control; it was something hated by the police and court officers guarding our cages. It was something we could do collectively without seeing each other, and it was a form of physical resistance. The girls in my cell would frequently get up and shake the cage very loudly and violently for long periods of time. Though I didn’t join in, I would close my eyes and listen to the fierce sounds of resistance- it soothed me, in a strange way. Increasingly, I am trying to ensure that it is these forces of resistance, rather than the brutality and repression of the police, that resonate with me in my work and life. I carry them forward.

ENDNOTES

1 G20 France Presidency 2011: <http://www.g20.org/about_what_is_g20.aspx>.
2 Toronto Community Mobilization Network, group description. 2010, online: <http://g20.torontomobilize.org/getinformed>. For a critical historical analysis of community organizing in Toronto and how this informed and influenced G20 organizing, see Lesley J. Wood, "Bringing Together the Grassroots: A Strategy and

3 Public Works Protection Act RSO 1990. The Public Works Protection Act (PWPA) was passed in secret by cabinet several months prior to the G20 summit. The McGuinty government has been heavily criticized for such actions and the law is now set to be repealed. For a report condemning the use of the PWPA by former chief justice Roy McMurtry, see “Report of the Review of the Public Works Protection Act” April 2011, available online: <http://www.mscs.jus.gov.on.ca/stellent/groups/public/@mscs/@www/@com/documents/webasset/ec088595.pdf>.


8 Immigration and Refugee Protection Act (IRPA), S.C. 2001, c. 27 at s.42.


10 Ibid at para. 75.


12 Anna Pratt supra note 6 at 26.


In 2008-2009 CBSA reported 13,249 removals from Canada, see: CBSA Detentions and Removals Programs- Evaluation Study Final Report, November 2010: <http://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/ae-ve/2010/dr-rd-eng.html#s01x1>. However, if we adopt a more expansive definition of deportations adopted by various migrant justice groups, which may encompass coercions (people leaving without being physically removed), exclusion notices, repatriation of temporary foreign workers and those with expired study permits and visas, then this figure for deportations can be at least doubled. See: No One Is Illegal Toronto, “Detention and Deportation. Online: <http://toronto.nooneisillegal.org/node/376>.


However this is in no way to diminish or downplay the presence of people with various characteristics of marginalization who were in fact detained during the G20.

ABOUT THE AUTHOR

Swathi Sekhar attended law school in Toronto. She was arrested for breach of the peace while legal observing for the Movement Defence Committee during the G20 summit protests. She was held at the detention centre on Eastern Avenue and Pape for 22 hours, and was subsequently released without charge on condition that she not attend any other G20 related activities.
Political Protest, Mass Arrest and Mass Detention: Fundamental Freedoms and (Un)common Criminals

Debra Parkes and Meaghan Daniel *

A poster depicting upraised fists and the words, “No Justice. No Peace”.1 has a prominent place in author Debra Parkes’ office. The mass arrest and detention of over 1,105 people during the G20 summit in June 2010,2 including author Meaghan Daniel, prompted us to reflect on the connections between justice and peace and in particular, between peaceful protest, policing, detention and the justice system. One of the more striking facts to emerge from the largest mass arrest in Canadian history is that well over 800 of those arrested were never charged with any offence.3 The basis for most of those arrests was a virtually unrestrained police power of arrest for “breach of the peace,” an arcane law that Canada inherited from the English common law and then preserved in sections 30 and 31 of our Criminal Code, R.S.C. 1985, c. C.46. Pursuant to this power, some 714 people were detained, mostly in the temporary holding facility (the Prisoner Processing Centre) usually for just under 24 hours, before being released.4 The record breaking weekend of mass arrests and temporary detention of people described as “innocent bystanders” and “peaceful protestors” provoked an ongoing conversation about the criminalization of protest. It is our hope to extend this conversation beyond these (un)common criminals to the “every day” processes of criminalization and imprisonment that go largely unquestioned in this country. For one of us, the event and its aftermath were very personal. For both of us, the issues are both legal and political. This co-written piece is an attempt to sort through and share our thoughts about the G20 summit weekend and its still-unfolding aftermath.

In the sections that follow, we share the narrative of Meaghan’s arrest and detention while participating as a legal observer during the G20 summit weekend. In the course of telling that story, we briefly reflect on two themes: (1) the criminalization of dissent, including through the power to arrest for “breach of the peace” and the apparent impotence of constitutionally entrenched rights to free expression and peaceful assembly to restrain such police power; and (2) connections between the experiences and activism of the G20 detainees.

* The authors thank David Meagher for his research assistance and the Social Justice and Human Rights Research Project (Faculty of Law, University of Manitoba) for its support of this research.
and the thousands of other prisoners in Canada – these “common criminals” with whom progressive social movements have not always seen common cause. This is a moment for the 1,105 journalists, students, lawyers, unionists, concerned citizens and bystanders-become-activists to join the social movements for global justice, penal abolition, and prisoners’ rights.

ARREST ON EASTERN AVENUE: WHOSE STREETS?

I was arrested outside the Prisoners Processing Centre in the early morning of June 27, 2010. I was there to show support for those arrested the previous day, to find a missing friend, and to act as a legal observer. I arrived to a loud but peaceful protest, mostly confined to the sidewalk across from the Centre. There was a band playing, people dancing, and people visiting and people chanting.

The police presence seemed to be continuously growing. At 1:40 a.m. there was an announcement from a protester who said:

I just got a word from the police officers. They don’t want us to be out here anymore. In 20 minutes or so someone is going to come out and they’re going to read us a proclamation telling us that we have to go home. But we’re not. you know what, we’re not breaking any laws here, we’re having a fucking dance party. So we’re going to keep dancing. Look it’s important, the world is watching right now, we want them to see who we really are, which is we are peaceful protesters here in solidarity with our friends and family who were taken hostage by this racist state. So when they try and take us, if they try and take us, just keep fucking dancing.

So we did. However, a number of us decided that while we wanted to show solidarity and strength, we also wanted to attend the protests tomorrow. We decided to wait until the “proclamation” was read, and then follow police orders and leave. In the meantime, we continued to dance, and chant with our fellow protesters, “This is not a riot! This is a dance party!”

The police presence became incredible and intimidating. We were surrounded on all sides with riot police two to three deep. The police then announced: “For your own safety, you are now requested to leave this area”. People immediately shouted back the obvious question: “How?”
After a pause during which an organizer attempted to engage with them, we heard this:

Ladies and Gentlemen. Ladies and Gentlemen, this is the second police warning. The behaviour of some members of this demonstration is causing a breach of the peace. It has been determined that reasonable grounds to arrest exist and that force may be used. For your safety, you are now being requested a second time to leave this area.

We were still surrounded on all sides at this point. People immediately started yelling, "We don't have any way to leave, you've blocked off all of the exits!" and "How do we get out?"

Eventually, the police opened up a small exit for us to travel away from the area. I was toward the back of the dispersing group, as I was trying to observe what was happening to those who might choose to stay. In the end, everyone chose to leave. However, I only managed to get a block and a half away when the police cut the slowest 40 or so of us off from the rest of the group and surrounded us again.

There was a great deal of confusion. We asked them to let us leave, and promised we would move faster. They began to arrest us one by one.

Each of us were put in zip tie handcuffs and led over to the opposite sidewalk. I was searched and the first thing they found was my Law Society ID card. Its discovery started a flood of comments. My arresting officer said that I probably did not need him to read me my rights. I told him I wanted everything I was entitled to. He then informed the surrounding officers that I was a lawyer. They asked me not to sue them. I said I could not promise anything.

My arresting officer told me if it had not been for those burning cars that they would not be treating us like this. He also said I was just going to be detained for a little while and then let go if I continued to act reasonably. I had two questions in my mind. Was this not "arbitrary detention"? And what the hell did reasonable mean anymore?

After spending the rest of the night in the detention centre, sometime the next morning I was told that I had been arrested for causing a breach of the peace.
FUNDAMENTAL FREEDOMS AND
THE CRIMINALIZATION OF DISSENT:
THIS IS WHAT DEMOCRACY LOOKS LIKE

My (Meaghan's) experience of arrest and detention during protest is far from unique. The Movement Defence Committee (MDC), the Canadian Civil Liberties Association (CCLA) and various other police accountability bodies (both established and ad hoc) collected hundreds of similar stories from entirely peaceful protestors and bystanders who were arrested, detained, searched, and/or subjected to other “public order policing” tactics such as the kettling of approximately 300 people on the corner of Queen Street and Spadina Avenue.5

The right to peaceful protest is not clearly guaranteed in the Canadian Charter of Rights and Freedoms. Instead, dissenters rely on a collection of rights listed under the heading “fundamental freedoms”: that of conscience and religion, of expression, of peaceful assembly and of association. It is hard to imagine a collection of rights more important (in theory, at least) to a liberal democracy than those that purport to protect the right to be critical of government.6 As McLachlin C.J. and LeBel J. stated in Retail, Wholesale and Department Store Union, Local 558 v. Pepsi-Cola Canada Beverages (West) Ltd:
Debra Parkes and Meaghan Daniel

The Court, moreover, has repeatedly reaffirmed the importance of freedom of expression. It is the foundation of a democratic society... The core values which free expression promotes include self-fulfillment, participation in social and political decision making, and the communal exchange of ideas. Free speech protects human dignity and the right to think and reflect freely on one's circumstances and conditions. It allows a person to speak not only for the sake of expression itself, but also to advocate change, attempting to persuade others in hope of improving one's life and perhaps the wider social, political, and economic environment.

The Supreme Court of Canada has said in a number of freedom of expression cases that political speech is at the “core” of the s. 2(b) guarantee. However, certain forms of political speech (those that could be labeled direct action or civil disobedience) from certain ideological stand points (those on the political Left) have historically been repressed through controversial and often violent police tactics. The nature of the assembly and speech as oppositional to government clearly matters in terms of the police response. For example, the massive police presence mobilized in relation to the Toronto G20 protests (nearly 20,000 officers to police demonstrations that attracted 30,000 people) dwarfs the relatively restrained police response to the anticipated crowds of drunken hockey fans gathering in Vancouver in June 2011 (300 officers deployed for an anticipated crowd of at least 100,000), and an anti-abortion protest on Parliament Hill, attended by over 10,000 people (including 20 Members of Parliament) in May 2011 attracted a minimal police response. Another striking example of the criminalization of dissent can be found in the extremely restrictive bail conditions imposed on activists arrested in advance of the G20 protests, including that they not plan, attend, or participate in any public demonstration (which has been defined as any public event where political views are expressed).

On liberalism's own terms, the fact that those who assemble and march do so with the risk of facing police practices of kettling, arrest and detention should raise serious concerns about our commitment to these “fundamental freedoms.” Yet the right to peaceful assembly has rarely figured in Charter litigation and has not been given any meaningful content by Canadian courts. For example, in Reference re Public Service Employee Relations Act (Alta.) (1987), a case in which the Supreme Court held that the Charter did not protect a right to strike, it was simply stated that freedom of peaceful
assembly is closely related to freedom of expression. It is perhaps for this reason that the CCLA calls freedom of peaceful assembly the “maligned freedom.” While freedom of peaceful assembly is often held to be derivative of freedom of expression or association, it is more than this. It is, or should be, about protecting the right to collective direct action.

Most disturbingly, at the same time as the freedom of peaceful assembly has been given little to no content in Canadian law, the government has been increasing the discretionary powers of the police. This is not unique to the Canadian context. In the United Kingdom:

Despite the positive promise of the Human Rights Act 1998 (HRA) the courts have been slow in practice to increase the scope of rights available to protestors. Parliament, on the other hand, has been quick to hand out new statutory powers – under the Terrorism Act 2000, the Criminal Justice and Police Act 2001, the Anti-terrorism, Crime and Security Act 2001 and the Criminal Justice Act 2003 - which all increase the scope of police to prevent the free movement of protestors and other members of the public, and the free expression of political protest.\(^{13}\)

These police powers, including specifically the power to arrest for “breach of the peace” have been increasingly utilized to criminalize protest.\(^{14}\) Naomi Klein has described the escalation of security tactics to counter protesters at recent summits, noting the ways that the policing at these events has normalized violence to the point that it is the expected outcome, not a rare event. In such an environment, police legitimate the use of surveillance, pre-emptive arrests, intrusive searches, designated “free speech zones,” indiscriminate use of tear gas and pepper spray in the name of “security”.\(^{15}\) These tactics create what has been described as a “creeping criminalization, even terrorization, of dissent.”\(^{16}\)

In the United Kingdom, there has been more litigation to date over the limits (such as they are) on “public order policing”. Following the use of kettling at the May Day or International Workers’ Day demonstrations in 2001, a peaceful demonstrator brought a challenge to the courts, claiming for false imprisonment, and for breach of the claimants’ rights of liberty enshrined under section 5 of the European Convention on Human Rights.\(^{17}\)

Explicitly stating that the police cordon was pre-emptive to anticipated violence from all of the protestors (as the police held the belief – apparently reasonable in the eyes of the court – that all of the demonstrators were
about to commit a breach of the peace), the House of Lords found that the resulting seven hours of detention were largely due to the actions of the protesters, and not to the overreaction of the police:

The judge held that it was not practicable for the police to release the crowd earlier than they did. For them to have done so earlier would have been a complete abnegation of their duty to prevent a breach of the peace and to protect members of the crowd and third parties, including the police, from serious injury. The policy that was communicated to police officers was that they should seek to identify and release those who obviously had nothing to do with the demonstration but were caught up in the cordon because they had just happened to be in Oxford Circus. This was subject to their discretion to release individual demonstrators...  

In the end, the police tactic of “kettling” protesters on the streets received the imprimatur of legality by the House of Lords, though this decision is now under appeal to the European Court of Human Rights. It was later stated by Denis O’Conner, Her Majesty’s Chief Inspector of the Constabulary, that that the House of Lords ruling in Austin had been misunderstood by police, specifically in the context of reviewing police use of the tactic at G20 summit protests in London.

By 2011, the use of the tactic was again before the courts. In Moos & Anor, R (on the application of) v. Police of the Metropolis, the court was considering the actions of the police at the G20 summit protests in London. During the summit protests, a peaceful Climate Camp demonstration was kettled by police to prevent violent protestors who were being dispersed from another area from joining the group. It was anticipated that if these violent protestors joined the peaceful group, a breach of the peace would result. The Court condemned this use of the kettling tactic finding that there was no reasonably apprehended breach of the peace, which justified the protestors’ containment. While there was a risk that violent protestors would join the peaceful camp, this risk was not imminent.

In the Canadian context, the underlying power of arrest for breach of the peace, outlined in section 31 of the Criminal Code, is as follows

31. (1) Every peace officer who witnesses a breach of the peace and every one who lawfully assists the peace officer is justified in arresting any
person whom he finds committing the breach of the peace or who, on reasonable grounds, he believes is about to join in or renew the breach of the peace.

(2) Every peace officer is justified in receiving into custody any person who is given into his charge as having been a party to a breach of the peace by one who has, or who on reasonable grounds the peace officer believes has, witnessed the breach of the peace.

While Canadian case law requires that “breach of the peace” must be an act that results in actual or imminent threatened harm to person or property, the hundreds of arrests for breach of the peace, including my (Meaghan’s) own took place well after the much-publicized burning of police cars. However, my and other first-person accounts indicate that the police were relying on these events – well removed in time and place – as justification for the mass arrests.

Serious questions arise about the use of this police power and its relation to freedom of expression and freedom of peaceful assembly, under the Canadian Charter. However, as noted above, these questions have not been brought before the courts. The main problem associated with this law becomes clear when one looks at the mass arrests at the G20 summit: it requires a discretionary call by the police that the protest is not peaceful, or rather, that there are immanent threats to persons or property. Indeed, the Law Reform Commission of Canada recommended abolishing this arrest power because it is based on an “exceedingly vague standard”. With relatively little guidance from the courts and the legislatures, the police are left to determine whether a protest is peaceful, or not.

And they often get it wrong. The case of Laporte v Chief Constable of Gloucestershire Constabulary concerned a protest at an airbase in Gloucestershire. Passengers in buses headed towards the protest were intercepted by police, and made to return to London with police escort. The police explained their actions by stating that some of those on the buses were intent on causing a breach of the peace. The House of Lords held that the common law entitled and bound police officers and citizens alike to seek to prevent, by arrest or action short of arrest, any breach of the peace occurring in their presence or which they reasonably believed was about to occur. However, if no breach of the peace had actually occurred, a
reasonable apprehension of an imminent breach of the peace was required. As there had been no indication of any imminent breach of the peace the police were held to have interfered with the right to demonstrate at a lawful assembly. This decision is a relatively rare example of judicial limits being placed on public order policing.

There is a sense in some legal circles and in the popular media that Canadian courts have been strong protectors of civil and political rights — and, to a certain extent they have: freedom of expression has been given a very broad interpretation ("any attempt to convey meaning") and certain laws limiting certain kinds of expression have been struck down by the Supreme Court. In addition, the Charter has probably had the largest impact overall in the context of legal rights of accused persons on arrest and detention (rights to counsel, rights against unreasonable search and seizure, etc.), largely due to the operation of section 24(2) of the Charter which provides for the exclusion from a subsequent criminal trial of some evidence obtained in violation of the Charter, although even those gains have been limited.

However, the level of commitment to civil liberties has always been uneven in Canada. Douglas Hay once noted in Canada has "a history of suppression of civil liberties inferior to few jurisdictions in the common law world" before observing that Canadian judges have not played the role of strong defender of civil liberties in many of these instances: "The assumption that judiciaries are particularly willing to contest oppressive laws in such circumstances is one belied by much of the historical record and by recent responses in other countries."

And in the aftermath of the G20 summit weekend, many submissions were directed at the fact that the criminalization of dissent by the police was nothing new. As the Movement Defence Committee stated to the House of Commons Standing Committee on Public Safety and National Security investigating the G8 and G20 meetings:

The G20 policing and resulting civil, political and human rights violations was not a random blip in our country's otherwise solid record of respecting the rights of its citizens and residents. It was, in fact, the most obvious and recent example of a long tradition of state interference against social justice critics of government policies, a pattern that seems to have become even more pronounced with the current Harper Conservative government.
CAGING PROTEST: INCARCERATION IN THE EASTERN AVENUE DETENTION CENTRE

I entered the PPC in the middle of the night, sometime after 2:00 a.m. During my 20 or so hours of detention I was shuffled through four different cells, I was searched three different times, and I met approximately 75 women.

The conditions of the cages were hard. The lights were harsh. The temperature was kept very low. Many were kept in handcuffs the entire time. Some cages were crowded to the point that not everyone had room to sit on the floor. Some of us lacked for food and water. All of us lacked for information. It was impossible to sleep. It was difficult to keep calm.

I have since joked that I was “working” the entire time that I was in those cages. In truth, sitting on the privilege of being a lawyer in jail, I couldn’t help but feel responsible to address, or rather, be incredibly angry at the rights abuses I was witnessing. I attempted to advocate for one lone young offender, in one of these cages filled with adults, who had not had any contact with her parents since being picked up the day before. I attempted to advocate for another woman who was being denied a request to find her belongings and bring her medication. I attempted to explain the justice system as best as I could to those who had questions, but I wasn’t sure my answers were the answers anymore.

It was in my first cage that I was recognized for the first time. I had spent my articling year as a clerk of the Superior Court of Justice. A number of the guards in the PPC were in fact court security staff. Each time I was recognized and acknowledged by a guard who knew me, I had to wonder if my fellow cellmates were suspecting me of being the least clever informant ever.

In all I was recognized four times. The fourth guard was someone I had had extensive contact with (daily throughout a four month trial) and was shocked to see me inside. Because he knew me, he helped me take care of the women in the cage with me. But when Craig found me, about 15 hrs into the experience, and in my fourth holding cage, I didn’t have to argue, I just had to ask.

I was able to get medical attention for a woman with a migraine headache (due to panic and dehydration) who was in total detained for over 30 hours. I was able to get medical attention for another woman who had been injured by police and had bruising and swelling around her eyes and upper arms. I was able to get food for a woman who had not eaten in over 24 hours because of her allergies.
I was also able to provide some advice to those experiencing panic attacks, having spent a year at a crisis shelter as a counsellor in a previous life. However, I was myself panicking. The women began breaking down in their efforts to cope. I had one woman brought into the cell who had been walking toward Queen’s Park, the “designated free speech” zone, with a dust mask hanging from her pants pocket to protect her in the event of tear gas. This lovely young woman from Montreal broke down as she told me of the humiliation of being strip-searched. I cried too.

At the same time, many would occasionally join the relentless resilience: my cellmates were singing, chanting, railing against the guards and shaking the cages so they could hear our rage, negotiating for what we needed and deserved and had a right to, and building friendships both within the cages and through the walls.

The one thing I could not get was a phone call. Demands for lawyers were coming from all directions. I was informed on a number of occasions that I had a right to counsel. However, as the exasperated guards explained, when they designed the mass detention centre, they only put in eight phones. It took 20 hours before I was finally allowed to phone a lawyer. I was eventually released roughly half an hour later, around 10:30 p.m. on Sunday night.

I did not meet one person, not one, who did anything which even vaguely merited their arrest. People described terrifying police brutality, occurring in locations far from protests. People were given weapons charges for carrying lemon juice and Maalox. People were swept up expressing their dissent and stating their causes in a peaceful way.

In the days following, I realized that this event had changed me. I alternated between strength, anger, resolve, laughter, and tears. I was apprehensive at the sight of police. I spent a great deal of time helping friends find other friends, find their belongings, understand the system, and understand the legal recourse they can take against the police and the government. I eventually left Toronto for a while.

One of my coworkers said something that helped. On a walk, he reminded me that typically, police wield their power against the powerless. This time they abused organizers, activists, peaceful protesters, journalists, professors, lawyers and law students. And he was right.

Of all of the police actions on the weekend, this was their biggest mistake. Along with many bystanders they brought together a group of
people already committed to the movement, in the most literal sense, by detaining us together, but also by giving us a common experience.

"POLITICAL PRISONERS" AND "COMMON CRIMINALS": MAKING THE CONNECTIONS

For those interested in social justice, there is no question that it is important to highlight the massive scale on which Charter rights and civil liberties appear to have been breached over G20 Summit weekend in Toronto. The stories of mere bystanders caught up in the “kettle” on Spadina Avenue or arrested and detained for hours at the temporary Eastern Avenue Detention Centre serve to demonstrate the heavy-handed way that the police reacted to the protests. Descriptions of the utterly inhumane, chaotic, and overcrowded conditions of confinement – the lack of toilet paper or doors on porta-potties, the shivering on concrete floors without blankets, the lack of nutritional meals – are jarring and, it is hoped, raise concern in the minds of even the most complacent members of middle-class society. Yet there are important similarities with, and connections to, the policing and practices of imprisonment that go on every day across Canada. The pages of this
Journal spanning more than two decades are full of descriptions of prison conditions like these and, in some cases, much worse, written by prisoners who do not have the privilege and access to media that many of the G20 detainees have experienced.

As such, it is worth reflecting on the occasionally expressed sense of outrage that the G20 detainees were treated like “common criminals”. The people who fill Canada’s prisons and jails have (with a few exceptions) been abandoned by politicians and social movements on the political Left. In the last federal election campaign, the New Democratic Party platform’s only mention of the criminal justice system was a commitment to hire more police officers. Meanwhile, new prisons are being built and others are being expanded as Parliament passes increasingly punitive laws.

We see a similar form of selective outrage in the reaction to U.S. Wikileaks’ Bradley Manning’s detention in solitary confinement. Jean Casella and James Ridgeway at Solitary Watch have documented the extent to which “progressive writers – and their readers, if comments are any measure – have gone to some lengths to distinguish Bradley Manning from the masses of other prisoners being held in similar conditions. Whether explicitly or implicitly, they depict Manning as exceptional, and therefore less deserving of his treatment and more worthy of our concern.” They go on to note that “[m]ost prisoners held in solitary confinement are, by design, silent and silenced. Most of their stories – tens of thousands of them – are never told at all. And solitary confinement is now used as a disciplinary measure of first resort in prisons and jails across the country, so its use is anything but exceptional”. The same is unfortunately true of solitary confinement in Canada.

The arrest and detention of over a thousand protestors on the G20 weekend in Toronto opened a small window on the harms of imprisonment in Canada. The legal actions that are underway provide an opportunity for “rebellious lawyering” and connections to struggles for prisoners’ rights and penal abolition. Rebellious lawyering involves a “non-heirarchical relationship between lawyer and client... and an exploration of non-legal collective action to fight oppression”. Very few prisoners’ rights cases, particularly those that might deal with more systemic issues, are brought before the courts, due in part to the lack of funding for such cases and the related dearth of lawyers who are committed to practicing in this area. Fewer still are successful in bringing about significant change and enforcement
of basic human rights for prisoners. Yet advocating for independent accountability and oversight of prisons, as well as of police forces, is a necessary part of social justice struggles in Canada. At the same time, the resistance of these institutions to reform demonstrates the need for broader, systemic critiques (i.e., of our society's use of imprisonment more generally and of the social and economic policies that create poverty and conditions of insecurity).

In the interest of making and strengthening these connections, we recall the approach taken by the pioneering Canadian prison abolitionist, Claire Culhane, who advocated tirelessly for individual prisoners but also for systemic change in a way that was connected to other social justice struggles and movements. The letterhead of the Prisoners' Rights Group she co-founded read, "We can't change prisons without changing society, we know that this is a long and dangerous struggle. But the more who are involved in it, the less dangerous, and the more possible it will be".

ENDNOTES


2 Only 278 people were charged over the weekend. See Canadian Civil Liberties Association. "G-20 Mass Arrest by the Numbers" (7 July 2010), online at <http://ccla.org/2010/07/07/g-20-mass-arrests-by-the-numbers/>.

3 Ibid.

4 Ibid.

5 Kettling is a controversial police tactic which encompasses encircling, cordoning off, and detaining for hours groups of non-violent protestors and often unrelated bystanders, with no access to food, water, or toilet facilities.

6 Edmonton Journal v. Alberta (Attorney General), [1989] 2 S.C.R. 1326 at p. 1336, where Justice Cory said of freedom of expression that it "is difficult to imagine a guaranteed right more important to a democratic society."


8 See for example, R. v. Bryan, [2007] 1 S.C.R. 527 at para. 81 per Fish J.

9 See generally, Judy Fudge and Harry Glasbeek, "Civil Disobedience, Civil Liberties, and Civil Resistance: Law's Role and Limits," (2003) 41 Osgoode Hall L.J. 165 and articles collected in that special issue.


15 Klein, ibid.


17 Austin (FC) (Appellant) and another v. Commissioner of Police of the Metropolis (Respondent), [2009] UKHL 5.

18 Ibid. at para. 6-7.


20 Paul Lewis, "G20 police chiefs were unclear on kettling law, report finds," *The Guardian* (7 July 2009), online at <http://www.guardian.co.uk/politics/2009/jul/07/g20-policing-report-kettling>.


22 Moos & Anor, R (on the application of) v. Police of the Metropolis, [2011] EWHC 957 (admin),

23 Ibid. at para. 59.


28 E.g., Libman v. Quebec, [1997] 3 S.C.R. 569 (declaring invalid a law prohibiting third-party election spending in referendum campaigns) and R. v. Zundel, [1992] 2 S.C.R. 731 (striking down a crime of "publishing false news" which had been used to prosecute Holocaust-denier Ernst Zundel).


30 See, for example, David Tanovich, "The Charter of Whiteness: Twenty-five Years of Maintaining Racial Injustice in the Criminal Justice System" (2008) 40 *Supreme Court Law Review* (2d) 655 (on the lack of progress in addressing systemic racism in the justice system through the Charter).

centuries were all too ready to accept the opinions of the most frightened members of the governments of the day, in part because of their own social formation, role in the state, and political opinions, which overcame doubts about the need for draconian laws”.

32 Ibid., at 322.
33 (30 November 2010), online at: <http://movementdefence.org/node/32>.
34 See, for example, Ron MacPherson, “G20 site raised the risk of violence arising,” The Record (19 July 2010).

ABOUT THE AUTHORS

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The Anarchist Black Cross originated in Tsarist Russia to organize aid for political prisoners. In the late 1960s the organization resurfaced in Britain, where it first worked to aid prisoners of the Spanish resistance fighting the dictator Franco's police. Now it has expanded, and groups are found in many countries around the world. We support anarchist and other class struggle prisoners, fund-raise on behalf of prisoners in need of resources for legal cases or otherwise, and organize demonstrations of solidarity with imprisoned anarchists and other prisoners. *Active Solidarity* is our occasional newsletter, with the latest news on prisoners, repression and solidarity. We are also very involved in writing to prisoners. Prison is isolation, so contact with the outside world, letting a prisoner know she or he is not forgotten, helps break this down. Sometimes just a friendly card can boost morale.

Why do we do what we do? We live in a society where a tiny minority own the wealth, the land, run the big companies, and live in luxury on the backs of the working people who produce everything. They try to control our lives and keep us in line by every means possible. If we obey orders, work hard, do not answer back, we can live a reasonable life – until the next recession. We can help our bosses keep others down, like the police or bailiffs do, and get our rewards: power, wealth, security.

But for those of us not willing to work to keep our rulers in luxury or those who try to take back any of the wealth that we have made from the owners, there is the justice system. Strike for a decent wage, steal to stay alive, resist the control and abuse in our lives, or break the bosses' laws in any way and we face police, courts, prison. Prison is the bottom line in control – their ultimate weapon.

Prison means isolation, bloody punishments, and divided families. It drives people to despair and suicide. The whole system is built to split us up and isolate people who could set an example to the rest of us. Likewise, if we step outside so-called normal behaviour we may be stigmatised, tranquillised and ultimately imprisoned.

On the outside, fear of prison is built up to stop us from fighting back against the injustice in our lives. Myths are created about prisoners to divide us from them. Most people are inside for trying to survive. In Britain, 94 percent of recorded crimes are against property. About one third are inside
for non-payment of fines or taxes. Thousands are on remand. Many others are guilty of nothing more than being working class, Irish, black, framed by the police. Full prisons give us the impression that the police are ‘cracking down on crime’ and remind us who is in control. Most prisoners are working class people, just like the rest of us. They are not all the mad beasts that the newspapers would have us believe.

The press hype-up stories of ‘violent crime’ to give the existence of prison some justification and to divide us from prisoners. But the fact is that only a tiny percentage of crimes are violent. It is also true that such crime is not prevented by prisons. The system we live in encourages competition, power relationships and self-interest. This system is anti-social. While it remains intact, there will always be violence. Calling the shoplifter, the person on the picket line and the rapist all criminals as if there were no difference between them uses most people’s horror of anti-social violence against the vast majority whose offences are to do with property and resistance.

It should be up to us, in our communities, to deal with anti-social elements in our own ways. We do not need their so-called justice system to control us in the name of fighting crime. You will rarely see the bosses or owners in court – no matter how many laws they might break or deaths they might cause. The laws are in place for their protection. Even if they do end up in court, they often get suspended sentences or let out of prison after a few months. We most often get years.

Just as the class war goes on in our daily lives, it carries on inside prisons too. Many prisoners resist the prison system – in their own cases, individually or collectively. Their battles inspire ours and ours theirs. At any time, any working class person can end up inside. We must support prisoners in their day-to-day fight for better conditions just as we support strikes and all forms of on-going struggle.

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On our website you will find advice on writing to someone in prison:  
www.brightonabc.org.uk/writing.html
Prisoner Solidarity in the UK
Bristol Anarchist Black Cross

We are Bristol Anarchist Black Cross (Bristol ABC) prisoner support group, from southwest England. We are part of a loosely connected international network in which groups organize autonomously, with their own priorities and local interests. The primary concern of Bristol ABC is prisoner solidarity from an anti-prison and anti-state perspective – we are ideologically opposed to the incarceration and control of humans by an all-powerful state and government that acts primarily in the interests of the ruling class. A social prisoner and prison resister (name withheld), locked up for over 30 years, has this to say on the role of prisoner support: “The most important advantage of real prisoner support is that it assists prisoners in struggle to transcend their isolation and captivity and defeat one of the most central functions of prison – to isolate and dis-empower those held captive”.

The history of the ABC can be traced back to 1872 when political prisoners and their families inside Tsarist Russia were in need of support. In 1905-1906 this support spread internationally when many political agitators fled Russia into exile in Europe and North America. This activity has continued ever since wherever ABC groups have existed, providing support for both local and international political prisoners, primarily anarchists, because if we did not look after our own nobody else would.

ABC groups in the UK have diversified or branched out from supporting only anarchist prisoners over the last 30 years, however, for three main reasons. Firstly, there have been few anarchist prisoners in the UK. Secondly, there have been a number of other political prisoners in need of support, including Irish Republicans, peace activists, animal rights campaigners, and (particularly in the 1980s) workers engaged in prolonged and bitter industrial disputes. Thirdly, there is a growing awareness that social prisoners who have fought back against the repression of the prison system are part of the larger anti-state struggle.

From the mid-1970s to the early 1990s, the UK witnessed a high number of prison revolts and disturbances, provoked by inhumane conditions as well as a petty and oppressive prison regime, culminating in the Strangeways (HMP Manchester) uprising of April 1990 and simultaneous disturbances in at least 15 other prisons. Since then revolts have declined, partly because of the internal redesign of prisons isolating prisoners from one another, and also due to changes in prison management procedures alongside schemes designed to control prisoner behaviours through incentives and punishments.
This has coincided with a general decline in mass struggles in wider society. An exception to this is the on-going struggles in migrant Detention Centres, for which the No Border Network provides solidarity and support. We have also recently observed an upsurge in activity inspired by the idea of revolutionary solidarity with prisoners and against the prison society on the outside that we hope does not result in another wave of political prisoners.

There has also been a reduction in the number of UK ABC groups and supporters, from around fifteen local groups in 1995 to around three groups today. These numbers are supplemented by supporters of political prisoners engaged in targeted campaigns (i.e. Anti-fascist prisoners). Some of our present activity concentrates on international political prisoners, primarily across Europe, but also North and South America, as well as Russia. We write letters to these prisoners to break their sense of isolation, publicize their situations, and try to influence their respective governments via communications and occasional pickets. Recently there has been a great deal of support in the UK for the wave of prisoner rebellions and hunger strikes in Greek prisons. We have some contacts and joint working with ABC groups in these countries, and also distribute the Canadian published Certain Days political prisoner calendar in the UK.

On the home front we support a number of political prisoners, as well as a very small number of social prisoners – we only publicly support those prisoners who request such support. We are an open, public group, producing a monthly updated list of prisoners welcoming support and hold monthly public letter-writing sessions. A jailed animal rights activist (name withheld) stressed the benefits of receiving letters: “The meaning of this communication cannot be underestimated. It keeps you connected to the real world, not sucked into the institutionalisation of prison life! It stimulates and nourishes you mentally, emotionally and even practically. You can establish new friendships and contacts and in a minor way it keeps you in the loop of wider struggles”.

We put on fundraising cafes/film nights, benefit gigs, hold discussions and take stalls to various events. We maintain a blog and try to influence other UK social activists to understand the importance of prisoner solidarity and the prison society surrounding us. We also link to and work alongside other groups such as books to prisoners, opposition to prison expansion, queer prisoner solidarity and a campaign against prisoners being used as ultra-cheap slave labour by big business. We do not engage with prison
reform campaigns / groups on the basis that their work is prompted by a liberal morality and merely legitimises the existence of prisons by trying to make them somehow 'nicer'. We send our love and solidarity to prisoners everywhere.

ENDNOTES

1 There is in fact no formal international co-ordination, just a sharing of aims and news, informal co-operation and solidarity. In Europe, there have been a series of informal gatherings, most recently in the UK in November 2009. In North America there is the ABC Federation, but in reality the majority of North American ABC's are outside the Federation – for a current list see <http://torontoabc.wordpress.com/links/>.


6 After the decline and break-up of the USSR, anarchism re-emerged in Russia and elsewhere. Repression again followed and branches of the ABC were revived. See <http://avtonom.org/en/anarchist-black-cross>.


8 See <http://www.certaindays.org/>.

9 See <http://bristolabc.wordpress.com/tag/prisoner-list/>.

10 See <http://www.havendistribution.org.uk/>.


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The Metamorphosis Project
Ellis Nash Sr.

The Metamorphosis Project started after 11 September 2001, calling for peace in prisons across the country as well as the streets of America, in honour of the all the men and women who lost their lives on that horrific, and most tragic day. Being a voice in the mid-west, I was asked to share my views on the matter of prison abuse. I am part of communities who are trying to find alternatives to solve problems without the use of gang mentality and violence.

One such community, located at (D.R.F.) Carson City Michigan Correctional Facility, apply the golden rule in a path of growth and development. This group was founded by David Boxdale and overseen by Larry Hoover, with its home base on the Southside of Chicago. Brothers of the Same Struggle (BOSS) and other similar groups vow to educate their communities in the ways of growth and development, on how to identify prison abuse and how to report it without retaliation by staff or other prisoners.

The recent increases in discretionary power and consequent abuses by prison staff is largely a result of legislative and judicial decisions that have eroded the hard won, but short lived reforms of the 1960s, 1970s and 1980s. No one in any society has less power than the people who are held behind bars. The very nature of incarceration creates events that support the abuse of prisoners. Throw in the race issue, which is a factor which cannot be ignored in today’s correctional context, and the element of abuse becomes even more endemic. What distinguishes prison systems throughout the world is the degree to which prisoners are dehumanized and segregated from the citizenry, and the level of prison staff and its ‘official’ discretion or, conversely, the degree to which the oversight of what occurs behind prison walls is overlooked by politicians, judiciary, branches of government, and members of both the press and public.

In America, organizations such as the American Friends of Service Committee, the American Civil Liberties Union, Human Rights Watch and Amnesty International, have all attempted (sometimes with success) to influence policy and practices regarding prisoner’s rights. Historically, prisoners in America were viewed as slaves of the state. The Thirteenth Amendment specifically exempts prisoners. The Amendment provides neither slavery nor involuntary servitude, except as punishment for crime. Thus, although this country was hypothetically founded on a belief in, and
a commitment to, individual's rights and freedoms, the Bill of Rights has only applied to prisoners for the past forty years. In the wake of the civil rights and prison movements, and utilizing an expanded concept of human rights, the Supreme Court began to treat prisoners as citizens and not slaves.

Beginning in the late 1960s, a series of court decisions outlined prisoner’s rights and established standards for prison conditions and for the treatment and care of prisoners. In 1974, the Supreme Court held that, though his other rights may be diminished by the needs and exigencies of the institutional environment, a prisoner is not wholly stripped of Constitutional protections when he or she is imprisoned for crime. There is no Iron Curtain drawn between the Constitution and the prisons of this country. The Arkansas prison system was the first to come under Federal judicial scrutiny. Quickly prohibited were the long standing practices of whipping prisoners with large leather straps and using the ‘Tucker Telephone’ to administer electric shocks to a prisoner’s body. On appeal, the Eighth Circuit prohibited all forms of corporal punishment.

The present goal of the Metamorphosis Project is to verify that, before recent development of Federal judicial oversight of our prisons, a reign of terror existed in many prisons in this country. This terror was recounted in films such as Murder One - the story of Alcatraz’s dungeons and the people who were held in them for years, without any contact with the outside world. Brubaker is about Angola, the Louisiana state prison and the bodies buried beneath its walls. The film also presented a litany of abuses, ranging from the merely disturbing to the utterly shocking. Court after court uncovered evidence of system-wide abuse, and began ordering extensive injunctive relief. Although judicial intervention and oversight succeeded in limiting some of the more serious violations of prisoner’s civil and human rights, only some of those whose rights were violated were compensated. Under this intervention they were never able to completely eliminate or prevent either individual or systemic abuse of prisoners.

This paper is not an argument for judicial oversight as the solution to the problem of prison abuse, but rather is an indictment of the prison system itself. However, I do advocate for more extensive court intervention to prevent a return to those conditions of the past. Civil rights litigation, brought either by pro se prisoners’ litigations or by public interest lawyers, can have a dramatically beneficial effect on correctional institutions. However, litigation will never eliminate prison abuse, nor fundamentally change the
nature of incarceration. At best, judicial intervention limits prison abuses, but never provides sufficient principled guidance or adequate means of enforcement to prevent such abuse. It is within the context of endemic and systematic abuse that external oversight becomes the key predictor of the extent of prison abuse. Thus, it is no coincidence that as judicial oversight over prisons has been limited, we have witnessed an increase in the level of abuse in prisons.

Twenty-eight years ago after Attica, riots and rebellions are no longer front-page news. They are routine. Little is known about these rebellions because prison authorities, learning perhaps from the Attica experience, now keep the media away. In Virginia, California, Michigan and other states, reporters are now banned from routine interviews with prisoners. In 1999 alone there were significant disturbances in prisons in eight states. In New York, prisoners in Sing Sing and Green Haven spent two weeks before the Attica settlement locked in their cells for twenty-four hours a day, as prison officials reacted to a nonviolent demonstration of collective distress with parole inaction. These prisoners wore only prison clothing for several days, and had remained silent outside their cells.

External oversight of what occurs behind prison walls increasingly has come from sources other than our courts. As the courthouse doors have been closed to prisoners, segments of civil society, including academic leaders in the communities from which prisoners come from and to which they will return, as well as families and friends of those incarcerated are attempting to exert a greater impact upon what goes on behind those walls. Human rights organizations, such as Amnesty International and Human Rights Watch have launched investigations into the brutality and abuse in American prisons. They are demanding that prisons in the U.S. conform to institutional human rights standards. Now that prisoners in U.S. have lost many of their civil rights, or at least the means of enforcing those rights, protection of their universal human rights is of vital importance.

Every year, the Human Rights Committee of the United Nations reviews complaints brought before it and finds that some parties have violated the International Covenant on Civil and Political Rights by allowing, among other things, ill treatment of prisoners and inhumane prison conditions. Article 53 of the Covenant protects such rights as the right to life, liberty and security of person, and prohibits torture, slavery and forced labour. Among the remedies imposed are compensation and commutation of
sentence. If, however, we remain unable to eliminate what we all agree is ethically unacceptable behaviour, then it is time to re-evaluate the prison system as we know it.

A voice for individuals across the country who cannot speak for themselves, the Metamorphosis Project is part of the non-violence movement to help rebuild the love of community and family.

ABOUT THE AUTHOR

Born in Arkansas and raised on the streets of Chicago, Ellis Nash Sr. graduated from Lakeland College. Ellis also attended Wayne State College. A special thanks goes to his parents and to his youngest sister for all her support. He works tirelessly to stop abuse in prison.
Thomas E. Parton was born in Wellsboro, Pennsylvania in 1958. A self-proclaimed country boy from head to toe, he graduated high school in 1977 from Canton High and served two years in the United States Air Force where he received an honourable discharge. Through the 1980s he began his involvement with alcohol and drugs, which cumulated into criminal activity and years of incarceration. While incarcerated he taught himself how to read and write music, as well as play guitar. He served his time doing art and leather craft, while also earning an Associates Degree from Penn State University in 1993. Having recently been granted parole, he plans to continue his education and earn a Certified Addiction Counselling (CAC) training accreditation to work as a drug and alcohol dependency counsellor.

Front and Back Covers: “Think Down the Beast”
2010 pen and ink illustration
Thomas E. Parton

This original art piece is one of three in a series designed to encourage the viewer to interpret the prison experience for themselves. From my point of view it is about the complexity of it all – looking at both sides of the coin. It is about what we lost over our lives in coming to prison. They are about the false romance some convicts often have with crime, fast money and distorted thinking. In the end, we do not see the beast until trapped inside its gut. And if you are one of the few fortunate ones, one day you get it and realize you alone are the key.