At the heart of justice is a divine spirit. It sprouts from the same seeds as life itself. And although we can define neither life nor justice, we are able to recognize injustice, the supreme form of which is to surrender to the status quo and to sanctify the myths and fantasies that breed it, among which is the national legend that in America there is liberty and justice for all. (Gerry Spence 1989)

The mythical quality of the legend that in America there is liberty and justice for all is illustrated in the results of a survey I conducted over a four-year period (Reed, et al., in press) in which the indictments of 612 convicted felons in Ohio’s prison system were examined in cases where the prisoners had pled either ‘guilty’ or ‘no contest’ to the charges for which they were ultimately sent to prison. Before I reveal the results of the survey, I will present my own case study, as I am one of those 612 prisoners and, according to the results of the survey, my case is characteristic of the overwhelming majority of cases in which the defendant pleads ‘guilty’ or ‘no contest.’

I committed an armed robbery of a drug store in the city of Cleveland. I took measures to see that no one would get hurt in the robbery and, in fact, no one was hurt. I took the money from the store, and I took several types of drugs, all of which were listed on a piece of paper I had brought into the store with me, and each of which I placed into a paper bag that I also brought into the store. After the robbery, each of the people who had been in the store during the robbery told the police and the news reporters that I was very mild-mannered and polite for a robber – ‘nothing at all like in the movies.’ As a result, one newspaper even referred to me as a ‘gentlemanly gangster.’ When I was later arrested, these are the charges for which I was indicted by the grand jury (for the single drug store robbery described above):

- Two counts of aggravated robbery (my court-appointed attorney told me that this was because I took the money and the drugs).
- One count of kidnapping for each person who happened to be in the store during the robbery (according to the letter of the law, if a robber says ‘freeze, this is a stick-up!’ he is guilty of kidnapping anyone who freezes because in doing so they are restrained of their liberty).
- One count of drug theft.
- One count of felonious assault. (This charge was the result of one of the customers stating to the police and news reporters that when she realized the store was being robbed, she ‘almost had a heart attack.’ The fact that this was
merely a figure of speech, as well as the fact that this same customer told the police and reporters that I was ‘awfully polite for a robber,’ was totally irrelevant, according to the law.)

• One count of having weapons while under disability.
• Four counts of possession of criminal tools (a paper bag, a piece of paper and the like).

My court-appointed attorney assured me that although it wasn’t fair, I could and would be convicted for every charge listed above because technically I was guilty of each charge even though the only crime I knowingly and intentionally committed was a single robbery of a drug store. He told me that if I would cooperate with the prosecutor by pleading guilty to just a couple of the charges, he could arrange to have the rest of the charges dropped. He told me that if I would not cooperate in this matter, he would be totally powerless to defend me, and that, if I took the case to trial, I could expect to be convicted and sentenced to prison for each charge. He pulled out his calculator, pushed a few buttons, shook his head in feigned sorrow, and proclaimed, ‘I think we had better cooperate with the prosecutor, because we’re looking at 59 to 195 years in prison, if we try to take a stand at trial’ (as if we were going to do the time together).

Because I was young, scared, uneducated, and inexperienced in the workings of the criminal justice system and the law, I believed him. I also believed that if the prosecutor could be so dishonest as to have me indicted for all those charges knowing that the only crime that was committed was one armed robbery, and that, if the very attorney appointed to defend me was actually sitting here telling me to do whatever the prosecutor wants me to do and to be thankful for it, then certainly I couldn’t expect anything that would resemble a fair trial. I pled guilty to one count of aggravated robbery and one count of drug theft: two convictions for the single crime – double jeopardy. The sentences were run concurrent – seven to twenty-five years.

Of the 612 prisoners whose cases were reviewed in my survey:
• 100% pled guilty or no contest to the charges for which they were sentenced to prison.
• 41% assert that they are innocent, and that they were coerced into pleading guilty or no contest because their court-appointed lawyers refused to investigate the charges or prepare a real defense, choosing instead to ‘encourage’ the prisoner to ‘cooperate with the prosecutor.’
• 8% said that they did commit the crimes for which they pled guilty or no contest, and that they got a fair deal.
• 51% stated that although they were guilty of some of the crimes they pled guilty or no contest to, they were not guilty of all the crimes they pled guilty or no contest to (this is the category I fall into).
My review of the indictments and all applicable law indicates that 88% were over-indicted as I was.

100% were instructed by their court-appointed lawyers to state for the record (in the courtroom) that no plea bargains were made in their cases, and that they were pleading guilty or no contest of their own free will.

53% received stiffer sentences than they were promised in return for their pleas of guilty or no contest.

The overwhelming majority of prisoners in the United States are victims of coercive 'plea bargaining' and have never experienced a trial. As Caulfield tells us:

The prosecutor basically has unchecked discretion in relation to plea bargaining and charge reduction. As noted by Nissman and Hagan (1982), the prosecutor has sole discretion in charging decisions and only in exceptional cases will these decisions be judicially reviewed (Caulfield 1989: 236).

In National Prosecution Standards (National District Attorneys Association 1977), it states that what charges and how many charges will be filed in any given case is at the sole discretion of the prosecutor. Although those standards do include guidelines which state that a record of the charging decision should be made in each case and should be maintained in order to verify adherence to the prosecutor's guidelines, if one looks further, s/he will note that this record shall be available for office use only and should not be made available for outside use or dissemination. In other words, a record should be maintained, but it should not be subject to public scrutiny. If not subject to public scrutiny, these records maintain the same secrecy that exists without them (ibid.: 237).

Caulfield (1989) also points out that some would argue that there are processes built into the system to prevent the misuse of prosecutorial discretion, such as the grand jury's review of indictments. However, she observes that:

A determination of misused discretion as applied to the charging decision is not likely to be made by the grand jury even given information that supports a charge of misuse. To the contrary, as Campbell (1973) noted: 'At its best, the grand jury today operates as a sounding board for the predetermined conclusions of the prosecuting official' (p. 178). While the history of the grand jury instructs us that one of its functions is that of 'the people's watchdog,' that is, to seek out and disclose governmental abuse or detect areas in need of legislative reform ... it is difficult to regard this as true if the grand jury is, in fact, simply a tool for the prosecution (Caulfield 1989: 235).

Indeed, in the face of evidence of discretionary abuse in the form of multiple charges against a defendant for an alleged single offense in order to coerce a 'plea bargain,' the prosecutor may easily manipulate the grand jury by playing on that long-instilled mythical assumption
that 'the defendant will not be convicted by the trial jury unless he is, indeed, guilty, for this is America, where there is Liberty and Justice for All!' And if this reasoning alone can not impel the grand jury to agree with the indictments, the prosecutor has at his fingertips many more 'tools of the trade' with which to utilize his manipulative expertise. For example, if the grand jury in my Cleveland case was not quite convinced that it would be fair and just to issue 195 years worth of indictments against me for the single robbery I committed (which at that time carried a maximum of twenty-five years), the prosecutor could have simply pointed out to the grand jurors that their duly elected state legislators, who happen to be 'experts' in this very type of thing, have already carefully considered this very matter, and have determined, in their 'expert' judgment, that coercive plea bargaining and multiple indictments for single offenses - and in some cases for no offenses at all - are in the public interest. As proof, he could open Ohio's criminal law book and show them the passage that reads:

[T]his section shall not be construed to prohibit a prosecutor [from] ... offering or agreeing to dismiss, or dismissing one or more charges pending against an accused ... [or] offering or agreeing to grant immunity from prosecution ... [i]n return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused [against one or more other persons] ... (Section 2905.12 of the Ohio Revised Code).

For those who would argue that these 'plea bargaining' tactics are not coercive, take note that the above citation is located right in the middle of the criminal statute entitled 'Coercion,' which makes it a crime for everyone but prosecutors to 'threaten any calumny against any person ... institute or threaten any criminal proceedings against any person ... [or] take or withhold, or threaten to take or withhold, or cause or threaten to cause official action to be taken or withheld ... with purpose to coerce another into taking or refraining from action concerning which he has a legal freedom of choice,' such as the legal freedom of choice to be considered innocent until proven guilty in a fair trial by jury.

Others may argue that it just does not make sense that a truly innocent person would plead guilty or no contest to a crime s/he did not commit. However, consider the circumstances. You have no money, and therefore, you must rely on a court-appointed attorney whose only energy expended on the case has been utilized in an effort to convince you to plead guilty or no contest. Court-appointed attorneys have a clear motivation for this action, because they receive the same wage regardless of the outcome of the case; therefore, they make more money in less time if they can convince their client to plead guilty or no contest. In this way, they do not have to conduct an investigation or prepare a defense. You are informed that other county-jail prisoners, whom you have
never met in your life, have agreed to testify that you told them that you committed the crime. Of course, this arrangement is their ‘plea bargain’ in their own criminal charges, for which they may or may not be guilty. Their charges will be dropped in exchange for their testimony against you, the unco-operative one. And you have no alibi witnesses because you were at home alone at the time of the alleged offense. And if you have a criminal record, you know it will weigh heavily against you in the minds of the jurors – especially if your record is based on a plea of guilty or no contest, which the unknowing jurors, the manipulated jurors, will consider as conclusive proof that you are, in fact, a common criminal, an habitual criminal, a repeat offender.

Under these circumstances, who is going to believe you are innocent? What are the odds? Would you try your luck at a trial like you would try your luck at a lottery, knowing that, if you do not win, you may spend the rest of your natural life in a cage, just as your court-appointed attorney has assured you? Or would you prefer to plead guilty or no contest to a charge or two, knowing that, if this is the choice you make, you have almost a 100% chance of seeing the free world again sometime before you die? Forty-one percent of the prisoners in my survey who pled guilty or no contest assert that they are innocent. How can we be sure? I believe most of them after having read the documents in their cases - documents which are kept secret from the public as a matter of governmental policy as set forth in the National Prosecution Standards (1977).

Even if the grand jury were to function as ‘the people’s watchdog’ it is impossible for them to consider that which is withheld from them. Do you suppose, for example, that the prosecutor responsible for coercing (or ‘enticing’ with a carrot of immunity) someone to give perjured testimony against a defendant, the prosecutor responsible for withholding evidence which points to a defendant’s innocence, and the prosecutor responsible for other conduct aimed at securing the conviction and imprisonment (or execution) of a defendant he knows to be innocent is likely to exercise his discretion in good faith when the defendant he has railroaded to prison or death row attempts to press criminal charges against him for those actions? Do you suppose the prosecutor will act in good faith by presenting such charges and evidence against himself (or those he has conspired with) to the grand jury, knowing that he has the ‘legitimate’ authority, the absolute discretion, to throw such charges and evidence into the incinerator? Since it is solely up to the prosecutor what will be presented or withheld from the grand jury, it is not likely that the grand jury will ever see such evidence.

As a case in point, I had a cell mate, Jesus Zamora, who is serving a life sentence for a crime I am convinced never occurred. His conviction
(by a trial jury) was obtained on the basis of perjured testimony by every state witness who testified. We have solid evidence that absolutely every witness perjured, including a police chief who testified that he had arrested Jesus in the past for a crime that Jesus was never arrested for. We also have solid evidence that the court-appointed attorney, the prosecutor and the presiding judge all had knowledge (during the trial) that the state’s star witness was committing perjury. As indicated in the trial transcripts (*State of Ohio v. Jesus Zamora*, Case Number 84-CR-090, Wood County Court of Common Pleas, Ohio), after the prosecutor presented all the state’s evidence, the state rested its case, and it was now time for the defense to begin presenting its case.

At this point, the court-appointed attorney stated to the judge, ‘Your Honor, I believe Mr. Zamora would have a request to the Court.’ Zamora then stated that he wanted his court-appointed attorney dismissed from the case because the attorney had failed to conduct an investigation, he failed to call witnesses (or to even interview witnesses who had told him they wanted to testify on behalf of Zamora), he failed to do anything at all that Zamora asked him to do in order to prove his innocence, and Zamora could not do these things himself, because he was in jail pending trial and unable to afford bond. There was one witness in particular that Zamora wanted on the stand. That witness was subpoenaed by the prosecutor as a state’s witness, but he left the courthouse before taking the stand because the prosecutor told him to leave. That witness could have proved Zamora’s innocence. However, the court-appointed attorney stated to the judge, that he did not want to call this witness:

I feel that a large number of [the questions Zamora wants me to ask this witness] are irrelevant and other questions could bring out material that would reflect on Mr. Zamora’s prior record. I am certainly not in a position where I am going to invest as much time into a case as I have and drop a bombshell on our own defense. So, if Mr. Zamora is willing and able to waive counsel at this point, and if he is willing to proceed in his own defense, I have no objection to that. Perhaps we can find out if [the man he wants called as a witness is still] available, but I am not at this juncture going to call him as a witness. If Mr. Zamora wants to proceed on his own behalf and ask the questions he has propounded to me for [the witness], so be it.

... I think it is certainly Mr. Zamora’s desire that I withdraw and now it is my desire. If the court were forced to declare a mistrial, it is certainly not one caused by the prosecution and I think that alleviates the speedy trial statute from consideration in terms of a mistrial and that the state would have a reasonable time to retry the case. I apologize, but judge, I don’t know how I can do a good job for a man facing two mandatory life sentences who basically called me a liar in front of the Court.

After a bit more arguing, the prosecutor stated to the judge:
Little Rock Reed

Your Honor, I realize that [defense counsel] is in a very difficult position, but so, I think, is the Court, and so is the State [never mind the guy facing two mandatory life sentences – there’s nothing difficult about his situation]. We have gone through the entire trial, laid out all the cards we have, and we are at the point of giving instructions and closing. That is the point that this was brought to light. This is after the defendant has already seen what everybody has testified to and everything that has been presented. Now he is trying to get the Court to grant a mistrial and we [as in ‘we the people’] respectfully ask that the Court not do that. We have gone all the way through the trial and we are at the point of closing the case and I am sure [defense counsel] can continue in that regard and close the case regardless of whether a speedy trial is an issue. This is also regardless of whether we can retry this case. I don’t think it should be retried and we should give it to the jury and let them decide.

The judge responded by noting that the defense had not yet begun to present its case, much less rested. The prosecutor’s response to this was, ‘I understand that, but from all indications there was to be no defense and I assume that is still the case’ (emphasis added). The judge then turned to Zamora and asked, ‘Mr. Zamora, are you requesting that you represent yourself in this case?’ Realizing that he could not possibly represent himself (since he could not conduct an investigation from inside a jail cell) that he knew absolutely nothing about the law, and that he did not even possess a high-school education (rendering him hardly an effective opponent against an experienced prosecuting attorney and his many assistants), Zamora replied to the judge: ‘No.’ The judge then stated:

Well, whenever counsel for the defense takes a case, they take an obligation until they are relieved. The Court feels that it cannot relieve counsel at this juncture of the trial of such a critical nature.

Note that all of this occurred in the courtroom while the jury was out to lunch, as is often the case. The jury had no idea that any of this had taken place. When the jury returned, the defense counsel rested his case. The prosecutor was certainly right: there was absolutely no defense presented to the jury, so I have difficulty perceiving what the court-appointed lawyer was imagining when he stated that he was not going to ‘drop a bombshell on our own defense.’ What defense?

Meanwhile, Zamora is disappointed that he refused to accept the offered ‘plea bargain’ that would have resulted in his being jailed for a maximum of six months. He had refused to plead guilty to anything because he was guilty of nothing, and because he believed, like so many others who have been deceived about American ‘liberty and justice for all,’ that the jury would see the truth and find him innocent. The Ohio Supreme Court feels that the perjury is of no significance, and that the judge’s, the prosecutor’s, and the court-appointed lawyer’s knowing and willful withholding of evidence from the trial jury is of no signifi-
The mere fact that the court-appointed attorney is a member of the bar is conclusive evidence of his competence. For this reason, the claim of ineffective assistance of counsel would not be considered on appeal. Zamora gave up on his appeals. He is absolutely certain that there will never be justice in his case, because his case is no different than the cases of so many other prisoners he lives with.

Several years ago I helped Zamora prepare some criminal complaints against various people involved in securing his conviction through the use of perjury and fabricated evidence. The complaints contained solid evidence in support of his allegations of perjury and conspiracy. The prosecutor never did present the criminal charges or evidence to the grand jury. But, of course, we did not really expect for him to prosecute himself or those he conspired with to put Jesus, an innocent man, in prison for the rest of his life.

But why would a prosecutor, a judge, a court-appointed attorney, or any politician bent on building more prisons want to fill them with people, regardless of their guilt or innocence? What can the motivation of these officials possibly be? Well, I must confess, I do not have all the answers – but I think I have some of them. Perhaps, the answers to that question can be the focus of a future edition of this journal. Perhaps some of the answers are implicated in the following essays. In the meantime, I think that it would be interesting to find out how judges, prosecutors, court-appointed attorneys, and politicians bent on building and filling prisons are connected to stock-holders of the businesses that are making immense (i.e. multi-billion dollar) profits from the slave labor performed by prisoners. For contrary to common belief, the Thirteenth Amendment to the United States Constitution did not abolish slavery; it merely transformed it:

Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have [pled guilty or no contest or] been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Of course, wealth is but one motive for putting people in prison. An even more fundamental motive is control. I am reminded of a dream I had not long ago. In that dream, I saw the Persian Gulf War, and I saw people in the US military who refused to take part in the war because their consciences would not allow them to slaughter their fellow human beings for George Bush and his oil-baron buddies. I saw a lot of behavior modification and control techniques, not unlike those employed by the US military to crush the resistance of dissenters, and I realized that there is really no difference between the US military and the amerikan criminal Just-Us Cyst'm, and that they are two interrelated components of the machinery of the power elite used to control everyone, everywhere – domestically and abroad.
In 1989, a medical doctor in the Army Reserves, David Wiggins, filed for a discharge as a Conscientious Objector (CO). Although everyone in his chain of command testified to his sincerity, his claim was denied by the Pentagon in August 1990. He went on a hunger strike to protest Desert Shield, even as he was forcibly deployed to the Gulf. In Saudi Arabia, he made numerous attempts to submit his resignation as an army doctor, but his resignation was not accepted. Finally, as the bombs began to drop on Iraq, he removed his army uniform to dissociate himself from the war, and he walked into the streets of Riyadh. He was court-marshaled in Saudi Arabia and imprisoned. He was eventually given a dishonorable discharge and a $25,000 fine.

Many army and marine reservists, and soldiers who declared themselves conscientiously opposed to the war, were beaten, hand-cuffed, placed in leg irons, and forcibly shipped to Saudi Arabia where they were dropped into the middle of a combat zone by commanding officers who knew they would not fire a weapon.

Many COs today occupy amerika's prisons, having received stiffer sentences than people who went AWOL for reasons that have nothing to do with conscience. Said Harvey Hensley while starting his two-year sentence for refusing to kill people: 'The military tried to make an example of conscientious objectors in this war because it fears dissent. COs were treated worse than people who simply went AWOL.' Indeed they were. As Naomi Thiers writes:

Not surprisingly, the military is trying to downplay the resistance. Stephanie Atkinson (a CO) said she and other resisters were pressured not to talk to the media. They deny that they put a media gag on me, but that's what it was. I was told that if I talked to the press I'd be disobeying a direct order and it would make it very difficult for my case.

The military also tried to isolate resisters from other soldiers ... Atkinson recalled that when local peace groups held a demonstration against her confinement at Fort Knox, the base was put on lockdown (meaning soldiers could not leave) so that GIs would not come in contact with peace activists (Thiers 1991: 27).

Imprisonment and the use of plea-bargaining to obtain convictions is also related to the US military's intentions for the New World Order. According to a 46-page policy statement developed by the Defense Department in conjunction with the National Security Council, George Bush, and his senior national security advisors, the US political and military mission, in simple language that we can all understand, is to become the planet's dictator. It will militarily crush any nation or group of nations for 'challenging our leadership or seeking to overturn the established political and economic order.' In a March 1992 article in the New York Times, Patrick E. Tyler considers this policy:
With its focus on *benevolent domination* by one power, the document rejects collective internationalism, the strategy that emerged from World War II when the Allies sought to form a United Nations that could mediate disputes and police outbreaks of violence (emphasis added).

The US apparently intends on resolving all such disputes and policing all outbreaks of violence unilaterally, without any enforceable input from the other nations of the world. This would effectually strip all nations on the planet of their nation-state status, since there will no longer be even a pretext of self-determination, for the very right of self-determination means the right of the people of each nation to determine their political and economic status and structure without external influence. Such autonomy can not be realized by any nation or group of nations on the planet if the US succeeds in its mission to dictate 'the established political and economic order' of the world.

Of course, those who drafted this US policy realize that the masses, domestically and abroad, who are increasingly homeless and starving as a result of the 'established political and economic order,' will increasingly express their dissent. The construction of ever more control unit prisons is one means of controlling the masses in the United States. The practice of railroading dissenters and the victims of US policy into those prisons (e.g. through coercive plea-bargaining) is the only 'legitimate' way to silence the voices of the innocent masses. Another way of silencing those voices are the recommendations provided by the policy that include the Bush administration's proposal to support a 1,600,000 person military over the next five years at a cost of approximately $1,200,000,000,000 – 'benevolent domination,' indeed!

In conclusion, I want to tell you a little story. Today I accompanied a friend of mine, a black woman, to the courthouse in Cincinnati because her brother was going to trial for an alleged assault. Two days ago, my friend called her brother's court-appointed lawyer to inquire about the case. He told her it was none of her business. When we got to the courtroom, the attorney introduced himself to me, my friend, and two other people, one of whom was a doctor, all of whom were there to support the brother. He told us that the agenda was to work out a plea bargain for the brother so that he would only have to spend, perhaps, two years in prison instead of the decade he could expect if he did not plead guilty or no contest. One of us asked the attorney how badly the victim was allegedly beaten by my friend's brother. The attorney replied: 'I heard the victim was severely beaten, but I don't know to what extent any injuries were incurred. I don't know if there were any broken bones or anything. Do any of you know?' I confronted the attorney. I expressed a deep concern with the fact that he did not know the extent, if any, of the alleged victim's injuries. I asked if he had done anything to investigate on behalf of his client, and if so, what had he
done? I asked him 'how can you suggest that he plead guilty to something when you don't even know what, if anything, he has done?'

The attorney indignantly proclaimed that he was not on trial, that he would not be interrogated, and that he did not have to answer my questions. I replied 'that's because you are unable to answer my questions, Mister. You have not conducted the investigation which you are lawfully required to conduct in this case. Are you planning on railroading my brother to prison?' He blurted out, trembling in apparent fear: 'Hey, you take a hike, Pal!' He stumbled over to the other end of the courtroom and went into a closed conference with the judge (whom he had indicated is a good friend of his) and some other courtroom officials.

When they returned from the judge's chambers, one of the assistant prosecutors and two huge police officers attempted to intimidate me by talking with each other in a voice loud enough for me to hear across the courtroom. Their conversation implied that I had committed the crime of 'menacing.' I am not easily intimidated, however, and I made them understand that I was organizing courtroom witnesses for an appeal on the grounds of ineffective assistance of counsel. Everyone who heard the statement of the court-appointed attorney (that he did not know the extent of the victim's injuries) was in agreement that he was railroading our brother to prison.

The attorney and all the courtroom officials agreed too, apparently. There was no plea of guilty or no contest in that courtroom, and our brother walked out of jail and he is riding in a car with his sister to Columbus as I write this.

The point is: they can only do it to us if we let them.

The author wishes to thank Naomi Thiers, the National Interreligious Service Board for Conscientious Objectors, the War Resistance League, and the Central Committee for Conscientious Objectors for providing the information in this essay relating to the Persian Gulf War resistance and prisoners of conscience. I would also like to note that for those government agents who will undoubtedly question the validity of my claim that there are many innocent people in the prisons of the United States, and that they are being placed there knowingly and willingly by government agents, I challenge them to produce evidence that will refute my claim. This paper is extracted from one of the chapters of a book soon to be published (Reed, et al., in press), which is being nominated for awards bestowed annually by the American Society of Criminology, Division on Critical Criminology, the Academy of Criminal Justice Sciences, the Society for the Study of Social Problems (SSSP), and the SSSPs Division on Crime and Juvenile Delinquency.
REFERENCES


Having spent a total of two and a half years in this experimental behavior laboratory-type fortress, I have witnessed atrocities that are on the same par as Pinochet's concentration camps in Chile and that of Hitler's Auschwitz. (Victor Bono, Marion Captive)

Throughout the state and federal prison systems, there are circulating stories and hearsay about the Marion, Illinois Federal Prison. These tales weave their way through the grapevine and, over a period of time and distance, become mystique and legendary, especially among young prisoners making their unfortunate debut into the system. For example, in 1972 at Terre Haute Federal Prison, it was not uncommon to hear young prisoners unfold myths about an 'underground prison' called Marion, where those who entered would never see the sun again until their release. Others would claim the Control Unit at Marion was underground, and whoever was placed there would spend the rest of their sentence in it. No one really knew for sure because, up until then, no prisoner returned to Terre Haute from Marion. Real or unreal, a dread grew up around the myths. Whatever existed behind the walls of Marion generated apprehension of a legal form of assassination.

Prison officials at other institutions cultivate and exploit these fears by threatening to send certain resistive prisoners to Marion. A man is told to conform to the institution, or he will be sent to Marion to have his behavior 'corrected.' The thought of being 'corrected' by unknown means has a chilling effect on the senses, and it tends to sterilize any resistance which might exist in prison populations. Evidently, Marion was a control mechanism for the entire prison system – a penal cesspool where other institutions discarded their waste.

I was one of the so-called 'incorrigibles' who had come into conflict with Terre Haute officials, and I was threatened with being sent to Marion. After receiving an injury in the prison machine shop, where I narrowly missed losing a finger, I was patched up, administered a painkiller, and then sent back to work. Soon afterwards, there was almost a repeat of the same accident, so I decided to quit my work in the machine shop. I was immediately locked up in segregation for refusing to work, and for eight months, I continuously refused to work until I was guaranteed a job change. But the administration declared that they would use me wherever they needed me. Prisoners do not control their institution. My insistence about the work hazard led to my being shipped to Marion, no doubt to have my obstinate behavior corrected.
A BEHAVIOR MODIFICATION LABORATORY

Upon first glance, Marion differed radically in its appearance from what one would believe from the horrid myths. The ominous sword of Damocles over the prison system appeared to be no threat. But the human eye can be deceived by what is contracted on the phenomenal level. A vague but bleak sensation invades a man's being when he passes through the grill doors into the prison's interior. Each electronically controlled grill seems to alienate him more and more from his freedom—even the hope of freedom. A sense of finality, of being buried alive, is raised to the supra-level of his consciousness. He tries to suppress it, but the clanging of each door leaves an indelible imprint on his psyche. This is the first evidence that Marion is more than a physical star-chamber. It is a modern 'behavior modification laboratory.'

Behavior modification at Marion consists of a manifold of four techniques: 1) Dr. Edgar H. Schein's brainwashing methodology; 2) Skinnerian operant conditioning; 3) Dr. Levinson's sensory deprivation design (i.e. Control Unit); and 4) chemotherapy and drug therapy. And, as I will point out, the use of these techniques, the way they are disguised behind pseudonyms and under the philosophical rhetoric of correction, and even their modus operandi, violate the Nuremberg Code, the United Nations' Standard Minimum Rules for the Treatment of Prisoners, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Department of Health, Education and Welfare policy on human experimentation, and the First, Sixth and Eighth Amendments to the United States Constitution.

The constructs of the prison are somewhat peculiar. Some not-so-outstanding features do not make the least economical sense, and are often totally out of physiological order. But these features, when viewed from a psychological angle, begin to take on new meaning. For example, the prison is minced into small sections and subsections, divided by a system of electronic and mechanical grills further reinforced by a number of strategically locked steel doors. Conceivably, the population can be sectioned off quickly in times of uprising. But even for the sake of security, the prison is laced with too many doors. Every few feet a prisoner is confronted by one. So he must await permission to enter or exit at almost every stop. A man becomes peeved. But this is augmented by the constant clanging that bombards his brain so many times a day until his nervous system becomes knotted. The persistent reverberation tends to resurrect and reinforce the same sensation, the same bleak feeling that originally introduced the individual into the Marion environment. It is no coincidence. This system is designed with conscious intent.

Every evening the 'control movement' starts. The loud speakers, which are scattered around the prison, resonate the signal: 'The move-
ment is on. You have ten minutes to make your move.' The interior grill doors are opened, but the latitude and limits of a man’s mobility are sharply defined, narrowly constricted. His motion, the fluidity of his life, is compressed between time locks. There is a sense of urgency to do what prisoners usually do—nothing. It is just a matter of time before the last remnants of a prisoner’s illusion become obliterated.

At the end of the ten-minute limit, the speakers blare out: ‘The movement is over. Clear the corridor.’ The proceedings stop. Twenty minutes later the routine is repeated, and so on, until a man’s psyche becomes conditioned to the movement/non-movement regimentation, and his nerves jingle with the rhythmic orchestration of steel clanging steel. In prisoners’ words, it is ‘part of the program’—part of the systematic process of reinforcing the unconditional fact of a prisoner’s existence: that he has no control over the regulation and orientation of his own being. In behavioral psychology, this condition is called ‘learned helplessness’—a derivative of Skinnerian operant conditioning (commonly called ‘learning techniques’). In essence, a prisoner is taught to be helpless, dependent on his overseer. He is taught to accept without question the overseer’s power to control him. This rebels against human consciousness, so some prisoners seek means of resistance. Others try to circumnavigate the omnipotent force via escape.

But the omnipotent is also omnipresent. Nothing escapes Marion’s elaborate network of ‘eyes.’ Between television monitors, prisoner spies, collaborators, and prison officials, every crevice of the prison is overlaid by a constant watch. Front-line officers, specially trained in the cold, calculated art of observation, watch prisoners’ movements with a particular meticulousness, scrutinizing little details in behavior patterns, then recording them in the Log Book. This aid provides the staff with a means to manipulate certain individuals’ behavior. It is feasible to calculate a prisoner’s level of sensitivity from the information, so his vulnerability can be tested with a degree of precision. Some behavior modification experts call these tests ‘stress assessment.’ Prisoners call it harassment. In some cases, selected prisoners are singled out for one or several of these ‘differential treatment’ tactics. A prisoner could have his mail turned back or ‘accidentally’ mutilated. He could become the object of regular searches, or even his visitors could be strip searched. These and more tactics are consistent with those propagated by one Dr. Edgar H. Schein.

A HISTORY OF THIS BEHAVIOR MODIFICATION LABORATORY

At a Washington, DC conference in 1962 organized for the Federal Bureau of Prisons (BOP) by the National Institutes of Mental Health, Schein presented his ideas on brainwashing. Addressing the topic of ‘Man against Man: Brainwashing,’ he stated:
In order to produce marked changes of behavior and/or attitude, it is necessary to weaken, undermine or remove the supports to the old patterns of behavior and the old attitudes. Because most of these supports are the face-to-face confirmation of present behavior and attitudes, which are provided by those with whom close emotional ties exist, it is often necessary to break those emotional ties. This can be done either by removing the individual physically and preventing any communication with those whom he cares about, or by proving to him that those whom he respects aren’t worthy of it and, indeed, should be actively mistrusted (quoted in Chorover 1979).

Dr. Schein then provided the group with a list of specific examples:

1 Physical removal of prisoners from areas sufficiently isolated to effectively break or seriously weaken close emotional ties.
2 Segregation of all natural leaders.
3 Use of cooperative prisoners as leaders.
4 Prohibition of group activities not in line with brainwashing objectives.
5 Spying on prisoners and reporting back private material.
6 Trickling men into written statements which are then showed to others.
7 Exploitation of opportunists and informers.
8 Convincing prisoners that they can trust no one.
9 Treating those who are willing to collaborate in far more lenient ways than those who are not.
10 Punishing those who show uncooperative attitudes.
11 Systematic withholding of mail.
12 Preventing contact with anyone non-sympathetic to the method of treatment and regimen of the captive populace.
13 Disorganization of all group standards among prisoners.
14 Building a group conviction among the prisoners that they have been abandoned by and totally isolated from their social order.
15 Undermining of all emotional supports.
16 Preventing prisoners from writing home or to friends in the community regarding the conditions of their confinement.
17 Making available and permitting access to only those publications and books that contain materials which are neutral to or supportive of the desired new attitudes.
18 Placing individuals into new and ambiguous situations for which the standards are kept deliberately unclear and then putting pressure on him to conform to what is desired in order to win favor and a reprieve from the pressure.
19 Placing individuals whose willpower has been severely weakened or eroded into a living situation with several others who are more advanced in their thought-reform whose job it is to further undermine the individual’s emotional supports.
20 Using techniques of character invalidation, i.e., humiliations, revilement, shouting, to induce feelings of guilt, fear, and suggestibility; coupled with sleeplessness, an exacting prison regimen and periodic interrogational interviews.
21 Meeting all insincere attempts to comply with cellmates' pressures with renewed hostility.

22 Renewed pointing out to the prisoner by cellmates of where he has in the past, or is in the present, not been living up to his own standards or values.

23 Rewarding of submission and subserviency to the attitudes encompassing the brainwashing objective with a lifting of pressure and acceptance as a human being.

24 Providing social and emotional supports which reinforce the new attitudes (ibid.).

And, of course, as noted in the introduction to this edition of the Journal, following Schein's address, then-director of the BOP, James V. Bennett, encouraged the administrators and wardens throughout the federal prison system to put Schein's techniques into practice. 'We can manipulate our environment and culture. We can perhaps undertake some of the techniques Dr. Schein discussed .... There's a lot of research to do. Do it as individuals. Do it as groups and let us know the results' (ibid.).

That was in 1962. Since then the results have been compiled and evaluated many times over, and all but one of Schein's suggested techniques have been left intact at Marion - along with the addition of several new features.

A BOP policy statement (October 31, 1967) sanctions, after a test period, experimentation on prisoners when the benefit from the experiments are 'clear in terms of the mission and collateral objectives of the Bureau of Prisons' and for 'the advancement of knowledge.' In other words, prisoners are expected to feel inspired at the thought of 'advancing knowledge' to benefit science and corrections. But what prisoner knows that s/he is aiding the development of behavior modification techniques to be used in controlling and manipulating not only other prisoners, but also segments of the public? Besides other things, s/he is denied knowledge of what s/he is involved in - or rather forced into. The truth of behavior modification is that it is applied to prisoners secretly, and sometimes remotely (via manipulation of the environment).

**EXPERIMENTATION IN ACTION**

At Marion, these techniques are applied for punitive purposes, and only one subsection of the prison population is allowed any relief. First, a man's emotional and family ties are broken by removing him to the remote area of southern Illinois and by enforcing a rule whereby he can not correspond with community people within a fifty-mile radius. Sometimes the rule slackens, but when the prisoner's correspondence expresses ideological perspectives, it is enforced more strictly. Families of prisoners who move into the area are often discriminated against and harassed by government agencies. Visitors complain of being intimidated by prison officials, especially when the visits are inter-racial. On
three occasions, for example, a man’s wife, who had traveled from Puerto Rico, was stripped and searched. This caused great concern among prisoners, because it could happen to any one of their wives, mothers, or children. Another tactic to break a prisoner down is to punish him by removing family and friends from his visiting list, or by placing him on restrictive visits. These types of visits are conducted in an isolated, partitioned booth by telephone. Such restrictions often discourage families from visiting, especially when they have to travel long distances. Officially, close family ties are encouraged; practically, they are being severed. And more often than not, a man’s family is looked upon and treated with the same disdain reserved for a ‘criminal.’

Another method of separating prisoners from friends and outside supporters is the two-faced campaign waged by the prison administration. On the one side, prisoners are told they have been totally rejected by society, and that even those who ‘pretend’ to be interested in them are ‘only using prisoners for their own selfish benefit.’ By this a prisoner is supposed to believe that he was never a part of a community or of society in general, that his ties among the people were never legitimate, and that their interest in him is a fraud. On the other side, a brutish, bestial, and ‘sociopathic’ image of prisoners is presented to the public. The horror image further alienates the people from the captive, and it sometimes causes a family to fear their own loved ones. This further isolates the prisoner and makes him more dependent on the prison authorities.

But discernment of this sophisticated system may be far beyond a prisoner’s imagination, or even his comprehension. It is impossible for him to retain his sense of being, his human worth, and dignity having been reduced in the eyesight of humanity to the level of an amoeba and placed under a microscope. He can not understand why he feels the strange sensation of being watched; why it seems that ‘eyes’ follow him around everywhere. He fears his sanity is in jeopardy, that paranoia is taking hold of him. It shows: the tension in his face, the wide-eyed apprehensive stares, and spastic body movements. Among the general prison population, paranoia tends to spread like wildfire— from man to man. Everyone knows that the paranoid person is a walking state of danger. His mood throws everyone else out of equilibrium. The small world cannot contain the imbalance. A general alarm is sent out in hopes that someone can reach the individual before the disequilibrium ends with disaster. Sometimes the alarm is successful, sometimes not. In any case, the induced state of paranoia is a primary cause of the violence which has occurred throughout Marion’s history.

The pervasive ‘eyes’ at Marion are not without the complement of ‘ears.’ Besides officers eavesdropping and the inside spies trying to collect enough intelligence to make parole, there are also listening
devices out of view. Loudspeakers, for example, are also receivers, capable of picking up loose conversations in the hallways, cellblocks, and mess hall. Recently a strange device, that someone called a parabolic mike, was found. It is hard to figure out exactly how many more such devices are scattered around the prison, embedded in the wall or situated behind cells. The administration is known for collecting an enormous amount of information on prisoners, some of which could only be gathered from such eavesdropping methods. Sometimes a prisoner is confronted with the information in order to arouse suspicion about the people he has talked with. At other times the information is kept secret among officials, and traps are set.

Most sacred of all is a person’s ideas. There is a standing rule among the prisoners: Never let the enemy know what you are thinking. At Marion, a man is labeled by his ideas, and his ‘differential treatment’ is plotted accordingly. Thus, if a man’s expressed ideas are at variance with the ideas and perception of the prison administration, behavior modification is used on him to reconcile the difference.

What life boils down to is an essay of psychological warfare. An unsuspecting, or a prisoner unable to adjust and readjust psychologically and develop adequate defense mechanisms, can be taken off stride and wind up as another one of Marion’s statistics. Prison officials and employees come well prepared, well trained, and well aware of the fact that a war is being waged behind the walls.

**BEHAVIOR MODIFICATION AND THE MISUSE OF THERAPY TECHNIQUES**

There is a small elite group in the prison population that is looked upon by the administration with great favor, because the group shares the same basic ideals with the administration. The group’s members see the prison authority as a ‘parent.’ They think of themselves as ‘residents’ rather than as prisoners or captives—because to change the word is to change the reality. And they believe the program in which they are being trained will make them ‘qualified therapeutic technicians’ and help them secure a change in residency.

At Marion, this program is called Asklepieion— which literally means ‘nothing.’ The prisoners call the group ‘groders’ or ‘groder’s gorillas,’ named after the psychologist who implemented Dr. Schein’s brainwashing program. The ‘groders’ live in a special cellblock that, by prison standards, is plush. They are allowed luxuries and privileges which regular prisoners can not receive. However, they are convinced that they ‘earn’ these things because they are trying to do something to ‘better themselves.’ Generally, they look on other convicts with contempt. When confronted with evidence that they are a brainwash group, they reject the proof and accuse other prisoners of being envious.
But the reality speaks for itself. The program employs a number of noted therapeutic techniques; e.g., transactional analysis, Synanon attack therapy, psychodrama, primal therapy, and encounter group marathon sensitivity sessions. The administration’s favorite is transactional analysis (TA). Essentially, TA propagates the theory that people communicate on three different levels: parent, child, and adult. These become character roles. It is up to the corresponding party to figure out which role the first party is playing, then communicate with the person on the proper counter-part level.

What this technique actually does is create an artificial dichotomy between people, each straining to fit into the proper character role. Thus, communication becomes artificial, stilted, and utterly meaningless in its content. Everyone sounds like a pseudo-intellectual. Ultimately, it propagates the idea that the authorities always fit the role of ‘parent,’ and the prisoners must submit to the role of a ‘child.’ Although some ‘groders’ pretend this practice is a fakeout on ‘the man,’ it still is a real social practice. Changing the words to describe it does not change the reality.

Other techniques include Dr. Schein’s ‘character invalidation.’ These techniques are incorporated under the auspices of ‘game sessions’ (Synanon attack therapy) and ‘marathons’ (encounter group sensitivity sessions). In ‘game sessions,’ members of the group accuse a person of playing games, not being truthful with the group, lying, and so forth, or the person is accused of some misdeed or shortcoming. Before he is allowed a chance to explain (which is considered as only more lying), he is relentlessly barraged by dirty-name calling until he confesses or ‘owns up’ to his shortcomings. He is then accused of making the group go through a lot of trouble in having to pry the truth out of him. So, for this crime, he is forced to apologize.

‘Marathons’ are all-night versions of literally the same, except that they include local community people who come into the prison to be ‘trained’ in the techniques. After so many hours of being verbally attacked and denied sleep, a person ‘owns up’ to anything and accepts everything he is told. After being humiliated, he is encouraged to cry. The group then shows its compassion by hugging him and telling him that they love him.

These techniques exploit the basic weaknesses in human (aggregative) nature, especially those weaknesses produced by an alienating society, i.e., the need to be loved, cared about, accepted by other people, and the need to be free. In turn, they are transmuted into ‘submission and subserviency,’ the type of behavior conducive to the prison officials’ goal of control and manipulation. The ‘groders’ will not resist or complain. Nor will they go on a strike to seek redress of prisoners’ grievances. They are alienated from their environment, and their
emotional inter-dependency welds and insulates them into a crippled cohesion (of the weak bearing the weak). They are not permitted to discuss these techniques outside the group, because one of the pre-conditions for admittance is a bond to secrecy. Yet almost anyone can spot a ‘groder’ because the light has gone out of his eyes. He literally wears the look of humiliation.

Some years ago, the prison population wanted to do the ‘groders’ bodily harm because they allowed themselves to be used as guinea pigs, and because the techniques they helped to develop would be used on other prisoners and people in the outside world. In their lust for freedom, ‘groders’ would help to sell out an entire generation. Today, they are generally looked upon as mental enemies. So prisoners just leave them alone. Meanwhile, the brainwashing programs are still finding their way into communities in the outside world – under a number of pseudonyms other than Asklepieion. And the ‘groders’ still have hopes of joining these programs when they are sufficiently spread. They will become ‘therapeutic technicians.’ This is what Dr. Groder laid out in his ‘master plan,’ utilizing prisoners as couriers of the techniques into the community. It is also what former warder Ralph Aron meant when he testified at the 1975 Bono v. Saxbe trial that ‘the purpose of the Marion control unit is to control revolutionary attitudes in the prison system and in the society at large.’

What the ‘groders’ fail to realize is that, even as ‘therapists,’ they will remain under observation long after their release from prison – under what is euphemistically called ‘post-release follow-through.’ And what Dr. Groder fails to realize is that by camouflaging Dr. Schein’s techniques under pseudonyms, whereby prisoners who volunteer for the program cannot recognize its real meaning and objectives, extensive violations of the Nuremberg Code have taken and are taking place. Even the implication of freedom as inducement for volunteers is considered a means of coercion by the Code’s standards. The first principle in the Code proclaims:

> [V]oluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision ... . Before an acceptance of an affirmative decision by the experimental subject, there should be made known to him the nature, duration and purpose of the experiment.

There is much that is not explained or accounted for at Marion. Prisoners are left to discover it all on their own, via studying the prison and the prison system’s history. In light of most of the surprise
discoveries one makes when learning this history, it should come as no surprise that some aspects at Marion are at variance with the Nuremberg Code.

CHEMOTHERAPY: THE MISUSE OF DRUGS

Chemotherapy is administered four times daily at Marion. The loudspeaker announces: ‘Control medication in the hospital ... pill line.’ Valium, librium, thorazine and other ‘chemical billy-clubs’ are handed out like gumdrops. Sometimes the drugs mysteriously make their way into the food. For example, the strange month of December, 1974, recorded five unrelated, inexplicable stabbings. During the same time, eight prisoners suffered from hallucinations in the ‘hole’ and had to be treated (with thorazine injections). Drugs are often prescribed for minor ailments and are often suggested to prisoners as a panacea for all the psychological ill-effects of incarceration. Some drugs such as prolixin make prisoners want to commit suicide. Some attempt it; some succeed. ²

THE END OF THE LINE: THE LONG-TERM CONTROL UNIT

Segregation is the punitive aspect of the behavior modification program. It is euphemistically referred to as ‘aversive conditioning.’ In short, prisoners are conditioned to avoid solitary confinement, and to avoid it requires some degree of conformity and cooperation. But the ‘hole’ remains open for what prison authorities and Dr. Schein call ‘natural leaders.’ These prisoners can be pulled from population on ‘investigation’ and held in solitary confinement until the so-called investigation is over. During the whole ordeal, the prisoner is not told what the inquiry is about – unless he is finally charged with an infraction of the rules. If the Marion authorities think that the behavior modification techniques will eventually work on the prisoner, he is sent to short-term segregation. If not, they use the last legal weapon in the federal prison system: the long-term control unit.

The long-term control unit is the ‘end of the line’ in the federal prison system. Since there is no place lower in all of society, it is the end of the line for society also. Just as the threat of imprisonment controls society, so is Marion the control mechanism for the prison system; ultimately, the long-term control unit controls Marion. Prisoners in the unit can feel the heaviness of this burden, knowing that it is a long way back to the top.

Usually a prisoner does not know specifically why he has been sent to the control unit, other than that his ideological beliefs or his personal attitude toward prison authority is somehow ‘wrong.’ And he usually does not know how long he will be in the control unit. A prisoner is told he is being placed on thirty-day observation, and that he has the right
to appeal the decision if he wishes. Until recently, most prisoners simply waived the appeal because they were given the impression that they would be getting out soon. One particular prisoner was told by the Control Unit Committee that he would be getting out of the control unit after the observation period because they 'needed the room.' Later he was given an indefinite period in the unit – that is the case with most prisoners.

In the control unit, a prisoner only does two things: recreate and shower. Only one range of men (18 out of 72) is allowed to work. Although everyone recognizes that the work is exploitative, it is generally considered a privilege. The rest of the control unit prisoners spend 23 1/2 hours a day locked in their cells. According to what state the man's mind is in, he may read or write. He sees the Control Unit Committee for about thirty seconds once a month to receive a decision on his 'adjustment rating.' He may see a case worker to get papers notarized, the counselor to get an administrative remedy (complaint) form, and a phone call authorization (on a 'maybe' basis). He may see the educational supervisor for books. Other than that, he deteriorates.

The cell itself contains a flat steel slab jutting from the wall. Overlaying the slab is a one-inch piece of foam wrapped in coarse plastic. This is supposed to be a bed. Yet it cuts so deeply into the body when one lays on it, that the body literally reeks with pain. After a few days, you are totally numb. Feelings become indistinct, emotions unpredictable. The monotony makes thoughts hard to separate and capsize. The eyes grow weary of the scene, and shadows appear around the periphery, causing sudden reflexive action. Essentially, the content of a man's mind is the only means to defend his sanity.

Besides these methods of torture (and they are torture), there is also extreme cold conditioning in the winter, and a lack of ventilation in the summer. Hot and cold water manipulation is carried out in the showers. Shock waves are administered to the brain when guards bang a rubber mallet against the steel bars. Then there is outright brutality, usually in the form of beatings. The suicide rate in the Control Unit is five times the rate in the general population at Marion.

At the root of the Control Unit's behavior modification program, though, is indefinite confinement. This is perhaps the most difficult aspect of the Control Unit to communicate to the public. Yet a testament to this policy was a man named Hiller 'Red' Hayes. After thirteen years in solitary confinement (nearly six in the control unit), he became the 'boogie man' of the prison system – the living/dying example of what can happen to any prisoner. The more he deteriorated in his own skeleton, the more prisoners could expect to wane in his likeness. He died in the unit in August, 1977.
In essence, the Unit is a Death Row for the living. And the silent implications of behavior modification speak their sharpest and clearest ultimatum: conform or die!

In several instances [the control unit] has been used to silence prison critics. It has been used to silence religious leaders. It has been used to silence economic and philosophical dissidents. (Judge James Foreman, US District Court, St. Louis)

NOTES

1 As an example, the co-editor of this edition of the Journal has had family and friends removed from his visiting list at the Southern Ohio Correctional Facility (which follows the Marion model) without any notice, so that family and friends have been denied entrance into the prison after traveling hundreds of miles to visit. On each occasion that this has occurred, the prison officials claimed that they had no idea how it could have happened. Certain names just jumped off the visiting list and scampered their way out of the double-locked filing cabinet all by themselves. Complaints to Warden Arthur Tate (who spent his last paid vacation touring Marion, Illinois, and found it 'highly impressive') fell on deaf ears. He refused to even acknowledge receipt of the complaints, thereby fully endorsing such illegal treatment as legitimate [ed].

2 It is of more than passing interest that the US Supreme Court ruled on February 27, 1990 that prison officials may administer any kind of powerful, mind-altering drugs they wish to any prisoner whose behavior they feel is undesirable. The decision as to whom these powerful, mind-altering drugs may be administered is left to the absolute discretion of prison officials, and no outside review is allowed, so long as the prison psychiatrist (whose employer is the warden) states that it is in the prisoner's best interest [ed].

REFERENCES

When one has [a maximum security or control] unit, one uses it. When I came here, our Bridgewater Unit had 80 to 100 youngsters who were considered the most dangerous in the state. We have closed that unit and we haven't missed it a great deal. As long as we had it, it was full. If we were to build one that would hold 300 vicious youngsters tomorrow, within six months it would be filled with 300 vicious youngsters that were suddenly discovered within our system. So I would suggest to be aware of that. (Dr. Jerome B. Miller, former Commissioner of the Massachusetts Department of Youth Services)

In my first essay, written in the 'hole' in Lewisburg federal prison after being transferred from Marion, I draw an analogy between the newly inaugurated Marion prison program and those utilized by the omnipotent, shadowy agents of government as depicted by Franz Kafka in The Trial. The analogy was based upon personal experience: my enduring twenty-eight months of the new program during 1972-1974.

The Marion procedures were enacted in the former segregation unit (the 'hole') which was now labeled the Long Term Control Unit (new program, new name). They began as newly arrived convicts disembarked from the transfer bus and were lodged in segregation for a few days as a matter of normal procedure. They then expected to be released into the general population, unless they had been charged with a rule violation. However, normalcy no longer prevailed at Marion.

Instead of being released, many unfortunates were summarily sentenced to indefinite terms in the Control Unit for no discernible reason. When their protestations of 'You must have me mixed up with someone else,' were not answered, and they then inquired, 'What did I do wrong?' some were told, 'We don't want you in our population!' Since this is a difficult 'accusation' to refute, they then remained in the Long Term Control Unit. And if any doubt exists that 'Long Term' does not refer to the length of their felony sentences but defines the length of their stay in lock-up, consider that one prisoner spent five years there, while many were there three or four years.¹

Perhaps this new policy of arbitrarily selecting random victims for their 'program' was the Bureau of Prisons' (BOP) equivalent of 'preventive detention' and 'no knock' legislation. Just as the passage of the

¹ This essay is a consolidation and revision of the author's two previous essays, 'The Marion Experience,' which took First Place in the 1975-76 PEN prison writer's essay contest, and 'The Marion Experience - Revisited,' which received an Honorable Mention in PEN's 1988-89 essay contest.
Omnibus Crime Control and Safe Streets Act of 1968 purportedly made the streets safe for honest citizens, so too the federal prisoncrats may claim they are making their penitentiary tiers safe for prisoners (or for guards). However, the Omnibus Bill was enacted by Congress, while the BOP enacted its policy sub rosa. This surreptitious convict control plan, choosing as if by lot, young, old, short-term, long-term, violent, non-violent, first-timers, and recidivists, certainly is not designed to benefit the victims; however, the more zealous, persistent practitioners of the policy often benefit by a Washington, DC headquarters assignment. A blind subservient acceptance of orders – of such stuff are promotions made. Ever onward, ever upward, climb the ladder of success; never mind whose bodies are used as rungs.

As the Marion Inmate Disciplinary Committee officials dispense terms of endless years in segregation for reasons so nebulous and evanescent as to defy articulation, their demeanor certainly does not betray any guilt, apprehension, or doubt. Rather, they seem quite righteous, smug, and virtuous in the performance of their duties. Since their actions are inexplicable by rational standards, what psychological factors could explain their conduct? Or, how are they themselves persuaded that they are correct, that they are making just decisions, that they are taking appropriate actions?

One factor influencing their mental make-up is the effect upon them of the free-will philosophical school of thought. This ideology states that people have complete untrammeled freedom of choice when they make a decision; they deliberately choose to do good or evil, right or wrong. In utilizing this belief, such influences as the person’s past environment, heredity, psychoses, neurosis, culture, panic reactions, economic conditions, and the exigencies of the moment are negated. (An apt analogy is Voltaire’s description of a fly landing on a horse-drawn carriage and proclaiming, ‘Oh! Look at me! I’m pushing the carriage!’ or something to that effect.) Authoritarian, disciplinarian-type personalities who are attracted to prison careers will, almost without exception, believe in free-will. They conclude that all convicts are in prison because they deliberately, and with malice, chose to commit an evil act. Accordingly, there should follow punishment. And this the Marion (and other) administrators are prepared to apply endlessly.

Another prevailing attitude among the vast majority of prison personnel is that convicts have it too soft, that conditions are too luxurious, and that a return to the ‘good old days’ is in order. Considerable resentment of bleeding-heart liberals who have introduced penal reform with its attendant amelioration of the convicts’ condition into their prisons is evident. Therefore, when an opportunity arises to increase the population of the Long Term Control Unit, and other similar control units, with convicts who have exercised their free-will and chose evil,
and who, beyond any doubt, are already being pampered, then the prison administrators need not wrestle with any moral dilemmas as to the convicts’ guilt or innocence. The decision is clear – lock ‘em up!

In addition to these influences, the administrators are also subject to, or perhaps victimized by, an all-pervasive subtle propagandistic tactic which was detailed in *The New Republic* years ago. Briefly, this technique of peacefully persuading people to follow your dictates consists of first, convincing them that they live in the freest country in the world, that this is indeed the best of all possible worlds (and for those inclined to believe it, that this present world is not important, but the life after death is). Most people thoroughly imbued with this belief will then tend to passively accept whatever conditions prevail in their society and they condemn those ‘criminal types’ who rebel. Since the structure of society is organized so that it functions, at least theoretically, in a perfect, or nearly perfect, manner, then any who rebel within the system – or against the system – must obviously be culpable. One advantage of governing people by this tactic is that no such crude, expensive instruments such as guns, clubs, or force are required. Such people are self-policing. Such a tactic is effective without being offensive – and thus efficient.

Closely allied with this ‘best of all possible worlds’ influence is the related effect of the ‘best of all possible prison systems’ influence. The BOP has long been regarded as the paradigm for the world. When state penologists seek a model to emulate, it is toward the BOP that they turn. Experts from foreign countries tour this system seeking advice and counsel on how best to direct and administer prisons in their own lands. One director even wrote a book on the history of the BOP. Some prominent bureau officials, past and present, testify before various committees as ‘experts’ – parroting the usual stereotyped penological pronouncements. (However, the testimony of a genuine expert, Dr. Richard R. Korn, professor of criminology at Berkeley, would befit the federal system when he aptly states of the correctional process: ‘The sickness is in charge of the treatment .... We are not the doctors, we are the disease.’) So the administrators at Marion (and other prisons that follow the model) have the psychological assurance of knowing they are performing their duties within, and sanctioned by, the world’s most respected penal system.

When the members of the prison disciplinary tribunal exercise their prerogatives of office and sentence innocent, unsuspecting prisoners – who have not even been accused of any transgressions – to indefinite terms in Control Unit, are they absolutely convinced they are morally correct? Probably not. The average person finds it difficult to completely discard all his moral precepts, especially if they were integrated into his personality while he was still young. Perhaps the administrator retains a vestige of conscience, or a faint fundamental belief in the
innocence of the innocent. He knows he should not put innocent people into segregation – yet he does. He will then be impelled to find a rationalization to justify his decisions to himself, his colleagues, and his underlings. But this situation leads to a contradiction, or a cognitive dissonance, which results in a psychological condition of stress. The average individual will then try to resolve that dissonance/stress by sustaining, often subliminally, that element of the contradiction to which he has the most intense attraction, and will change that element to which he has the least intense attachment. In this case, the idea of the innocent not being punished constitutes the least intense attraction and is suppressed. By emphasizing the idea that convicts exercised their free-wills and chose evil, that the convicts have it too soft, that the convicts live in the best of all possible worlds, and that, as an upper-echelon member of the BOP (or other such prison), his policy must be correct, then he is stressing that element of the contradiction to which he has the most intense attraction. This tends to reduce or eliminate the dissonance, which then leads to a sense of relief.

In the renowned 1984, George Orwell, in a perceptive analysis of similar mental phenomena, labeled the process of simultaneously recognizing and not recognizing a fact as doublethink; he said that it requires a splitting of intelligence. If the term 'Marion Administrator' is substituted for 'Party Intellectual,' and the 'BOP' is substituted for 'Ingsoc' in the following passage from 1984, then Orwell could very well have been describing Marion:

*Doublethink* means the power of holding two contradictory beliefs in one's mind simultaneously, and accepting both of them. The Party Intellectual knows in which direction his memories must be altered: he therefore knows that he is playing tricks with reality; but by the exercise of doublethink he also satisfies himself that reality is not violated. The process has to be conscious, or it would not be carried out with sufficient precision, but it also has to be unconscious, or it would bring with it a feeling of falsity and hence of guilt. *Doublethink* lies at the very heart of 'Ingsoc,' since the essential act of the Party is to use conscious deception while retaining the firmness of purpose that goes with complete honesty. To tell deliberate lies while genuinely believing in them, to forget any fact which has become inconvenient, and then, when it becomes necessary again, to draw it back from oblivion for just so long as it is needed, to deny the existence of objective reality and all the while to take account of the reality which one denies – all this is indispensably necessary. Even in using the word *doublethink* it is necessary to exercise *doublethink* (Orwell, 1949: 175-6).

As fitting as this classic passage is, perhaps only Erich Fromm's statement in the 'Afterword' of the same book better describes the administrative minds of Marion: '... [I]n a successful manipulation of the mind the person is no longer saying the opposite of what he thinks, but he thinks the opposite of what is true.'
Then what is the attitude of the average guard as he performs his duty of insuring that the occupants of the Control Unit are indeed controlled for a 'Long Term?' He will usually accept whatever conditions or orders his superiors have determined he shall accept. His years of turning keys, like a well oiled automaton, have merely reinforced his conditioned reflex response to perform and not to question. His milieu has not been such as to whet intellectual curiosity, so lemming-like, he does not question official policy that classifies the human merchandise stored in the concrete cubicle as deserving of its punishment or that his function is to keep it there. So keep it there he does.

Also to be considered is the fact that the Long Term Control Unit (and other such administrative and punitive control units in different prisons) exists; that is, it has been built. It must exist for a purpose, why not utilize it? Even the name (Long Term Control Unit) suggests that a prisoner should not be locked up in it for a short term. So the psychological redolence of the very title reinforces the 'lock 'em up' attitude.

My own Marion experiences are illustrative of the workings of these administrative and psychological processes. In 1972, I was starting my fourth year on a 199-year federal prison sentence at Leavenworth, Kansas, for a bungled 1967 bank robbery 'shoot out.' J. Edgar Hoover and Myrl Alexander, director of the BOP, had conducted an acrimonious public debate about our case, that, at the very least, caused my name to be placed on the penitentiaries 'hot list' (i.e. those given special scrutiny and frequently, special treatment). On April 7, 1972, I was locked up in segregation for 'agitating for a work strike.' Never mind that I was working every day in the shoe factory at the time of the strike. I worked because I thought it stupid to begin a strike for the institution of Latin movies, foods, cultural programs, and for the observance of Mexican holidays; additionally, nothing untoward had happened recently to cause a strike (unlike two other recent work stoppages). Some of us believed that any action involving and benefiting only one ethnic group merely furthered our master's 'divide and conquer' tactics. Of course, any convict knows that one can not work during a strike while urging others to stop working. Even the most silly, stir-simple stumble-bum understands this contradiction. Nevertheless, when I protested my innocence to the lieutenant who locked me up, he assured me that I could explain it to the Disciplinary Committee the next day. Instead, I was trundled into a prison bus and deposited in the 'hole' at the Medical Center for Federal Prisoners in Springfield, Missouri, for six weeks.

The next stop on my odyssey was the segregation cell block at Marion, Illinois (H-Unit - later entitled the Long Term Control Unit), where I spent the next twenty-eight months. Joining me in lock-up were three 'ringleaders' from Leavenworth who did not report to work and
who had been given a special transfer to Springfield, but in a few weeks they were all released into general population, while I was given a variety of patently fabricated excuses for remaining in segregation. I now have twenty-five different official and written reasons for my stay in *durance vile*, including, for example, (1) my original conviction which resulted in my prison term; (2) an incident which occurred in county jail; (3) a felony in another state for which I had never been charged or even questioned about; (4) what I might do; (5) various prison disciplinary charges for which I had long ago served my sentences; (6) being involved in 'devious' plots, the nature of which I could never discover; (7) if a lawsuit were filed because of me, they were liable; (8) *ad infinitum, ad nauseam.*

In a few months, those three 'ringleaders' were back in lock-up again, along with others, for another strike. Then a few days later, during a heat wave, a few lads on an upper tier started a minor disturbance, breaking some cell lights and hollering. In response, the 'goon squad' wheeled in 'Big Bertha,' pumped out tear gas on all four tiers and took *everything* from everybody, except our shorts. Because of a .38 bullet hole in my neck, which hit the spinal column, sleeping on the concrete was painful; so, I saved paper milk cartons for a bed, but the 'hacks' took them also.

In 1973, the People's Law Office in Chicago, with the assistance of the National Prison Project of the American Civil Liberties Union (ACLU), filed a class action lawsuit for those segregated as a result of the strike, but Judge James M. Foreman, a recent Nixon appointee, perhaps determined not to 'coddle criminals,' denied relief. (See *Adams v. Carlson*, 352 F.Supp. 982 [E.D. IL 1973]). When the case was remanded back to him with directives from the Seventh Circuit Court of Appeals, he ordered that the prison disciplinary committee give new hearings to the men who had been in segregation. A prison lieutenant investigated the charges against the men and submitted written reports which were used as evidence to *again* convict them. Excerpts from his reports stated:

... Obviously a report would not have been written if the officer had not believed that the incident would happen. [Investigative report, Leon Bates.]

... Facts true until proven false. [Investigate report, Chester James.]

... As per the reporting officer, Miranda must have been agitating, otherwise there would have been no reason to write a report. [Investigative report, Raphael Miranda.]

Three of his reports even exonerated the prisoners:

... Officer Killman verified that [Hallman] reported to work on 7-25-72, the date of the offense ...
... Officer[s] Hill and Pringle verified that Warren had worked on 7-25-72, the date of the charge ...

... Officer Roman stated that Patmore did report to work but he was ordered back to his cell for the count ...

One portion of the Memorandum filed by the prisoners' lawyers stated:

Inmate Bates was even told by the guard who allegedly wrote his incident report that he in fact never filled out such a report and if called before the Committee would testify as to that: yet Bates was denied the right to call him as a witness.

However, since the Court of Appeals had stated that sixteen months segregation for a work strike was disproportionate punishment, the judge was forced to order thirty-six prisoners released into general population, in spite of BOP frantic last minute legal protestations filed with the court, swearing that, in effect, riot, ruin, and revolution would surely ensue if these dangerous desperadoes were allowed to mingle with the other prisoners. But of course, all was peaceful and quiet when they were finally released.

Since my own entreaties for release had been consciously ignored, I finally decided to execute a desperate, or perhaps deranged, plan, one that would not endear me to my masters, but held a faint hope of relief: I filed a petition for a writ of habeas corpus, asking for release from segregation. In addition to the legal argument, I included the following philosophical oratory hoping to soften the cold judicial heart:

As an obiter dictum, I can only quote Socrates in this peroration:

For of old, I have had many accusers, who have accused me falsely to you during many years. ... Hardest of all, I do not know and cannot tell the names of my accusers ... and therefore I must simply fight with shadows in my own defense and argue when there is no one who answers.

Notwithstanding the fact that the federal habeas corpus statute (28 U.S.C. 2243) states that 'a court judge or justice entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted,' and that 'it shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed,' and that the 'court shall summarily hear and determine the facts, and dispose of the matter as law and justice require,' and omitting the fact that I filed two petitions for a writ of mandamus in a vain attempt to compel the court to comply with the requirements of this law, a year and two months elapsed before I was given an evidentiary hearing. At this hearing, a Marion administrator testified that an unknown informer told an unknown guard who wrote an unknown report (at least all unknown to me), that I had agitated for a strike in Leavenworth. Actually, this informer, guard, and report were so unknown that four
years and several different prisons later, when I requested that my prison file be searched under the new Freedom of Information Act for signs of a disciplinary report, a memo, a document, or any reason for my twenty-eight months in segregation, my requests were returned to me with notations indicating that the reasons were still unknown.

Five months after the hearing, the good judge rendered his decision, and my legal education proceeded apace as I was forced to assimilate the unpalatable fact that these laws (*habeas corpus* and *mandamus*), while perhaps applicable to some, do not apply to me and certain others similarly situated. It stated in part:

> It appears that Petitioner is in administrative segregation, rather than punitive segregation imposed pursuant to any specific rule infraction. [Yet the thirty-six prisoners ordered to be released lived alongside me in identical cells and were accorded identical treatment] ...

The Court feels that it would not be proper to order that Del Raine be released to the prison's general population, since some prison officials have already concluded that if he were in the general population he would present a threat to prison officials, other inmates or himself. The Court will not order the Respondents to do an act which would endanger lives at the institution.

Strange! One might conclude from this judicial reasoning that I am Jack the Ripper reincarnated, incarcerated. Completely ignored is the fact that I have never even been accused of harming or attempting to harm anyone during my many years in prison.

But there was yet hope. The court ordered that I be given a due process hearing to determine if I should be continued in 'administrative segregation' (the use of this euphemistic label is a favorite legal tactic to avoid deciding certain cases on their merits). But in order to justify my two years in the 'hole' – which is approximately the amount of time one spends locked up after killing another convict – some rule infraction needs to be recorded – and the more serious it is, the better the government's case will appear.

Lacking any bodies to use as evidence, but determined to perform their duty allotted role in the charade with what 'evidence' they had, they issued me an Incident Report, stating in part, 'The last Mental Health Evaluation made by our staff psychologist recommended that should [Del Raine] be returned to our population he would be a threat to himself or others or to the orderly function (sic) of the institution.' The decision of the three committee members was that I should remain in segregation. However, their wishes were nullified when the General Counsel for the BOP granted my appeal in the newly inaugurated administrative remedy procedure, and I was released into population at Lewisburg prison after twenty-eight months in segregation.

But in 1986, only a dozen years later, the US Attorney sent me another
Ronald Del Raine

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copy of the Incident Report as part of his motion to dismiss my case, which stated:

The last Mental Health Evaluation made by our staff Psychologist recommended that should [Del Raine] be returned to our population he would not be a threat to himself or others or to the orderly function (sic) of this institution. (my emphasis).

So much for the integrity of the BOP Disciplinary Committee. Thomas Jefferson aptly described such judicial proceedings as ‘Twistification of the Law.’

But voila, the US Attorney also attached to his motion to dismiss (perhaps not realizing its significance) a bonanza, i.e., a Memorandum dated April 7, 1972 (the date I was locked up), stamped ‘F.O.I. EX-EMPT,’ (Freedom of Information Exempt) which informed me – after fourteen years – why I was locked up. An authentic copy is reproduced here as Figure 1.

In one of my pro se appeal briefs to the Court of Appeals, submitted in conjunction with my court-appointed attorney’s brief, I commented as follows: [Note: In order to fully express my analysis of the Memorandum, I have chosen to utilize a non-judicial, satirical style of expression.]

It is noteworthy that I’m not even mentioned in the first five paragraphs of the Memorandum since I was so inconsiderate to the furtherance of the ‘conspiracy’ as not to go to the yard, thus depriving the author of observable ‘evidence’ of my guilt. But not to worry, he recoups lost ground in paragraphs six and seven.

In paragraph two, chief suspect Welge didn’t just go to the yard and talk to people as all others did; no, that’s too mundane. Instead, he made ‘voice contacts’ with 150 others (not conversation, chit-chat, or greetings, but the more sinister, conspiratorial ‘voice contacts’). Of course, he didn’t just stand around in the yard, he ‘stationed himself’ (just as 007 James Bond does before plunging into another exciting adventure).

In paragraph three, corroboration of the ‘conspiracy’ is further shrewdly noted by the ever vigilant author, the BOP counterpart to Sherlock Holmes. Since one of the first ‘contacts’ chief suspect Welge makes is with possible suspect Hopwood, then he is a key member of the conspiracy. And then what does Hopwood do? Aha! Of course. He ‘stations himself’ on the ventilator (others may sit or lie down on the ventilator, but he ‘stations himself’). Very incriminating. Then after thirty minutes he’s in the southwest corner of the yard (hardly the actions of any innocent person). Instead of just looking around, or even just glancing about, he ‘keeps close surveillance’ with the prime perpetrator (à la Gang Busters).

In paragraph four, McCracken, a new protagonist, joins the plot. After walking around the track (undoubtedly on a scouting mission for enemy agents), he makes for the rendezvous, the apex of operations – the ventilator – where he confers with Hopwood. Of course, his ‘close surveillance’ and
FIGURE 1: Memorandum Cited as Evidence for Confinement

TO: Operating Correctional Supervisor
FROM: Roy D. Daniels, Senior Officer
DATE: April 7, 1972

SUBJECT: Welge 92397-131, Hopwood 81013-132, McCracken 85967, Bodenbach 08844, and Delraine 05462.

The following incidents were witnessed on the recreation yard, on the evening of April 6, 1972, by Acting Lieut. McQuillan and or Senior Officers Jack Darrow, Birdie Perdue and myself.

Welge 92397-131 came on the yard as soon as the yard opened after the evening meal and stationed himself near the gate to the west entrance to the recreation yard. As soon as the inmates started coming to the yard, he started making voice contacts with them. These contacts continued throughout the evening yard period and were made, principally with the Mexican population. Although he did make contact with occasional whites, his contacts were mainly Mexican and throughout the roughly, one and one half hours he was observed, he made as many as 150 contacts.

One of the first contacts Welge made was with Hopwood 81013-132. After the contact, Hopwood walked the track and stationed himself on the ventilator near the center of the north wall. He stayed there for about 30 minutes, then went to the southwest corner of the yard. Throughout the yard period, he maintained a close surveillance and occasional contact, with Welge.

Similarly, after Hopwood came to the yard, McCracken 05967 came to the yard, made contact with Welge, then walked around the track and joined Hopwood on the ventilator and remained with Hopwood, and two other inmates were unable to identify, throughout the yard period. McCracken kept a close surveillance and occasional contact with Welge during the entire yard period.

During the period Welge was making his contacts, Bodenbach 08844 was stationed in the window on the east side of the first floor of the recreation building. Every time that I, or another officer got close enough to Welge to hear his conversation, Bodenbach would signal and Welge would leave the contact.

During a seven period of two weeks, when I was Relief Evening DCH Officer and during two days of this two week period, I have observed McCracken and Delraine 05462, within the cellhouse, and they appear to be more than just close friends. They exercise together in the rear of the cellhouse and spend considerable time at the door of each other's cells talking in quiet manner. Although I haven't seen them together in the yard, they are very close within the cellhouse.

In my judgment there is an obvious chain of conspiracy here starting with Delraine, McCracken, and Welge within D Cellhouse, then spreading to Hopwood, Bodenbach and others in other cellhouses. One can only conjecture as to what the conspiracy pertains to, but because of the past breaches of security and disciplinary problems, involving these inmates, I recommend that further investigation of the situation be investigated thoroughly.

CC: C.J. Walley, Jr. (c)
OPR. LR.
CC's Operating Inmate
'occasional contact' with Welge does not go unobserved. (Now, the average reader might not be able to trace McCracken's link to mastermind Del Raine from these activities, but using arcane inductive modes of deduction – known only to a chosen few – our Sherlock could immediately perceive the guilty link.)

In paragraph five, the plot thickens: arch villain Bodenbach, 'stationed' as a 'point man' (the author missed his chance in not using this particular prison parlance), would 'signal' Welge and his 150 'contacts' when the guards walked up (just as John le Carre might have written it). (Of course, a skeptic, a realist, might ask why Welge and his 'contacts' couldn't see the uniformed guards walking up to overhear their 'plotting.' But perhaps they were suddenly struck blind by occult forces and needed the signals.) (However, that would raise the question how they could see Bodenbach's signals. But never mind. Any author who has concocted such science fiction as this can surely invent further phantasmagoria buzz words to further his fable. Also, it's best for the purpose of this fiction to ignore the well-known fact that Bodenbach is a certified lunatic, an informer who is frequently being knocked on the head, and on one occasion, even stuffed into a garbage can).

In paragraphs six and seven, all the tenuous threads of the criminal conspiracy are unraveled for all the world to see. With such scientific, conclusive proof of my evil machinations ('exercising' and 'talking in a quiet manner') officially documented, the only recourse open for me is confession of my crime. Yes, indeed, I am guilty! I did exercise with, and talk to, McCracken, a friend of mine. As for suspects Welge and Bodenbach, sorry, I don't know them, although Bodenbach's activities were known to many. With a report such as this written against me for 'talking in a quiet manner,' I wonder what might have been written had the author overheard our many vociferous disagreements – perhaps I would have been charged with 'inciting to riot.'

Paragraph six states, 'there is an obvious chain of conspiracy here starting with Del Raine, McCracken .... Based upon any rational analysis of this Memorandum, I suggest if one must ferret out a conspirator, then the author be given prime consideration as the conspirator. Or, perhaps one should properly consider this report as belonging to the realm of comic book literature, i.e., not to worry good folks, this surreptitious, sinister convict conspiracy has been unmasked by Peerless Fearless Fosdick, operating under deep disguise in this case as a Leavenworth Senior Officer Specialist...

In the appeal brief, I then described BOP reasoning as follows:

- Everyone is suspect.
- He who is doing something suspicious is suspect.
- Most suspicious is he who is not seen doing something suspicious.
- Every suspect can become an accused.
- Suspicion is sufficient grounds for arrest.
- The arrest of a suspect is sufficient and conclusive proof of his guilt.

The Court of Appeals then reversed and remanded my case back to the
district court for the second time; in 1990, it was again reversed and remanded.

Charles Dickens' "Bleak House," recently shown on television as one of the Masterpiece Theater series, portrayed the litigants in *Jarndyce v. Jarndyce* contesting the disposition of an estate. But the case endlessly dragged on for so many years that the court costs consumed all the value of the property: the heirs were left with nothing. As with the interminable *Jarndyce* lawsuit, the dispensation of justice (or is it just-us?) seems to proceed rather slowly in my case.

Then what are the results of such prison policies and practices? What of the human merchandise stored endlessly in the concrete cubicles? After the shock, amazement and disbelief begin to wane, certain general behavior patterns begin to emerge. Some prisoners adopt the attitudes and actions most completely acceptable to the administration. They become *inmates*, cringing sycophants always absolutely in agreement with every utterance of the staff; they continuously reassure them of their willingness to please with a servile smile. Some few become so blatantly obsequious that they nauseate the normal convicts. They seem oblivious – or perhaps are oblivious – to the titters and smirks of the guards who know they have reduced this particular prisoner specimen to the slavish state they desire. However, if they reinforce their fawning with a few choice nuggets of information, they may then be labeled 'rehabilitated.' Even release may then become possible.

Others of a more defiant nature protest their resentment of 'life in lock' by vehement vocalizations. If their vociferousness becomes too annoying, the 'goon squad,' armed with the usual array of equipment (pick-ax handles, tear gas, helmets with visors, shields, and the like) will soon silence them. This type of convict is quickly labeled as a desperado (incorrigible), and his actions are recorded as evidence of the necessity for his preventive detention.

A few unfortunates seem never to acquire the foggiest notion of how they arrived at their present dilemma or what course of action might possibly release them, so they just stagnate in their cells and endure; some, who can not read, literally lie on their beds year after year enduring. This category accounts for many who are shipped to the Medical Center as psychotic.

Another group well understands the situation they are trapped in, but also the Hobson's choice they face: they can not debase themselves by fawning upon their keepers; informing violates their moral code. They realize that provoking the 'goon squad' merely results in bumps and bruises. Litigation is a chimera never yet successful without an attorney. Since all alternatives are futile, nothing is left but to endure.

However, some in this group, realizing that the official charge against them is weak or non-existent, try not to provide any reason which could
be used to justify continued segregation. They hope that, by maintaining a stoic silence, they might get out. But they are yet to be undone. All staff members entering the Control Unit are required to record all comments, requests, or actions that could be construed as derogatory or critical of the administration. And, of course, anything the unwary occupants write, such as letters to their family or friends, can be used as *prima facie* evidence against them. But even the most vigilant prisoner, who has the experience and self-discipline to be constantly alert, will, in all probability, relax and make a candid remark critical of his captors. And that does it: this is now recorded as proof of his 'bad attitude' and used as factual evidence documenting the reason he is locked up in the Long Term Control Unit. Law and Order in Action. I say their 'Law' is out of 'Order!'

One of the first final victims of their program was a friend of mine. He was a bemedaled veteran of World War II, about 5'9" tall, weighing approximately 140 pounds. After being arbitrarily singled out as a participant in a work strike, locked up for over a year, denied judicial relief as usual, he became despondent. After a verbal dispute one morning, the 'goon squad,' seven or eight strong, arrayed in their battle gear, swarmed into his cell, beat him, then dragged him to a special isolation or 'boxcar' cell. The manager of the Control Unit was informed by two guards, and even a prisoner, that he was sick, that he was acting very strange: the manager said he was faking. A day or so later he was found dead - standing on air. A.E. Housemen inimitably pictured the scene when he wrote, 'A neck God made for other use, then strangling in a string.'

Then another friend of mine was shipped to the Medical Center, given various unknown chemical concoctions, and sent to a county jail, where he also began acting quite peculiar. Shortly thereafter, he was found dead - his neck in a noose.

Then two others in the Unit took themselves off the count: gave themselves a back door parole in a box - via the noose! To us involved in it, the Marion experience began to resemble Hitler's 'final solution.'

Then how did these deaths affect our keepers? Only what might be expected: a deep resentment of these trouble-making convicts causing us all this trouble (or, the victims of oppression are regarded as the cause of oppression). Rabindranath Tagore, the Indian poet, understood this attitude when he wrote, 'Power takes as ingratitude the writhing of its victims.'

Then, perhaps, the Marion prisoner in the Long Term Control Unit, along with Kafka's protagonist in *The Trial*, knows the same futility, despair, and impotent rage of experiencing a nameless accuser, reciting a nameless charge, before a nameless authority, condemning him to endless imprisonment. Thus it would seem that the question is still
valid in the BOP 1900 years after Juvenal asked it, 'But who will watch the keepers themselves?'

My Marion experience of 1972-74 was wretched, but upon my return in 1980, the Marion experience revisited has been even more intolerable. In the late 1970s, the BOP hierarchy had convened a conference and prepared contingency plans to lock Marion down – 'if and when.' The 'if and when' arrived in 1980 when another extended work strike occurred. The industry was then relocated; other work assignments necessary to keep the prison in operation were given to the guards, with idleness for all prisoners resulting. Time on the yard was drastically curtailed, and all cell blocks ate separately (with the result that we sometimes ate breakfast at 2:00 pm). With this new routine, assaults became more frequent; more lads tried to escape; the staff became more vindictive, e.g., several guards in the Long Term Control Unit urinated in a bucket and threw it on several individuals; when complaints were lodged, a minor internal investigation ensued, and I believe the guards were admonished not to do it again.

Then on October 27, 1983, while two lads were serving many endless, monotonous, mind-numbing years in the Long Term Control Unit on different tiers, they were charged with killing two guards and stabbing two others after coming out of their handcuffs. Shortly afterwards, the entire prison was converted into a Control Unit.

Attorneys from the Marion Prisoners' Rights Project, Donna Kolb, Jim Roberts, Jacqueline Abel, Martha-Easter Wells, and others, tried to gain access to the prison, but they were denied admittance until they obtained a court order. In June 1984, with the help of the People's Law Office in Chicago, and Nancy Morgan of Seattle, Washington, they filed a class-action lawsuit for us, stating in part:

Plaintiffs move the court for an injunction restraining the defendants from beating, torturing, and abusing plaintiffs; from using illegal rectal searches and unwarranted strip searches as a means of humiliating and terrorizing plaintiffs; and from denying plaintiffs reasonable communication with free persons. Plaintiffs request that the court enter specific orders designed to end both brutality which is planned, or condoned by defendant administrators as a means of control; and brutality which is directed against prisoners by individual guards, acting alone. In support of this motion, plaintiffs state as follows:

56 In retaliation for the killing of two guards ..., defendants launched a comprehensive attack against prisoners throughout the prison. At least fifty prisoners were seriously beaten ... [90 by August 1984.]

58 Defendant administrators used guards from throughout the federal system to assist in the reprisals against prisoners. Defendants knowingly selected guards from the riot teams of other prisons and permitted them to conduct the searches and beatings in riot gear, including helmets with face masks, without any identifying name tags.
In the course of the prison-wide search, defendants stole and destroyed prisoners' authorized property. Many family pictures and religious articles were destroyed or defaced on the spot. Religious articles and legal materials, some of them irreplaceable, and other items were removed, ostensibly to the property room, and then reported to have disappeared. [Truckloads of our property were buried on the adjacent prison camp after earth-moving equipment dug holes for it. Al Garza's radio—with his name stamped on it—(along with at least one other radio) was given to a white collar criminal at the camp who was too frightened to testify for us at the court hearings. I lost 5 1/2 boxes (canned goods size) of legal materials, all addresses, pictures, etc.]

... Defendants have opened and read his [Edgar Hevle] legal mail and systematically withheld and interrupted his personal mail. In November 1983, he was removed from his cell by unidentified guards in riot gear, and taken to segregation with hands cuffed behind his back. In the hallway he was severely beaten with fists, feet and clubs, and his head was repeatedly run into walls and metal doors. Defendant administrators Carlson [Director, BOP], Miller [Warden], and Ralston [Regional Director] saw this beating.

[Geovani Montey de la Cruz] is a Cuban .... [He] speaks only Spanish .... During the prison-wide search in November 1983, defendants wantonly smashed his painting of Saint Lazarus. [Kept as part of his Santeria religion.] In December 1983, defendants charged him with destruction of property (a plastic cup), beat him severely, and placed him in a cell in segregation after injecting him with an unknown drug which caused him to remain unconscious for two days.

Garvin Dale White [and Jeremiah Geaney were] ... assaulted by defendants, subjected to illegal X-rays and an illegal forced rectal search, and confined to a cell [without water] for four days handcuffed behind [their backs] and wearing only underwear. [The cuffs were not removed so they could use the toilet. This was done because their X-rays were 'cloudy.' No contraband was found on or in them.]

On June 20, 1984, the beating and torture of prisoner Henry B. Johnson. Mr. Johnson was beaten and tortured by four lieutenants and chained to a bed in metal handcuffs and leg irons for 35 hours.

In June and July 1984, the repeated beating and torture of prisoners Tomas Hernandez Santos and Jose Santiago Tanco. These prisoners, who speak only Spanish, were refusing to eat. Defendants force-fed them twice a day from approximately June 1, three days after they stopped eating, until their transfer to Springfield on June 13th. For at least one week in early July, they were beaten daily by guards including at least one lieutenant. From July 1 through July 13, defendants did not lubricate the tubes which were pushed down the prisoners' noses twice a day for the forced feeding. 4

Three individuals testified for us as expert witnesses, and also submitted affidavits, after touring the prison. One was Craig Haney, associate professor of psychology at the University of California, Santa Cruz.
Professor Haney specializes in the effects of confinement on institutionalized persons, he has served as a consultant to the US Department of Justice, and he has worked with prison systems in New Mexico, Texas, and California. He testified:

The penitentiary's use of collective punishment has held large numbers of prisoners responsible for actions in which they clearly played no part. Indeed, the entire institution has been converted into a massive Control Unit all in response to the actions of a very few. It is difficult for prisoners to perceive either the wisdom or the justice in this lesson. I share their reaction.

Frank Rundle, a psychiatrist specializing in medical and psychiatric problems in prisons stated:

I make this affidavit with an anxious sense of urgency and foreboding ... so that the matter may be brought to the Court's attention at the earliest moment possible ... . Since October 27, 1983, the prison has been in near total lockdown status with most of the population being held under security conditions of a degree I have seen no where else in ten years of visiting prisons around the United States.

In my opinion, the psychological effect upon most inmates is to generate a sustained state of smoldering rage, resentment and bitterness and a preoccupation with thoughts of violent revenge. An enormous pressure cooker of human emotions has been created and unless the pressure is reduced, staff and inmates alike will taste the poisonous stew made up of mutual suspicion and distrust, fear, hatred and vengefulness.

Joseph G. Cannon, associate professor in administration of justice at the University of Missouri-St. Louis, and former director of corrections in Kentucky and Maryland testified:

I have worked in and around prisons and jails for the greater part of my life (now in my 60th year) and I have never seen procedures so extreme and so seemingly designed to degrade and aggravate the prisoners.

On August 15, 1985, Magistrate Meyers denied all twenty-nine issues raised by the prisoners, except that those chained hand and feet to the metal rungs embedded in the new concrete beds should be checked more frequently. All prisoners' testimony was declared non-credible, except for one inmate turncoat who testified for the government after they broke his nose and finger (the magistrate even declared that if he was not an expert witness, he did not know who was). All the guards' testimony was declared credible, except for David Hale's, who admitted beating prisoners (of course, he is now an ex-guard). Then the magistrate finished his decision — and our hopes for relief — with this diatribe:

USP Marion is USP Marion. It houses the most vicious, unmanageable, and manipulative inmates in our penal system today and perhaps in the history of the penal system in the United States ...
It is abhorrent that correctional staff and officers have been subjected to so many vicious and unjustified attacks on their integrity. Such exploitation is an abuse of the judicial process.

Finally, the Court is of the firm conviction that this litigation was conceived by a small group of hard-core inmates who are bent on disruption of the prison system in general and of USP-Marion in particular. These inmates will spare no effort, means or tactics to accomplish their final objective: the control of USP-Marion. This Court will not be an accomplice to such an endeavor.


Upon consideration of the events transpiring in this program, could Edward S. Herman's comment be analogous, when he stated in Covert Action Information Bulletin, #26, at page 33:

This is the ultimate Orwellism: Those who terrorize the most are able to take the puny responses of their victims and use them to justify their own future excesses.

Or would Noam Chomsky's depiction of this scenario in the same issue be more fitting:

Alexander the Great captured a pirate and asked him, 'How he dare to molest the sea?' The pirate replied, 'How dare you molest the whole world? Because I do it with a little ship only, I am called a thief; you do it with a great navy and are called an Emperor.'

Some years ago a Kansas City newspaper printed a letter of mine in which I decried, in effect, two escaped Oklahoma convicts who had embarked on a mad murder spree. But perhaps I was too critical. If someone were to escape from here now (virtually impossible, of course) and begin a retaliatory campaign of mass murder, robbery, arson, sabotage, and terror, I would have to ask whether it were not merely an expression of W.H. Auden's truism: 'Those to whom evil is done, do evil in return.'

NOTES

1 Arthur 'Red' Hayes, who had apparently been designated as the new Birdman of Alcatraz (perhaps to serve as a warning example to others), could not equal the Birdman's forty or so years in the 'hole'—he became ill and then psychotic, dying after only thirteen or so years of lock-up, thus depriving the BOP of its prime paradigm.

2 My judgment that it was a foolish tactic to launch a strike for the benefit of only one ethnic group was later verified when a lawsuit was filed for Chicanos only. See Gonzales v. Richardson, 455 F.2d 953.

3 It is of more than passing interest that the US Supreme Court ruled on February 27, 1990, that prison officials may administer any kind of powerful, mind-altering drugs they wish to any prisoner whose behavior they feel is undesirable. The decision as to
whom these powerful, mind-altering drugs may be administered is left to the absolute discretion of the prison officials. No outside review is allowed so long as the prison psychiatrist (who is employed by the prison officials) states that it is in the prisoner's best interest.

4 The same tube pulled out of one's nose would then be inserted into the other's nose—without cleaning. When Jose was suddenly flown here from Puerto Rico, he had a gold chain intertwined through the skin on his chest, as part of his Santeria beliefs. The prisoncrats told him that no pagan African religions were allowed and to remove it. When he refused, the 'goon squad' clubbed him down and ripped it out. When he later replaced it with thread, they beat him again and tore that out. After I filed a petition for a writ of *habeas corpus* on his behalf, the court appointed an attorney to represent him. The lawyer interviewed one guard, who naturally denied all wrong-doing, so the good lawyer recommended that the case be dismissed, and so it was. In prison, this all too familiar type of attorney is called a 'dump truck.' Nor was this an isolated instance. After the 1983 anti-Marion nationwide propaganda campaign began, local attorneys were afraid to represent those incarcerated there. One lawyer (to my knowledge) even returned a fee rather than take a Marion "untouchable's" case.

5 In their zeal to fabricate an even stronger case against us, and especially to incriminate the attorneys who volunteered to help us, an Assistant US Attorney (AUSA), upon information and belief, was overheard by an 'outside' lawyer (not one of our volunteers) and reported for suborning perjury from a prisoner. As a result, the AUSA was transferred. When none of these efforts persuaded our volunteers to cease and desist, an attorney's office door was pried open and one convict's file was stolen (the only one still at Marion who was accused of involvement in the guards' deaths). Shortly thereafter, she left the state. But COINTELPRO (the government's program of burglarizing political dissidents' residences) has been declared to be discontinued—right?

**REFERENCES**

Greetings to all of our brothers and sisters who struggle in unity for the sake of our unborn generations. We pray that you and all your relations are well and strong and enjoying all the blessings our Mother has to offer.

I am a prisoner of the United States presently being held captive in Greed's Ironhouse at Marion, Illinois. On October 22, 1983 there was some trouble in this prison, in a part of the prison I do not even have access to. I only know there was trouble because I heard about it on the radio. Since October, life in Marion has become no life at all as the warden takes revenge against all the prisoners. We are being brutalized and beaten by sadistic guards who continue to punish the innocent for the deaths of two of their brother guards. All programs have been discontinued permanently. I will never be allowed to work again. I cannot get medical attention for a very painful degenerative disc disease. I cannot seek redress for grievances through the courts because there is no longer a law library. There is no educational program. If I write a letter I must do it on the floor because I do not have any furniture other than a bed in my cage. They say we are too dangerous to have a chair or table. If I want to shave, I must do so without a mirror, because mirrors are illegal. If I wish to place my comb or toothpaste somewhere, I must put them on the floor because, I'm too dangerous to have a shelf in my cage. If I want to put my shirt and trousers somewhere, it must be on the floor because, I am too dangerous to have a clothes peg on my wall. If I want to stir my coffee, I must do it with my finger because I may not have a 3" plastic spoon. If I attempt to write a letter to my lawyer, a Congressman, or Senator complaining about these conditions, the guards will come into my cage and steal my unmailed letter. That's why I am writing to you in the dead of night. I am limited to possessing three paperback books, three newspapers, and two magazines. If I have four newspapers delivered by the mailman, because Marion does not have mail delivery on Saturdays, Sundays, or holidays, the men with clubs will invade my cage and steal my unread newspapers. At the conclusion of every meal, men with clubs will come to my cage door and demand the empty, paper, individual salt and pepper containers, butter containers, 4.5 gram sugar packet (paper), plastic fork and spoon, empty milk carton, and even the plastic wrap that comes on the microwave food tray insert. Woe be to you if you don't have any single item. Sometimes the guards will leave a sugar packet off your tray, or
fail to give you pepper or one of the other items. Then the men with clubs will strip off your clothes; gaze at your privates; make you bend over, and spread apart your cheeks, so they can look in your rectum; then they make you stick your hands out through the bars backwards, while they handcuff your hands behind your back. Then they open your door while one of the guards half drags you off your feet by pulling your handcuffs up while walking you away from your cage. The other guards walk on your bedsheets, steal and destroy your property, and call your mother a whore. If you are lucky and make no sound, they may put you back in your cage, without beating you with clubs. In my case, I am not so fortunate. On three occasions, October 31, November 1, and November 6, 1983, I was beaten with clubs because I am unable to bend from the waist to spread my cheeks. There are notes in my prison medical file signed by the Chief Medical Officer attesting to my inability to bend from the waist, but the sadistic guards do not care.

I must eat all three of my meals in my cage. I am locked in a 6'x9' cage for 23 hours a day. I must eat where I shit. I don't mean to sound gross, but there is no other way to say it without being dishonest. I am forced to eat where I shit. I am given three teaspoons of cleanser a week. I am only allowed the cleaning brush for the commode once a week on Saturday night. I keep it as clean as I can, but how clean can you keep a toilet with 3 teaspoons of cleanser and a brush once a week? The odor of raw sewage permeates the cell 24 hours a day. When my food tray comes, I try not to think about the open toilet and the acrid stench. I turn my back to it, but still it assails my consciousness and brings tears to my eyes until I retch and retch and pray that this nightmare will someday end.

All these things I could probably learn to live with because I realize that Marion is america's Number 1 gulag for political prisoners, and I know that my brothers, friends, and comrades in here are suffering the same indignities. But there is one outrage that I can no longer tolerate. I will no longer allow the united states to continue to deny me the right to practice my religion. For 491 years the religion of my people has been trampled on and disrespected by the sea pirates and many of their descendants who invaded my land so long ago. For those of us who today wish to follow the religion and teachings of our grandfathers, the road is rocky and the struggle is hard, even under conditions in the so-called 'free world.' But for American Indians in Marion Federal Prison, we have been cast into a spiritual wastebasket where every aspect of our religion is denied.

When men brutalize, degrade, and dehumanize other men there is a point at which injustice becomes intolerable, and I have reached that point. I will no longer co-operate as the united states steals my life little by little, day by day, and makes the quality of my existence not worth
perpetuating. Since my captors have taken away even the religion of my grandfathers, then I shall make them choose between killing me by starvation, or obeying their own laws that have been written into their constitution and that say all men and women have a right to practice their religion.

It is with these thoughts in mind that I have come to a decision this day to go on a death fast just as soon as the united states Bureau of Prisons can be enjoined in their courts from force-feeding me. Two of my brothers are joining me – Leonard Peltier, #89637-132, an American Indian, and Albert Garza, #49602-146, a Jewish brother. Albert bases his death fast on Talmudic law. The guards who were stabbed to death in the Control Unit were both Klansmen who were tormenting Tom Silverstein and Clayton Fountain who are both Jews. Albert Garza is the head of the Marion Jewish Society here, and because he is a Jew the guards have subjected him to vile and incredible reprisals, even though he was in general population (which is light years from the Control Unit) when the guards were killed.

Leonard and I enter into this fast not out of despair or depression, but with a joyful commitment of total love and dedication to our people. We must have our pipe, drum, sweat lodge, and access to our outside spiritual people. We will fast until we are either granted our constitutional right to practice our religion, or until we return to our Creator. If the united states does not wish us to die, they have but to obey their own laws. If we do die, the united states and their total disregard for human rights will be our murderers.

We will be fasting and praying for all the peoples of this world, for all the little animals of the woods, for the gilled peoples of the waters, for the winged creatures of the air, and for all living things such as the flowers, trees, and grasses. We pray for all of our sisters and brothers who are imprisoned throughout the world. We pray for our brothers and sisters who daily suffer the knowledge of hunger, not because they choose to fast as I have done, Leonard has done, and Albert has done, but rather because they cannot find even a crust of bread to feed themselves and their starving children. We especially pray for the little ones who, in their innocence, have inherited a world intent on destroying itself, because of the greed of a tiny minority who believe it's all right to kill in order to protect their privilege. We pray that we will not entertain thoughts of hatred against those who destroy us because of their stupidity, but rather I pray that my motives may remain steadfast out of love for our Mother.

In the Spirit of Crazy Horse.
Dungeon Marion: An Instrument of Oppression

Bill Dunne

PLOT AND PERPETRATION OF LOCKDOWN LABORATORY MARION

Maximum Restriction Manila

In 1978, the BOP [US Bureau of Prisons] began to implement a new, higher security classification system ... In 1979, USP [United States Penitentiary] Marion became the Bureau's only 'level 6' penitentiary. Marion's new purpose was to provide long-term segregation within a highly controlled setting ... The decision [was] to establish USP Marion as a level 6 penitentiary and to convert the prison from an institution with only one Control Unit, with other [prisoners] congregating and moving in large groups, to a 'close, tightly-controlled, unitized' institution for all [prisoners] (Meyers 1985; Breed and Ward 1984; US Bureau of Prisons, Policy Statement 1979; cf. US Bureau of Prisons, Policy Statement 1973; Henderson 1979).

Thus is assassinated the main premise of BOP public disinformation that the rendering of all of USP Marion into a control unit in the wake of the killings of October 1983 was the unplanned and unintentional response to an emergency situation. Similarly fall other BOP justifications for the perpetual lockdown of the prison such as: it is 'humane incapacitation,' it improves safety and security in the system as a whole, and it allows other prisons to be operated more openly.

The beginning of the implementation of this 'new, higher security' only five years after the opening of the original control unit indicates official dissatisfaction with the scope of then maximum restriction repression and the intention to go beyond it. The original plan, allegedly aimed at modifying the behavior of miscreants into more socially acceptable forms, or at least into something that would make them more tractable captives, had itself been modified. Driving these changes were a more destructive brainwashing approach and changing perceptions about the needs of the class they serve on the part of prison authorities. The goal had become more to learn how to control and manipulate than to effect positive change. The cost to the community or to the experimental subjects was immaterial.

The falsity of administrative propaganda in light of that goal is revealed in its rhetoric. The 'long term segregation' of this 'new, higher security' implies exactly what the first control unit was and remains. The rest of Marion has changed from the open institution it was in 1979 to intentional, permanent lockdown – not emergency response. This
'new' purpose for Marion was decreed despite the existence, in all other prisons, of extensive segregation facilities where prisoners can be kept indefinitely. Such purpose indicates intentions that transcend mere incapacitation. Isolation facilitates the secrecy conducive to an experimental program and its ulterior motives. And the decision to convert Marion to a 'tightly-controlled, unitized' prison was nothing more than a thin rhetorical disguise for a plan to make it a prison composed completely of isolation units. Dungeon Marion was deliberate. Former BOP Director Carlson (March 29, 1984) has said that he has long wanted several such institutions.

A prison composed completely of control units is exactly what Marion has become. However, with an eye toward the sort of deniability and obfuscation in which it has been engaged, the BOP did not impose this condition all at once. It brought about the result by creating a steep slope several years long and greasing it with public relations ploys. What it blames on the depravity and depredations of prisoners was more the product and mischaracterization of increasingly more repressive conditions administratively imposed on prisoners.

These impositions were movements toward the stated (but publicly denied and distorted) BOP objective of a control unit prison and efforts to instigate actions that would justify more such movements. Former USP Marion Warden Harold Miller himself admitted that conditions at Marion had deteriorated in the months after his arrival, hardly a circumstance that he did not control. In testimony before the US House of Representatives, Professor David Fogel (March, 29, 1984), Director of Graduate Studies of the Department of Criminal Justice of the University of Illinois, characterized that deterioration as 'not an abnormal outcome' of policies then in effect; making the prison more and more restrictive made it a tougher and tougher place to be. Each major, calculated step toward the administrative end, such as the elimination of prisoner work, intensified pressures on both prisoners and guards and accelerated the descent into lockdown.

Each step escalated the pressure on prisoners in particular. The deliberate nature of the pressure was revealed by its continual increase, despite its visibility and inconsistency with any rational BOP mission. Prisoners had to exist within the prison, not just spend 40 hours a week in it. They had no options such as quitting or transfer to another prison, Marion having already been designated an 'end of the line' (US Bureau of Prisons, Policy Statement 1979). Prisoners had no outlet for the stresses, tensions, and frustrations engendered by the gratuitous abuse, diminishing opportunities, and concomitant decline in their standard of living. Nor did they have any power to resist their victimization via credible, real time appeals, administrative, or otherwise. All the problems of this drawn-out attack were added to and aggravated the usual rigors of maximum security subsistence. Their minds and their bodies
were all that prisoners had at their disposal to consciously contest the injustice of their metastasizing oppression and the deliberate provocation of staff.

Guards, too, were subject to manipulation to the point of expendability in the administrative quest to implement its totalitarian design. Labor-management relations between the American Federation of Government Employees (AFGE) locals, representing guards, and the BOP were at a very low ebb. A statement by Kenneth T. Blaylock (1984), national president of the AFGE, describes the conditions faced by guards as a crisis. Blaylock also cites work details two or three times over quotas, short staff, and inadequate training. He complains of top management, some of whom ‘view us [guards] as merely tools and stepping stones,’ that is detached, distant, and more concerned with image than employee welfare. The statement goes on to lament the absence of an effective working relationship with management on local, regional, or national levels. It decries bad faith in negotiations and the vindictive downgrading of 1100 union members. Another report complains about ‘worsening’ conditions for guards, low pay, ‘take back’ demands in negotiations, and ‘harsh, arbitrary, and over-reactionary’ disciplinary procedures for staff (American Federation of Government Employees et al. 1984). Many other sources attest to the facts that health and safety and security warnings by guards at Marion, and elsewhere, were ignored; that union activism was harassed; that treatment was unfair; that morale was low; and that the rank and file was permitted no input (Blaylock 1984; Fogel 1984; San Antonio Light February 5, 1984; The Southern Illinoisian April 8, 1984).

These conditions applied at Marion and were compounded by arbitrary demands on guards to treat prisoners more stringently in the name of security. In short, guards, too, were manipulated as ingredients in the Marion experimental chemistry. Unfortunately, they succumbed to ignorance, reaction, and the ‘just followin’ orders’ syndrome. They fell for their masters’ tricks and transferred blame for their plight to nasty prisoners, even though they knew, or should have known, better. Marion (and other federal) guards, like the prisoners, tried to resist their oppression through their labor. Unlike prisoners, however, they were not condemned and vilified for it.

Open Prison to Semi-Lockdown

In the months following the installation of Harold Miller as warden in 1979, conditions at USP Marion were made harsher. The prison was still open with functioning work; educational, vocational, and recreational programs; and a degree of free movement, despite its maximum-security character. But the decision had been made that those days were done, and the slide had already begun. Miller was gruff and uncommunicative and possessed of an attitude amenable to the task of instituting
a needlessly more authoritarian regime, an attitude that was transmitted to staff despite the schisms. When the phasing out of the industries program began, it eliminated many jobs for prisoners and caused a contraction in the prison economy. Working conditions were worsened. Pay was decreased. Harassment was escalated, including increasingly more abusive and disrespectful personal and cell searches, and more infraction reports that carried more severe punishments for frequently petty incidents. Arbitrary exercise of authority (something especially capable of inducing tension due to its unexpectedness) also became more common. Unnecessary limitations were placed on cultural pursuits. Active physical abuse (as in beatings) and passive physical abuse (as in denying adequate medical care) were also included in the administrative assault.

Presented to Warden Miller by a group of prisoners in August of 1980, the following list of concerns illustrates some of the problems:

- Allow Native Americans to practice purification rites.
- Allow religious services in segregation and the control unit.
- Allow Muslims to wear the fez and turban.
- Stop the use of boxcar cells.
- Stop guards from harassing and beating prisoners.
- Extend visiting and make the visiting room more comfortable.
- Improve medical care.
- Improve diet by using real meat (Susler et al. 1984).

In the midst of this expanding instigation, provocation, and repression, the attendant stress expressed itself in predictably various ways. There were a number of prisoner on prisoner assaults between the accession of Warden Miller and February, 1980, and two prisoners died. However, the actual number of assaults will never be known, given the variability of what officialdom reports as an assault, and it will never be surely known whether the deaths were the product of negligence or deliberate indifference. As deplorable and indicative of ignorance and lack of consciousness as these attacks might be, they did not occur in a vacuum and should not be seen solely as evidence for general prisoner depravity or justification for further repression.

The largest expression of prisoner resistance to the stress-inducing oppression, however, was in work strikes. In January 1980, the first work strike occurred. Work stopped for a time, but nothing was fixed. Another strike lasted for three weeks in March and April. Participation was virtually total. Officials accused prisoners of threatening others to get that degree of solidarity and launched a press offensive to make the strikes appear to be a product of coercion. However, that very premise contradicts the administrative painting of prisoners as violence-prone predators not amenable to intimidation or outside influence of any sort. Assuming that the wages of scabdom and collaboration in the prison
are similar to those outside (and they are), any significant non-participation in the strike would have caused a lot more mayhem if the anti-prisoner propaganda were true. Widespread coercion is also inconsistent with the staff charge that prisoners had ‘well-organized resistance:’ one would have canceled the other. And the organization charge as a justification for harsher repression was inconsistent with the fact that the strikes were peaceful. Any such organization should thus have been seen as a positive development.

In September 1980, a third work strike was launched. The grievances of prisoners were starting to gain some currency in the world beyond the walls. Until then, the administration had a virtual monopoly on access to the press, and thus enjoyed almost total freedom to ply its disinformation campaign against prisoners. There were incentives to do so: according to at least one report, only one prisoner was working. The action continued despite the threats and coercion of administrators and guards. People had to be brought in to perform essential tasks that were formerly done by prisoners. It was a substantial drawing back of the veil behind which prisoncrats could get away with just about anything; it could not be hidden or covered up.

Lawyers, particularly those of the Marion Prisoners Rights Project (MPRP) who had long been associated with the struggle against repression at Marion, helped break the prisoners’ isolation resulting in their greater reach and credibility. When official actions, including court proceedings, are taken into consideration under the scrutiny of outside lawyers and the public, they must be carried out at least a little more correctly. Hence, Warden Miller took steps to deprive the prisoners of their legal assistance and support. If Marion had really fit the propaganda picture and had not been proceeding pursuant to counterproductive ulterior motives, Miller would have welcomed the attention as vindicating. Instead, on October 15, 1980, he wrote a letter illegally banning Martha Easter-Wells, Jaqueline Abel, and Elizabeth Mitchell, two lawyers and a paralegal of the MPRP, from the prison for the duration of the work strike then in progress. With respect to the lawyers, the justifying charge was that they had allegedly helped a prisoner formulate a list of strike demands, and, regarding the paralegal, that she had made comments to the press favoring the strike after a legal visit. In a society purportedly predicated on freedom of expression and legal access for all, the ban could only be a contrary demonstration of desire to further shroud in secrecy the destructive consequences of what was being done at Marion.

On December 22, 1980, the banning order was extended beyond the duration of the work strike to everyone associated with the MPRP. By this time, officials knew that the semi-lockdown of the work strike would be permanent. The ban was expanded on the pretext that having prisoners on the organization’s board amounted to their conducting a
business, a violation of BOP rules. At that time, the ban against Attorney Abel and Paralegal Mitchell was further justified with the assertion that they had sent contraband to prisoners, horrible things: self-addressed, stamped envelopes from the MPRP for replies and some blank watercolor paper. Even the US Seventh Circuit Court of Appeals, no friend of prisoners, later acknowledged the ridiculousness of these rationales. Apparently, the Marion administration recognized it, too, because contemporaneously with making those allegations it was inducing prisoner Jack Abbot to make other vague, uncorroborated, and unfounded allegations against Project personnel. Several days later, this opportunist was transferred to Utah from whence he was shortly sent to a New York halfway house. These allegations were also billed as incredible by the Court of Appeals (Abel, et al. v. Miller 1982).

All of this not only demonstrates the double standard applied against prisoners and the willingness of the Marion and BOP administrations to use dishonesty in furtherance of their goals, particularly the reduction of Marion to a locked down lab. It is also indicative of the extent to which prisoners generally (who have much less visibility and power than free legal professionals) are victimized by the lies of 'confidential informants' and by the exaggeration of trivial incidents into major infractions with serious consequences. The local federal district court further revealed the problems of bias and apparent predetermination faced by prisoners in its handling of the banning matter. It upheld all of the contentions of Marion officials in the case and it contributed a few of its own machinations in support of the prison and BOP, notwithstanding that its position was predicated on what was facially ridiculous and incredible to the Appellate Court. Prison officials were able to wreak considerable damage, deprivation, and expense before the ban—in a case that was adjudicated unusually swiftly and successfully—was overturned.

While the work strike continued, the Marion administration took a further step towards transforming the prison into a set of control units. The industrial work program was removed and the equipment sent elsewhere. Nearly all non-industrial jobs were eliminated. There has been no work for any but a few USP Marion prisoners since. The academic program was shut down in almost all but name. The vocational program was also terminated. All of the training equipment was removed, the building was gutted, and the resulting space was turned into a recreation area. Access to recreation was curtailed. Out-of-unit recreation was reduced to approximately every other day in a highly-controlled movement. The only times prisoners were allowed out of the cell block were for visits and to go to the chow hall, in small groups without contact with prisoners from other units. Prisoners were allowed out of their cells during the day, but they were restricted to the
long, narrow tiers in front of the cells with very little to do and the only contact allowed was with others in their part of the block.

Marion staff billed the evolving ‘stringent environment’ as allowing the prison to operate in a much more secure and effective fashion than prior to the semi-lockdown. In November 1981, the administration contended that prisoners and staff were safer as a result. This is what the BOP always claims in order to justify increased oppression; it has learned that the courts have essentially made it sole proprietor of ‘safety and security,’ despite its record of failure. The BOP always insists its measures are effective and that trouble only increases because the prisoners get nastier. If that were true, it would be an indictment of the measures as ineffective, but the inherent characters of prisoners entering the system remains the same. Congressional and State legislative testimony shows that, over many years, the increasing depravity excuse has been repeated endlessly: our failures are due to the nastier and nastier people sent to us (Fogel 1989). In light of those failures, though, the contention of improved safety is evidence of either malfeasance or incompetence. Former BOP Director Norman Carlson (March 9, 1984) himself supplied to US Representative, Patricia Schroeder, statistics that indicated that assaults with weapons on staff at Marion more than doubled in 1981 over 1980 and were only one fewer than in 1979. Verily, that fact indicates that the work strikes provided an outlet that decreased deadly violence.

Semi-Lockdown To Lockdown

The ‘stringent environment’ and its adversarial atmosphere in which idleness, particularly intellectual idleness, aggravated other pernicious factors, was a recipe for disaster. Prisoners were left with no constructive pursuits and only limited recreation – a few games like dominoes and cards, a TV for each 35 prisoners, and whatever they could do on their own in the way of self-education. They were thrust into enforced contact with people from different cultures, backgrounds, educational levels, and future prospects given their time structures. There was exceedingly little through which to feel or demonstrate personal competence or value or connect with the de facto community in which prisoners were compelled to live, let alone any other. Ascribed characteristics such as race and geographical origin as well as achieved characteristics such as group affiliation, the things of “jalin’,” and the criminal element assumed magnified and disproportionate importance. The constant actual and implied denigration by the authorities, intrinsic to a locked down situation, plus prisoners’ powerlessness to do anything to alleviate it, contributed to the impetus to competition on the basis of what seemed immediately relevant. Nor did prisoners have any opportunity to change their situation in any certain, real-time way:
they were forced to play the game and could not concede, withdraw, choose a different game, or lose, except self-destructively.

These pressures, along with the stress bred by indefinite subjection to rigorously maximum security conditions, could not help but breed conflict and behavior officialdom could hawk as atrocious. They could not help but create a social microcosm divergent from the norms of the larger society. Only the existence of some consciousness and some recent experience of collective action on the basis of commonality and in resistance to shared adversity (i.e. the work strikes) among Marion prisoners prevented the result from being much worse than it was.

Officialdom is fond of separating the period from February 1980, through June 1983, as especially characteristic of something that it has never fully explained. Presumably, it is to indicate the depravity of Marion prisoners during an ‘open’ period before the current lockdown was imposed in 1983. However, it must be remembered that February 1980 was just after Warden Miller’s pushing of the ‘evolution of a more stringent environment’ had already precipitated one work strike. In addition, the regimen initiated subsequent to the physical removal of the industries program in January of 1981 was actually in effect from September of 1980 when the last work strike began. Hence, the behavior during this 40 month period, with which the BOP seeks to vilify prisoners, did not occur under open conditions and is more the product of provocation and repression than any asserted inherent knavery of prisoners.

Cited as demonstrative of prisoner rascality are 14 attempted escapes, 10 group disturbances, 28 assaults on staff by prisoners, and 54 assaults on prisoners by other prisoners in which eight prisoners died (Breed and Ward, 1984). First, the 14 attempted escapes must be discounted as evidence of anything bad. It would be completely unreasonable to expect people to voluntarily submit to draconian punishment and retribution with no redeeming social value for the generally very long sentences with which most Marion prisoners were afflicted. Verily, willingness to so submit could only be seen as pathology. The very walls, fences, bars, and gun towers at even medium security prisons acknowledge the normalcy of thoughts of escape. The only justification for making escape from oppression a crime is that the oppression is only incidental to and no more than is necessary for community protection while the real protection of habitative programs that facilitate an offender’s reintegration into normal life is allowed to work. Marion makes no pretense of doing that and, in fact, insists on doing the contrary.3

Responsibility for the extent the alleged violence did occur beyond what would be expected lies at least as much with administrative practices as with the actual perpetrators. What is reasonable in such an
irrational environment as USP Marion may not be readily discernible as such outside. Individuals may take violently exploitive and oppressive actions on the basis of ignorance, unconsciousness, indiscipline, thoughtlessness, opportunism, and/or as the result of psychological injury. They are accountable and responsible for those actions to the extent that they could have but did not rid themselves of or avoid those actions. Nevertheless, responsibility also accrues to a variety of contributing factors, not all of them under the control of the immediate actors. It is a given that the mentally impaired are responsible for their actions only in inverse proportion to their disability. The stick does not make them better or more responsible; it exacerbates the problem. So it goes with victims of psychological attack like prisoners, especially when they are placed in circumstances where their ability to improve is severely circumscribed. Moreover, oppressed people tend to be impelled to attack each other as a reaction to and expression of the stresses of oppression before turning against the oppressor (Fanon 1963).

In any event, in these incidents are represented only the small minority of Marion prisoners whose victimization forced them to act out in ways the BOP felt it could mischaracterize to its advantage. Prisoner violence is only one of many expressions of the larger violence the BOP perpetrates with weapon Marion.

In assessing this period, another consideration is that statistics are generated by the BOP, which has complete definitional control over what constitutes an assault, an escape attempt, or a ‘group disturbance.’ It can vary the criteria in order to come up with the desired numbers. The statistics must also be considered in light of demonstrated BOP willingness to lie in furtherance of its interests. Further undermining government credibility, none of the statistics even acknowledges, let alone lists assaults on prisoners by staff; feats of penmanship rendered them all an acceptable something else. Misleading, too, are across-the-board negative characterizations of prisoner violence. What is unreasonable outside might not be unreasonable in an environment irrational as USP Marion. A fight, for example (always considered a ‘bad’ statistic, and frequently reported as assault), may be the proper response to exploitation and oppression where the alternative is becoming a collaborator (snitch, rat, informant) and/or spending the rest of a long sentence in the segregative conditions of protective custody. And if the antagonist with which one is confronted is bigger, stronger, tougher, or has help, rationality may dictate an equalizer. The BOP also inflates the statistics with hyperbole about the events from which they derive, creating the impression of continual mass misbehavior. In reality, the relatively few people involved in the 1980-83 incidents (virtually all of whom were quickly identified and segregated), coupled with consideration of the incidents and statistics in their proper per-
spective, rob them of force as justification for action so extreme as lockdown Marion.

Events subsequent to the February 1980 to June 1983 period are often, albeit arbitrarily, cited generally as ‘leading’ to the October 28, 1983 lockdown (Breed and Ward 1984; Meyers 1985). The BOP seeks to justify its victimization of not only all then Marion prisoners, but of all present and future consignees as well, with sensational descriptions of incidents somehow even more threatening than those of the preceding period. The apparent intent is to create the impression of a substantive destabilization. The charges from this period involved only some 24 perpetrators – some of whom were also victims and not all of whom were assigned to ‘general population’ units – or about 7% of the approximately 350 prisoners at USP Marion at the time. And again, no information is given about the conditions, instigation, or provocation that precipitated the incidents, most likely because that would seriously undermine their justification value for the BOP.

Take, for instance, the first incident mentioned in this July-October 1983 period. Two prisoners in segregation took two guards hostage. Escape, even to the ‘mainline,’ was not even an issue. Knowing the likely consequences of beatings, long sentences, and a lot of ‘hole’ and control unit time, did these prisoners act just because that was in their nasty natures? Or was it a desperate last resort after repeated, unheeded complaints about gratuitous abuse, insufferable conditions, complaints made in the face of the bankruptcy of appeals procedures, or even passive resistance? Was it better explained as the stresses born of conditions over which the prisoners had no control needing and finding an outlet? Were these people who felt obligated by their principles to resist injustice inflicted upon them? Though some of the cited incidents may be seen as efforts to harass back, act out, or opportunistic misbehavior, and while some of the acts may constitute truly corrupt iniquities, again, they must be considered in light of the circumstances.

Precipitation of Lockdown

The specific incidents that are alleged to have precipitated the lockdown of October 27, 1983 – the killing of two guards in the control unit – are even more egregiously lacking as justification for slamming down the whole prison permanently. The circumstances surrounding the killings also provide further evidence that the making of Marion into a Control Unit prison was pre-planned. On the morning of October 22, 1983, on B range of the Control Unit, guard Merle Clutts was stabbed repeatedly and later died. The two other guards with him were not injured. A shakedown of that range was ordered, and normal activities for the rest of the unit were resumed. That evening, on C range of the Control Unit, guard Robert Hoffman was fatally stabbed in a struggle
between three guards and a handcuffed prisoner in which the other two guards were also stabbed. The assailants were immediately identified. Prisoners expected retaliation: that would be normal. Despite its autonomy from the Control Unit, some activities for prisoners in general population were, indeed, cancelled the next day. But they were restored the following day. The event seemed closed. Eventually, Thomas Silverstein was convicted of stabbing Clutts, and Randy Gometz of giving him the knife and unlocking his handcuffs. Clayton Fountain was convicted in the death of Hoffman.

The theory for the incidents advanced by prison authorities was that the prisoners had a murder competition going just for something to do or in pursuit of some arcane vision of status—an obvious absurdity (The Southern Illinoisian May 25, 1984). If that were so and assuming, ad arguendo, the veracity of contentions made in calls for harsher punishments and the death penalty for prisoners that these prisoners had 'nothing to lose' due to already having life plus sentences (see, e.g., State of Illinois 1983) why, then, would they stop at one guard each? According to witnesses, neither of the two other guards with Clutts was stabbed despite ample opportunity for the assailant to do so, and those with Hoffman were stabbed only when they interfered and apparently only to the extent required to discourage them. Magistrate Kenneth Meyers (1985) wrote with respect to the possibility that all six guards could have been slaughtered: 'The two assaults upon the officers in the control unit had demonstrated that one [prisoner], physically powerful from the use of weight lifting and body building equipment, could take down three employees, even when they were fighting for their lives.' Both prisoners surrendered their weapons and returned to their cells without further resistance after the attacks, hardly consistent with maximizing the score in some macabre competition.

There is a much more realistic explanation for the prisoners' actions. Clutts and Hoffman were long time guards who had failed to climb the promotion ladder, were known for their atavistic attitude toward prisoners, and were seemingly possessed of some mystical nostalgia for a mythical way it never really was. They went out of their way to harass and be uncivil to prisoners, particularly singling out Silverstein and Fountain due to their reputations. These guards apparently thought that they could gain status in their gang by targeting prisoners they felt were among the toughest. Numerous complaints had been made about abuse by guards over the preceding 16 months, and about Clutts and Hoffman in particular, and warnings about the likelihood of trouble were given. Those complaints and warnings were in addition to the extreme potential for trouble facially evident to correctional professionals and, presumably, also apparent to Marion administrators (Fogel 1984; Rundle 1984; Haney; Rubin 1973).

Extremes of tension can be easily generated by endless repetitions of
even petty abuses, and all of those perpetrated on Control Unit prisoners are not petty. Given the lack of any adequate outlet for this tension for these prisoners, such as: viable administrative appeals, litigation, obtaining a transfer to another unit or institution, or in constructive, rewarding endeavors like work or school, it would have been surprising had there not been some kind of explosion. The pressure of wrong heaped upon injustice, piled on injury and affront with no prospect of relief continually mounted until it made Clutts' and Hoffman's killers unable to acquiesce to their oppression. The extraordinary load of stress finally impelled them to accept the dire consequences of the only action available to them, to take some control over their totally dominated lives, even if momentary, whatever the consequences. And those consequences were dire: beatings, digital rapes, strip cell isolation conditions, less likelihood of freedom – even that of a more open prison – legal and illegal vengeance by guards, and the possibility of death, all for an indefinite period. Silverstein and Fountain are still in solitary isolation. For people whose lives are under the total control of others who deliberately set themselves up as adversaries, there are always consequences, deterrents, preventions, retributions, and so forth, contrary to the assertions of those calling for killing to show that killing is wrong.

Regardless of what one may think of the appropriateness of the reactionary deeds for which Silverstein and Fountain were convicted, the genesis of the deeds must be understood if conclusions are to be drawn that may help prevent such events as well as less serious misbehavior in the future. As Silverstein noted at his sentencing in the killing of Clutts, life is different at Marion, especially after one has been subjected to Control Unit rigors for five years (The Southern Illinoisian May 25, 1984). But it is not so different that cause and effect do not operate; the BOP seeks to deny the causes (and its responsibility for them) and treats the effects as if they did not happen in a situation where appropriate and healthy responses had been eliminated as options. Moreover, both Silverstein and Fountain were legally competent and no claim to the contrary has ever been made. Hence, they were able to appreciate the enormity of their actions. Silverstein made that point, too, at sentencing, at a time when there was nothing he could say that would make a difference to him. Further, to kill merely for 'bragging rights,' as one guards union official put it, is, by definition, insanity, even without consideration of the consequences. 4

The fact that the deaths of Clutts and Hoffman occurred in the Control Unit, a unit completely divorced from the rest of the population to the extent of being virtually another prison, also reveals that they were not the actual reason for the permanent lockdown of all of Marion. Unlike with segregation, from which prisoners come and go to general population on a frequent basis – even though some spend years there
– there was extremely limited contact between the mainline and Control Unit. Occasionally, prisoners were sent there from mainline Marion, but only through segregation in a process that could take more than a year. Infrequently, prisoners were released to the Marion mainline after their control unit sentences. Physically, the Control Unit is situated in an isolated end of the prison where no communication is possible by sight or sound; Control Unit prisoners, and those in ‘population’ used no common facilities and did not so much as pass each other in hallways. Pains are taken to maintain that separation. The administration acknowledged that the Control Unit was essentially another prison by allowing what was then normal operation of the mainline after the killings.

Thus, the use of the guard deaths can only be construed as something that was determined after the resolution of the incidents to constitute an excuse sufficient to justify an ‘emergency response.’ The excuse had to be a good one considering the magnitude and permanence of the planned change of regime. The implementation of the pending plan ‘to convert the prison from an institution with only one control unit..., to a “close, tightly controlled, unitized” institution for all prisoners’ needed only its Arch-Duke Ferdinand to be set in motion.

To the guard deaths, the administration added the death of prisoner Jack Callison, who was found stabbed to death in his cell on C range of D block on October 27. Officialdom needed a bridge, both between the time of their excuse and the lockdown, and between the Control Unit and the mainline. Many prisoners had been killed previously without much official concern at all, let alone the creation of a long or permanent lockdown. And even this death was not considered serious enough at the time of its discovery to justify any lockdown of the prison. But it was a convenient addition to the justification being assembled for the imminent permanent lockdown.

Prisoncrats multiplied these two ‘main events’ of murder by exaggerations of relatively few and minor incidents occurring in the time between them, and they came up with an explosive atmosphere of impending riot and incipient takeover of the prison. This fantastic drawing is implausible considering the limited movement of only small groups of prisoners at any given time, and their willingness to lock up when instructed to do so. They had been doing that every evening and for two daily counts without even the allegation of a problem.

An immediate excuse for drastic action was still lacking; however, no lockdown was in effect late on October 27, 1983. Perhaps staff members only felt compelled to display their machismo that evening after the insult to the guard ‘us’ by the prisoner ‘them’ via the Control Unit killings. More plausible is that the BOP hierarchy had that day instructed the prison that the time was ripe for the final step, that the
decision had been made to realize the control unit prison. Provocation of some kind of group disturbance that could span the distance between the isolated, individual depredations and the evening of October 27, when nothing warranting lockdown was happening, was apparently thought to be necessary. An incident was instigated. The administrative story about it is that when C unit was released for evening chow, four prisoners ran down the main corridor and attacked several staff members for no reason other than their inherent rascality.

The factual explanation of the event exposes its character as provocation. C unit was not let out for chow that evening until unusually late, approximately 7:00 pm, after the rest of the population had been locked in their cells. At the release, Executive Assistant Dean Leech and a large squad of club-toting guards were on hand, purportedly to search the prisoners. This is the same Dean Leech who, two days earlier, stated with respect to Marion prisoners: 'You have to consider the kind of men imprisoned here. They're here because they're vicious; they're here because they're savage' despite knowing that was not true (unknown title 1983; Ralston 1984; Carlson May 2, 1984). Warden Miller was also present. It was unusual for either administrator to be around at that time, and security matters like shaking down prisoners are not the province of the Executive Assistant. Nevertheless, Leech insisted on personally participating in the shakedowns, verbally abusing prisoners and treating them roughly as he did so. He subjected some prisoners to a second search. One prisoner, Joe James, having already been shaken down, was blocked by Leech as he walked past. James informed him that he had already been searched, the guard who had searched him acknowledged this, and James proceeded. Nevertheless, Leech suddenly grabbed the surprised and unsuspecting James by the shirt. In the tense and confrontational atmosphere of USP Marion where sudden personal attacks elicited reflexive defensive responses, it is not surprising that James reacted. He knocked Leech down. A brief skirmish ensued - but only brief due to the number of guards present. The prisoners retired to the unit and were locked up. No one was injured. The only running was Leech running away, pursued only briefly by James.

Later that night, some prisoners were brutalized, one at a time, in what was termed a 'security shakedown.' Apparently, the action was more to ensure an attitude of resistance among prisoners and to stimulate activities like throwing trash on the range and shouting threats and insults to make the incident look like a continuing one and to help justify what was to come.

The Lockdown

The next day, Warden Miller imposed an official 'state of emergency.' No prisoners were let out of their cells for so much as a shower. They were put on sack lunches (usually a bare slice of bologna between two
pieces of dry bread, a like sandwich with cheese, and a piece of fruit, or something similar) for all three meals. Guards began roving about and searching, verbally and physically abusing selected prisoners in the process. Writers of the official propaganda that masquerades as history describe the reactions of prisoners, the vast majority of whom had done nothing wrong, as some sort of continuing riot, even though all it ever amounted to was a few small fires and minor damage, throwing of trash out of the cells, and verbal abuse—and not even that in the first few days. Discretion dictated that prisoners locked in single cells could not have even that small venting of frustration face to face with gangs of guards. The propagandists also advanced the finding of several prison-made knives in different parts of the prison as if that somehow proved the nastiness of prisoners, and that there was some still imminent threat with them all locked in cells. On the contrary, those discoveries indicated rationality: if even just a few of the prisoners consigned to Marion were the rapacious predators alleged by staff, reason and prudence would demand having access to some sort of defensive instrument. And such finds are made in every prison. In the several days following the declaration of the state of emergency, prisoners remained in their cells amidst this random abuse, on sack lunches, with garbage and dirt accumulating on the tiers; guards continued these and other preparations for even worse depredations.

Goon squads of guards began to arrive from all over the federal BOP on October 30. Five guards and a lieutenant had already arrived from Leavenworth on October 25—apparently on speculation, if the lockdown was not pre-planned. Many more were rotated in over time (Fortune News Spring, 1984; Peltier 1984). All guards were issued three foot long riot batons with metal balls affixed to the ends. Some of the imported guards were special attack squads, and other such squads were formed at Marion. The one from Leavenworth called itself the 'A-team,' and the Marion version billed itself as 'Blue Thunder,' both after kill-em-up cop shows on TV. The goon squads were outfitted with helmets, jump suits, flak jackets(!), gloves and boots, riot gear, and face shields to obscure their identities. All of the guards took off the name tags they are required to wear. Some of the arriving guards were taken to the Control Unit where blood from the killing of the guards was still on the floor and incited against prisoners with comments like: 'See that? See? Tha's your brother's blood on the floor there. Your brother! Could be yours. That's what they do, the animals! We've gotta show 'em!' Obviously more than merely carrying out the dictates of security was intended. Nor was this system-wide effort something that could be mobilized on short notice.

The reign of terror to usher in the 'new, higher security' started in earnest in the Control Unit on November 2. Every prisoner's cell was ransacked in the name of search, and all the men were pushed and
shoved around, some being beaten more severely. A number of prisoners were taken to the hospital for forcible searches of the rectum and while there they were poked, hit, tripped, slammed into walls, etc., and subjected to multiple X-rays.

Illustrative of this brutal treatment are the experiences of Garvin Dale White and Michael Geoghegan. On November 4, White was taken from his Control Unit cell to the hospital where he was beaten with clubs and forced down when he refused to consent to a rectal search. While held down, a person unknown forced a finger repeatedly into his rectum. He was then subjected to numerous X-rays against his will. After that, he was thrown into a strip cell with no water and no heat, clad only in underwear and still handcuffed behind his back. He was supposedly to be 'dry celled' until he had a bowel movement, but was kept there for three days after he did so, four days altogether, handcuffed behind his back all the while. No contraband was found. All of this was justified on the alleged rumor that there might be a piece of hacksaw blade somewhere in the Control Unit. The court said about this that there was no credible evidence demonstrating a pattern and practice of abuse (Cunningham et al. 1984).

Also on November 4, Michael Geoghegan was beaten for allegedly having a milk carton in his cell. About eight guards rushed into the cell, threw Geoghegan to the floor, and stomped on his left hip and thigh. One guard hit him in the face while another admonished, 'Not in the face!' Others hit him in the throat and beat on his torso. As he was dragged from the cell in leg irons, chains, and handcuffs, guards thought it was great fun to step on the chain between the leg irons, which caused deep cuts in Geoghegan's ankles. Geoghegan is a 5 foot, six inches, 140 pound male. Public Defender David Freeman was able to photograph Geoghegan weeks after the incident, and the damage was still clearly visible. The court 'found' that Geoghegan was only handcuffed for 'refusing' to return a milk carton and that there was no credible evidence of anything else (Cunningham et al. 1984; Meyers 1985; Kolb et al. 1984).

Over the next few days, between approximately November 3 and 8, police terrorism was visited upon the rest of the prison. All of it far exceeded anything that could be considered usual or normal in response to emergencies or rationally related to security. Every prisoner was individually taken out of his cell by a gang of club-wielding, riot-suited guards with no name tags. Each was pulled out of the cell either naked or in underwear, and was at least pushed around or jerked about by the handcuffs and verbally abused. At the same time, prisoners were being taken to other units or held in front of the unit while the cells were ransacked. Many were given more serious beatings. They were subject to attack anywhere—in cells, stairways, hallways. They were punched; kicked; hit with clubs; and run into walls, bars, and gates, with the
genitals being common targets. All of this was accompanied by threats, sexual and racial slurs, and demands that prisoners make demeaning statements. Comments were made about the brutality being revenge for the two dead guards. Perhaps some of the rank and file tools of administrative policy, unaware of their true function in the conversion of Marion, really believed that.

Representative of the brutalization of the mainline prisoners were the cases of Hanif Shabazz (S/N Beaumont Gereau-Bey), William Omar McCoy, Michael Sizemore, and Frank Segarra. On November 7, in I unit, a group of guards accused Shabazz of being an influential prisoner and stated that they intended to beat him as an example. They handcuffed him behind his back and did as they had threatened, targeting his joints particularly with their clubs. Later the same day, the guards returned and struck him with their clubs while he lay on the bunk. They returned yet a third time that day, removed Shabazz from his cell, and clubbed him on the knees. Guard Lt. Booker denied that there had been any abuse on that date and the court found that there was no credible evidence to the contrary (Kolb et al. 1984).

On November 7, four guards came to the cell of William Omar McCoy. They strip searched him, handcuffed him behind his back, and carried him down the tier with clubs stuck under his arms. He was jabbed in the stomach and beaten on the knees with the riot batons. Guards demanded to be called 'sir' and to be told who was running the prison while voicing a variety of threats. After 15 minutes of this maltreatment, McCoy was returned to the cell and he was pinned face down on the steel bunk while more threats were made. The court said that the credible evidence failed to support the allegations (ibid.).

Also on November 7, about seven guards took Michael Sizemore, unhandcuffed, from his cell and off the tier to where he was thrown into a wall and knocked to the floor. He was then choked and pulled off the floor by the hair with his arms twisted behind him. All the way down the corridors to I block, he was beaten with clubs, his bare feet were stomped on, he was kicked, and repeatedly rammed into walls. In I block, he was pinned with clubs and boots to a steel bunk, beaten on the legs, and punched several times in the face. The guards attempted to get information from him and to make him say 'sir.' He was further abused for refusing to comply with these demands. He was then warned not to complain about this treatment. The court said that Sizemore was only pushed, which it did not consider excessive, and that the evidence of prisoner witnesses was not credible (ibid.).

On November 4, a group of guards had Frank Segarra strip searched, cuffed behind his back, and taken out of F-unit. A guard pressed Segarra's face against a wall with baton pressure to the spine for 15 to 20 minutes. He was then lifted by the handcuffs and genitals and
dropped to the floor where guards clubbed, punched, and kicked him. Guards taunted him and ordered him to get up, only to be beaten again when he managed to comply. He was dragged to I unit and beaten more upon arrival. He was threatened and told not to look at the guards' faces, which were obscured behind dark visors, anyway. He was strip searched and left in an empty, cold cell. The court said that there was no credible evidence that any beating occurred (ibid.).

So it went in approximately 110 reported instances of physical abuse of prisoners by guards. And these are all beyond the routine pushes, shoves, slaps, jerking around by handcuffs, and prodding with clubs. Virtually everyone was subjected to verbal abuse, threats, and intimidation as well. Many other instances went unreported out of fear of retaliation, out of belief that complaining would be futile and inappropriate (i.e. 'sniveling'), or out of desire to keep the humiliation as secret as possible. The guards and administration insisted that no brutality or abuse ever occurred and that any force that was used was reasonable. The court found that none of what was testified to by so many prisoners, at least one guard, and others (supported further by the circumstances) happened at all (Meyers 1985).

These denials were contradicted by not only a preponderance but by an avalanche of evidence. From October 27, 1983, the prisoners were all confined in separate cells between which there was virtually no possibility for unmonitored communication. Even after the isolation of prisoners generally was no longer total, such communication was impossible for most. It still is. There was no communication at all between the units. Conspiracy was impossible for those as well as interpersonal reasons. There was no forewarning that would have permitted a conspiracy in advance. No prisoner or staff member testified about any specific details showing any conspiracy by prisoners to lie. Such a wide-ranging conspiracy would be impossible to conceal not only due to the circumstances, but also due to all the confidential informing in the hope of transfer going on at the time. There were no prosecutions for perjury, demonstrating a lack of evidence to support that all of the prisoners were 'not credible.'

The details of the brutality, corroborated in the testimony of diverse and unconnected prisoners, were not of the sort likely to be fabricated. They left out much that could have made things look worse and included unusual details. Also, conviction of a crime does not necessarily make one a liar. Moreover, lawyers, and at least one corrections professional, the only non-BOP people with any short-term access to the prison – though officials kept them out as long as possible – saw evidence of the needless brutality and excessive repression. These people recognized this as evidence that it was the administration that was not credible. Dr. David Fogel pointed out in his congressional testimony that BOP administrators routinely base extreme actions like
rectal probes and confinement to administrative and disciplinary seg­
regation not on the sworn testimony of prisoners, but on their mere tips. Administra­
tors are backed by the courts in such credibility assess­ments. Magistrate Meyers himself acknowledges prisoner credibility – albeit only when they say bad things about themselves (Fogel 1984). Fogel also raised questions about administrative credibility that could have been readily answered by examination of the sort of routine bureaucratic documentation with which he was intimately familiar (Meyers 1985). But the material was never brought out or examined and possibly never kept to avoid incrimination. These facts are in addition to the lawyers having heard the same things repeatedly from prisoners who could not possibly have concocted a consistent, false story. To­
gether with other factors, the foregoing tends to shift the lack of credi­bility to the guards, administration, and court, despite their use of formal procedures and position to make themselves appear otherwise.

The court did accept as fact, despite evidence to the contrary, ‘the inherently violent, aggressive nature’ of Marion prisoners, and opined that: ‘The severity of the injuries were [sic] proportionate to the resis­tance offered by the [prisoner].’ This was consistent with the image of Marion as a program of experimentation, proportionate force and injury being substantially different than necessary force and unavoidable injury. The court justified everything with the assertion that: ‘USP Marion is USP Marion’ (ibid.). In other words, insistence on its constitu­tionality aside, it is a constitution free zone.

The official attack was not limited to physical assault but also extended to prisoners’ property. After prisoners were removed from their cells, they were returned to empty cells that had been stripped of everything – personal property, lockers, clothes, shelves, clothes pegs, legal material, sheets, and blankets – everything. All of it that was not destroyed or discarded on the spot was dragged haphazardly to the gymnasium where it was dumped on the floor. Much was ‘lost,’ ‘converted’ by guards, or destroyed. Some was sent out without notice to prisoners or explanation to surprised and apprehensi­ve relatives. No property inventory receipts were issued, contrary to regulations.

**Summary**

During the two weeks immediately following the initial lockdown, the reign of terror continued, albeit in diminished active intensity after the first wave of brutality. There was no sick call until November 7, and prisoners were discouraged from seeking medical attention for injuries on pain of physical mistreatment for the request. Prisoners were kept in intentionally frigid cells on filthy tiers without hot meals. It was not until the last week of November that three hot – microwaved – meals per day were restored, and those were often delivered to the cells cold and/or contaminated. On November 14, prisoners began to be allowed
30 minutes of recreation per day on the tier in front of the cells, although they often did not get it. Eventually, this was raised to an hour in March of 1984. No outside recreation was permitted until June. Lawyers with the Marion Prisoners Rights Project were prevented from seeing prisoners until late on November 15, and were then only reluctantly accorded limited visits under threat of a court order. Officialdom apparently felt that its conversion of Marion was sufficiently a fait accompli by then. Starting on November 16, an exceedingly limited amount of personal property was again permitted. What was allowed had to be kept in one paper bag despite the presence of a lot of rodents. Prisoners were told to file a tort claim over the large part of what had been confiscated that had been ‘lost.’ Beatings, ‘goonings,’ and chainings to bunks continued, but with less frequency.

The goon squads from other prisons began to withdraw in January of 1984, their function being taken over by Marion squads. A few privileges were introduced over the year after the imposition of the lockdown. These included a total of 11 hours out of the cells per week (an hour per day on the tier and two hours in the yard with another two hours in either the gym or former TV building), some commissary (but no work to earn money for it), and somewhat more property plus cardboard boxes to keep it in. TVs were installed in July of 1984, and visiting time in the glass and phone visiting booths was extended. The official name for the lockdown was changed to ‘high security operation.’ But the atmosphere of fear and intimidation remained, compounded by endless petty harassment and restriction.

It was not possible to explore here or even point out every BOP action demonstrative of the Marion lockdown’s true intent, the real character of its implementation, or to expose every official lie and malfeasance. Nor was it possible to rebut, or put into proper perspective, each of the allegations of prisoner depravity that are individually and collectively used to justify mass punishment, counter-productive repression, or to disguise officialdom’s ulterior motives in applying it. It has, however, been possible to provide a clear outline of the reality of the government’s conversion of USP Marion into a particular tool of oppression that is qualitatively different than what it was. It has been possible through revelation of that situation to show a face of the apparatus that the government has gone to great lengths to hide.

**RAMIFICATIONS OF LOCKDOWN LABORATORY MARION**

**Current Reality**

USP Marion is still a locked down prison. On average, prisoners are forced to spend almost 22 hours per day locked in single cells. In groups of nine, they are allowed 1 hour and 45 minutes per day, five days per week, out on the long, narrow tier that runs in front of the cells.
Prisoners can only talk to those other prisoners in the 35 cells on the same side of the block during these times. Three-hour yard and gym periods are also provided each week, to and from which prisoners are taken with hands cuffed behind their backs by gangs of club-wielding guards. (This is changed to two hours in the winter, with an extra hour being given on the tier). The rest of the time is cell time. Education consists of rudimentary, basic education self-study courses. The library is a cardboard box of ragged paperbacks outside the bars at the end of the tier. There is no work available for any but a few prisoners.

Idleness and isolation are not, however, the full extent of Marion oppression. Manipulative harassment is carried right into the cells with endless petty rules, regulations, and requirements. These may be made up on the spot and are unevenly and selectively enforced. No one can even know, let along comply with, all of them. The penalties for transgression of even the most insignificant of these edicts are severe: the slightest infraction is used as justification for up to another year of confinement at Marion (Bureau of Prisons 1985) in addition to other punishment. And the harassment is frequently tailored to individual prisoners by targeting the things of most apparent importance to the person under particular attack. Everything — education, medical treatment, personal property, food, and so forth — is a potential weapon of physical and psychological assault against prisoners.

The imported goon squads have long been returned to other prisons, and the rampant brutality that characterized the period in 1983 and 1984 following the initial lockdown is now more of a threat that needs only infrequent demonstration. Nevertheless, there are still more than occasional beatings, goonings, and chainings to concrete slabs. The total domination by the administration of all aspects of prisoners’ lives is predicated down to the smallest detail on the always imminent and immediately available use of force. Nor is direct attack by guards the only form of physical abuse; food, medical neglect, segregation, and other methods may also be employed. But the primary vector of attack is now psychological.

There is effectively no appeal from any of the depredations of Marion. A prisoner may be transferred there ‘for any reason or no reason at all.’ Although there are almost always reasons for the transfer, many are not legitimate. And although there are vague guidelines for transfer out of Marion, none of them are binding on staff. They are sometimes merely ignored and often used to make prisoners feel as if they, the prisoners, are responsible for their continued confinement at Marion. There is no entitlement to transfer that can override staff decisions to deny it. Prisoners are frequently taken to segregation ‘pending investigation’ or they are punished in other ways that cannot be appealed. Often, prisoners are surprised by silly infractions, all of which are said to
require the victim to ‘start over’ on his indeterminate sentence to Marion. The hearing process is a joke that officials will sometimes verbally acknowledge, but which becomes very serious on paper. Appeals, be they administrative or judicial, are similarly bankrupt and may take years (Amnesty International 1986). Complaints to prison staff are perilous as they may elicit only accusation and punishment rather than relief.

Numerous authorities on the operation of correctional systems have testified and otherwise made known that arbitrary treatment and the absence of adequate grievance mechanisms are dangerous, particularly in combination. Such conditions accentuate rage, frustration, tension, and helplessness. These stimulate prisoners to take matters into their own hands—to take whatever momentary, minuscule control they can. Thus, the conditions at Marion serve to undermine safety and security and lead to violence (ACLU 1985; Haney). These contentions are corroborated by seven murders, two suicides, numerous fights, and untold assaults since the lockdown. Such events are especially indicative of the psychological extremities associated with Marion conditions.

Contact with the community is discouraged and virtually non-existent. Prisoners have no contact with outside people such as healthcare professionals, teachers, work supervisors, and providers of community services and activities. The only exception is minimal contact with two contracted chaplains. Should prisoners develop any other connections, such as with church groups or media, every effort is made to destroy them. Personal visits are needlessly restrictive. When permitted, visits are through glass partitions via phones, and prisoners are submitted to strip searches to and from the visits. No other state or federal prison adheres to such restrictive practices. Visitors are also subjected to unnecessary, inhibiting impediments. Combined with the remoteness of the area, the oppressive character of visiting makes for relatively few visits. Mail is closely censored and often rejected for inane reasons like merely mentioning a name the censor thinks is that of another prisoner; disappearance and delay of mail are not uncommon. This further impedes communication that may be all the community contact a prisoner has.

Marion and its program of repression are characterized by deception. Prisoners are not the only ones who are told lies incessantly. What is visible to the public is a gleaming, modern prison that conveys an impression of cool and deliberate efficiency in the discharge of some ordained task. The United States is a rich country with vast resources to spend on appearances. In the case of Marion, that translates into a good deal of monetary expenditures on disguising the violations of human rights (United Nations' Minimum Standard Rules for the Treatment of Prisoners) as ‘humane incapacitation.’ Tourists are shown
shining, empty corridors, electronic gates, TVs in cells, a seemingly well-appointed infirmary, and other show items that lead them to believe that prisoners have nothing about which to complain. The impression conveyed by the physical plant is that Marion is a professionally conducted, high-security operation of a concentration model and not destructive abuse. However, such images do not accurately portray the reality experienced by Marion’s victims. And the difference between the material implications and the actuality of Marion subsistence is only part of the deceit. The BOP and Marion administrations try to use the picture reflected by these facilities to lend credibility to their disinformation about who is subjected to Marion, its intent, its effect, and its efficacy at achieving its alleged goals.

The BOP and Marion administrations claim that Marion is filled with violent and vicious predators who constitute ‘the worst of the worst’ in American prisons. Marion prisoners have been characterized as ‘rotten apples’ concentrated into one barrel. The fact, however, is that Marion prisoners are no different than prisoners in other maximum security prisons. They may even be less threatening. For example, most mass murderers, sex criminals, perpetrators of psychotic personal violence and the types of crime in which it is most likely to occur are in state, not federal, prisons. The most destructive criminals, such as those of the corporate class and its apparatus, are in country club prisons – if in prison at all – and certainly not in Marion. Third-world men comprise a disproportionately large segment of the Marion population. Not all Marion prisoners are men who have committed acts of violence in other prisons either, and many who have committed such acts are not here. There are many sent to Marion on vague allegations of plotting escape, for administrative reasons, to fill space, or for no specified reason. Others are sent directly from the streets. Many are people with strong belief systems upon which officialdom needs to experiment and to undermine. Some of these people are political prisoners sent here as part of the repression of their communities and their struggles.

Publicly, the administration tries to shift responsibility for prison problems onto their vision of nasty prisoners, and onto Marion prisoners especially, despite the complete control exercised over them by guards. As noted previously, this is nothing new; state and federal legislative records show that prisoncrats have been doing it for 150 years. The justification is necessary in order to belabor prisoners with a yet heavier club of class control in a constitution-free zone like Marion. But the fiction and the reality of who languishes under the lockdown demonstrates that it is the barrel and its managers that are rotten and not its victims.

That few prisoners at Marion actually fit the criteria the BOP claims to use for consignment has long been an indictment of the Marion operation. Long after the lockdown, 80% of prisoners were classified
below security level 6, the rating of the prison (Breed and Ward 1984). Tired of taking heat for that situation, the BOP did not eliminate the problem by transferring the lower security rated prisoners. Instead, it changed the classification system, supposedly the product of long labor by expensive experts, to allow almost anyone to be classified as level 6. It then issued an edict that prisoners could not have their custody levels lowered while at Marion, further limiting what incentive there might be to refrain from responding to the lack of options with misbehavior (The Marionette July, 1986).6

The Marion lockdown is not the last resort response to depredations by prisoners that culminated in three deaths in October of 1983. Circumstances and documents discussed above as well as in a document cited on ABC national news magazine, 20/20, show that it was being planned much earlier. Marion is not the ‘humane incapacitation’ that is claimed, as illustrated by the violation of many of the United Nations Standard Minimum Rules for the Treatment of Prisoners and the condemnation of its practices by Amnesty International. Marion is not simply a ‘concentration model’ either, although it does operate as such in some respects incidental to its real function. If people at Marion are not all the nasties alleged and there are nasties not at Marion, there is no concentration. It is not merely a ‘high security operation’ because the repression goes well beyond what could be reasonably related to security. It is not behavior modification because that term implies that objectionable behaviors are being replaced with more desirable ones. Marion is a fully destructive environment with no hint of something constructive. It is not only a ‘mind control’ prison, although developing the means of exercising psychological influence over people is part of its intent. The effect of Marion is mental impairment and a decrease in the stability of its victims that makes them more unpredictable and less controllable. They may then be akin to human mines that can be aimed, at least, and, perhaps, more than vaguely. In this way, they are useful for bureaucratic purposes such as increasing the probability of acts that will engender community revulsion, anti-crime hysteria, and political support for policies of repression. But specific control is undermined. Marion is a laboratory for experiments in social manipulation and control.

Political Rationale
The laboratory analogy serves to illustrate the rationale for the perpetual lockdown, and such an analogy is most strongly indicated by the evidence, incidental benefits to prisoncrats in other regards notwithstanding. Whether or not that was the original intention of all the engineers who crafted the lockdown, that is what officialdom ultimately implemented and that is the current reality. The US ruling class sees on the horizon increasing dislocation and discontent as the crisis of
capitalism deepens and its pains for the populace become sharper. It will need a larger apparatus of repression to deal with the resultant situation in the future as it increasingly fails to provide acceptable social conditions. That accounts in large part for the disproportionate anti-crime hysteria and expansion of the US Gulag Archipelago at present. It will need more police to serve as occupying armies in poor and working-class communities and to protect its institutions and privilege. As well, it will need more prisons with which to threaten and disorganize people resisting their exploitation, and courts with which to criminalize them and legitimize their suppression.

Fear of real and imagined crime provides the support for expansion of the direct, physical means of class domination. It is also instrumental in dividing people along race and class lines and fragmenting their communities. It engenders psychological acceptance of the continuing presence of the ruling class and its apparatus of control in communities in which they exploit and oppress but do not live. This acceptance is an illustration that the ruling class needs psychological control even more than physical control. No amount of physical repression can indefinitely sustain minority control without a well-developed system of psychological manipulation. Physical power alone cannot even always guarantee it temporarily (yet), as the 1988 uprisings in the Liberty City and Overtown sections of Miami demonstrated. And they were unorganized. People are increasingly seeing through the current American mythology of prosperity for all, belief in which has been maintaining the status quo. The ruling class sees them seeing. Hence, it is researching and developing not only the physical means of repression but the more crucial psychological ones as well, the software to go with the hardware.

Enter the Marion lockdown and other maximum restriction control units that incorporate similar experimental oppression. At these places, the people seemingly most immune to external programming are singled out for attention. Many are at least somewhat protected by what to them are clear, principled, and sustaining belief systems. Others are possessed of strong habits of resistance to mental pressure or are psychologically calloused. Being intractable, in the sense of resistive to authority, is the most relevant criterion. If such people can be induced to surrender tightly held sets of principles or who can be otherwise rendered malleable, that is valuable information to the agents of oppression - much more valuable than the maltreatment of a relatively few prisoners. These are the same types of attitudes from which community activists, guerrillas, union organizers, and other mobilizers and practitioners of resistance spring, attitudes that allow such people to persevere as economic and social conditions deteriorate and become more dangerous. Such attitudes are exceedingly threatening to the owning and exploiting class.
Political prisoners of the radical left make particularly good test subjects in this regard because their operating principles are less susceptible to attack due to their rationality. Those ideas are also most threatening to the hierarchy and are most likely to be either held by or seem attractive to the people who will increasingly populate the prisons. Prisoners belonging to other groups, that adhere to more or less consistent codes, also provide grist for the Marion mill because results with them are often similar and/or translatable. The same is true with respect to information garnered from other prisoners in neither category who frequently correspond in malleability, interests, outlook, and common types of rebellion to segments of the population the ruling class will need to control with new weapons in the future. These others can also serve as both experimental control subjects and as camouflage for the experiments.

While repressive models such as USP Marion and the control unit for women at Lexington, Kentucky (now closed with its ‘mission’ transferred to a new dungeon at Marianna, Florida), experiment directly on their victims, they are also working on their victims’ communities. Deprivation of connection to the community can injure the community as well as those isolated from it. By allowing ‘crime’ to be handled by the removal of its members, the community becomes more dependent on outside authority to solve the problems of crime largely created by the social structure enforced by that authority. That contributes to polarization, isolation, and suspicion within the dependent community and it helps to create identification with the occupying forces. Thus the ability of the community to organize against its own exploitation and oppression is undermined. In addition, the community loses some of its members who demonstrate the attitudes and capacity for resistance to an unjust social reality through rebellion, even if the rebellion is not always conscious or appropriate. They are returned with attitudes divergent from those of the community further inculcated and/or reinforced. The experimenters then obtain information on the efficacy of the removal versus other controls. The removal also constitutes a warning and a threat to those remaining who would resist, be it conscious and overt political action against the status quo or in unconscious reaction to the social realities of oppression. Further, an established practice of removal allows control and criminalization of unrest directly via arrest and release without respect to actual criminal action. All this applies whether the community is on the streets or in another prison. And there is always the pain, discouragement, and demoralization inflicted by personal separation and the attendant economic loss. The apparatus is interested in these external effects of the enhanced isolation of prisoners in dungeons like Marion, too.
Psycho-Social Effects

The impact on prisoners of lockdown laboratory Marion most clearly reveals its experimental mission. Prisoners at Marion are first stripped of virtually all control over their lives. ‘Taking all their decisions away’ was specifically mentioned as official policy by Marion Warden Gary Henman in a BBC radio interview (Wheeler 1988). To this atmosphere of complete lack of control, the constant and visible threat of force is added to enhance the insecurity. That insecurity is further compounded by the complete uncertainty of existence. US prisoners possess many rights, but none of them are sure for any individual at Marion. No one knows when he will be accused of some real or imagined or fake rule violation or when any other aspect of his life will be suddenly attacked by official action. These attacks can range from minor irritants to beatings and chainings.

The stress can become so severe that prisoners have been known to fly into a rage over having an official merely standing in front of a cell and looking into it. Such responses to such seemingly little (i.e. being the object of unsolicited official scrutiny) are symptomatic of the extremity with which the threat is perceived by prisoners. One might endure such conditions by creating a psychologically separate and secure niche of, say, study or some other connection to reality beyond Marion in the seeming solitude of a cell; however, no one is permitted to escape from the insecurity in this way. Officialdom pursues prisoners into the very corners of their existence with myriad arbitrary demands that may be made at any time and have unknown consequences. Capricious orders to do (or not do) something inane can come to appear – even when they are not - as harassment or personal insult, intended only to be demeaning without purpose except as a gratuitous demonstration of power.

Most people are unaware of the character of these intrusions as direct or indirect experimental stimulation, but that only enhances their impact. With such basic needs as those for security and control of one’s life going unmet, such invasions can break into a prisoner’s consciousness with a stab of anger and resentment that can linger a long time after removal of the stimulus while disrupting constructive thought and action. These invasions are damaging. They can elicit a reaction that can only be self-destructive or they can force the prisoner to internalize the anger, frustration, and resentment for which there is no ameliorating release. The incessant repetitions of these invasions – often made even when prisoners are asleep – are cumulative and escalate the level of tension both individually and collectively. Such conditions ‘shape behavior toward violence by accentuating frustration, rage, and helplessness and the violence is either directed inwardly or outwardly’ (Rubin 1973).
The effect is multiplied by the extent to which it prods prisoners into attempts at self-policing. In order to avoid the intrusion and its psychological and physical consequences, many prisoners try to figure out—not always consciously—what will attract official interference, reasonable or not, and to eliminate those things. This can be extremely stressful because it requires acceding to the unreasonable and bowing to adversarial pressure—doing 'the man's' job—without being specifically required to do so. And it is often not possible due to contradictory and changing demands. Attempting to anticipate also means that invasions of official unreason can occur at any time, even when no staff member is present. The imposition of this pressure without any apparent behavioral goal, let alone one readily discernible to prisoners, is what robs the Marion regimen of a justification as behavior modification. When asked how to resolve the dilemmas or for explanations that would at least make the requirements understandable, staff members merely shrug and insist that the rules be obeyed or refer the person elsewhere. Constant confrontation with the double-wrong non-choices exacerbates the uncertainty, insecurity, and the stress that these engender.

Guards, too, are made the victims of similar manipulation as they are also subject to Marion experimentation. Supervisory staff, usually above the custodial level, pressures guards to pressure prisoners for frivolous reasons. Although many guards are conditioned to identification with the hierarchy and desire to climb, others are just in it for the money and security. Both try to eliminate cause for intrusion into their psychological comfort zones by trying to anticipate the whims of the hierarchy. The former try to be right with 'massa' and the latter try to avoid being wrong with 'massa.' But doing so constantly faces them with having to carry out unjust acts of repression with no reasonable relation to any legitimate penological objective in exchange for a salary, a sell-out to all but the most zealous. This pressure, the agent of oppression syndrome that stems from it, and the extent to which the deeds it demands undermine guard notions of their professionalism are much more the cause of the stress in guards that the administration attributes to the supposed dangerousness of prisoners. The experimentation on guards also seeks to determine how to counter these problems and their impairment of minions' and henchperson's zeal. Such knowledge will have even more application outside, when members of the same class and community are pitted against one another. The tactics tested on guards include anti-prisoner propaganda and agitation, identification with the guard/BOP gang, material incentive, and intimidation.

Whether for guards or prisoners, the least stressful response is to try to move through this situation so incapable of analytical rationalization without thinking about it and to depersonalize the class brethren
between whom the ruling class has chiseled a line that can only harden in the circumstances. But that is not always possible and certainly not desirable. Undoubtedly, staff members are aware that they are being manipulated, albeit in varying degrees according to their ignorance, unconsciousness, and programming. But that only enhances their perceptions of lack of control, their desire to show some, and the need to seek release, even at the expense of prisoners. That desire seems to increase with altitude in the hierarchy where it seems to become more and more important to appear to other climbers of the ladder to be running something, to be in control of as much as possible, to be operating more than operated.

The assault on prisoners of lockdown Marion continues with the deprivation of work, education, recreation. At USP Marion, there is no work for the vast majority of prisoners. Only a relative few in the pre-transfer unit have jobs – and even they are forced to work on military contracts rather than productive projects. Working prisoners are the victims of all of the exploitation suffered by outside workers subjected to unfettered capitalism: speed ups, poor and hazardous working conditions, threats of retaliation outside the job for job performance, forced overtime, low pay, insecurity, and so forth. Thus, the work experience is not what it could or should be, even where it is not completely withheld.

As mentioned above, there is no substantive education to fill the work gap because, claim staff members, there is no budget. Given the demonstrable benefits of education, at a prison that spends substantially more per prisoner than any other federal prison and over twice the federal average, that excuse is equine excrement. It is also contrary to the notions of security advanced by officialdom because prisoner intellects absorbed in educational pursuits are not being applied to endeavors that might undermine prison security and that of the communities into which they will eventually be released. Recreation is needlessly limited, too, and, in some instances, discouraged, diminishing the benefits prisoners can reap from the meager activities that are permitted.

It is through activity, primarily work, that people satisfy their need to feel some sense of self-worth, competence, and accomplishment. Occupational roles also provide for a sense of identity. Education is intimately tied to this equation. It adds to one's capacity to work, to accomplish, to contribute to the community, and it also provides the satisfaction of accomplishment and knowledge in itself. It allows a person to better understand and deal with his or her world outside of a narrow and parochial existence and to be more capable of making rational assessments of it. It helps to create a community consciousness, awareness, and appreciation of the knowledge and values that sustain a society. It breaks isolation and the errors of ignorance.
Nevertheless, both meaningful work and education are denied to USP Marion prisoners, allegedly due to the dictates of security and expense. It is said that Marion is not designed for and does not have the facilities to permit such opportunities; it would be too costly to change. The case is similar with recreation. Given the many work, educational, and recreational possibilities available (even within the context of the lockdown), the denial is an absurdity. Work, education, and recreation, however, are not compatible with Marion’s mission of social experimentation. These activities might empower prisoners, making the desired results difficult or impossible to obtain.

The results that are obtained by the deprivation of work and education are another condemnation of Marion. Further negative socialization of prisoners is one such result. In the Congressional hearings on Marion, psychologist, Frank Rundle (1984), described this effect of long-term segregation as ‘progressive desocialization.’ The denial of a sense of self-worth, of productivity, of usefulness in some effort of value to the individual and the community creates a perception of personal valuelessness that encourages prisoners to view others similarly. People who feel themselves to be of little value and have no feeling of security of person or property (contributing to worthlessness in a property based society) are inclined to have fewer inhibitions in their treatment of other people and things. This amounts to one less social safeguard for members of the community against deliberate criminal victimization by someone in whom the legacy of Marion pressures contributes to unconsciousness, carelessness, or a psychotic incident.

Prisoners are also impelled to seek elsewhere the self-value and satisfaction of accomplishment they are denied through work, education, recreation, other constructive endeavors. This usually translates as developing the skills of ‘jailin’, developing knowledge or skill in the felonious arts, or developing associations with others who have value in the prison society, not always for laudable attributes. These things, as well as a frequently distorted sense of honor, become what are valued and pursued, also to the detriment of both prisoners and community. This is where desocialization becomes actively negative socialization.

At Marion, the extent to which the skills of prison society can be developed is limited in practice but exaggerated with respect to attitudes. Self-aggrandizement is forced to take on a more negative aspect. With very little a person can do to feel competent and valuable via dynamic accomplishment, there is an enhanced tendency to try to attain those feelings through static condition, as well as a heightened sensitivity to real and imagined affronts. That means the encouragement of stronger identification with people with similar inherent and artificial, pseudo-inherent characteristics (race, region, religion, gang, etc.), greater exaltation thereof, and harder lines drawn between people having different ones. Within these groupings, there is an increased impetus
to denigrate ‘outsiders.’ By attributing such faults, the social position of the denigrator (and/or those not sharing the characteristics being denigrated) is raised relative to the victim. This occurs with non-characteristic actions and attributes, such as ball-playing proficiency. Tolerance for diversity is crushed by Marion oppression. Thus Marion victims tend to develop a habit of looking at people generally in a negative manner instead of positively or neutrally. To be hard, tough, and unfeeling becomes a desirable goal and emotional response is impaired by pursuing it. This pushes prisoners further from desirable social norms and strengthens identification with ‘the element.’ All of this is in addition to the fact that the deprivation of work and education leaves prisoners without the social and occupational skills necessary to survive in a society where every aspect of existence is not controlled by someone else (Rundle 1984).

There is very little to counter the deleterious effects of this regimen of psychological assault, even to the limited extent that such counters are possible. Community involvement is one possibility. Although the BOP does acknowledge the importance of family and community ties, and while sometimes the BOP lives up to the paper policies designed to facilitate the maintenance of these ties, Marion practice is a deliberate impediment to them. Arbitrary harassment rules that change whimsically are imposed on both visitors and prisoners. Visiting conditions are made so artificially difficult that many prisoners do not want to subject themselves or their visitors to the humiliation and emotional trauma. Even for the few prisoners who have some skill at written communication, the non-visit contact with the outside is generally insufficient to maintain positive relationships over time. Access to the community more broadly is even more limited. There is no way for prisoners to be exposed to the elements of community life, let alone develop (or maintain) connections with a particular one.

Be they with an individual or a community, relationships are dynamic and not static. They are predicated on practice, on interaction. People and communities change over time. When they change in isolation from one another, they tend to diverge, to grow apart from previous points of sharing. This is not necessarily a negative fact, just a fact. Even in the case where a relationship does not deteriorate, it becomes a smaller and smaller part of the consciousness of the people involved. The passing years of non-contact contribute to total mental accumulation and the people are conditioned by their respective experience. For prisoners isolated at places like Marion, this means being increasingly divorced from their loved ones and communities beyond the walls. It also results in their being denied satisfaction of their human needs for affiliation with something outside the individual – identification, acceptance, and affection. But prisoners without the emotional and psychological support of outside connections tend to be easier to manipulate and better experimental subjects in the Marion laboratory.
This separation by itself is contrary to the goal of reintegrating prisoners into society. People are more willing to exploit and oppress where they feel no sense of identification or connection. But it is more than just that. People will seek to satisfy their needs to the extent possible in whatever circumstances they find themselves. For prisoners forcibly deprived of their families and friends and an outside community—especially but not only those in conditions as oppressive as Marion's—this means satisfying social needs with other prisoners as much as possible. It is only from other prisoners that prisoners will get any mutual aid or understanding in real time. A kind word, a few cigarettes, some conversation, sympathy, support against threats—the range of human interaction possible under lockdown, magnified and intensified by those very conditions—all can be of the utmost importance. And these present only the most obvious aspects of prisoner association.

None of that personal support comes from prison staff, set up by the administration as adversaries that exist across a hard and fast line across which only enmity and distrust can fly. There are no teachers, social workers, work supervisors, paralegals, health professionals, and so forth, from outside that, in other situations, might help bridge that barrier as much as can be within one of the most repressive institutions of this society. The presence of such people—and others—can also diminish the negative socialization of prisoners, because they serve as representatives of society who are not solely agents of draconian repression and they offer some alternatives to a strictly prison existence. But such presence is inconsistent with laboratory Marion; it would introduce too many variables and, perhaps, skew the relationship between the stick and its victims while drawing back the veil of secrecy.

Among the many islands in the American Gulag Archipelago, the result of this isolation from the community is most pronounced at Marion and its clones. Prisoners, particularly the ignorant, insecure, and those lacking in consciousness, have no choice but to identify with and seek acceptance by other prisoners. Not only are they drawn in that direction, they are also pushed. Because at a place like Marion, there are no other social endeavors through which to interact, prisoners are impelled to affiliations on the basis of irrelevant factors that are frequently reactionary or unproductive. These include, but are not limited to, 'manhood,' race, region, gang, and more broadly, the criminal element. Insecurity exacerbates this identification, not only for the obvious reasons, but also because these are characteristics of which a prisoner cannot be deprived. Insecurity also makes prisoners more susceptible to reactions predicated on feeling that the basis for that identification has been impugned. The complete lack of security of location or individual, personal association further aggravates the problem of identification with simplistic and superficial notions, primarily, and people, secondarily.
Clinical Psychologist Arnold Abrams said in 1973 testimony about Control Unit Conditions, which were then similar to but less onerous than those of present day Marion:

I would say that if we want to produce, to make animals out of human beings, that this is a perfect procedure for doing it. And that humanizing [prisoners] means affording them some human contact with each other, and in a limited way with whatever the rules permit, with the world outside. The more limited they are, the more animal like they will become in their behavior ...

I think these men would continue much of the same behavior that they have been exhibiting, in turning against themselves, turning against others, other [prisoners], and then turning against the institution. I think this is an inevitable consequence of the kind of conditions they are afforded (Abrams, n.d.).

This is almost exactly congruent with the reactions and rebellion path of colonially oppressed people in relation to their oppressors (Fanon 1963). Fanon’s investigation and analysis in that regard are directly translatable to prisoners, especially prisoners at Marion. Former BOP Director Carlson has disparaged the number of psychological and sociological authorities that have testified against Marion conditions in a variety of legal and legislative proceedings. However, the BOP has been unable to advance any contrary expert analysis external to the BOP.

Of course, all prisoners subjected to Marion-style repression do not succumb to these negative pressures, and those who do, do so in differing degrees and manners. Ability to resist and the extent of the stress inflicted vary. If they did not, there would be no need for experimental station Marion. There is also a counter-current to Marion oppression that works to engender a consciousness among its victims of their commonality, their shared adversity, their shared ‘us’ status versus the oppressor ‘them.’ This stimulates development of some awareness of Marion in the larger political context. But this is an unwanted imperfection or defect in the Marion model from the point of view of its owners, so the counter-current and its effects are actively discouraged. For these and other reasons, the experimental outcome varies among prisoners.

Many prisoners have their own more or less coherent belief systems and, good, bad, or indifferent, adhere to them in a manner that is principled according to those systems. Such beliefs contribute to the psychological strength to resist oppression. Indeed, it is people with identifiable belief systems that are the particular targets of Marion experimentation. It is they who will best yield the data desired by the experimenters on how to manipulate, undermine, and destroy attitudes that become threatening – and on what variations may exist among those they encounter. That is what will increasingly put political prisoners at particular risk of Marion abuse. Unprincipled
criminal opportunists more easily squirm through the Marion labyrinth – it is not designed to catch them except incidentally and as camouflage for its less legitimate aims.

Nevertheless, whatever integrity a prisoner is able to maintain, the tension, stress, anger, frustration, debilitation, resentment, and other emotional load factors artificially and deliberately created at Marion do accumulate and do exact their toll. No one is totally immune, contrary to the arcane assertions of former Marion Chief Psychologist, Dr. Richard Urbanik. Individuals may survive more or less intact, but not better for the experience. A very few may improve themselves. When they do it is in spite of Marion rather than because of it. Improvement comes at a price. Moreover, what constitutes improvement is a very subjective determination: what may be construed as visible manifestations of improvement may be outweighed by the less visible (or ignored) damage and deterioration. Any growth on such shifting psychological sands is subject to collapse and reversion. No one leaves Marion conditions unscathed after any length of time.

Psychological scars, separation from people and community, negative socialization, debilitation, and stress may express themselves in a variety of ways ranging from the very minor to major explosions. The result can be seen in the daily life at Marion: people are put ‘on the grit’ by inconsequential things, the accumulation of small (and large!) psycho-cuts is manifested in neighbors who are irascible or otherwise unpleasant, health problems emerge, and various forms of misbehavior and hostility erupt. Sometimes, in order to demonstrate their humanity and power over something, prisoners feel compelled to assert some control over their lives, even if only momentarily, over something minor, and in a manner destructive of self and other people or things. Other times, prisoners just lose control and ‘go off,’ frequently in reaction to a minor irritant that constitutes the final straw. The expressions of psychological injury may be grotesquely public, or they may be sufficiently private to escape official attention. But the potential for the damage done by Marion to emerge in explosive expression does not end when the prisoner leaves Marion.

The damage done by Marion does not always express itself in a highly visible manner – extremes like suicide, murder, extreme violence, and insanity occur more at the fringes. For the majority, it is often expressed as a decrease in the quality of their lives and that of any community of which they become a part, most probably due to increased crime, diminished productivity, disability, or merely disconnection. A community is diminished by the impairment of its members. Unfortunately, no tracking of prisoners exposed to the abuses of Marion is likely to be done to verify the observations of Marion prisoners and those who live in the other prison communities in which they are visible. The results would contradict official claims about the effect and efficacy of
Marion. There is no way to accurately measure the losses or the range of disability inflicted by Marion. Former Marion prisoners are not going to be visible as victims of Marion in the community, further disguising the problem. When the impact is small, it will be overlooked; when serious, up to the few deadly detonations that can be expected, it will be lost in the sensationalism and hysterical hyperbole surrounding the event.

**Programmatic Exposure of Intent**

Programmatic elements of USP Marion, and the apparent direction in which results are sought, serve to illustrate the true purpose of the lockdown. The experimental designs of the destructive practices of laboratory Marion are largely to see how and how far prisoners and, to a lesser extent, guards can be conditioned into an unthinking habit of knee-jerk compliance with not only the decrees but also the implied desires of any authority, no matter how unreasonable, without inducing reaction and defiance. Though such conditioning is obviously attractive to prisoncrats, the object is more the mechanism than the immediate result. One problem is that such conformity and dependence is not consistent with any progressive society that relies upon the initiative of its citizens. To the extent that people need some ability to be self-directing in order to get by in a free society - whether former prisoners or otherwise - they are not going to be able to do so according to its norms when conditioned to be unreasoning automatons.

Moreover, while this experiment in social programming intends to succeed in breaking some prisoners into thoughtless malleability, its more common result is more dangerous. Along with a partial breakdown of the person, it creates the awareness that power is the only reality. In the face of power, one grovels, however obsequiously; when power's eyes are averted, one follows whatever random impulses one may find attractive. It also creates an impetus to retrieve 'face' or self-status as an adherent to some principle. The possible detonation of the cargo of stress borne by Marion's victims makes this conditioning even more hazardous.

There is no other reason for the deliberate creation of uncertainty, insecurity, and disability among prisoners than that they are being made victims of some arcane experimentation in furtherance of counter-insurgency capability currently described as low intensity warfare. There is no other reason to exacerbate the very problems that are purportedly being resolved by the Marion lockdown. It would be no problem to give at least rudimentary hearings to prisoners prior to consignment to Marion and to establish specific duration for the 'program.' Existing rules would allow the lockdown (and/or the many other lockups) to fulfill its alleged functions without the indeterminacy feature. But establishing even such limited criteria would provide some
small amount of security and sense of control that would impede or prevent the desired test results. It would also inhibit the investigatory and undermining assaults on political prisoners and others with belief systems strong enough to require more time. And it would make the use of Marion as a warehouse, or as a weapon against specific people, more difficult to hide.

The value of education is so obvious that a reasonable person would expect it to be encouraged, even if, within the lockdown, it meant correspondence courses, closed circuit TV, and teachers who frequently walk the cell ranges. But that would allow the development of some self-sufficiency and confidence and a transport beyond the sick banality of Marion that would improve prisoners' ability to resist psychological encroachments. The same is true of expansion of opportunities for visiting and other contact with the community. All these things would increase community involvement and undermine the 'worst of the worst' propaganda. Such improvements would also enhance intellectual and emotional connection while facilitating identification beyond the individual and capability. The same applies to work, education, and even congregate activities between prisoners. But that makes mental infringement more difficult, leaving less to attack and more with which to resist.

All of the groundless deprivations reinforce objectionable attitudes by making them the only ones possible given the circumstances. The negative socialization inherent in an experimental program like Marion should be something that any prison administration would be desirous of avoiding, especially one with the resources of the BOP. But Marion deliberately encourages pernicious processes to the detriment of both the prison system and the society it supposedly serves. Doing so yields information about the dynamics of interaction in oppressed and exploited populations and how to thwart progressive motion therein. As former Marion warden, Jerry Williford, noted over five years ago, the costs are ones the BOP is willing to accept.

That there is some ulterior motive in maintaining the lockdown and its experimentation is further supported by the administrative denials and diversions of attention from these psychological and social ramifications of the perpetual lockdown of USP Marion. Other benefits to the repressive apparatus being incidental and secondary, the only reward that is capable of transcending the political, social, and economic costs of maintaining the façade is the acquisition of experimental data that will further ruling-class control inside and especially out.

**Secondary Goals of Lockdown**

A likely secondary goal of the Marion lockdown is the manipulation of prisoners through the conditions of their confinement. At the time the
Marion laboratory was being engineered, what later became the 'Omnibus Crime Control Act of 1984' was in its developmental stages. As originally envisioned, it included a 'Sentencing Reform Act' that would have drastically limited plea bargains, disparity in sentencing, parole, most good time, and the discretion in granting and denying remaining good time. It has not turned out to be the reform originally envisioned, the ilk of judges and prosecutors being loath to accept any such usurpation of their power. But when it appeared that the law might be enacted as planned, the apparatus needed some new mechanism to coerce accused persons into pleading guilty without time-consuming and expensive trials and appeals, to pressure people into informing, and to increase the penalties for crimes against the ruling class and its institutions. The US Supreme Court decision of January 1989 upheld the current version of the new sentencing law and the continuing authoritarian drift of the US government. However, it has left that need (albeit a reduced one) and desire intact. Coercive instruments, once fashioned, rarely go away by themselves.

Marion conditions help make the prison apparatus a more potent weapon from initial contact (arrest) by aiding in the attack on the individual presumption of evidence that supposedly exists under US law. The 1984 act allows indefinite pretrial detention without bail on the basis of the alleged dangerousness of the accused, the same rationale allegedly used for relegation of people to Marion since 1983. Coupled with legal doctrines such as that permitting the use of 'smuggler's profiles' that allow people who bear some resemblance to people who have been found smuggling over time to be detained and searched, this was another step toward legitimizing the handling of people according to group characteristics and stereotypes rather than as individuals. Marion sets precedents that allow prisoners to be punished individually because they are among the group prisoners. That group also includes – and will increasingly include – people who did something displeasing to authority but not criminal. The Seventh Circuit Court of Appeals decision of July 1988 in the Bruscino class-action lawsuit describes Marion conditions as 'sordid and horrible' and 'ghastly' but justifies them on the basis of bad acts allegedly perpetrated by a small minority of then Marion prisoners in 1983 (Bruscino, et al., vs. Carlson, et al. 1988). It goes on to say, again, that the BOP has complete freedom to send any prisoner to Marion, any time. And if prisoners can be abused for being part of a disfavored involuntary group, so can anyone.

Conditions of confinement also provide a vehicle for pretrial coercion of prisoners. There is a drastic difference between, for instance, the prison camp at Eglin Air Force Base in Florida and USP Marion – indeed, between USP Leavenworth and Marion. Nevertheless, the courts have held, in essence, that confinement is confinement and the
BOP can put its prisoners anywhere. The difference between a sentence to be served at Marion and the same sentence at another prison is substantial and can fulfill the desired functions of coercion and punishment. Marion has already been used in all these respects. These functions are also indicated by the many needless restrictions and harassment unrelated to any legitimate penological objective.

The BOP has also used conditions of confinement as a threat in order to induce conformity, informing, and collaboration among prisoners already committed to its custody. This appears to be more openly the case at minimum security prisons and camps. In maximum security prisons, it has also been used, though less overtly. In all cases, security or administrative reasons are generally, almost exclusively, what is cited on paper for transfer to worse conditions. In this context, in a speech at Southern Illinois University shortly before his retirement, former BOP director, Carlson, called Marion 'the ultimate sanction in the prison system' (Carlson 1987; The Marionette 1987; Kamka, et al.).

In co-operation with the Parole Commission, the BOP has been better able to manipulate prisoners through the use of 'clean time.' Most federal prisoners sentenced under the old sentencing law are accorded eight to ten days per month off their sentences in 'statutory' clean time that can be taken away for violations of prison rules. That gives prison authorities a powerful coercive instrument, especially as clean time accumulates. Moreover, whether to release a prisoner between her or his parole eligibility (after one third of sentence for most old-law prisoners) and the expiration of sentence (usually two thirds of sentence for most prisoners with old-law sentences plus whatever clean time has been taken) is up to the Parole Commission, a decision upon which prison authorities have substantial influence. With clean time cut under the reform to a maximum of 54 days per year that cannot be rescinded after being certified each year, and the abolition of parole, conditions of confinement become increasingly more important as a tool of control as prisoners with new-law sentences supplant those sentenced under the old.

The evidence, however, indicates that control through conditions of confinement has not been very effective and has entailed adverse consequences in maximum-security prisons. The same is likely true of lower-security prisons, although the effects are less visible owing to the different characteristics of the prisoners and different degrees of repression. Indeed, the ineffectiveness of conditions of confinement as a deterrent control mechanism, despite all the existing holes, segregation units, adjustment centers, intensive management units, and so forth ad nauseam is what supposedly led to the Marion lockdown and justifies its continuation.

Bureaucratic self-preservation is another consideration that undoubt-
edly entered the minds of prisoncrats in creating dungeon Marion. The more fiendish and nasty prisoners are purported to be, the more of them there will be, the longer their sentences are likely to be, and the larger and richer in employees (constituency) and money the American Gulag Archipelago will become. Lockdowns such as that of USP Marion have mysteriously metamorphosed into permanent ‘high security operations’ and have demonstrated a propensity to proliferate at an alarming rate. They are expensive, giving prison officials power over increased resources. They facilitate the exclusion of the community. They also raise the notion of security to the level of holy writ and lead courts to confer on prisoncrat unconscionably broad discretion to carry out destructive repression in virtual secrecy. Staff-to-prisoner ratios range from two to four times that of other prisons. More guards also means more administrators, and greater job security. In addition, creation of destructive models of imprisonment insures the expansion of behavior that will increase recidivism and justify yet more repression. That translates as increased security not only for the prison bureaucracy, but also for the rest of the civilian apparatus of repression, in this country called ‘the criminal justice system,’ more accurately the first line of ruling-class defense.

Summary
That these unstated functions of the Marion lockdown are, in fact, the real ones is borne out by the poverty of administrative claims regarding Marion. It is not only the ‘violent and predatory worst of the worst’ that are sent here, and prisoners are not being humanely incapacitated. Even if they were, while people locked away in almost complete isolation may be temporarily unable to do much contrary to ‘security,’ it is apparent that the longer-term costs for both security and the community, not to mention the prisoners, cannot be justified by that meager result. Nor do administrative contentions about how the lockdown has decreased violence in other prisons bear scrutiny as editions of ‘Sourcebook on Criminal Justice Statistics’ since the lockdown was imposed and other evidence attest (e.g., Horgan 1985). Verily, lockdown conditions tend to aggravate objectionable behavior. Instead of allowing other state and federal prisons to be operated in a more open manner, according to official mythology, circumstances indicate that Marion has been a ball and chain that drags them toward its repressive extreme. And the fact that Marion and its clones go beyond concentration, humane incapacitation, security, or even mere efforts at coercion or graft enhancement show that, despite official claims and denials about Marion’s functions, it is the experimental function that is primary.

It is probable that there are no official documents that will ever become public that definitively discuss the creation of a laboratory for
experiment in social manipulation and control at USP Marion. It is also probable that no hard evidence will be revealed that can demonstrate an intent also to have it fulfill all of the secondary tasks discussed herein. Posterity will likely be left with only discredited disinformation from official sources. Indeed, it is hard to pinpoint exactly who the architects are and exactly where in the hierarchy awareness of the true realities of Marion begins. Only after the practical collusion of prisoncrats has rendered Marion-style oppression part of the culture of penology will any attempts to legislate for or against it be made.

In 1962, then BOP director, James V. Bennett, spoke following an address to prison wardens and sociologists about brainwashing. He described the BOP as a tremendous opportunity to carry out experimentation and research through the manipulation of the environment and culture and by implementing the techniques that had just been discussed. He said that there was a lot of research to do and exhorted his henchpeople and underlings to do it as individuals and report back the results (Marion Prisoners Rights Project).

These tasks were undertaken and are carried on today. The central authority acknowledges the minion experimenters' value with promotions (virtually all upper-echelon staff leave Marion with promotions, and turnover is rapid) and undoubtedly other bureaucratic signals the public never sees. It is in this way that the power of those who do what is desired is enhanced, their practices are set up as the ones to emulate, and they are given authority over the less zealous or otherwise divergent - bureaucratic darwinism.

Who of the agents of oppression deliberately follow the ordained path in full cognizance of, and belief in its true elements and intent; who conform to it, merely as career advancement; and who follow out of real acceptance of the official mythology remains largely a matter of conjecture. So will, for the most part, who among the denizens of the BOP are, on balance, manipulators or manipulated, and at what point they become one or the other. But it is not necessary to precisely finger all the individuals who are the sources of the theory in order to recognize the practice as an instrument of class control.

This analysis has been only a superficial survey of the present state of affairs at USP Marion. It has focused mostly on the more abstract elements of motivations, contradictions, and psychological consequences, because it is these that have assumed primary importance. Chief Judge James Foreman (1981) of the Southern District of Illinois noted in a Control Unit case that 'modern methods of penology make the rack and the thumbscrew obsolete,' and that all of Marion is now a Control Unit. Psychological manipulation is also key to controlling the political reality beyond prison walls, and to aid the ruling class in using the intangibles thereof. USP Marion is an instrument of oppression in
addition to its incidental, secondary functions. This brief survey of these ramifications of Marion for both prisoners and the larger society has been necessarily superficial: the topic could do with volumes of exploration. However, it has been possible to provide a glimpse of an official stick that can help us, the people, to dodge it in our pursuit of the most equitable social reality.

**CONCLUSION**

The lockdown of USP Marion was not a professional response to the killing of two guards in the Control Unit in October of 1983 or to an even less-articulated emergency situation. It had been planned long in advance of the imposition of the state of emergency on October 28, 1983. Documents and circumstances indicate that the BOP intent was to turn all of Marion into a control unit irrespective of other events. Steps in that direction were being taken as early as the 1979 accession to power of Warden Harold Miller. These included the beginning of elimination of work for prisoners and needlessly increased harassment and restriction that prisoners resisted peaceably. They proceeded with artificial deterioration of conditions that started with the complete elimination of work and most educational and other opportunities for prisoners and escalated into the imposition of an indefinite semi-lockdown. In the process, officialdom sought to cut prisoners off from legal and community support.

The pressure on prisoners induced by Marion and aggravated by these semi-lockdown conditions was intense. The BOP and Marion administrations escalated their public relations war of vilification against prisoners in an effort to blame them for the counter-productive policy of increasing oppression. They used selected facts, sensationalism, distortion, and disinformation to create an impression of incipient riot and takeover at Marion. Finally, the occurrence of incidents that could be advanced as justifying a ‘state of emergency’ – despite warnings that could have prevented them – was used to justify the imposition of the planned, permanent lockdown. A reign of terror replete with imported goon squads, massive brutality, intimidation, and destruction initiated the ‘new higher security’ control unitization of the prison. The terror only gradually tapered off in the following months. What was left was both qualitatively and quantitatively different than anything previous.

USP Marion is still a locked down prison where the United States uses expensive material facilities to cover up its deliberate abrogation of human rights. But it is not merely some atavistic, tough-guy approach to controlling recalcitrant prisoners through increased use of force, physical restraint, or psychological assault, all of which characterize USP Marion. It is a tool of political repression.

The repression is still carried out directly through infliction of severe
conditions on prisoners, some of whom are political, most of whom are third world, and all but a very few of whom are proletarian. It is also done less visibly but more dangerously through the use of Marion as a laboratory for social experimentation aimed at improving ruling-class ability to control the exploited and oppressed majority of people both within and outside prisons. Of that use and other secondary ones, the conditions are an element.

The BOP still denies the experimental use by insisting on other intentions and lying about the character and impact of Marion reality. Marion prisoners are not all 'the worst of the worst.' Conditions at Marion are more likely to reinforce and create objectionable attitudes and behavior than to have a positive effect. Marion practice also legitimizes draconian responses to exaggerated problems and the targeting of people according to group characteristics rather than individual actions. This is an outgrowth of experimental Marion.

USP Marion still poses a danger, not only for the prisoners, but for the communities upon which it feeds and into which debilitated and stressed-out prisoners with impaired social and job skills will be released – communities against which the information garnered in abusing them will be used. And the danger of this maximum restriction mania is rapidly expanding as new control units based on Marion-style repression are opened. 'Final solutions' always start with the use of special repression like 'concentration models' against small and particularly vilified minorities that are usually billed as something like 'useless eaters,' 'the worst of the worst,' or 'rotten apples.' But they never end there . . . .

NOTES
1 I read and made a few notes on Southern Illinoisan articles from 1980 and 1981, but I did not note the article titles or dates. [The reader is asked to allow for the incomplete citations, ed.]
3 Warden Jerry Williford (now Regional Director of BOP Western Region), 10 PM News, WSIL-TV, 26 February 1985: acknowledged mental deterioration of prisoners subjected to Marion conditions but said that was a cost the BOP was willing to accept.
5 US Court of Appeals for the Seventh Circuit Opinion in Miller vs. Henman [The reader is asked to allow for the incomplete citation, ed.]
6 On 31 January 1991, the six level system of custody and security classification was abolished and replaced by Program Statement 5100.3, Security Designation and Classification Manual. This reduces to four the number of security levels, emphasizes 'professional judgment,' and makes it easier for virtually anyone to be designated 'maximum,' the highest level. This action was obviously a further reaction to the bad press the BOP got as a result of having so few of Marion's victims classified high enough to require Marion by its own procedures.
Ms. Horgan calls Warden Williford to task for untrue statements and false conclusions on WSUI-TV program 'Inquiry' on 26 September 1985. Williford had claimed that assaults at other penitentiaries had dropped 44% in the 20 months after versus the 20 months before the lockdown; Horgan exposed the deliberate falsity of the claim with BOP statistics of which Williford presumably was aware.

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INTRODUCTION

The term ‘control unit’ was first coined at United States Penitentiary (USP) at Marion, Illinois in 1972 and it has come to designate a prison, or part of a prison, that operates under a ‘super-maximum security’ regime. Control unit prisons may differ from each other in some details but all share certain defining features:

1. Prisoners in a control unit are kept in solitary confinement in tiny cells (6’ by 8’ is common) for between 22 and 23 hours a day. There are few, if any, work opportunities, no congregate dining, no congregate exercise, and no congregate religious services.

2. These conditions exist permanently (temporary lockdowns occur at almost every prison) and as official policy.

3. The conditions are officially justified not as punishment for prisoners but as an administrative measure. Prisoners are placed in control units in administrative moves and since there are no rules governing such moves (in contrast to punitive moves), prisoners are denied any due process and prison officials can incarcerate any prisoner in a control unit for as long as they choose, without having to give any reason.1

This article is structured as follows. The first section will begin with a discussion on the imminent replacement of Marion by a new, purpose-built control unit prison in Florence, Colorado. The second section will document the proliferation of control units, modeled on Marion, in state prison systems across the country. In the third section, we will analyze the function of control units, contrasting the official claims with the facts. In the fourth section, we broaden the analysis to look at imprisonment in the United States as a whole, and we draw conclusions as to the true purpose of prisons. The fifth section describes the state of public opinion on issues regarding prisons, and the role of the media in shaping and maintaining that opinion. The last section is a brief summary.

MARION TO BE REPLACED BY FLORENCE

USP-Marion was not originally built as a control unit prison. It has thus been inadequate for the task of implementing the even tighter control of prisoners which Bureau of Prisons (BOP) Director, J. Michael Quin-
Ian, in testimony before a Congressional subcommittee in the fall of 1989, said it would constitute an improvement upon Marion's existing regimen (Lehman 1990: 36-7). The BOP has decided to replace Marion with a control unit prison in Florence, Colorado, specifically designed to achieve this goal. Scheduled to open in 1993, the prison's state-of-the-art technology will help to eliminate even the minimal levels of human contact prisoners have at Marion. It has proved very difficult to find out exact details of the new control unit prison to be built at Florence. When a Freedom of Information Act request for information on plans for Florence was submitted to the BOP, the BOP denied the request on the basis that the plans did not yet exist. If that is the case, then the local newspapers appear to know more about the new prison than its designers. The following information comes from such newspapers (Miniclier 1991: A1; O'Keefe 1991; Chronis 1990: B1; Harmon 1991: B2; Associated Press 1990; Ritter 1991: 13).

The Marion replacement is one of a complex of four federal prisons being built just south of Florence. The control unit will house 550 prisoners and it is designed so that one guard will be able to control the movements of numerous prisoners in several cell-blocks by way of electronic doors, cameras, and audio equipment. 'We'll be able to electronically open a cell door, shut it behind the inmate and move him through a series of sliding doors,' according to Russ Martin, project manager for the Florence prison. Prisoners will be even more restricted than at Marion, according to the Pueblo, Colorado Chieftain: 'Inmates won't have to travel nearly as far in the new Florence prison.' At Marion, the prisoners can at least shout to each other through their bars. At Florence, solid cell doors will make that difficult or impossible, and there will be no windows in the cells.

Just five miles from the prison site, in Lincoln Park, is the Cotter Corporation, a uranium milling company owned by Commonwealth Edison of Chicago, Illinois. The area surrounding the mill and nearby railroad has been extensively contaminated with radioactivity. Uranium tailings dumped in unlined ponds have poisoned the underground aquifer and the nearby Arkansas River. Dried radioactive dust is carried for miles by the high winds. The contamination of the water alone has caused the Lincoln Park area to be on the Environmental Protection Agency National Priorities List since 1984, and it has been designated a Superfund site for contamination clean-up (O'Keefe 1991: 10).

The political landscape around Florence is equally bleak. Florence is in Fremont County where more than one in ten of the work force is employed by the Colorado Department of Corrections in the nine prisons clustered around Canon City (ibid.: 10). Prisoners constitute more than ten percent of the population of the county (Miniclier 1991: A1).
Florence itself is an economically devastated community of 3,000 where unemployment stands at seventeen percent and the prospect of about 1000 temporary and 750-900 new permanent jobs has proved irresistible. Ninety-seven percent of respondents to one local mail-in poll were in favor of the building of the Florence complex. The citizens raised $160,000 to purchase the 600 acres for the site; 400 locals gathered for the ground-breaking; t-shirts bearing a map of the site were 'sold out' at $7.99; a housewarming barbecue, hosted by the BOP, was attended by 1000 local residents. Now, Pueblo Community College is offering criminal justice courses customized to suit the needs of the federal prison.

PROLIFERATION OF CONTROL UNITS

The model for the new control unit at Florence is the Security Housing Unit (SHU) at Pelican Bay State Prison in California (Wilson 1991: 2). The SHU, which opened in December 1989, was designed as the ultimate facility for the implementation of Marion-style repression. Built to hold 1,056 prisoners in near-total isolation, it is already 20% over capacity (Smith 1991: 1). Prisoners are confined to their 8' by 10' cells with solid steel doors for 22.5 hours a day. They are allowed out only for a ninety minute 'exercise' period alone in an empty concrete yard the size of 3 cells with 20' high walls and metal screens overhead. Guards open the sliding doors by remote control, and they use loudspeakers to direct the prisoners in and out. Prisoners, moved off the cell-block for any reason, are shackled and flanked by two guards wielding truncheons. Except for the sound of a door slamming or a voice on a speaker, the SHU is silent. Prison officials, not the courts, 'sentence' prisoners to SHU terms (Corwin 1990: A1). Often, confidential tips from other prisoners serve as the basis for a disciplinary hearing to determine whether to send the prisoner to the SHU, and these hearings have few safeguards of due process. Many prisoners are sent there for filing grievances, lawsuits, or for otherwise opposing prison injustices (Weinstein 1990). SHU prisoners report the use of 'hog-tying' (the intertwining of handcuffs and ankle-cuffs on a prisoner), 'cock-fights' in which guards double-cell enemies or otherwise allow them to attack each other, and forced cell moves using Taser stun-guns, 38 mm guns, and batons.  

Conditions, such as those at the SHU and Marion, are replicated in state control units throughout the country. Many of these prisons feature their own innovations in controlling and dehumanizing prisoners. At a second California control unit prison at Corcoran, armed guards patrol the Plexiglas ceilings over the cells, and peer in at prisoners through Plexiglas cell walls (Wilson 1991: 2). At Colorado's Centennial Prison in Canon City, the administrative segregation unit has been expanded to include the whole prison (Foster 1990; Ruark
A priest hired by the prison delivers communion through a small, knee-high food slot in a solid steel cell door. 'If you ain't wrapped too tight, 23-hour lockdown can be enough to make you explode,' says the priest. Guards are armed with 'nut-guns,' wide-bore guns that fire wildly caroming, acorn-sized 'nuts' at prisoners from close range. 'It's a miniature cannon,' the priest explains. 'The recommended technique is to fire at the floor so that the acorn ricochets.' Prisoners hit by the nuts can be maimed. 'One guy lost his eye, and since I arrived here three years ago, an acorn took off a guy's nose and plastered it to his cheek' (Johnson 1990: 12). A specially constructed, $44 million control unit prison, scheduled to be opened near Canon City in early 1993, will hold 500 prisoners, with an additional 250 capacity expansion part of the prison's design (Lemons 1991).

At Lebanon, Ohio, prisoners under administrative control are held in 8' by 6' isolation cells. Each cell has a second door so that prisoners can be locked in the extreme back, darkened portion of the cell. A prisoner describes being leg-shackled, having his arms cuffed to a belt about his waist, and being escorted by three guards whenever he is moved from his cell. Other prisoners are forbidden to speak to him (Perotti 1991).

In Missouri, the state prison at Potosi is run by Warden Paul K. Delo, a Vietnam War veteran who, by Missouri law, doubles as the state's executioner since Death Row is at Potosi. Says Delo of his secondary duties, 'One of our officers had an analogy. He said it's just like at your own house. Nobody likes to take out the garbage, but somebody has to' (Uhlenbrock 1991: 1). Perhaps inspired by Delo's army experience, prison officials apply the 'double-litter restraint' to recalcitrant prisoners. The prisoner's hands are cuffed behind his back; his ankles are cuffed; and he is forced to lie face-down on an Army-type cot, his head turned to the side. A second cot is then tightly strapped upside-down over the prisoner and the ends are strapped shut, totally enclosing and immobilizing him. Carl Swope, a 21-year-old sentenced to 7 years for credit card fraud, filed suit after being held in the restraint for three hours (Bryant 1991: A3).

Other state control unit prisons are at Ionia, Michigan; Southport, New York; McAlester, Oklahoma; Baltimore, Maryland; Florence, Arizona (Jacobson 1991); Starke, Florida; Walla Walla, Washington; Westville, Indiana (Associated Press 1991a); and Trenton, New Jersey (Page 1991). A survey by BOP found that 36 states now operate some form of super-maximum security prison or unit within a prison (Lassiter 1990: 80). The list continues to grow. Colorado (Lemons 1991) and Connecticut (Cardaropoli 1991) have control unit prisons under construction, and Indiana is building a second control unit prison at Sullivan.

Control unit technology is even trickling down to the local level. The Jefferson County Detention Center in Colorado holds each prisoner in an 80 square-foot cell equipped with a concrete bed with a mattress on
top, sink, toilet, and concrete table. Everything, from the lights to the locks on the doors, is operated electronically by guards in control booths. The jail was designed to allow for a range of control measures, including nearly round-the-clock cell confinement (McGraw 1986). New York City’s Central Punitive Segregation Unit on Riker’s Island holds 300 people under 21 to 23 hour-a-day lockdown with no television or radio. Most of those in the ‘Bing,’ as the unit is informally known, are detainees awaiting trial. The city plans to expand the unit to hold 900 (Raab 1991a: 12).

Control unit prisoners have resisted the brutality they are subjected to with the means at their disposal. Prisoners at the Pelican Bay SHU flooded the federal court with over 300 civil rights petitions, forcing an unusual meeting between federal judges and the prison’s warden to discuss prison conditions. Lawyers for the prisoners have since filed a class action lawsuit charging, among other things, that the extreme isolation violates constitutional safeguards against cruel and unusual punishment (Mintz 1991). At Southport, New York, prisoners capped months of resistance by taking guards hostage and holding three of them for 26 hours until the prisoners’ grievances were aired over local television (Raab 1991b).

Probably the most sustained resistance has occurred at the Maximum Control Complex [MCC] at Westville, Indiana, which opened in April, 1991. Sixteen of the 35 prisoners in the MCC launched a hunger strike in September to expose conditions in the prison: 23.5 hour daily cell time, extremely cold temperatures, denial of mail, constant bright lighting of the cells, and severely restricted visitation. The announced minimum stay in the unit is 3 years. Four of the prisoners continued the strike for 37 days, eating only after prison officials obtained a court order allowing them to force-feed the prisoners (Associated Press 1991b). The hunger strikes continued intermittently. One prisoner severed off his fingertip with a razor, and a second tried unsuccessfully to do the same. The protests garnered coverage in papers across the nation (Associated Press 1991c; 1991d). Prison officials responded by having guards brutally beat prisoners, sometimes while they were in shackles, assigning some of the prisoners to isolation where they are clothed only in their underwear and socks, and obstructing attempts by lawyers to gain entry (Carmody 1992).

THE FUNCTION OF CONTROL UNITS

To understand the reasons for the spread of control units, we must determine what function they serve, what it is that they achieve. We will examine what is claimed about control units by prison officials and compare those statements with what is known. We will analyze 3 specific claims repeatedly made by prison officials, all over the country, and reported in any media coverage of control unit issues:
1 Control units contain the most violent prisoners, the 'worst of the worst,' who have proved too violent to be held at other prisons.

2 Control units reduce violence at other prisons by isolating the most violent prisoners.

3 The reduction of violence allows security at these other prisons to be relaxed.

The first claim is the major one, on which the other two rest; so we will concentrate on it. The facts of Marion show that the claim is false. Federal prisons used to be given a security rating from 1 through 6, 1 being the least secure and 6 being the most secure. In 1984, Marion was the only level-6 prison in the federal system, and prisoners there were supposed to have a corresponding level-6 rating. However, a 1984 report by consultants hired by a Congressional oversight committee stated that 80% of prisoners at Marion did not deserve that level of security according to BOP security and custody classification procedures (Breed and Ward 1985). In fact, prisoners are sent to Marion for a variety of reasons, and sometimes for no reason at all. For example, the US District Court ordered a cap on prison population and as a result, so many prisoners convicted of felonies in the District of Columbia have been moved to Marion to relieve overcrowding that they constituted 17% of Marion's population in 1990 (Lassiter 1990: 80). Virtually all of these prisoners are Blacks.

There is, however, a trend to be seen. While many prisoners have been sent to Marion on accusations, and even conviction, of violent or escape related actions, many others have been transferred for initiating 'too many' lawsuits, for protesting the brutality of the prison system, or for angering prison officials in some other way. In addition, among the many political prisoners who have been in Marion, American Indian Movement leader, Leonard Peltier; Sekou Odinga, member of the Black Liberation Army; Alan Berkman, Tim Blunk, and Ray Levasseur were sent directly to Marion from court (Can't Jail The Spirit 1989; O'Keefe 1991) thereby disproving the claim that prisoners at Marion have been violent at other prisons.

The Prison Discipline Study initiated in 1989 by the Prisoner Rights Union of Sacramento, California, investigated the question of which prisoners were most often disciplined and how (Prisoners' Rights Union 1991). The report showed that solitary confinement was the most common disciplinary action. Included in this report were testimonies by prisoners that prisoners exhibiting personal integrity are singled out for brutal treatment. Respondents to the survey described this group as: 'those with principles or intelligence;' 'those with dignity and self-respect;' 'authors of truthful articles;' 'motivated self-improvers;' those 'verbally expressing ... [their] opinion,' 'wanting to be treated as a human being,' and/or 'reporting conditions to people on the outside.' The study shows, therefore, that a practice such as sending prisoners to
control units, that is based on arbitrary and subjective judgments by guards and other officials, will target prisoners who are most likely to be challenging the prison system.

In fact, BOP rules for determining who gets sent to Marion are far broader than the 'violent at other prisons' line given to the media. In the aforementioned '1 through 6' security-rating system, prisoners were assigned their security rating on a number of factors: Type of Detainers, Severity of Current Offense, Projected Length of Incarceration, Types of Prior Commitments, History of Escapes or Attempts, and History of Violence (Breed and Ward 1985: 35). Although this rating system is obviously broader than the 'violent' formula and open to a certain amount of interpretation, the finding that 4 out of 5 prisoners at Marion did not have the required level-6 rating meant the BOP had to find another, more vague system. Therefore, they have revised their rules, and now classify institutions as minimum, low, medium, and high security. Prisoners must be 'high' security to be sent to Marion, which is determined by pre-commitment factors such as severity of offense. In addition, prisoners at Marion should have a 'maximum' custody rating, that is determined by post-commitment criteria such as 'disciplinary record' (Dove 1991). Having revised these rules, the BOP changed the classification of everyone at Marion to 'high-max' (Dunne 1991).

It is admitted at the highest level that a prisoner's political beliefs are basis for assigning that prisoner to a control unit. In a letter to Congressperson Kastenmeier, the then Chair of the Congressional subcommittee that oversees the BOP, Michael Quinlan, the Director of the BOP, stated: 'A prisoner's past or present affiliation, association or membership in an organization which has been documented as being involved in acts of violence [or] attempts to disrupt ... the government of the United States ... is a factor considered in assessing the security needs of an inmate' (Quinlan 1987). We may ask what constitutes 'association' with an organization, or what is meant by trying to 'disrupt' the government. In a case brought in Sacramento by a prisoner in the Security Housing Unit (SHU) at the California state prison, Chief Justice Karlton made it clear that prisoners are sent to the SHU for reasons that have nothing to do with discipline. He noted that the plaintiff, who was challenging the prison's forbidding him to practice his Native American religion, was in the SHU for being 'an associate' of a prison gang, the Mexican Mafia, and that 'given that [he] is in the SHU by virtue of his status rather than as punishment for a particular act, there is no apparent way for him to work his way out' (Sample v. Borg, 675 F.2d 574 [E.D. Cal. 1987]).

As a last point in our argument against the claim that Marion contains the 'worst of the worst,' we note that, for this to be true, all or most prisoners who satisfy their criteria must be at Marion. For example, Oscar Lopez Rivera, a Puerto Rican Nationalist, is in Marion for
'conspiring to escape.' Since he is there, then other prisoners who 'conspire to escape' should be there as well as all the prisoners who actually try to escape, as well as all the prisoners who actually do escape and are apprehended. Are they? There are prisoners at Marion who have assaulted guards (not in itself an indication of anything negative, if the guard had been harassing and abusing the prisoner). Are all prisoners who have assaulted guards, or even killed guards, at Marion? Obviously the answer is no.

Finally, let us address the two other claims made by officials about control units. Prison officials claim that Marion, Pelican Bay, and the other control units reduce violence in the rest of the prison system. Since we have shown that the control units do not hold the most violent prisoners, this cannot be true, and there is no evidence that it has happened. Moreover, all the evidence points to the contrary. Most of the prisoners will, however, be released at some stage, either back into the general prison population or into society. It is known that control-unit conditions produce feelings of resentment, rage, and mental deterioration (Korn 1988). Prisoners will have been so deprived of human contact that it will be hard for them to cope with social situations again. The inhumanity of control units cannot reduce violence; it can only increase it. Evidence includes the high level of violence at Marion during the period before the lockdown, when controls were being tightened but not yet to the extent of complete physical incapacitation of the prisoners. The tighter controls certainly did not have a calming effect on the prison. In addition, the guard deaths of 1983 occurred in the Control Unit itself.

The claim that control units allow security to be loosened at other prisons is also invalidated because of the truth about which prisoners go there. And again, there is no evidence that the situation in other prisons has improved. Furthermore, Marion has been the model for the numerous state control units. A delegation of the US House Subcommittee on Courts, Intellectual Property, and the Administration of Justice that visited Marion in May 1990, cited the need to 'develop a more humane approach to the incarceration of the maximum-security prison population. This is particularly true because the Federal Bureau of Prisons serves as a model for state prisons and for other countries in the world' (Lassiter 1990: 90). Incredibly, similarity to Marion is now a defense against suits brought to contest inhuman conditions at other prisons. The existence of Marion has not improved conditions at other prisons; its example has dragged them downwards toward greater brutality.

Having disposed of the official claims regarding the purpose of control units, we turn to their true function. Ironically, this was clearly stated, by Ralph Arons, a former warden at Marion, who testified in federal court: 'The purpose of the Marion Control Unit is to control
revolutionary attitudes in the prison system and in the society at large' (Whitman 1988: 25). (Notice 'revolutionary attitudes' not 'actions').

This is borne out by the large number of political prisoners who are, or have been, at Marion, and by the Prison Discipline Study. That control of dissent, protest, and liberation movements is the true purpose of control units is also shown by history, most especially the history of the early 1970s. In September 1971, the prisoners at the state prison at Attica in upstate New York rebelled against the inhuman and racist regime there, declaring their solidarity with all oppressed people and demanding their rights. The rebellion, and the consequent brutal murder of 39 prisoners and hostages by New York State Troopers, under the orders of Governor Nelson Rockefeller, rocked the nation. The whole prison system was at a boiling point. Despite the recommendations of the official report into the Attica rebellion that prison conditions be humanized, the response of the New York Department of Corrections was to plan a control unit in which to isolate prisoners, such as those who led the rebellion (Kaufman 1971). It was never built, due to resistance led by Martin Sostre, a Puerto Rican prisoner who had run a radical book shop; groups supporting Puerto Rican political prisoners and POWs; and a defense group headed by Angela Davis (Buhle, et al. 1990). Even corrections experts judged the planned prison to be too brutal and to be counterproductive to the purported purpose of violence control (Tomasson 1971). However, not long after, in 1972, the Control Unit at Marion was initiated.

Starting in the early 1970s, around the time of the opening of the Control Unit at Marion and the Attica rebellion, the prison population in the US started to increase rapidly. Concurrently, there has been an increase in the proportion of prisoners who are people of color. We will document these developments below, but mention them here since they lead us to interpret the proliferation of control units in the United States as an attempt to suppress the increased likelihood of protests and dissent.

IMPRISONMENT AS CONTROL

On Dec. 31, 1990, there were well over 1,100,000 people behind bars in the United States, which makes the US incarceration rate (the number of people per 100,000 of the population) the highest in the world at 455 (Mauer 1992: 3). This is well above the next highest rate which was for South Africa under apartheid (311) and dwarfs rates in the Netherlands (46) and Australia (79) (Mauer 1992: 5). The number of people in prison in the United States has more than doubled over the last decade and it is projected by the government that an additional 300,000 people will be incarcerated by 1995 ('Talking the Town' 1992: 27). Even in 1981 the situation was so bad that New York State Correction Commissioner, Thomas Coughlin, admitted that 'the department is no longer engaged
in rehabilitative and programming efforts, but is rather forced to warehouse people and concentrate on finding the next cell’ (Day 1988: 8).

These figures are even more striking when analyzed in terms of race. The incarceration rate for Black men is 3,370 per 100,000 – more than seven times that for White men (Whitman 1991). We do not have current data on the rates of incarceration for other non-white peoples; however, through 1976-78, Indians were arrested at a rate more than 10 times that of White people (US Census of Population, 1976-1978). The United States incarcerates Black men at a rate 5 times higher than South Africa does (Mauer 1992: 1). Just as control units suppress the prison population, so prisons act in our poor, Black, Latin, and Native communities. It is no exaggeration to say that hardly anyone in these communities escapes the shadow of the ‘criminal justice system.’

The devastation can be expressed in many ways. Black people are 12% of the US population, 43% of the prison population (Wicker 1991). Using data based on a single day in mid-1989, a study by Marc Mauer for the Sentencing Project in Washington, DC found that about 1 in 4 Black men in their twenties were under some kind of control by the criminal justice system, and about 1 in 12 were actually behind bars (Mauer 1990). In 1985, the US Bureau of Justice Statistics published the results of a 1979 survey that sought to determine the probability that a person in the United States would go to prison in his/her lifetime (Langan and Greenfeld 1985). Using the data in this report, it can be calculated that in 1979 the probability that a Black man would go to prison, sometime during his life, was 22%. In 1992 we can surmise that this is higher, so that, probably, 1 in 4 Black men will go to prison during his lifetime.

What must this mean for the Black community? Families suffer financially and emotionally. Whatever few jobs might have been available to Black men will be further out of reach for an ‘ex-con.’ Prisoners rejoin their communities from prisons which do not even pretend to rehabilitate and where conditions encourage violence and criminality. Moreover, those pressed to escape poverty and oppression through crime, in the absence of other options, are frequently those with intelligence and initiative and who are less demoralized. Thus, their descent into criminality and imprisonment robs the community of a particularly valuable resource. Having to pay lawyers, spend time on courts and visitation, and preparing for the inevitable confrontations with the various elements of the apparatus of oppression also amounts to a tax on these communities that sucks up time, energy, and scarce resources that might otherwise go into self-development.

Faced with the questions ‘Why do Black people go to prison at a rate 7 times higher than White people?’ we can answer in three different ways. One is that Black people commit 7 times as much crime and are genetically disposed to do so. The second is that Black people commit
7 times as much crime and something about their disadvantaged social situation is responsible for this. The third is that Black people do not commit that much crime but the criminal justice system is racist enough to make sure they end up in prison that often.

Rejecting the first alternative, the truth must lie somewhere in between the last two answers, and, although it is impossible to determine how much weight to give to each, one cannot escape the conclusion that US society is extremely racist. If the imprisonment rate accurately reflects the crime rate, one is led to conclude that to effectively combat crime, poverty and racism must be eliminated (even if one is not interested in eliminating them for any other reason).

The other alternative, that in fact Black people do not commit such a disproportionate amount of crime, is indicated by much evidence, although it is impossible to calculate the degree of the disparity. For example, the number of crimes committed is so overwhelming that actual imprisonments only account for a small fraction of the people who perpetrate them. The crime rate is difficult to determine and the two major national sources of crime data disagree significantly on both quantity and trends. However, they both show that the magnitude of crime frequency is very high: in 1986, between 13\(^8\) and 34\(^9\) million crimes were committed. Thus from a huge pool of potential prisoners, i.e., people who have committed crimes, the criminal justice system singles out those who will go to prison. This is done mainly through policing policy. One major example, that shows how racist this is, is the ‘War on Drugs,’ in which police target poor, Black neighborhoods even though the great majority of drug users are White people. It is estimated by the government that, by 1995, 69% of people in prison will be drug offenders (Mauer 1992: 7). A front page story in the Los Angeles Times said that while about 80% of the nation’s drug users are White people, the majority of those arrested for ‘drug crimes’ are Black people (Harris 1990). Racism also explains why the 1986 Federal Anti-Drug Abuse Act equates selling 5 grams of crack cocaine worth about $100 with 500 grams of powdered cocaine worth about $50,000, both crimes drawing mandatory prison terms of 5 years. Black drug users often choose cheaper crack cocaine, while White drug users more often use the relatively expensive powder which is the real profit-maker for the drug trade (McPherson 1992).

Crime is a problem that must be tackled. However, there is no evidence that high imprisonment rates are the answer to the problem of crime. Indeed, study after study shows that prisons do not deter crime (Blumstein, et al. 1978; Visher 1987: 513-54) and, remarkably, we know of no research that indicates that they do. (The only slight reduction in the crime rate due to incarceration is by the incapacitation of those imprisoned, but the conclusion of the studies referenced above is that massive increases in the imprisonment rate have only a tiny effect on the
crime rate). Imprisoning large numbers of people in order to stop crime has been a spectacular and massively expensive failure. Academic research shows this, and even prison officials sometimes admit to the reality of the situation. According to the Director of Corrections of Alabama, 'We're on a train that has to be turned around. It doesn't make any sense to pump millions and millions into corrections and have no effect on the crime rate' (Ticer 1989: 80).

Prisons do not reduce crime, so what do they do? They cause direct suffering to prisoners and their families. More subtly, though more significantly to our discussion, they are a major cause of the deterioration of communities of poor people, especially people of color. If one decides that the purpose of prisons cannot be to stop crime, because they do not and this has been known for many years, then one can conclude that this devastation is the real intention. The consequent suppression of active protest amongst people of color against the injustices of a society based on the maximization of profit is obviously a gain for those with a vested interest in such a society.

CONTROL OF PUBLIC OPINION

Control units seriously violate prisoners' rights. The facts about Marion show that they serve to suppress dissent among the prison population. Imprisonment does not reduce crime but brutalizes entire communities. The 'War on Drugs' has no effect on the problem of drug abuse, but is a war on poor people and especially people of color. These truths never appear on our televisions or in our newspapers, even though crime and prisons are practically a media obsession.

The present system of mass incarceration with the accompanying specter of more and more control units can only be maintained with at least the tacit approval of society as a whole. So it is not surprising that those of the population least likely to experience the brutality of prison are also subjected to appropriate control procedures. We have already described how the media repeat the falsehoods concerning control units. Newspaper articles often do not even bother to attribute claims to prison spokespeople but make statements such as 'Florence will become the inheritor of the worst of the worst in the federal prison system' ('Editorial' 1990: 4A) as if they were facts.

We face a constant barrage of racist anti-crime and anti-drug hysteria from the establishment. Prisoners are portrayed as incorrigible, dangerous, and undeserving of even the most basic human rights. Politicians and the mainstream media never even mention, let alone intelligently discuss, underlying problems of poverty, inequality, and racism. Debate is thus limited to how to manage the ever-increasing flood of prisoners, the necessity of creating such a flood being taken as given.
The reality of the role of control units is carefully hidden from public view. Most control units and other newly constructed prisons are located in isolated, economically depressed, rural areas. This serves several purposes. The ardent support of local people, who rely on the prison for desperately needed jobs, is secured, and prisoners are isolated from their families and friends.

Political figures support increased imprisonment, since most of them thrive on ‘tough-on-crime’ platforms. Nor can the courts be relied upon. In *Bruscino vs. Carlson*, Marion prisoners sought compensation for the attacks which occurred during the October 1983 shakedown and relief from the ongoing conditions of the lockdown. A 1985 Magistrate’s Report for this case was approved by the full US District Court for Southern Illinois in 1987. The decision found that 50 prisoners, who testified to beatings and other brutalities, were not credible witnesses, and that only the single prisoner who testified that there were no beatings was believable. When the prisoners appealed the decision, the ruling of the Seventh Circuit Court of Appeals described conditions at Marion as ‘ghastly,’ ‘sordid and horrible,’ and ‘depressing in the extreme,’ but maintained that they were necessary for security reasons and that they did not violate prisoners’ constitutional rights.

Finally, there is no discussion of what should be considered a crime and who is to be considered a criminal. The Black drug addict who sells drugs to keep up his habit, the poor man who robs a drug store at gun point, the woman who kills her abusive husband – they are all sent to prison and considered dangerous. However, the violation of safety codes by slum landlords and mine owners; embezzlement and fraud by savings and loan executives; pollution of land, seas, and atmosphere by oil and chemical company directors; the bombing of schools, hospitals, and water purification plants by US presidents; the aggressive marketing of cigarettes (the most deadly narcotic in the world, causing almost 200 times as many deaths as cocaine in the US in 1988 according to C. Everett Koop, Reagan’s surgeon general [Shalom 1992: 15]) across the world by US tobacco companies cause excessively more death, injury, and impoverishment. Yet these crimes are rarely punished by imprisonment. Crimes against humanity and the environment are not illegal if committed by the powerful.

**SUMMARY**

We have described the development of control unit prisons in the United States and we have shown how this is an attempt by prison authorities to suppress protest and dissent within the prison system. The entire prison system is an attack on oppressed people, the poor, and especially people of color, rendering them less able to organize and struggle for their rights and their liberation.
NOTES

1 An example of how this works in practice is the case of an Ohio prisoner who was charged with 'inciting to riot' for getting other prisoners at his medium-security prison to sign a statement of grievances against the prison for bad conditions. The prison disciplinary committee found him guilty and recommended a punitive transfer to a control unit at another prison in Ohio. However, all transfers must be approved at Central Office in Columbus. In this case, the approval was denied, since under the law, the prisoner could not be punished for what he had done by such a transfer. So, the warden at his prison responded by requesting that Central Office approve an administrative transfer instead. The transfer was approved without question (Reed 1992).

2 Letter from Wallace H. Cheney, General Counsel for the Federal Bureau of Prisons, to Jan Susler, Attorney for the People's Law Office, Chicago, IL, December 31, 1990. The entire text of the letter read: 'This is in response to your request for information related to the Florence, Colorado project. The issues you enquired about have not yet been decided. Therefore, no records exist at this time pertaining to your request. I trust you [sic] will find this information useful.'

3 This assumes that this aspect of the model for Florence, the Pelican Bay State Prison Security Housing Unit, is copied. See e.g. Wilson (1991: 2) and Corwin (1990: A1).

4 Letter from Pelican Bay SHU prisoner Thomas Fetters, to the authors, June 30, 1991. Fetters writes that he was transferred to the SHU for filing a lawsuit after being injured by a guard who assaulted him while he was in physical restraints. Letter from SHU prisoner Robert Lee Davenport, to the authors, September 28, 1990. Davenport reports being hog-tied and left on his cell-floor for ten hours and witnessing other prisoners left like that for twenty hours.

5 Federal District Judge, Barrington Parker, stated in a decision not long ago: 'It is one thing to place persons under greater security because they have escape histories and pose special greater risks to our correctional institutions. But consigning anyone to a high-security unit for past political associations they will never shed unless forced to renounce them is a dangerous mission for this country's prison system to continue.' On September 8, 1989, the US Court of Appeals in Washington, DC expressly rejected Judge Parker's opinion and reversed his decision.

6 See Smith (1991), a full-page plea, masquerading as a news report, for the Illinois prison system to build its own version of Marion.

7 For example, in an affidavit filed in the case of Perotti v. Seiter, et al. (civil no. C-1-84-1285, US District Court for the Southern District of Ohio, Western Division), in which prisoners alleged that the control unit complex at the Southern Ohio Correctional Facility in Lucasville violates the United Nations' Standard Minimum Rules for the Treatment of Prisoners, Stephen T. Dillon, the control unit supervisor and administrator, in defense of the prison officials, stated that the Ohio control unit does not violate prisoners' rights because it 'is based on modern and common corrections procedure and is similar to the ... maximum security facility of the US Bureau of Prisons at Marion, Illinois.'


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Submission, Subservience, ‘Model Inmates,’ and the Fear Factor: Observations from a Sweet Kamp down Florida Way

Gerald Niles

The prison system is a function of the state—an instrument for class, racial and national oppression ... based upon an unequal distribution of power and opportunity.... Any person or group daring to criticise ... will receive the full brunt of authoritarian vengeance (Clare Culhane 1985).

I bitterly mourn the loss of my freedom. I was convicted by pleading no contest to the charge of murder. I was given the option to make the plea or be murdered. I was assured of certain imposition of the death penalty if I did not change my plea of not guilty to either guilty or no contest. Thus I was convicted, and on that same day, I was sentenced to life in prison. In fact, I am innocent of any crime.

The prison in which I now reside is the first one to which I was sent from the reception center. My fellow prisoners and our keepers say that this is a ‘sweet camp.’ They tell me I should feel ‘lucky’ to be here. I have now been in the custody of the Florida Department of Corrections since May of 1991, and try as I may, I am unable to make myself feel lucky. I may be here for the rest of my life.

We are all familiar with the base emotion of fear. Fear can be manipulated to such extremes as to be the core means of behavior modification and control in a prison system. Fear is exploited and manipulated by prison officials to induce absolute compliance with, and submission to, the prison regime. I do not have access to information that would disclose logistical facts about this system, but our concern is how a manipulated environment affects behavior. My own observations and experiences inside this ‘sweet camp’ may provide some insight into the matter.

Rumors here say that non-compliance in any way will result in one’s being transferred to some place not so ‘sweet.’ I have not personally experienced any of those places—yet. The transfers are to ‘Hell,’ ‘bad camps,’ and ‘good camps.’ Hell is Florida State Prison, where the worst imaginable horrors are commonplace. Bad camps are where infinite harassment, such as frequent shake-downs, severe beatings, robbery, and rape reign. Good camps are where all manner of indecency, such as alcohol, drugs, sexual deviance, and violence may be indulged in with minimal interference by the prison officials. Many prisoners who have been to Hell tell me: ‘If you cross the Man in Hell, he will make plans for your elimination.’ Fearfully, tearfully, I sense this does not exclude assassination.
In Hell, there are special security units known as 'Red Door' and 'Close Management' (CM). The bad camps also have CM. In this confinement status, prisoners can expect twenty-four-hour-per-day lockdown and restriction of all privileges. Such conditions mean no mail, no books, no smoking, no nothing. Only deterioration of mind and body. Red Door is supposed to be for escape risks, but the broad discretion afforded prison officials in the management of their prisons allows a wide margin of arbitrary and capricious classification of prisoners. Solitary confinement can and does accommodate prisoners unwilling to comply with the daily regimen which typically treads on human dignity.

There is also a brand new Death House in Hell. It houses prisoners condemned to be slain by the state, and it is also home to some of the most notorious assaults upon dissenters.

I must confess I am going by postulation, but the point is that rumors (or are they merely rumors?) are a measure of propaganda exploited by the keepers to induce fear-motivated compliance in the sweet kamps. There is minimal violence and harassment in the sweet kamps because as soon as there is a sign of resistance, the resister will be transferred to Hell, Red Door, CM, and so forth, where physical and psychological brutality will be meted out. Fear of this is what holds any prisoner's protest in check.

Being 'kicked to sleep' is a popular expression for literally being stomped into unconsciousness, even death. I am told that this does not happen in the sweet kamps, but I was personally subjected to a strip cell and a goon squad here a few months ago. I was conversing with a prison psychologist in her office. Perhaps unwittingly, I stated that I was involved in civil litigation. She excused herself from the room, and in short order, two huge guards I had never seen before entered the office. They commanded possession of the legal materials I held in my hand. They then escorted me to a strip cell: no clothing, no bedding, no nothing. Just me, a pair of undershorts, four walls, the floor, and the ceiling.

That evening, two guards wearing combat boots rushed into the cell. Their attitude implied that I was a disgrace to the human race. 'Get in that corner, boy, NOW!' they menacingly commanded. Trembling with fear, I humbly crawled into the corner. Their appetite to inflict degradation satiated, they apparently deemed me submissive, and departed.

They let me out of confinement the next day, and my legal materials were returned to me, albeit somewhat disheveled, having apparently been thoroughly examined by my keepers. Later, I learned that the psychologist had justified the confinement by saying that I had threatened suicide. Some therapy.
There is a certain guard in the dorm who starts early every weekday morning with a tirade on the PA system: 'Get them rooms in inspection order! Six-inch collars on them beds! All pictures offa them walls!' This is repeated, boominly, a number of times. An assault on the ears and on the nerves. I grumbled about it. Somebody heard me. I was then informed by a hushed voice that the sarge is a friend of the colonel's, and that if word got back to the sarge that I had talked bad about him, I would be promptly shipped on a bus to Hell. The snitch who tells the sarge might be rewarded with a pack of tobacco, or he might be let out early for chow. Snitches are a dime a dozen here. The administration utilizes the control tool of reinforcing the informant mentality.

The weather in Florida is unbearably humid and hot most of the year. There is no air conditioning here, and fans are not allowed. Each cell has a window, no screen, and oodles of bugs. I take this to be one more measure of control – the utilization of nature's elements to inflict misery in the name of Corrections. Florida's 'hotbox' was supposed to have been outlawed long ago.

I have a job. For a small portion of the day I do menial cleaning chores (menial because of my medical status). Work assignments are mandatory; however, the state does not provide a wage for prisoner labor. As for personal needs, I am lucky to have a family able and willing to help me. Many prisoners are not so fortunate. They must get a bottle of shampoo by theft, prostitution, or gambling. There is plenty of time to hustle.

The food is not palatable, but other prisoners tell me it is like the Holiday Inn compared to other prisons. At meal time, I imagine I dived into a dumpster, but I can not believe this so-called food is really quite as good as dumpster vittles eaten on a river bank – any dumpster with integrity would choke on this stuff! (I joke to maintain my sanity.)

For eleven years prior to coming here, I ate a strict vegetarian diet based on religious conscience. The chaplain here refused to provide the required approval for my diet because the standards of my conscience did not fit any definition of religious dietary laws located in his little policy booklet. 'Eat what is served, or starve.'

The hardships of doing time are compounded by any health problems one might face. Whether minor or major, the problems are multiplied by the failure of prison doctors to provide essential medical treatment.

In June of 1990, I was in an auto accident - a head-on collision at 90 mph. But I lived. I was arrested, taken out of the hospital in Texas, and brought to Florida where I was put in jail, and then on to prison. I have never received any adequate medical care, I still suffer from excruciating neck and back pain, I have limited use of my left leg, and head
injuries have caused me problems with concentration and the ability to think as clearly as I once could. I get frustrated and contemplate filing grievances, but my fellow prisoners warn me that I would be risking a transfer to Hell or a bad camp.

I am attempting a post-conviction remedy in court – trying to get my plea set aside and have a fair trial. We must request books from the law library; however, we may only request three books at a time. This restriction basically means that we are limited to such a great extent in our access to the body of the law necessary to conduct effective research, that we are virtually unable to do in one year what a lawyer on the street is able to do in an afternoon. I perceive this to be contrary to the Supreme Court’s holding that prisoners retain the fundamental right of meaningful access to the courts, and that the right should remain unfettered. As a precedent to litigation, I wrote to the Secretary of the Department of Corrections about the matter. The law clerks (‘model inmates’ who know nothing about legal research) obtained a copy of my letter and interpreted it as a threat to their hustle, since they use their exclusive access to law books for gratuity. They anonymously made written threats on my safety to the administration in an attempt to persuade the administration to transfer me from here – and undoubtedly to warn the administration (as good little ‘model inmates’ do) of pending litigation. Other prisoners have told me that if I file grievances about how the law library operates, I can expect an immediate transfer. Grievance forms are referred to as transfer requests. Once again, an example of the use of fear to discourage dissent.

Repression lurks for any showing of discontent or for any expression of defiance by complaining, or by righteously refusing to acknowledge that life in sweet kamps is in fact sweet.

REFERENCES
who killed mcduffie?
(a definitive question)
Hakim Al-Jamil

In 1979, Arthur McDuffie, a Black man, was riding his motorcycle in Miami when police chased him, knocked him off his bike, and beat him to death, crushing his head with billyclubs and flashlights. During the trial that followed, all the police were found not guilty. The Black community launched a massive rebellion that rocked Miami and sent shock waves throughout the country. Hakim Al-Jamil, then a prisoner at Leavenworth, wrote this poem about the incident. (Reprinted from Notes From a New Afrikan P.O.W. Journal, Book 6)

his brain was bashed
cranium crashed
skull fractured/broken
all the way around
but they said those who beat him
didn't kill him
so who killed mcduffie?

maybe it was the same ones
who didn't kill
clifford glover/randy heath/
jay parker
claude reese/randy evans/luis baez
auturo reyes/bonita carter/
eula love
elizabeth magnum/arthur miller &
countless others
when they musta tripped or
their fingers slipped

maybe it was the same ones
who didn't kill
jose torres/zayd shakur/
fred & carl hampton/
jonathan & george/joe dell
twyman myers/spurgeon winters &
a few thousand others
perhaps it was those who
didn't kill
lumumba/ché/amilcar/biko/fanon
mondlane/marighella/cordero &
quite a few thousand more

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do you suppose it may have been
those
who didnt kill
the indians and mexicans
who didnt steal the land &
claim that they discovered it
who didnt steal afrikan peoples
halfway across the planet
who didnt loot our customs/cultures/
religions/languages/labor & land
who didnt bomb the japanese/
the vietnamese & boriqua too

do you think it might have been those
who didnt kill at attica/watts/dc/
detroit/newark/el barrios
at jackson state, at southern u
at the algiers motel
who didnt shoot mark essex
for 16 hours after he was dead
ask them & they'll tell you
what they didnt do
but they cant tell you
who killed mcduffie

maybe it was one of those
seizures unexplainable where he
beat himself to death
it wouldnt be unusual
our history is full of cases where we
attack nightsticks & flashlights with
our heads
choke billyclubs with our throats till
we die
jump in front of bullets with our
backs
throw ourselves into rivers with
our hands and feet bound
and hang ourselves on trees/
in prison cells
by magic
so it shouldn't be a mystery that
nobody killed McDuffie
he just died the way so many
of us do
of a disease nobody makes a
claim to
the police say they didn't do it
the mayor says he didn't do it
the judges say they didn't do it
the gov't says it didn't do it
Nixon says he didn't do it
the FBI/CIA/military
establishment
say they didn't do it
Xerox/Exxon/ITT say they
didn't do it
the Klan & Nazis say they
didn't do it
(say they were busy in Greensboro
& Wrightsville)
i know i didn't do it
that don't leave nobody but you
& if you say you didn't do it
we're back to where we started
looking for nobody
who killed McDuffie

you remember nobody don't you
like with de facto segregation
where they said the schools were
segregated
but nobody did it on purpose
like when they said there's been
job discrimination for years
but nobody did it intentionally
that's the nobody we're
looking for
the one with the motive to kill
mcduffie
& you see, we must find this nobody
who slew mcduffie
because the next person nobody
will beat,
stomp, hang or shoot to death
wont be mcduffie
it'll be you or someone close to you

so for your own safety,
you should know the pedigree of
who killed mcduffie
you should know the reason of
who killed mcduffie
you should remember all those
forgotten
who died of the disease nobody
makes a claim to
so we wont be here asking
who killed you

In Nazi Germany ... first they put the Communists and Jehovah's Witnesses in concentration camps, but I was not a Communist or a Jehovah's Witness, so I did nothing. Then they came for the Social Democrats, but I was not a Social Democrat, so I did nothing ... Then they arrested the trade unionists, but I did nothing because I was not one. Then they arrested the Jews, and again I did nothing because I was not Jewish. Then they came for the Catholics, but I was not a Catholic so I did nothing again ... At last they came and arrested me, but by then it was too late ... No one was left to speak up. (Pastor Martin Neimoller, 1965)
"Ain't no real convicts left,"
they snivel
in feigned reminiscence
of a time
when they were real ones.

Respect.
A word without substance, that.
It cannot extend
to others from those
who lack it for themselves
much less bounce back again.

Inmate.
Nasty word, that.
Denoting diseased
psychopath receiving treatment.
But it escapes even
those so classified
as they feign reminiscence
of a time when they weren't.

Correctional facility
Another antiseptic lie.
This is a prison.
We are prisoners.
We are oppressed,
dehumanized,
repressed out of existence.
A word without substance, that.

Resist.
If we don't,
we perpetuate
the grinding forces
that crush the spirit
of those who do.
Thus
we become the oppressors,
the dehumanizing
agents of repression.

There is no neutral ground.
INTRODUCTION

When approached by Little Rock Reed to write the response article for this issue, I immediately remarked that I would be more than pleased to participate in a forum where different voices could be heard. My own work tells me that much can be learned from non-mainstream presentations of 'knowledge,' and this journal is one arena in which such learning can occur. What is striking about many of the articles in this issue is that the writing is not abstract by any means. People are writing about their lives and why social change is paramount.

While much of my own work has focused on the role of state agencies, and a redefinition of criminality, I have also been exposing myself to a great deal of work in feminism and peacemaking. Both of these latter perspectives highlight the importance of listening to one's voice, and of addressing methods of social change in order that no voice be silenced. Feminist work clearly shows the horrible consequences of silencing those who have been harmed (e.g., when women are ‘silenced’ into remaining in abusive relationships). Within a patriarchal structure, such silencing is commonplace for women. Within a capitalist economic structure, those who do not have the resources do not have access to the methods by which information can be easily conveyed. As we know, 'knowledge' is power; those who purport to know the 'truth' use that 'truth' to further divide the population into nonsensical categories of ‘good’ and ‘bad,’ ‘worthy’ and ‘unworthy.’ Reading the articles in this issue demonstrates the lack of applicability of such categories, and, yet, addresses why such categorization is commonplace.

Numerous issues have been raised in these articles. While my listing is, by no means, exhaustive, it highlights those issues that struck me in some particular fashion. Central to these writings is a discussion of dominant ideology, the belief system that (1) allows certain groups of people to be targeted by social control; (2) allows for arbitrary classification systems to be applied by self-defined ‘experts;’ and, (3) allows for what can only be seen as cruel forms of punishment, under the auspices of ‘necessity,’ in the light of expert-defined dangerousness. Many of the contributors to this issue write about the United States Penitentiary at Marion, Illinois, one of the Bureau of Prison’s (BOP) ‘model’ facilities. Those who have examined Marion question the implementation of constitutionally questionable practices, practices that seemingly have, as a goal, ‘to demoralize and emasculate the political consciousness, the
religious consciousness, and the legal consciousness that the [prisoners] have developed and are trying to develop' (Farries, as cited in Miller 1977: 18).

There is numerous evidence in the United States of state agents working toward the elimination of civil and constitutional rights in the name of 'domestic tranquillity' and 'protection from a communist scourge' (see, e.g., Blackstock 1975; Chomsky 1985a, 1988; Donner 1980; Moyers 1988). As former President Bush has maintained, 'any means necessary' will be used, even if it means killing hundreds of thousands of people, in order to protect liberal democracy under corporate capitalism. Given that kind of explicit agenda, we should not be surprised to find those confined to the prisons of the nation to be treated in horrific ways. What is more at issue is an understanding of the process that allows a 'kinder and gentler' nation to engage in such activities and have those activities defined as beyond incrimination (Kennedy 1970).

THE PERSONAL TO THE STRUCTURAL:
PERSPECTIVES ON THE PURPOSES OF PRISONS

O Lord, breaking false religion
Save the blind!
Break! O break
The altar that is drowned in blood.
Let your thunder strike
Into the prison of false religion,
And bring to this unhappy land
The light of Knowledge.
(Tagore, 1974:39)

The articles in this issue all struggle with the realization that human beings are used as tools in the context of the BOP (and state 'correctional' administrators, as well) protecting the 'greater good' of society. The stories shared by these writers are saddening, yet powerful. I see them as attempts to shed light on the manipulation and control of people that occurs within the context of US 'corrections.' All of these writers are struggling on a personal level, and their own stories say this much better than anything I can say. I will not repeat their histories. Instead, I choose to discuss some of what I see as the highlights and patterns of their discussions. What I will discuss is essentially structural in nature, and the linkages of the personal to the structural are contained throughout the very personal narratives of these writers. Importantly, as many of these writers attest, it is because of their acute awareness of structural issues that they, and many others, are subjected to the very questionable practices of US prison facilities.

Little Rock Reed begins this issue by noting that a fundamental motive for putting people in prison is control. This may seem obvious, but the control he speaks of is not the control that refers to removal from
society or control from further misbehavior. Instead, what Reed is concerned with is the more prevalent, and more sinister form of control, that which serves to draw allegiance to a system (the US political economic system) that benefits the few to the exclusion of just about everyone else. Reed’s writing covers a broad array of topics which, while disconcerting at times, does help depict the global aspect of the issues that he raises. Importantly, Reed discusses much of the harm that has resulted from corporate misdoing, especially in the name of profit. Given what we know of the connections between politics and economics in this country, it is easy to see who benefits from prevailing practices. As Reed observes, the criminal justice system is one of the tools used to detract attention from such practices. After all, if you can get people to focus on supposedly fearful events (to the exclusion of more harmful, yet non-criminal events), then they probably will not have time to place your own activities under a microscope. This is what Chomsky (1985b) refers to as the ‘manufacturing of consent’ and what Kennedy (1970) sees as the powerful defining themselves as ‘beyond incrimination.’ Reed’s piece is an important beginning. It is necessary for the reader to become open to the consideration of the roles of justice and equality in this country before s/he can examine the role of institutions such as the Marion Penitentiary. However, if justice and equality are myths and fairy tales, as Reed contends, then how did they become the hallmarks of a country? This is an issue explored in more detail throughout the articles.

Eddie Griffin’s piece examines behavior control at the BOP facility in Marion, as do the works of Del Raine, Wilson, Dunne, and Dowker and Good. While Griffin specifically examines the use of behavior modification, I was struck by his discussion of the role of authorities. Those who are the ‘authorities’ create and define the conditions under which they can intervene in lives. Dowker and Good address this same issue in their discussion of BOP officials defining both the ‘problem’ and the ‘solution.’ What occurs in Marion is a microcosm of the activities of the Federal Bureau of Investigation (FBI), such as when they harassed the Black Panther Party, CISPES, and numerous others, without evidence of actual harmful behavior on the parts of people in those groups (see, e.g., Blackstock 1975; Zielinski 1988). According to Griffin, the BOP administrators are not above the tactics of the FBI or the CIA; civil and constitutional rights are violated in the name of protecting the ‘greater good.’

Importantly, what Griffin notes is that this ‘treatment’ of men at Marion actually creates an imbalance that is dangerous for the institution. As Griffin notes, ‘The small world cannot contain the imbalance.’ Violence among the prisoners will flow from the violence the BOP directs toward the prisoners. How could one expect otherwise? Research on colonialization is well acquainted with the violence that arises
in such conditions (see, e.g., Fanon 1963; also Dunne, and Dowker and Good, elsewhere in this issue). In his poem 'False Religion,' Tagore writes:

They try to cross the river
In a bark riddled with holes;
And yet, in their anguish, whom do they blame?

Clearly, within the BOP, they blame the prisoners, justifying further cruelty on the part of the BOP administration. Griffin refers to it as 'breaking men's minds.' As Foucault (1977) would tell us, this refers not just to the minds of the prisoners, but to all who must be 'benevolently dominated' in the furtherance of political and economic power.

Ronald Del Raine is also concerned with the mechanisms of control at the Marion Penitentiary, and finds similarity with Orwell's 1984. I really appreciated Del Raine's discussion of 'doublethink,' 'the process of simultaneously recognizing and not recognizing a fact.' Edward Herman often refers to the actions of our political leaders as steeped in 'doublespeak' (a regular feature in Z). This can easily be seen in the actions of the BOP, and in terms of larger structural issues as well. For example, the President can simultaneously stress the importance of family values and veto a Bill advocating family leave (suggesting, in its stead, tax breaks for businesses!).

Del Raine discusses the role of ideology in his discussion of propaganda techniques used to sway people toward particular beliefs. As he notes, 'this technique of peacefully [sic] persuading people to follow your dictates consists of first convincing them that they live in the freest country in the world, that this is indeed the best of all possible worlds.' This is similar to the point being made by Gerald Niles in his discussion of the 'sweet camps' (Niles is in the Florida State Prison). Essentially, the point seems to be that if you (read prisoncrats) can convince people that while things may be bad here, they are a lot worse elsewhere, you will be very effective at discouraging dissent. After all, who wants it worse, when they've already got it pretty bad? The central theme to Nile's piece, and to most of these pieces, is reminiscent of the conservative adage, 'love it or leave it (but, certainly do not question it).’ How do you get people to believe that they live in the 'sweet camps?' Referring again to Foucault (1977), one way to do it is to be able to demonstrate the conditions under which others (read prisoners) have it far worse.

One of the more emotionally-moving pieces is that of Standing Deer Wilson, who writes about why he chose to go on a death fast, what he refers to as 'A Warrior’s Fast.' As with those who write about other abuses, Wilson addresses what is a similarity between what is occurring with him and the tactics of the FBI. Specifically, Wilson tells us that
'I will no longer allow the united states [sic] to continue to deny me the right to practice my religion.' This is an instance of prison officials not obeying their own law, specifically, the First Amendment right to freedom of religious practice. Here, the BOP officials break their own law, supposedly for some greater good. But, as Wilson notes, what they seek is access to their pipe, drum, sweat lodge, and spiritual leaders. Where is the threat that leads to such denial and control? Similarly, where is the threat when Gerald Niles requests a vegetarian diet? Not to provide such basic needs is further evidence of the need for the BOP, and others, to control by any means possible – it must be clear who has the power.

Bill Dunne places the practices at Marion within a context most in line with my own work. Dunne clearly sees the effects of violence perpetuated in the prison, and notes that violence is being promoted, even allowed. As he notes, many deaths occurred in the prison prior to those that would be used to justify the permanent lockdown: 'Many prisoners had been killed previously without much official concern at all, let alone the creation of a long or permanent lockdown.' These events can be compared to those of moral panics, especially the latest moral panic that is centered on drugs (for more on moral panics, see Hall et al. 1978). Kids have been dying from drugs in this country for decades, especially in lower-class, urban environments, some of them from drugs imported by agents of the US government. So why would the federal government get so interested in the 'drug problem' in the mid-1980s? As we now know, much of the attention given to drugs during the 1980s (on the domestic level) would be a diversion from attention to foreign issues, such as the Iran-Contra affair. Similar to the desires of BOP officials, the highest level of law enforcement (e.g., Attorney General Meese), long before the 'war on drugs,' had expressed a desire for more controls, such as elimination of the exclusionary rule. The 'sudden' attention to the 'drug problem,' and the concomitant suggestions on how to deal with the problem, were all part of a much larger goal – a means by which more control over the masses could be gained. This is what occurred at Marion as well. The BOP was interested in more control; the BOP would begin plans for the implementation of more control, and then wait for a 'convenient' incident that could be cited as originating the need for more control (this evokes remembrances of the Gulf of Tonkin 'incident' and the mining of Nicaraguan harbors). While Reagan and Bush both claim no knowledge of Iran-Contra, just as BOP officials may choose to deny their own history, the chronology of events (especially as documented by Dowker and Good elsewhere in this issue) suggests that such claims are false. The state apparatus has a vested interest in perpetuating existing structural, political, and economic arrangements. In order to do so, plans will be made to deal with perceived threats to those arrangements.
What is clear from Dunne's writing is that if Marion (and other such facilities) are allowed legitimacy, then activities on the part of other agents of social control can only get worse. Even if we accept the premise that those who break the law and are convicted of doing so deserve some form of punishment, do we also accept that any means may be used as long as those in charge define it as legitimate? Is the theft of one's right to dissent a legitimate practice? People fight for freedom of speech across this country, notably on school campuses and within the arts community. The articles in this issue strongly suggest that we examine other arenas in which voices have been silenced, for the implications of such silence are severe.

It is possible, as Dunne suggests, that if we stay on the present path (political and economic), the criminal justice system will surely approach the 'Iron Fist' model of control (see, Platt and Takagi 1982). As Dunne puts it, "Final solutions" always start with the use of special repression like "concentration models" against small and particularly vilified minorities that are usually billed as something like "useless eaters," "the worst of the worst," or "rotten apples." But they never end there. The increased reliance on control units has serious implications not only for those subjected to them, but for those on the outside as well. Reliance on control units is part of a larger political platform that wishes to implement more death-penalty-eligible offenses, harsher punishments, more prisons, and fewer services. The current structure cannot, since it operates on the profit principle, afford to generate the services and materials necessary to do something substantive about crime and about helping those who have become involved in crime. Instead, with profit as the motive, it is easier to warehouse people. Such warehousing will surely increase. As Dowker and Good note, the development of more control units 'lead us to interpret the proliferation of control units in the United States as an attempt to suppress the increased likelihood of protests and dissent.' Reed concurs: 'The increasing masses, domestically and abroad, who are homeless and starving as a result of the "established political and economic order" will increasingly express their dissent. The construction of more and more control unit prisons is one means of controlling those masses.'

The conditions at Marion are similar to those practiced in other control units, like the unit for women at Lexington, Kentucky. Many of the methods of behavior modification that are practiced at Marion were later denounced by at least one of the people who helped create them (see, e.g., Richard Korn in *Through the Wire*). The practices are viewed as dangerous and as violative of international guidelines on the proper treatment of prisoners. However, the practices at Marion, and elsewhere, are exactly in line with the desires of those who hold power in the United States. Marion is heralded as the *model* for future prisons; it is considered a litmus test. The purpose of the Marion facility is clear:
'To control revolutionary *attitudes* in the prison system and in the society at large' (Whitman, as cited by Dowker and Good this volume, emphasis added). The support of control units, and the plans to create more such units is part of a larger scheme. One way in which such a scheme can be examined is through the use of subcultural methodology.

**ROLE OF SUBCULTURES**

As Dowker and Good note elsewhere in this issue, 'Imprisoning large numbers of people in order to stop crime has been a spectacular and massively expensive failure.' Given that our imprisonment rate is the highest in the 'free' world, and given that nothing substantive has been done about the 'problem of crime,' it must be that someone, or something, benefits from such failure (for more on this issue, see Reiman 1990). This failure must be a success, if expressed in terms other than those put forth by agents of corrections or, specifically, agents of the BOP. The articles contained in this issue are quite clear as to who benefits from such arrangements – those who wish to maintain the current economic and political arrangements and, importantly, quash any dissenters who question the legitimacy of such arrangements.

The issue of dissent and, specifically, work by state agencies to smash dissent (even if it means breaking the law), is no stranger to this writer (see, e.g., Caulfield 1991a). What differs herein are the voices of those who suffer at the hands of such practices. As work in feminism tells us, if we wish to know harm, we should listen to the voices of those who say they have been or are being harmed (Stanley and Wise 1983). The articles in this issue move from the personal to the structural in their analysis of actions on the part of the BOP (and state-level ‘correctional’ authorities), and the consequences for those whom the BOP considers less worthy, due to the attachment of a criminal conviction and all stigma that goes with it.

I have written about subcultures, especially the identification of ‘subcultures’ as a tool used by state agents to win support for intensive law-and-order efforts (Caulfield 1991b). My analysis of subcultures indicates that the methodology has been co-opted by those in positions of power in order to win (or continue) support for a dominant ideology, an ideology that uses ‘criminology’ to present and support the image that ‘crime’ is predominantly the work of the poor. This is the same ideology that seeks world sanctions against the acts of ‘communists’ and Sandanistas, yet views the acts of US agencies (e.g., FBI, CIA, Reagan Administration) as being *beyond incrimination* (see, e.g., Kennedy 1970; Chomsky 1985a). The works that detail such operations on the part of the US government are numerous and need not be reviewed here. Importantly, what they highlight is the inherent bias of law in this country, not only in terms of what is defined as criminal, but in defining
acceptable conditions of confinement, such as the use of administrative sanctions that sidestep issues of due process (see, e.g., Dowker and Good, this volume). The actions behind COINTELPRO demonstrated the importance of being wary of governmental definitions. The FBI, referencing 'subversive' activity, justified illegal intervention into countless lives. Blackstock (1975: viii) warns us of the impact of such actions: 'The notion that some ideas are "subversive" is dangerous for anyone who disagrees with an administration in power, or who may in the future. If the tag "subversive," and the harassment that follows, can be applied to some ideas today, they will be applied to other ideas tomorrow – that’s been proven by many months of revelations of FBI abuses.'

As I have analyzed elsewhere (Caulfield 1991a), the actions of the FBI COINTELPRO program should be seen as criminal. Specifically, the legitimacy of dissent in this country, as guaranteed by the First Amendment to the Constitution, was stolen by the FBI. The Bill of Rights provides that people cannot be discriminated against for political action when such action only involves speech (Wasserman 1988). However, as COINTELPRO would teach us, once ideas are viewed as dangerous, they are suppressed, even if it means through illegal tactics employed by agents of the state.

Agents of the state remove themselves further from the possibility of incrimination when their target population is one believed to be 'less than' the 'normal' population. As is well documented in these articles, the BOP is given fiat to do whatever is necessary to control its population.8 Of course, dominant ideology presents the image that 'inmates' are more problematic, less controllable, thus giving almost unbridled discretion to BOP officials and agents. Stereotypical images of prisoners abound – the creation of such images are necessary for support of the structural and political arrangements.

CONCLUSION

There has been much discussion in the past as to whether there are political prisoners in the United States. Rothschild (1989) reviews the distinctions between those who are prosecuted for their thoughts, those who are framed on non-political charges, those who commit non-violent 'symbolic' acts, and those who commit politically-motivated violent acts. However, it is possible that the 'political' question can be framed in a different light. While earlier work, such as that of Turk (1982), used the term 'political crime' for action taken by dissenters against the state, there is a growing literature which argues that political crime also refers to crimes committed by the state (see, e.g., Barak 1991; Michalowski 1985). As Caulfield and Wonders (1992) note, 'Central to this broader understanding of political crime is a recognition that
individuals within the state, or the state itself, may commit socially injurious actions in order "to enhance or preserve political institutions and economic organizations" (Michalowski 1985: 379) within society. If the state is engaging in criminal activity in its pursuit of certain peoples, then those who are encaged due to actions by the state are, in fact, political prisoners.

Political prisoners, when used for the furtherance of state goals (read accumulation and domination here), fit the definition of subculture that I have developed elsewhere. Once so defined, new restrictions easily apply. Lack of access to services, media, family—all of these restrictions (denials) are due to acceptance of the subcultural label. This is similar to the way in which the 'war on drugs' has resulted in the creation of a drug subculture, a subculture that strikes fear with white middle-class America, mostly because white middle-class America is not defined as part of this group. Instead, a new classification is devised, one that focuses on particular groups and particular drugs. As Dowker and Good discuss, crack is more likely to be used by African-Americans in this country, mostly due to it being cheaper. Cocaine, on the other hand, is more likely to be used by whites. While both drugs can have deadly effects, crack generally carries a stiffer penalty (in terms of its value), and is more the focus of the current 'war on drugs.'

Similarly, as Reiman (1990) and others have documented extensively, some behaviors result in more harm than others, and yet not only are the former not punished as severely, often they are not even addressed in the criminal law. Corporate giants can rob from the poor (from everyone actually) in the name of good business, and not be subject to criminal prosecution. Those who hail primarily from the lower economic classes can rob, and be subject to twenty to thirty years in prison. The definition of crime lends support to the creation of a subculture—it helps define who it is that the public should be afraid of, who they should want to see locked away.

In spite of all the evidence that 'correctional' facilities do not correct, and in spite of all the evidence that prisons often create more harm than good, alternatives to prisons as punishment have not been supported in this country. Part of the prevailing ideology is that convicted criminals are too dangerous to be placed within a community setting. In addition, with the advent of positivism and the scientific method, Americans have been all too keen to hand over all accountability and responsibility to the 'experts.' Hence, you end up with facilities like Marion, where the public wants no knowledge of what occurs, as long as they feel protected, and the public relies on the experts to make sure that such protection is forthcoming.

The presence of political prisoners is not 'seen' by US society, and dissent is not a touted virtue of the society. Self-proclaimed political
prisoners, if seen at all, are viewed as criminals 'looking for an easy way out.' US citizens cannot see them for what they are; after all, political prisoners can be found in 'communist' regimes, but not in the 'land of the free.' The reality of who we imprison, and why, is hidden from the public view. As Dowker and Good note (also see Rocawich 1989), control unit prisons are 'located in isolated, economically depressed, rural areas.' This serves a number of purposes: 'the ardent support of local people, who rely on the prison for desperately-needed jobs, is secured and prisoners are isolated from their family and friends.' Those who need the jobs will not question the nature of their employment. The isolation distances the prisoners from those who might listen to them and seek to change the arrangements of their confinement.

The tools of economics and isolation are old friends of those in power. As conditions worsen in the United States, economic 'gifts' will be further controlled. The US government will continue to bail out the Savings and Loan, and other corporate disasters, yet allow the unemployment and food-kitchen lines to lengthen. Many of those who work from a critical perspective recognize that the actions of those in power are not morally distinct from acts defined in criminal law. The articles of this issue highlight another aspect of state criminality. As usual, the acts of the powerful are defined as beyond incrimination. In addition, those who speak out against such acts are punished. Change within the prison system cannot wait until change occurs at the structural level. Dissenters must be heard, and the powerful must be called upon to answer for the atrocities they perpetuate. As the poem 'Who Killed McDuffie' illustrates, we can no longer allow 'nobody' to be responsible. All around us, people suffer at the hands of profit and greed. The voices herein are powerful calls to action.

NOTES

1 With the issue of silencing being central to my approach, it is important to highlight that my interpretation is mine alone. I do not purport to speak for anyone, only to share my thoughts and considerations on some of the issues that have been raised herein.

2 From the poem 'False Religion.' Ronald Del Raine, in his piece comparing Marion with Orwell's 1984, also references the work of Tagore. He inspired me to include some other passages.

3 According to Dunne (this volume), the BOP 'contended that prisoners and staff were safer as a result' of the lockdown. This sounds like some Skinnerian scheme, whereby people are safer, and better off, if they are subjected to more controls. Chomsky (1973) would probably contend that this is totalitarianism hiding behind the mask of 'safety.'

4 While the writers focus on facilities for men, others have documented similar tactics in facilities for women (see, e.g., Rothschild 1989; Through the Wire 1989).

5 Griffin (this volume) sees Marion as a control mechanism for the entire prison system. This can be expanded to society-at-large. Griffin sees it as: 'The utilizing of prisoners as couriers of the techniques back into the community.'

6 As a matter of fact, the perpetuation of violence is a crucial part of the moral panic
process. Moral panics require the perception that violence is escalating, at the hands of the subversive minority that those in power wish to be rid of.

7 As Dowker and Good note: ‘The entire population at Marion was collectively, severely, and permanently punished in a calculated move by the BOP’ (emphasis added).

8 See, e.g., Dowker and Good, and their discussion of BOP policy and its broad (and ambiguous) definitions of behavior warranting more stringent control. For example, BOP allows transfer of a prisoner ‘whose behavior seriously disrupted the orderly operation of an institution.’ Gerald Niles also discusses this issue in his analysis of the ‘sweet camps;’ as does Del Raine, when he refers to the number of different official reasons given for his confinement in segregation.

9 As Dowker and Good note: ‘Many prisoners are sent there [Security Housing Unit] for filing grievances or lawsuits or for otherwise opposing prison injustices.’ Dowker and Good further note examples of people sent to Marion for political purposes, not because of any demonstrated violent activity. Administration of control units ‘will target prisoners who are most likely to be challenging the prison system.’ The Director of the BOP has admitted that political beliefs are a legitimate basis for assignment.

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A Reply to Robert Gaucher

R. S. Ratner

In his article, 'Organizing Inside: Prison Justice Day (August 10) A Non-Violent Response to Penal Repression,' published in the recent issue of your journal (Vol. 3, Spring, 1991) Robert Gaucher makes an ill-considered attack on Canadian social scientists and on my own views regarding prisoners/political struggles. In the first page of his article, he writes that: 'The political consciousness and struggles of Canadian prisoners has been either denied or ignored by Canadian criminologists and social scientists.'

I know of several Canadian academics who take up this issue quite seriously in their work; so Gaucher's implied condemnation is unwarranted, and apparently designed to highlight his own contribution, which, it should be noted, is being offered largely in his capacity as one of those allegedly obtuse Canadian academics.

In a footnote (n. 1) supposedly qualifying his untrue assertion, Gaucher writes the following:

See for example R.S. Ratner and B. Cartwright (1990). Their argument denigrates prisoner politics and in doing so represents many of the problems associated with a variety of academic criminology and social science discourses which deny political credibility to prisoners' struggles.

This is a complete misinterpretation of our article, but the reader of Gaucher's piece would not be able to check out his understanding of it very easily, since the reference to the article is omitted in the items listed under 'References.' If any of the readers of Gaucher's article do want to follow this up, the full reference for the article which he so blithely caricatures is, 'Politicized Prisoners: From Class Warriors to Faded Rhetoric,' R.S. Ratner and Barry Cartwright. 1990. Journal of Human Justice, 2 (1): 75-92.

The point of our article was to indicate the continuing potential for prisoner politicization, to identify some of the barriers to such politicization, and to explain the relative quiescence of prisoner political protest in Canada as compared with the U.S. The article also examined current efforts by Canadian correctional administrators to re-individu­alize prisoner protest in order to prevent collective action by prisoners. The article ends on the following note:

The important lesson that can be drawn from the past thirty years of prison protest is that if prisoner movements are to succeed, they cannot be separate and parochial, but must be joined to other groups and social movements.
Prisoner groups must be projected back into society rather than allowed to remain isolated and distinct, as, perhaps, the authorities mean them to be. Non-prisoners must know that 'prisoners' and 'prisons' are not in their interests, and radical criminologists must not retreat from the task of helping all of these groups to discover their common unifying purpose (p. 87).

How any reader can conclude that this is a 'denigration' of prisoner politics is beyond me. On the contrary, the main point of the article was to clarify how prisoner protest might be more effective; that it needs to be is something that Gaucher surely would not deny. Our article was based on ten years of cumulative research involving interviews and discussions with incarcerated and released prisoners, prison activists, prisoner education groups, correctional officials, and an informative conversation with Gaucher himself, who, at least at the time, seemed to accept our argument and provided supportive anecdotes. I also studied a variety of penal press publications covering a fifteen year span, then passing them on to Gaucher to assist him with his own work. So I am mystified that he would take issue with our argument, and misrepresent it as he has done.

More importantly, there is something very disturbing and saddening about this, because I think Gaucher's hyperbolic criticism cements a Them-Us polarization, in which Canadian criminologists and social scientists are the objectionable 'Them.' I grant that there are some people who do camp themselves in this way, but I have tried to oppose this separation in my own academic practice, and I had the gratifying impression that the line was becoming blurred between Them and Us, and might continue to grow more indistinct. I guess I was wrong, if Gaucher's response to our article is any indication.

I do believe that, in our article, we did our utmost to report the truth, as revealed to us by our informants and our research. Although I recognize that 'truth' is a problematic concept, I do not believe that all truths can be reduced to however any one group chooses to see the world. It is especially troubling when truth gets blurred for utterly prejudicial reasons.
In his response to my article ‘Organizing Inside: Prison Justice Day. A Non-violent Response to Penal Repression’ (Gaucher 1991a) Professor Ratner takes issue with my view of Canadian academics’ praxis generally and with my footnote reference to his article, particularly. Claiming that I have a personal axe to grind with him, he descends to the level of the personal by suggesting that not only were my views an ‘ill-considered attack’ on Canadian social scientists, but also a ‘complete misinterpretation of our article.’ His explanation for this ‘misrepresentation’ is two-fold. First, he claims that my critique was ‘designed to highlight his [i.e. my] own contribution,’ and second, that the truth of their position ‘disappears from view for acutely personal reasons.’ Ratner’s charges deflect us from the issues at hand and serve to mask the intellectual and political inadequacy of his own research and praxis.

Starting at the beginning, what is one to make of their title: ‘Political Prisoners: From Class Warriors to Faded Rhetoric?’ Or, of their lamentation over the passing of politicized prisoners:

But while serious prison disturbances continue to occur the political consciousness of prison inmates in both the U.S. and Canada has plainly eroded (Ratner and Cartwright 1990: 86).

And their instruction:

... to lay to rest the faded rhetoric of prison protest in the 1980s (ibid.: 87).

Furthermore, their consideration of Marxist debates on the ‘lumpenproletariat’ trivializes the theoretical and material base of this concept. This is puzzling in an article Ratner claims is designed to inform and encourage radical political activity in and outside prisons. Though insisting that their article was based upon ‘10 years of cumulative research’ including ‘an informative conversation with Gaucher himself,’ there is little evidence in their essay to support this claim. If this is indeed the case, then their article is a much greater indictment of Canadian social science than any I have made.

An essential problem with their thesis is their reliance on an inadequate survey of an exceptional moment (1968-72) of protest captured in the writing of a few publicly celebrated Black American prisoners to define all prisoner politicization, political ideology, and praxis. This results in an ahistorical account that fails to locate the 1968-72 period itself in the history of North American prison struggles. In ignoring the past they also fail to acknowledge the present. For example, there is
absolutely no reference to either First Nations or women in Canada or the USA. These two groups in particular have exhibited considerable activity and advance throughout the 1970s and 1980s. In short, the authors' elitist stance results in a myopic view of what has actually occurred since the 1968-72 period of public and academic attention they judge as the hallmark of politicized prison struggles. In this context, their dismissal of later prison struggles and their pronouncement

[the important lesson that can be drawn from the past thirty years of prison protest is that if prisoner movements are to succeed, they cannot be separate and parochial, but must be joined to other groups and social movements (ibid.: 87)]

illustrates their ignorance of, and dislocation from, ongoing prison struggles.

Since the mid-1970s, prisoners' struggles have taken new forms and have been connected to outside support with considerable results. One way this extension into the outside community is exemplified is in the resurrection of traditional penal press type publications by outside prisoner support and grassroots political groups. Focusing on the plight of political prisoners and more general prison issues, these groups in their publications have integrated a theorized analysis of the state with prisoners' analyses of the prison as a major vehicle for state suppression of dissent. Since the mid-1970s, groups such as the Prisoners Rights' Office of Montreal, the Vancouver Prisoners' Rights Committee; the Wimmin Prisoners' Survival Network and the Canadian Alliance in Solidarity with Native People, in Toronto; and numerous U.S. based groups such as Freedom Now, the American Indian Movement, and Anarchist Black Cross have all publicized and supported prisoners' initiatives in resisting state repression. In addition, there has been a proliferation of issue-centred organizations that provide support and publicity for politicized prisoners and prisoners' struggles. This includes well known political cases like the Conspiracy Resistance Case, the Ohio Seven, Puerto Rican Prisoners of War, Leonard Peltier and Mumia Abu-Jamal; and issues such as the Marion Lockdown and Prison Justice Day.

Ratner's and Cartwright's dismissal of these developments as 'faded rhetoric' is most aggravating, particularly in light of the major gains and advances of Canada's First Nations prisoners since the 1960s, and more recently federally incarcerated women (see Gaucher 1991b). The development of Native Brotherhoods and Sisterhoods in Canadian prisons is related to the general strengthening of aboriginal communities and involves close ties between the two groups. This has led to major changes for Native prisoners, including access to elders and spiritual advisers, and the development of Native-organized and culturally appropriate programs. The use of the state criminal-justice apparatus to suppress aboriginal dissent; to mask social disorganization conse-
quent on past state policies of ethnocide; and continuing over-representa-
tion of indigenous people in Canadian prisons is not to be denied. Howev-
er, the First Nations Prisoners' advance in developing a politi-
cally conscious understanding and stance towards their situation must
also be acknowledged.

Another post-1960s development which denies Ratner's and Cartwright's thesis is the use of the courts to challenge state authority and control. In 'The Dialectics of Prison Litigation: Reformist Idealism or Social Praxis,' Harry Mika and Jim Thomas (1988) log the development of prisoners' legal challenge in the United States. Locating the start of this initiative in the civil rights movement of the 1960s they argue:

The first significant victory challenging prison conditions and policies did
Since then prisoners have increasingly used civil-rights litigation as a means
to alleviate some of the worst aspects of staff and state abuse.

Whatever else prisoner litigation might mean, it above all else signifies
resistance. Some prisoners may sue seeking release, but most do not. They
generally challenge the conditions of their captivity. (ibid.: 56)

Their analysis indicates significant advances resulting from this non-
violent response to oppressive prison conditions and regimes, indicat-
ing that:

Through the courts, prisoners have transformed privileges into expected
rights, and the courts have generally upheld these rights. (ibid.: 59)

This has produced a legal recognition of 'established minimal stan-
dards.' These legal forms of resistance have also resulted in changes in
the ideology and practice of American courts vis-à-vis penal regimes
(ibid.). Though I do not know of any similar study regarding Canada,
my experiences suggest that litigation has also dramatically increased
here, albeit with less pronounced results.

Mika and Thomas provide empirical information which indicates a
resultant structural and contextual change. From this type of analysis
alone it is not possible to evaluate the interpersonal impact of litigation
activities on prisoners (especially politicized prisoners), staff and
administration, and on the dialectics of their (power) relationships. Howev-
er, the authors suggest:

...litigation has contributed, albeit sporadically, to prisoner identity forma-
tion, a key requisite for social action (Lukacs, 1971). Like the legal struggles
of other indigenous peoples, even if the immediate material impact of law is
not dramatic, the broader impact may create a group identity that simulates
subsequent action. Inmates, as subjects of law, derive a rhetoric for an
increased power to resist. This resistance, especially in the past decade, has
come from prisoners themselves, and not from the intrusion of liberal civil
rights reformers or radical activists. (Mika and Thomas 1988: 62)
In my experience this is supported by the activities of prisoner groups such as Native Brotherhoods, Odyssey (Millhaven 1976-82), Stony Mountain University Students Association (1987) and Infinity Lifers (Collins Bay 1986-89).

In short, Ratner and Cartwright have recast the post-1960s situation in an inverted form. Rather than prisoners needing to reach out to the outside community – which they have continued to do in Canada since 1945 – it is necessary for members of the general public to support prisoners' initiatives. This has already occurred to an extent vis-à-vis Canada's First Nations communities, and current feminist attention to the situation of women prisoners holds similar promise. By and large academics, professionals and liberal civil rights reformers in Canada have been prone to either take an elitist position by first defining the issues and then soliciting prisoner support, or alternatively, they are too concerned about maintaining their tap lines to the state to engage in support of prisoners' resistance and struggles. There are of course laudatory exceptions such as academics like Michael Jackson, and the professionals working with the prisoners' rights groups in Vancouver and Montreal. Rather than armchair posturing, the current situation demands long-term commitment to supporting the initiatives and issues as defined by prisoners and their groups. If, as Professor Ratner charges, this is an 'ill-considered attack' on Canadian social scientists, I can only suggest that 'if the shoe fits ....'

Finally, since Professor Ratner sees fit to charge me with what is essentially bad faith and intellectual dishonesty, I reluctantly address his personal charges. As he well knows, in the summer of 1990 I was asked to evaluate his essay for The Journal of Human Justice. At the time I did not know who the authors were, discovering (much to my surprise) that he was one when he sent me the article shortly before it was published. After overcoming my initial surprise, I wrote him, confessing that I was indeed the 'critical reviewer' and stating that the rewrite had marginally improved the text. His response was a short note ending with 'academics phew!' My review ends on the following note which I still hold:

In summary, this article is an uninformed mishmash which is not suitable for publication in the J.H.J. and requires much more than a major revision to be taken seriously.

Furthermore, rather than attacking me as self-serving and acting on 'acutely personal reasons' (yet to be specified) he should come forward and honestly vent his anger on the article in the Journal of Prisoners on Prisons (Autumn 1990/Spring 1991) which most directly concerns him; namely 'Master Status, Stigma, Termination and Beyond' by Dr. Brian D. MacLean.
NOTES

1 At this point one must inquire if Ratner and Cartwright have ever heard of the Puerto Rican Prisoners of War Committee; The Resistance Conspiracy Case; The Ohio Seven; the Squamish Five; Leonard Peltier; The American Indian Movement, the Mohawk Warriors Society, or any number of Canadian First Nations politicized prisoners?

2 For a full account of the history of Black American prison struggles see Franklin (1978).


4 The international phenomenon of the penal press peaked in the 1950s and early 1960s before being suppressed by prison censorship and control. During the 1970s (in Canada), prison writers tried to revitalize it via prison group (as opposed to the whole prison population) publications such as Odyssey. It has been reformed through outside published magazines which, by representing prisoners' writing and analysis, have kept the tradition alive. This indicates the adaptability and continued involvement of prison-based writers in the ongoing struggle against penal repression and degradation.

5 To note a few, in Canada these outside publications include: Bulldozer, Anarchist Black Cross, Prison News, Wimmin Prisoners' Survival Network, Prisoners Right, Inside Out, and Journal of Prisoners on Prisons.

6 For example, Drumheller Institute has a wide range of programs which are the result of Native prisoners' and their supporters' agitation. See Arrow to Freedom, The Native Brotherhood prison publication.

7 The use of the Canadian armed forces to suppress Mohawk resistance at Kenesatake (Oka) and Kaneawake in the summer of 1990 and the continued police occupation of these Native communities attests to this.

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ABOUT THE COVER

A former prisoner located in Cincinnati, Ohio, Mark Harris is available to do artwork on assignment. He may be reached through the Journal of Prisoners on Prisons.
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