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The Suburban Prison:
Carceral Policy and Suburban Politics in Southern California

DISSERTATION

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for the degree of

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by

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ABSTRACT OF THE DISSERTATION

“The Suburban Prison: Carceral Policy and Suburban Politics in Southern California”

by

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The following is a case study of the early history of the California Institution for Men (CIM) in Chino, CA, a state prison both unique in its location and initial operations yet representative of much wider trends in the history of the 20th century United States. This study explores how metropolitan spatial and political developments informed the expansion of California’s and the United States’ carceral state in the late twentieth century. Weaving together literature from metropolitan and carceral history, this work reveals how purported suburban moral panics over urban crime influenced prison practices at CIM, leading the facility to become increasingly punitive as a means of appeasing citizens’ demands for greater safety and enhancing the city’s property values and quality of life. CIM was originally imagined by early 20th century progressives as a “prison without walls” designed to rehabilitate and reform nonviolent incarcerated men through job training and educational programs, harm reduction policies, and providing the population with greater freedom of physical movement and the ability to make more meaningful independent choices. These practices largely came to an end by the 1980s. This change was due in part to national and statewide moves towards mass incarceration that led to

overcrowding, reduced budgets for programs, and reduced public support for the rights of incarcerated people. However, this case study demonstrates that local factors, most prominently the mounting pressure from the white middle-class suburbanites who flocked to and transformed the once-rural Chino Valley after World War II, also contributed to these changes. Their community organizing and municipal policy making demanded that American prisons, both in their backyards and beyond, remained focused on incarcerating and punishing some of California's most marginalized citizens rather than offering them tangible support and a genuine opportunity for economic and social mobility after leaving prison. This case study of CIM brings studies of suburban political development into closer conversation with the rise of mass incarceration, revealing the ways these critical components of the twentieth century United States informed and shaped each other.

Introduction: A “Prison Without Walls”

On June 12, 1941, hundreds of state politicians, bureaucrats, donors, and local residents traveled up the unpaved, muddy road that was the sole means of access to the brand-new California Institution for Men in Chino (CIM). The new state prison was situated in the midst of a great expanse of farms and cow pastures in the small agricultural town of Chino, located forty miles east of downtown Los Angeles. Unlike its predecessors at San Quentin and Folsom, California’s third state prison was, at least at this moment, uncrowded, unassuming, and unimpressive. Its campus, built on the grounds of an old beet farm, consisted only of a few dormitory buildings, a stout chain link fence, and a single guard tower. The tower was unmanned, a vestigial element of a prior administration’s plans for the site; it would remain empty long after the first prisoners arrived a few days later, earning the facility the nickname “the prison without walls” for its deliberately low security measures.¹ Throughout the day, the tractor assigned to the prison for its agricultural program saw its first use towing several visiting officials out of the road’s numerous mud pits. The prison staff who coordinated these rescue efforts were not hardened correctional officers or even local farmhands experienced with tractor operation. Instead, they were young, white-collar sociology and criminology professionals fresh out of college. Their inexperience likely added to the atmosphere of apprehension that CIM was starting off on the wrong foot.²

If Governor Culbert Olsen was disappointed with the appearance of Southern California’s first state prison, then his opening address hardly reflected it. Experience in prison operation was never part of the plan for this facility. Kenyon Scudder, the prison’s first “superintendent”—not warden, as he would emphasize throughout the day and through the rest

¹ Kenyon J. Scudder, *Prisoners are People* (Garden City: Doubleday and Co., 1952), 41–42; John Hurst, “Penology Experiment Fades. . .,” *Los Angeles Times*, June 21, 1983.

² Scudder, *Prisoners are People*, 41–42; “Upland Youth Gets Chino Prison Post,” *San Bernardino County Sun*, May 1941, 9.

of his career—was formerly a psychologist and superintendent for the Whittier State School for Boys and Los Angeles County’s first full-time probation officer.³ While accustomed to working with convicted men, he had almost no experience with administering a prison facility. His work had previously focused primarily on job training and reform outside the confines of a traditional prison facility. This made him the ideal figurehead for CIM, an institution conceptualized by Scudder, Olsen, and other California progressives as a new kind of carceral facility, an experiment in a state-run “honor farm” that would focus on job training and reform for non-violent offenders, offering more favorable conditions than those at Folsom and San Quentin in exchange for their willing compliance in their rehabilitation mission. Addressing the crowd, Governor Olsen stated optimistically, “Today, you and I participate in the most forward step ever taken in the history of the world in man’s treatment of his fellow man. [...] It is a noble advance in prison reformation based on the real foundation of society, the brotherhood of man.”⁴

The emphasis on the humaneness of this facility was not mere public relations talk but was the core of CIM’s mission and identity for the next several decades. CIM opened its doors in the wake of a series of protests and corruption scandals that challenged California’s carceral policies in the late 1930s. State officials conceptualized the facility as a progressive experiment to try to remedy these problems and others in the penal system. It was to be a rehabilitation facility, meant to provide training, education, and moral guidance to nonviolent offenders with shortened sentences, all without utilizing the isolation, racial segregation, restriction of movement, and physical violence that had defined its predecessors. Scudder predicted that this

³ Volker Janssen, “Convict Labor, Civic Welfare: Rehabilitation in California’s Prisons, 1941-1971” (University of California, San Diego, ProQuest Dissertations Publishing, 2005), 61.

⁴ “Unique State Establishm’nt is Dedicated,” *The Pomona Progress Bulletin*, June 23, 1941; Scudder, *Prisoners are People*, 41–42.

model would soon catch on throughout the United States and the world.⁵ He claimed that the use of such “open” prisons would reduce recidivism, undo the cycles of poverty that generated crime, save millions in government spending, provide for prisoners’ dignity and rights, fill the state’s need for rural firefighters and laborers, and cut both the average length of sentences and the overall prison population by half.⁶

Olsen and Scudder’s lofty predictions of a utopian future for prisons did not immediately reach a wide audience. Scudder had turned away reporters from *Life* magazine and other national publications for the opening of the facility, with the pragmatic observation that he wanted the general public’s first impression of the prison to be as a functioning institution rather than an unproven idealist’s dream. Scudder instead invited only a few local and regional publications to the opening day festivities, along with some of the prison’s immediate neighboring landowners. This would be the first of several efforts made by the superintendent to connect with the local community. Scudder knew that engaging with the small rural town of around four thousand people would be necessary for the long-term viability of his seemingly novel prison project for several reasons, but in this instance he claimed to have invited these guests simply because the opening of CIM was bound to be “an occasion of great public interest.” After all, he claimed, “the opening of a new state prison happens about once every seventy-five years.”⁷

For reasons well documented by scholars of American mass incarceration, Superintendent Scudder’s vision of California’s prison future proved wrong at almost every

⁵ Kenyon J. Scudder, “To What Extent Can Open Institutions Take the Place of the Traditional Prison?” *Proceedings of the 12th International Penal and Penitentiary Congress* (The Hague, Vol. IV, General and National Reports of Section II, 14–19 August 1950), 130–137.

⁶ Scudder, *Prisoners*, 41.

⁷ *Ibid.*; 1940 Census of Population: Volume 1. Number of Inhabitants. Total Population for States, Counties, and Minor Civil Divisions; for Urban and Rural Areas; for Incorporated Places; for Metropolitan Districts; and for Census Tracts, <<https://www2.census.gov/library/publications/decennial/1940/population-volume-1/33973538v1ch03.pdf>>, 127.

level. His remarks about the novelty of new prison construction, especially in California, would later read as either incredibly naive or unbelievably ironic. Far from building a single new prison every seventy-five years, within twenty years of CIM's opening, California state officials had ordered the construction of nine more prisons, kicking off one of the most significant prison building sprees in world history. By the end of the twentieth century, the state would host twenty-three prisons along with numerous other kinds of carceral sites, including thirteen community corrections facilities, five forestry camps for incarcerated workers, and five mother-prisoner centers, which is to say nothing of the dozens of federal prison facilities, ICE detention centers, and local jails that also served the function of caging human beings.⁸ All of this prison construction was carried out to hold an inmate population that swelled to over 150,000, a number far beyond the capacity of even this massive prison apparatus. The inability of even this massive building spree to house those the state assigned prison sentences eventually forced the hand of the U.S. Supreme Court. Even the nation's highest court could only partially remedy the massive overcrowding with the landmark 2011 *Brown v. Plata* decision, arguing that California's prisons had become so full that they violated thousands of citizens' Eighth Amendment rights to be free of cruel and unusual punishment.⁹

The conditions that resulted in this ruling indicate that the progressive, humane model for minimal sentencing, freedom of movement, and low density that Olsen and Scudder promoted in

⁸ Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Oakland: University of California Press, 2007), 7; "History of California Institution for Men," <<https://www.cdcr.ca.gov/facility-locator/cim/>>, accessed March 1, 2020; "Offender Data Points: Offender Demographics for the 24-Month Period Ending December 2018," (California Division of Correctional Policy Research and Internal Oversight Office of Research. January 2020), <https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2020/01/201812_DataPoints.pdf>, accessed 2 March 2020; Michael D. Brown, *The History of Chino Prison: The First Fifty Years of the California Institution for Men, 1941 to 1991* (Vocational Offset Printing Program, California Institution for Men, 1991).

⁹ *Brown v. Plata*, 563 U.S. 493 (2011); Solomon Moore, "California Prisons Must Cut Inmate Population," *The New York Times*, August 4, 2009, <<https://www.nytimes.com/2009/08/05/us/05calif.html?login=smartlock&auth=login-smartlock>>.

Chino in 1941 did not catch on at these new prisons. In fact, it did not even survive at CIM, as the California Department of Corrections eventually added medium- and maximum-security wings to the facility throughout the following decades in a failed effort to prevent the overcrowding that eventually required federal intervention.¹⁰ Though CIM continues to boast even today of its early history as a “prison without walls,” by the 1980s the prison would feature several. Its population has swelled from a few hundred to over three thousand, and while the average length of incarceration has not dramatically exceeded Scudder’s initial vision of two to three years with chance of parole, 25.4 percent of Chino’s inmates were serving life sentences by the late 2010s.¹¹

While it is tempting to view CIM as a kind of “paradise lost,” a more humane yet unrealized alternative to the nightmarish reality of modern U.S. prisons, Scudder’s rhetoric was not born out of a vacuum and was not as sharp a divergence from later U.S. prison orthodoxy as it may appear. CIM’s reform-based conception was based in a wider national Progressive movement in the early twentieth century that sought to spare prisons from scandal and critique over harsh treatment of those imprisoned there. The improvement of conditions was ultimately part of an effort to make prisons more efficient and the system more tenable in the long term.¹² CIM’s lack of towering walls, locks on cell doors, and guards in high perches did not mean that prisoners were free of the ideals of Jeremy Bentham’s panopticon, living under the constant possibility of surveillance and punishment by guards, nor did it signal that the state had surrendered its same drive to monitor and control its population as described by philosopher Michel Foucault. From the beginning, the men at CIM remained under near constant monitoring

¹⁰ Brown, *The History of Chino Prison*, 150.

¹¹ “History of California Institution for Men”; Brown, *The History of Chino Prison*; “Offender Data Points.”

¹² For more on this early era of Progressive efforts at prison reform, see Shelley Bookspan, *A Germ of Goodness: The California State Prison System, 1851–1944* (Lincoln: University of Nebraska Press, 2001)

and were threatened with harsh reprisals—up to and including relocation to higher security prisons—for violating rules or attempting to escape, leaving every individual merely a step removed from the panopticon.¹³ While some of Scudder’s rhetoric reads as more compassionate than those of many modern politicians and prison administrators, and his predictions about the smaller scale of future U.S. prisons were tragically far from accurate, CIM’s operating procedures were highly influential to how later U.S. prisons, especially in California, were built and operated. Scudder’s heavy promotion of parole as a more compassionate alternative to incarceration expanded the state apparatus for monitoring criminalized people, paradoxically contributing to more people being imprisoned for repeat offenses in subsequent decades.¹⁴ CIM’s work programs, particularly those involving land management, helped to pioneer a system of cheap prison labor that became far more widely adapted by the nation’s prisons than Chino’s “no walls” policy. This labor comprises a significant part of the wider U.S. economy and settlement project, offering a means for the state to quickly direct cheap and compelled labor towards points of crisis that private businesses were unequipped or uninterested in solving.¹⁵ In a sense, CIM’s future overcrowding was fueled by the success of its own administrative reforms, initiatives that were adopted by other prisons without those aspects of its operations that were less beneficial to capitalist production and expansion—elements that CIM would also eventually drop.

However, the changes in the prison’s policies were not just the result of nationwide “top-down” trends in prison administration tactics. They were informed partially in response to local

¹³ For more on the philosophy of incarceration and the carceral state, see Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York City: Knopf Doubleday Publishing Group, 1975).

¹⁴ For more on the wider impact of parole systems on the expansion rather than reduction of prison populations in California, see Sara Mayeux, “The Origins of Back-End Sentencing in California: A Dispatch from the Archives,” *Stanford Law and Policy Review* Vol. 22, No. 2 (2011): 529-544.

¹⁵ For more on CIM’s specific impacts on the state and nation’s wider labor systems, see Janssen, “Convict Labor,” *Civic Welfare*.

community outrage and political organizing, drawn from a city that was changing even more dramatically than its prison. By the 1970s, the cow pastures and small farms that had once covered the Chino Valley were steadily replaced by parks, schools, and subdivisions, all signs of the encroaching wave of suburban sprawl that rapidly transformed the entire landscape of Southern California and the broader United States.¹⁶ Among this new landscape, a myriad of grassroots political movements protested the prison's lax security measures, its job training programs, and its perceived impact on their wealth and quality of life. These movements were spearheaded by the middle-class homeowners and investors who gained political power and influence by appealing to concerns regarding the community's safety, homogeneity, and especially property values. The tension between prison and its suburban neighbors reached its peak in 1983, when the mass murder of a family in a Chino Hills home coincided with the escape of CIM inmate Kevin Cooper.¹⁷ In the wake of these murders and massive public outrage towards the perceived safety risk of a low-security prison, the state legislature almost immediately added large fences and gun towers to the facility and officially ended its "open" reform-centered era.¹⁸ This shift demonstrates how metropolitan transformations—and the local political actions those changes enabled—shared responsibility in the wider carceral policy changes that rendered Scudder's utopian vision obsolete by the end of the century.

¹⁶ "No More Prisons For Chino," *Chino Champion Editorial Board* (April 7, 1977, Chino Champion Newspaper Archives, 1887–2017), <<https://champion.newspapers.com/image/98429249/>>.

¹⁷ Cooper's trial and subsequent incarceration has made him a well-publicized and politicized figure, with numerous true crime authors, activists, and even media celebrities like Kim Kardashian speculating on the events surrounding his alleged crimes. Out of respect to the families of the victims and to Kevin Cooper, this project does not directly engage with the details of the case beyond how they were utilized by media and government sources alike to criticize CIM and to justify administrative changes. Kim Kardashian, Twitter post (May 31, 2019, 5:27 p.m.) <<https://twitter.com/KimKardashian/status/1134617493429899265?>>; J. Patrick O'Conner, *Scapegoat: the Chino Hills Murders and the Framing of Kevin Cooper* (Rock Hill, SC: Strategic Media, Inc, 2012.)

¹⁸ Brown, *The History of Chino Prison*, 150; Hal McWilliams, "Angry Crowd Challenges CIM System." *Chino Champion* (June 17, 1983. Chino Champion Newspaper Archives, 1887–2017) <<https://champion.newspapers.com/image/103940427/>>.

“The Suburban Prison” is a case study of CIM that explains how mass suburbanization influenced mass incarceration in the second half of the twentieth century. It weaves together literature from metropolitan and carceral history with local research into the history of CIM, California prisons, and the development of Chino and the outer fringe of Greater Los Angeles. In doing so, this case study of a “suburban prison” reveals how the conditions that have defined the American carceral state in the late 20th century and beyond were not implemented solely by detached officials and bureaucrats seeking more efficient means of absolute control over a criminalized population. New federal prison policies, state-level minimum sentencing laws, and heightened levels of law enforcement interference and arrests in racially segregated urban communities all likely drove CIM’s shift towards a more insulated and punishment-centered model.¹⁹ Yet Chino’s time as a leader in the prison reform movement also came to an end because of local factors, most prominently the mounting pressure from the white middle-class suburbanites who flocked to the once rural location, carried by the waves of suburban sprawl and white flight that reshaped Southern California in the mid- to late-twentieth century. The case of Chino and CIM indicates that grassroots political actors working on a local level played a significant role in pushing prisons to become more punitive and restrictive and to be built further away from urban—and especially suburban—locales.

The case study of CIM brings urban histories about the politics of urban development and sprawl into even closer conversation with the rise of mass incarceration. It reveals some of the

¹⁹ For details on the national level of mass incarceration, see Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016); For more on the state level, see Ruth Wilson Gilmore’s *Golden Gulag* focuses on California’s unique situation in the latter half of the twentieth century, with attention at the local level. Shelley Bookspan’s *A Germ of Goodness* tracks the development of the system in the years prior to CIM; Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: Liveright, 2017) looks more at how other government policies played a role in shaping lived spaces through the 20th century U.S.

ways these two critical components of twentieth century U.S. history truly informed each other rather than merely coexisted, and it emphasizes the importance of studying the role and use of space in both narratives. Suburban sprawl and mass incarceration were ultimately products of the same state-building project, in California and the rest of the country, that saw a predominantly white middle-class move into their own suburban residential sphere apart from a predominantly minority working-class urban environment that was being increasingly monitored and policed by the state. Within a metropolitan framework, the state relocated incarcerated individuals from urban communities into predominantly rural areas even further out of the sight and minds of other citizens.²⁰ Sprawl's intrusion into CIM's domain did not just represent an unforeseen "glitch" in this design. Rather, it brought to the forefront how intrinsically and inevitably connected these trends were and are as phenomena of a state inherently interested in determining where people are located spatially in relation to how they are classified and understood. The history of CIM and the communities of the Chino Valley emphasizes the importance of spatial considerations when assessing how both the carceral state and the suburban landscape has developed over the twentieth century. It further demonstrates the importance of identifying how and where carceral sites are sited in physical space, both to understand the conditions experienced by those incarcerated within these sites and to evaluate how other communities relate with the prison, its managers, and its prisoners, and the role these communities have in the prison's operations and practices.

CIM's relationship with the changing community and space of Chino Valley helps to explain how the expansion of America's carceral state as a whole was informed and influenced

²⁰ For more on this argument for evaluating the role of the movement and location in space in relation to political and social freedoms and status, see Genevieve Carpio, *Collisions at the Crossroads: How Place and Mobility Make Race* (Oakland: University of California Press, 2019), 215.

by the other spatial transformations that radically reshaped the United States in the late twentieth century.²¹ No single encompassing piece of federal or state legislation ended CIM's time as an "open" prison. Nor did an organic kneejerk reaction to the tragic murders of a Chino family bring an end to decades of administrative practice. Instead, opposition to deliberately lax security measures developed in tandem with the growth of Chino's residential community over the course of many years, with local activists making numerous attempts to bring an end to CIM's open era for a decade prior to Kevin Cooper's escape and conviction for the murder of the Ryen family. Various spatial and conceptual transformations in the 20th century United States, particularly involving the organization, development, administration, and policing of cities, suburbs, and rural land, influenced how Chino was viewed and treated as a space for incarceration, morphing from a pastoral open space for Progressive reform to a community that felt threatened by an imported criminal element at a facility that predated the arrival of the suburbs. At the same time, the presence of the prison was—and still is—welcomed by some in the community, particularly in the local government, who benefit from funding, inflated census counting, and job numbers. As the Chino region's population expanded, however, these leaders increasingly had to negotiate and cater to the desires of a growing number of residents who viewed themselves as self-sufficient and saw the presence of any prison, much less an open one, as a tangible obstacle to achieving their ideal lifestyle.

This narrative tells all of these stories, untangling the many economic, political, social, cultural, and personal reasons why a Progressive, utopian vision of the United States' prison

²¹ While Foucault's concept of the panopticon has informed many historians' understanding of the carceral state, this project focuses largely on the unique trend of American mass incarceration as identified by scholars like Elizabeth Hinton. For more, see Foucault, *Discipline and Punish*; Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010); Hinton, *From the War on Poverty...*; Gilmore, *Golden Gulag*.

future, which once received the full support of the state apparatus, failed, and was perhaps always doomed to fail. Many of these same obstacles remain in play today as much or more than in 1941 or 1983, and those who would seek to see prisons today be reformed or abolished outright would do well to recognize them.

Historiographical Context

The opening of the California Institution for Men in 1941 slightly predates the typical starting point of the historical narratives for both suburban sprawl and mass incarceration by just a few years.²² Despite, or perhaps because of, this early appearance in the historical narrative, the history of the state prison in Chino is notably absent from much of the body of work in these two areas. The exclusion of CIM from many prison histories, even those focused on California, despite its location in one of the United States' most densely populated, economically productive, and culturally influential regions, makes some sense due to its outlier status as a prison site built before the rise of mass incarceration and whose practices, for a time, seemingly ran counter to this much more influential trend. It is even more important, then, to seek answers as to why other Californian and American prisons did not follow in CIM's footsteps as a "prison without walls," why this early experiment in progressive prison reform failed, and what trends and events ultimately shaped it into a more typical custodial American prison. Fitting the case study of CIM into the wider literature regarding the carceral state reveals the alternate

²² This is not to say that none of the works in the literature referenced here discuss the early examples and important contingent factors that shaped these movements prior to World War II—almost all do, in good detail, but still center the height of these movements in the post-war era. See, for example, Bookspan, *Germ of Goodness* and Volker Janssen, "Convict Labor, Civic Welfare: Rehabilitation in California's Prisons, 1941-1971" (University of California, San Diego, ProQuest Dissertations Publishing, 2005), which demonstrate some of the continuities between these eras.

possibilities early twentieth-century Progressives once thought available for the future of U.S. incarceration and why those dreams did not come to fruition.

Scholars of carceral history have devoted significant attention to examining how federal, state, and local governments expanded their ability to police and incarcerate citizens, developing new forms of social control over predominantly minority groups of working-class and poor people from urban centers and other marginalized communities. Michelle Alexander's *The New Jim Crow*, one of the most popular and widely referenced works in this field, reveals how police forces have increasingly targeted, captured, and disenfranchised African-American and Latine citizens in the United States from the late twentieth century into the present day, and it continues to be undeniably important in shaping both the national dialogue and the scholarship surrounding mass incarceration.²³ However, Alexander's work focuses primarily on how mass incarceration has operated since the late twentieth century, largely ignoring the prior trends that carceral scholars have traced back to much earlier in U.S. history and linked to settler colonialism and Reconstruction-era reconfiguring of enslaved labor.²⁴ Alexander's fellow scholar-activist, Elizabeth Hinton, notes in her own 2016 book *From the War on Poverty to the War on Crime: The Making of Mass Incarceration* how this change in carceral systems resulted from a postwar consensus between Democratic and Republican administrations regarding criminal justice practices. While these administrations took different approaches to addressing social issues of criminality and poverty, both parties' leadership agreed that the root causes of America's crime problem were social and cultural pathologies amongst predominantly Black and Latine

²³ Alexander, *The New Jim Crow*.

²⁴ For works that look more directly into the wider context of incarceration in the United States that shape this analysis of CIM's wider context in U.S. history, see Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity* (Chapel Hill: UNC Press, 2016); Kelly Lytle Hernandez, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965* (Chapel Hill: UNC Press, 2017)

impoverished communities, a problem that they claimed could not be solved by government aid alone and thus required the repressive power of policing to prevent violence and uprisings against the state.²⁵ These national policy shifts are reflected in the current practices of CIM and other U.S. prisons and in the coinciding timing of the end of CIM's "open" period in the early 1980s. However, they alone do not answer why a reform-based "prison without walls" like CIM took shape just prior to the onset of the mass incarceration movement, nor can they explain the specific details of how the policies of California's third state prison changed so drastically in just a few short decades.

CIM's shift from a relatively innovative progressive institution to a more standard medium-security carceral facility coincided with wider alterations to prison administration that occurred throughout California beginning in the 1970s. Prison scholar and abolitionist Ruth Wilson Gilmore lays out the wider narrative of this transformation in *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Gilmore's work, like Hinton's, looks to economic trends and government policies to explain these changes. Gilmore's story of California's carceral evolution offers critical context for why CIM's reform period ended in the early 1980s as the wider California system was faced with severe overcrowding and was forced to either reduce arrests or build more prisons; the state elected the latter option.²⁶ More significantly, Gilmore's methodology, which focuses on local issues to explain the proliferation of prison construction in rural spaces throughout California's Central Valley, informs this work's study of Chino's residential community to better understand why and how the prison's policies and promotion as an "open" institution changed. Gilmore devotes much of the book to

²⁵ Hinton, *From the War on Poverty*, 10.

²⁶ Gilmore, *Golden Gulag*, 10.

examining the conditions in the small rural community of Corcoran in the rural San Joaquin Valley, assessing how its location, history, demographics, economy, and local politics not only informed the decision to build a state prison there but further shaped the prison's administration and the community's political responses, as jobs, funding, and the new incarcerated population significantly reshaped the once agriculture-based community of the region. Gilmore's methodology homes in on the crisis of capitalism that lies at the ideological center of the prison-industrial complex.²⁷

Nevertheless, Gilmore does not include CIM in her history of Californian rural prisons, despite it originating as one. Even though CIM predated the surge of inland prison construction by several decades, it has an important role to play in this story. It originated as a rural prison before suburban sprawl changed the character of the surrounding locale, and the growing protests of said suburban community to the prison's proximity likely contributed to the state's later decision to build its prisons further inland.²⁸ By the 1980s, the relationship between the prison and the surrounding environs in Chino became very distinct from what formed in Corcoran and the other inland prisons. While CIM remains the biggest employer in Chino to this day and thus brings funding and other state resources to its citizens, most Chino and Chino Hills residents have had stable, steady work outside of the suburbs, and those employed by the prison do not necessarily live in the city itself.²⁹ An analysis of not just CIM but Chino as a whole thus provides another important angle for attempting to understand the carceral state, one that reconfigures the framing of a prison as a desirable source of jobs and cheap labor into an

²⁷ Gilmore, *Golden Gulag*, "Crime, Cropland, and Capitalism," 128–181.

²⁸ Bryce White, "State Plans To Build New Prison Opposed; Chino Residents Live With Fear, Anger," *The Fresno Bee*, July 5, 198

²⁹ "Major Employers in Chino," <https://www.cityofchino.org/businesses/site_selection/major_employers>, accessed March 16, 2020.

undesirable byproduct of the overpolicing that certain middle-class communities demand everywhere outside of their own backyard. Chino's case study provides a critical prologue to *Golden Gulag*, as Chino residents and politicians were some of the first to strongly campaign for the building of prisons further inland to avoid the expansion of prison populations and facilities in their own backyards.³⁰

Other works that focus on California specifically, such as Genevieve Carpio *Collisions at the Crossroads*, do cite CIM as one example of how prisons' rural locations, coupled with the state's infamous lack of public transportation, distanced imprisoned people from urban centers and from their communities. However, Carpio and other scholars who have mentioned Chino have not heavily considered how the residents of Chino and other prison towns responded to incarcerated people and their visitors' presence and what impact this organizing may have had on CIM and other prisons across the state and nation.³¹ Examining Chino residents' quasi-NIMBY attitude towards CIM, particularly local activists' framing of prisons as a distasteful and unattractive piece of the urban landscape using the same language others would employ to describe a power plant or garbage dump, illuminates some of the banal ways that the prison-industrial complex intersects with the wider process of suburbanization.

Other works have also utilized CIM as a case study to evaluate the history of the state's and nation's prisons. This project owes a great deal to California historian Volker Janssen, whose 2005 dissertation "Convict Labor, Civic Welfare" and subsequent published articles have already examined the impact of Scudder's efforts to create a therapeutic reform-based institution, his pioneering of inmate forestry camps, and his other work policies that led California's prisons to

³⁰ Bob Sweetnam, "Chino expansion plan draws fire," *Pomona Progress-Bulletin*, 1, March 31, 1977, <<https://www.newspapers.com/image/70295767>>.

³¹ Carpio, *Collisions at the Crossroads*.

increasingly rely on labor programs that benefited the state's settlement project.³² Janssen's scholarship mainly focuses on the institution's early years, with the notable exception of "Sunbelt Lock-Up," an article that brings up Chino as one of many examples of "penal suburbs" that formed as a result of the intersection of suburban sprawl with the once-rural carceral belt.³³ "The Suburban Prison" seeks to build on Janssen's observations of these "penal suburbs" by shifting the focus towards their origins and by shifting focus away from his well-researched analysis of the prison's labor practices towards its security protocols and its relationship with the wider city.

To better understand the methods, goals, and unique characteristics of suburban politics, this project draws from a rich corpus of work in metropolitan history, much of which has focused specifically on the regional issues and trends in Southern California. Mike Davis's *City of Quartz* focuses upon how the rapidly developing carceral state intersected with changes in the region's suburban environment. Davis's look at Los Angeles' history partially examines how and why white middle-class homeowners organized themselves into homogenous communities rooted in "race, class, and especially home values."³⁴ Similarly, Eric Avila's *Popular Culture in the Age of White Flight* assesses how popular culture increasingly defined Los Angeles as a "chocolate city" distinct from the affluent and peaceful "vanilla suburbs."³⁵ These and other works lay out broadly how "urban" Los Angeles became characterized as a nonwhite space of poverty and

³² Other works that discuss the role of prisons in shaping the physical landscape of suburban spaces include: Janssen, "Convict Labor, Civic Welfare"; Volker Janssen, "From the Inside Out: Therapeutic Penology and Political Liberalism in Postwar California," *Osiris* 22, no. 1 (2007), *The Self as a Project: Politics and the Human Sciences* (Chicago: University of Chicago Press, 2007), 116–134; Volker Janssen, "Sunbelt Lock-Up: Where the Suburbs Meet the Super-Max," in *Sunbelt Rising: The Politics of Place, Space, and Region*, ed. Michelle M. Nickerson, Darren Dochuk (Philadelphia: University of Pennsylvania Press, 2011).

³³ Janssen, "Sunbelt Lock-Up," 233–4.

³⁴ Mike Davis, *City of Quartz: Excavating the Future in Los Angeles*, 2nd Ed. (London, New York: Verso, 2006), xiv, 153.

³⁵ Eric Avila, *Popular Culture in the Age of White Flight: Fear and Fantasy in Suburban Los Angeles* (Oakland: University of California Press, 2004), 22.

crime, spurring the creation of middle-class suburban sprawl further and further from the urban core and contributing to a culture in locales like Chino that defined itself as in opposition to the diversity and perceived pathology of L.A..³⁶ Meanwhile, Matthew Lassiter's metropolitan scholarship in works like *The Silent Majority* and *The Suburban Crisis* demonstrates how municipal governance and community organization within these newly created suburban spaces influenced the politics of the nation at large, particularly in regards to the policing of predominantly Black and Latine urban communities, in order to preserve the appearance of white innocence and suburban peace, safety, and homogeneity.³⁷

Understanding how suburban spaces are organized politically in contrast to a criminalized urban center, both generally throughout the United States and specifically in Chino in relation to Los Angeles, is crucial for understanding the complicated relationship this community developed with the prison, which many CIM opponents viewed as a magnet for undesirables from Los Angeles that threatened their community and property values. This was not limited just to Chino's growing white population, which hardly comprised the entirety of the region's population. Many Los Angeles suburbs in the postwar years were extremely diverse, both before and after the passage of the Immigration and Nationality Act of 1965. Chino specifically had a substantial and politically active Latine population dating back to well before the city's incorporation in 1910, and by the 1980s the region attracted a substantial Asian population as well. None of these racial or ethnic groups had a monolithic set of feelings and beliefs about the prison, but many members of each came to express opposition to the prison,

³⁶ For more on Los Angeles' metropolitan history, see Allan J Scott, Edward W. Soja, ed., *The City: Los Angeles and Urban Theory at the End of the Twentieth Century* (Berkeley: University of California Press, 1996).

³⁷ Matthew Lassiter, "Impossible Criminals: The Suburban Imperatives of America's War on Drugs," *Journal of American History*, Vol. 102 (1), p. 126–140, 2015; Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2006); Lassiter, *The Suburban Crisis: White America and the War on Drugs* (United Kingdom: Princeton University Press, 2023).

often for different reasons but often also in alliance with each other's goals of reducing or removing CIM's perceived negative impacts on their city and quality of life.³⁸

This study draws from the methodology of many of these works of carceral and metropolitan history, brings them into conversation with Janssen's and other scholars' prior observations about CIM, and introduces new research about prison and the community of Chino. Other historians have recognized how suburbs generated by white flight from the central city served as fertile spaces for conservative political organization around moral panics.³⁹ The story of Chino makes clear that local politics and prison administration have the potential to be mutually constitutive; the prison's presence itself was a major influence on Chino's politics, and suburbanites came to have a direct impact upon prison administration. To understand the extent of residents' impact on the prison's security policies, though, we must first understand how CIM operated in its early years as a rural institution beyond the commonly observed edge of Los Angeles' metropolitan sphere, then evaluate how subsequent changes coincided with the coinciding changes in population and land use. It is in this area where the use of a metropolitan framework is most useful in interpreting the significance of this carceral case study.

³⁸ 1980 Census of the Population: Volume 1, Characteristics of the Population: Chapter C, General Social and Economic Characteristics, Part 6 (United States, Bureau of the Census, 1983). Digitized by Google, 6–63 <https://www.google.com/books/edition/1980_Census_of_Population_Volume_1_Chara/iC6VsDjj5s4C?hl=en&gbp_v=0>. For more on the racial and ethnic demographics of Los Angeles suburbs in this era, see Avila, *Popular Culture*; Becky M. Nicolaides, *The New Suburbia: How Diversity Remade Suburban Life in Los Angeles After 1945* (New York, NY: Oxford University Press, 2023).

³⁹ For further discussion of the types of conservative grassroots suburban politics that mirrored the “prison NIMBY”-type organizing in Chino that contributed to the “closing” of CIM's open era, see Lassiter, *The Silent Majority*; Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001).

Methodology, Theory, and Sources

To tell the story of CIM and the developing city of Chino, this dissertation draws from the theory and methodology of metropolitan history. It builds from and goes beyond the existing benchmark studies of Southern California's postwar urban landscapes. Metropolitan historians such as Robert Self have demonstrated how the suburbs cannot be studied apart from their urban cores. Rather, they are inherently politicized spaces, and their borders are defined largely according to race and class lines that set apart the city as an "othered" space even when the two spaces are inherently interconnected.⁴⁰

The popular imagination often stereotypes suburbs as the physical manifestation of moral panic politics. The framing of suburban cities as solely formed by white flight is inherently reductive and inaccurate—migration to suburbs was shaped by a wide array of push and pull factors that attracted more than just middle-class white nuclear families fearful of urban "pathology."⁴¹ However, many residents in Chino by the '70s and '80s *did* openly express some degree of fear and hostility towards Los Angeles, and this thread of politics of the Chino Valley in relationship with its local metropole is significant in this case study. Studying the wider political and social history of urban spatial organization helps explain how and why Chino's more regional metamorphosis from cow pastures to subdivisions occurred and underline the impact that political and economic interests had on shaping new residents' attitudes towards the

⁴⁰ This framework is shaped and influenced by Robert Self's approach to understanding the relationship between San Francisco/Oakland and its surrounding suburbs. Robert Self, *American Babylon: Race and the Struggle for Postwar Oakland* (Princeton: Princeton University Press, 2003).

⁴¹ More literature that dictates—but also challenges and complicates—the history of white flight in shaping suburban landscapes and the various factors that contribute to it. Self, *American Babylon*; Avila, *Popular Culture*; Becky Nicolaides, *The New Suburbia*; Nicolaides, *My Blue Heaven: Life and Politics in the Working-Class Suburbs of Los Angeles, 1920–1965* (Chicago: University of Chicago Press, 2002); Andrew Highsmith, *Demolition Means Progress: Flint, Michigan, and the Fate of the American Metropolis*, (Chicago: University of Chicago Press, 2015); Heather Ann Thompson, *Whose Detroit? Politics, Labor, and Race in a Modern American City* (Ithaca: Cornell University Press, 2001).

prison. More significantly, metropolitan case studies regularly demonstrate how these seemingly “local” political activities can have wide-ranging consequences, such as the swinging of state and national politics and policies, the segregating of school systems, the implementation of drug policies, or, in this case, the administration of entire prison systems.⁴² Therefore, “The Suburban Prison” pays especially close attention to how space and land use shaped the actions and organization of predominantly white middle-class Chino residents who increasingly opposed the low-security rehabilitative practices of CIM as a threat to the safety and harmony of their new community and to the values of their property, recognizing the myriad ways that these politics were tied up in the origins of Chino’s residential transformation.

However, equally central to this study’s methodology is its attention to the developments of carceral history in recent decades. Scholars of carceral history such as Hinton, Gilmore, Berger, and Burton, all building off of and working with the intellectual labor of incarcerated activists like George Jackson and even Kevin Cooper himself, have long pointed to how “progressive” and “liberal” reform attempts of prisons, jails, and other sites of incarceration serve more to increase the state’s hold over vulnerable populations rather than liberate or empower the incarcerated.⁴³ This study will keep those critiques in mind when engaging with the various sources. Rather than take them all at face value and center CIM as a “paradise lost” of a potential alternative to the modern carceral state, this history contextualizes CIM within the

⁴² For more on the trends in state and local politics that contributed to larger scale discriminatory practices, see Lassiter, *The Silent Majority*; Ansley T. Erickson, *Making the Unequal Metropolis: School Desegregation and Its Limits* (Chicago: University of Chicago Press, 2016).

⁴³ For more literature rooted in Marxist and Black radical opposition to liberal reform in lieu of abolition as a response to injustice in prisons, see Eric Cummings, *The Rise and Fall of California’s Radical Prison Movement* (Stanford: Stanford University Press, 1994); Dan Berger, *Captive Nation: Black Prison Organizing in the Civil Rights Era* (Chapel Hill: University of North Carolina Press, 2014); Orisanmi Burton, *Tip of the Spear: Black Radicalism, Prison Repression, and the Long Attica Revolt* (Oakland: University of California Press, 2023).

political movements that led to California becoming both the home of the nation's biggest prison system and the political center of opposition to incarceration both within and outside of prisons.

This dissertation draws from a range of primary sources, including newspaper features and stories, recorded oral histories, reports from the prison and from state and local government commissions, transcripts of trials and hearings, prisoner and prison staff testimonies and published works, land use maps, inmate art projects and publications, and even a feature film produced and distributed by Warner Bros about CIM filmed at the prison itself. These works come from numerous physical and online archives, including WorldCat, EbscoHost, Hathi Trust, the Online Archive of California, UC Irvine and UC Los Angeles Libraries and Special Collections, the California State Archive in Sacramento, and the Chino Branch Library. These public archives contain not only sources related to the state government's administration of CIM, but also documents created by those imprisoned there that better inform the project's understanding of the actual conditions within the prison and the inmates' own responses to the changes throughout Chino. These sources shaped the narrative of the dissertation and its contributions to the fields of carceral and metropolitan history, but they do not come close to filling all of the gaps and archival silences of CIM's history, particularly when it comes to identifying the thoughts, feelings, and experiences of those incarcerated in Chino over the decades.

Many of these sources about the prison have a critical shortcoming. Even those sources whose authors question the efficacy of CIM's policies overwhelmingly do not critique the practice of incarceration in general and typically do not include the voices of the imprisoned people directly.⁴⁴ Many of them promote the progressive aims of the institution, but few

⁴⁴ Some partial exceptions to this, written from incarcerated people's perspectives: Brown, *The History of Chino Prison*; Max Benevidez and Bill Mahr, *Hard Words, Short Times: Prison Writings from Chino* (L.A. Theatre

seriously consider or include voices of those incarcerated within it, and those that do generally only cite individuals who vocally approve of the prison's policies.⁴⁵ One of the most useful sources for this project has been Scudder's own memoirs written while he was still superintendent of CIM, which contains abundant information about his goals and ideology, some anecdotes of his first-hand experiences, and dates and data that are useful for piecing together the institution's history. However, the accounts of the prison's creator, published with the intention of promoting his model and his services as a consultant, cannot and should not serve as the sole reputable source about the prison's history and certainly should not be relied upon as an accurate representation of how those incarcerated at CIM viewed the prison or experienced their time there.⁴⁶

Even many of the sources contained in the archive that were written by the men incarcerated at Chino cannot be fully relied upon to accurately represent the thoughts, feelings, and experiences of their authors. Michael D. Brown's *The History of Chino Prison* and various articles from CIM's newspaper, the *Pioneer News*, were published as a part of one of the very same labor programs that were conceived to occupy prisoners' attention and energy during their incarceration and offer a path towards reform from their perceived criminality.⁴⁷ As a result of their institutional origins, such sources offer descriptive rather than directly analytical summaries of the institution's history. Even when they purport to convey critiques of the prison, those

Works, 1983); Johnny Urdaban. "Chino: A City of Men, C.I.M., U.S.A." *Pioneer News*, June 1966 (California State Archives F3717:1839 Department of Connections Records, Institutions, Publications, California Institution for Men (Chino) Newsletters).

⁴⁵ "Convention Told Chino Prison 'Earthly Heaven' for Convict," *The Pomona Progress Bulletin*, April 21, 1941.

⁴⁶ Scudder, *Prisoners are People*. Scudder's memoir is not isolated; it is part of a wider genre of warden memoirs from this time; see Clinton T. Duffy and Dean Jennings, *The San Quentin Story* (Garden City: Doubleday and Co., 1950).

⁴⁷ Brown, *The History of Chino Prison*. For more on the function of training programs as a desired tool for directing the attention of incarcerated individuals away from political organizing and attempted escapes, see Burton, *Tip of the Spear*.

critiques are almost always mild, focused on individual rather than systemic issues or lacking any call for action that might undermine administrative control. That does not mean that no imprisoned man at CIM wanted to see it torn down and himself and his comrades freed, only that the editors and archivists responsible for the handling of these sources did not wish to see them published or preserved for posterity. Indeed, the number of escapes from Chino and the testimony of activists at other prisons in California's network suggests that there was a great deal of critique of and resistance towards the prison, even in the era where state sources claimed conditions were most ideal and desired by men imprisoned in more hostile institutions like Folsom and San Quentin. These archival sources thus required a more critical "against the grain" analysis drawing from the method of other works of carceral history.⁴⁸

To avert recreating Scudder's and the state's narrative about prison's history as much as possible, this work draws partially from Kelly Lytle Hernandez's methodology of consulting the "rebel archive," a term she developed in her own study of Southern California incarceration, looking to find the records left by "the incarcerated, journalists, musicians, migrants, mothers, and others" that are not left behind in state sources but are preserved in memory of former incarcerated people through their art, memoirs, and written/oral interviews.⁴⁹ The project also makes some use of Sadiya Hartman's methodology of "critical fabulation" to attempt to fill in some of the remaining gaps in the narrative about the experiences of individuals who were not able to dictate their stories into the historical record or whose stories may have been misrepresented by racist or unjust criminal justice systems.⁵⁰

⁴⁸ This methodology is primarily influenced by Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston, Beacon Press, 1995) and Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2010).

⁴⁹ Hernandez, *City of Inmates*, 4.

⁵⁰ For more on critical fabulation, see Sadiya Hartman, *Wayward Lives, Beautiful Experiments: Intimate Histories of Social Upheaval* (New York: W.W. Norton & Company, 2019). For another example of a locally minded carceral

However, this project ultimately is *not* about accurately representing the experiences of the incarcerated at the California Institution for Men. While I hope to continue to expand this project in the future to more directly address and describe the experiences of the men imprisoned in Chino as the prison transformed around them, my primary intervention here is to explore why CIM ceased to market itself and operate as a prison without walls by the 1980s. Carceral historians have largely sought to center the experience of incarcerated people in their historical narratives—with very good reason—and it would certainly be possible to tell a narrative of CIM that focuses on their experiences, beliefs, and resistance. However, these incarcerated men were not responsible for how the prison operated, nor did they have sufficient agency to control it; had they meaningful influence, it is extremely doubtful to believe CIM would have become *more* punitive. The overwhelming evidence from the historical record, even after the end of the open era, is that imprisoned men greatly preferred CIM's original system; given no other option, they almost certainly would not have chosen to decrease available benefits and services, increase crowding, and arm the guards responsible for monitoring them.⁵¹

Rather than attempt to discover spaces where agency existed for imprisoned men, I instead focus on how those with much greater—but not absolute—agency used their power to increasingly limit the freedoms and choices available to imprisoned men. Ultimately, the state held the real power and authority over Chino's project of mass incarceration, made the decision

history that considers large archival silences and makes informed fabrications about the likely experiences of incarcerated individuals unable to tell their own stories, see Melanie Newport, *This Is My Jail: Local Politics and the Rise of Mass Incarceration* (University of Pennsylvania Press, Inc., 2022). For more on prison newspaper publications more broadly, see also Russell N. Baird, *The Penal Press* (Evanston: Northwestern University Press, 1967); James Morris, *Jailhouse Journalism: The Fourth Estate Behind Bars* (Jefferson, N.C.: McFarland, 1998).

⁵¹ For more scholarship that centers the experience of imprisoned people and emphasizes both the potential and limits of their agency within a police state, see Berger, *Captive Nation*; Burton, *Tip of the Spear*; Berkman, *Opening the Gates*; Cummings, *The Rise and Fall of California's Radical Prison Movement*; Robert L. Chase, ed, *Caging Borders and Carceral States: Incarcerations, Immigration Detentions, and Resistance* (Chapel Hill: University of North Carolina Press, 2019); Chase, *We Are Not Slaves: State Violence, Coerced Labor, and Prisoners' Rights in Postwar America* (Chapel Hill: University of North Carolina Press, 2020).

to launch CIM as an “open” institution, and ultimately ended this period of its operation in favor of a far harsher model, yet those decisions were not solely made in a vacuum. Many of them were justified—or at the very least blamed—on the political actions of non-imprisoned residents of the Chino Valley. These actors—state officials and Chino residents—and their voices are much better preserved in the traditional archive than those imprisoned at CIM. This is not an indication whatsoever that the incarcerated men did not have opinions or feelings or make meaningful choices, but it does indicate that the state and the local homeowners had far more say in shaping CIM’s future.⁵²

Newspaper editorials and press coverage related to the local movement to end the “prison without walls” era at CIM—or to simply remove the prison entirely—shaped much of this work’s conclusions about the role of local political organizing in shaping the administration of the prison. It goes without saying that CIM becoming a more standard min-max prison is not evidence that this local political movement in Chino was solely—or even significantly—responsible for the ultimate outcome at the prison. It is entirely plausible that their goals merely aligned with what the state would have done anyways, and there were certainly limits to what these activists were able to accomplish—the mayor of Chino and the state senator of the district were in favor of the removal of the prison entirely and were unsuccessful in their efforts.⁵³ Major publications and the state itself citing local pressure in response to the Ryens’ murder as cause for administrative overhaul at Chino suggests that this population wielded greater political influence than their counterparts within CIM’s walls, but that likewise does not constitute

⁵² Stoler, *Along the Archival Grain*.

⁵³ Richard Brooks, “Mayor disputes study, wants to know how prisons help Chino,” *The San Bernardino County Sun*, November 17, 1985, <<https://www.newspapers.com/image/64876640/>>.

concrete evidence of the movement's agency in enacting change.⁵⁴ What the abundance of sources protesting the prison *does* indicate is that resistance towards the prison without walls coincided with and was influenced by the changing population and landscape of Chino in the postwar years, that concerns over the prison escapes' perceived impact on public safety and property values had been well established for years, and that these established attitudes likely contributed to the targeting of Kevin Cooper for blame for the Ryens' murder in the absence of clear, irrefutable evidence. Chino residents played an active role in defining the criteria that the state could cite, truthfully or not, as the reason for their action to end CIM's identification as an "open" institution in accordance with the public will and in order to protect public safety.

At times, this project critically interprets the voices of these local activists beyond their stated intentions and offer interpretations of what dog-whistle politics the residents and leaders of Chino and of California may have been engaging with. At others, this project is able to represent their demands and beliefs directly as they made them, allowing the sources to explain for themselves why Scudder's once-popular vision for a more humane and effective prison system was ultimately rejected by the public—or, rather, the segment of public that wielded the proper economic and political motivations and influence to affect change in favor of their interests. This analysis of the sources allows this project to clearly identify the active role Chino residents played in influencing prison operations in their backyard—and, by extension, the rest of the country.⁵⁵

⁵⁴ "Examination into the Escape of Kevin Cooper from the California Institution for Men," hearing by Joint Committee of Prison Construction and Operation, June 2, 1983, California State Archives, F3717:B4180, Box 1, Jt. Committee on Prison Construction and Operation, Subject/Hearing Files.

⁵⁵ Methodology for interpreting the motives, practices, and intent of dog-whistle racial politics, particularly from conservative middle-class voters, is derived from sources including Alexander, *The New Jim Crow*; Hinton, *From the War on Poverty...*; Lassiter, *The Suburban Crisis*; Lassiter, *The Silent Majority*; Eduardo Bonilla-Silva, *Racism without Racists* (Rowman & Littlefield, 2003).

The original vision for CIM was neither revolutionary nor liberatory. It never followed through on the extent of its promises to end racial discrimination and human rights abuses, and it is probably incorrect to identify it as a “superior” system to what eventually developed in the United States over the rest of the century. But it *was* different from the system that eventually took its place, and in many senses it likely *would* have been better—for California as a whole and certainly for the thousands who have lost the best years of their lives behind bars—to have entered the 21st century with four or five underpopulated, well-staffed, minimum-security prison facilities focused on job training, as Scudder imagined at CIM’s opening, rather than the dozens of overpopulated, heavily armed, extremely restrictive, and outright dangerous sites that exist today. It may be pointless to speculate on whether that future could have ever come to pass, but it is worth considering the reasons why it ultimately did not. Those reasons undoubtedly include the other trends that carceral scholars have noted as the origins of mass incarceration: the push to implement a new system of racial inequality, the divestment from public services and urban centers, and law enforcement agencies’ constant push to secure greater funding for themselves, among many others. But Chino’s case points to another key reason, both in California and around the country, for why “open” prisons in general and especially in suburban locations, never came into vogue: the American middle class’s all-encompassing desire for higher property values and more land, operated according to their own terms.

Chapter Outline

The narrative of this project focuses on the history of CIM through its time operating and marketing itself as a “prison without walls.” This period roughly corresponds with the first forty-five years of its operation, from its opening in 1941 to the Kevin Cooper case and the official end

of the “open” era in 1983. This narrative proceeds mostly chronologically, with each chapter covering a successive era in the prison’s history and the new corresponding sets of challenges to its continued operation as an “open” prison presented by changes at a national and local level.

Chapter 1, “Promoting Progressive Prison Reform in Early 20th Century California,” examines the pre- and post-World War II metropolitan transformations of Southern California and the contemporaneous popularization of progressive penology, placing CIM’s creation within that context. It examines how Scudder attempted to respond to immediate existential threats to his vision of CIM by trying to win public support for a no-walls prison, through the publication of his memoir, outreach events that brought neighboring residents into the prison, and finally through the production of a Hollywood docudrama.

Chapter 2, “Reforming the Prison Without Walls-Challenges to Progressive Penology,” establishes the groundwork laid in the 1960s for a complete transformation in American prison policies on a state and national level. It further explores how media coverage of CIM gradually became less positive entering the early ‘70s, coinciding not just with the nation’s wider move towards mass incarceration but with the radical change in the metropolitan landscape of suburban Los Angeles as a whole, particularly in the “late blooming” Chino Valley. It also covers an under-examined, deadly, and briefly successful escape attempt by one Ronald Beaty, whose claim to have been liberated by a leftist revolutionary group in the immediate aftermath of the death of George Jackson and the Attica uprising added pressure on CIM to strengthen its defenses. This incident provides further context to the national changes in how prisons operated, how citizens at large viewed and understood prisons and their populations, and how CIM was situated within a national context of law-and-order politics.

Chapter 3, “Creating a Suburban Prison,” explores the new relationship that developed between CIM and the rapidly growing population of the suburbanizing Chino throughout the ‘70s. This analysis establishes how the groundwork for resistance towards CIM’s “open” prison policy built up amongst residents and their locally elected politicians over several years, crossing class and racial lines. The chapter also notes the causes and effects of the continued expansion of California’s prison population. It highlights the pressure that the decision to arrest more people to longer sentences ultimately placed on the state to alter its administration of CIM and seek alternative sites for the caging of criminalized populations. It also attempts to explore what the incarcerated population themselves thought of the changes occurring at CIM and across California’s prisons and how they attempted to endure the rapid degradation of already poor prison conditions.

Chapter 4, “The End of a Prison Without Walls,” narrows its focus around a single event that became the rallying cause célèbre for local activists and helped bring a definitive end to the “open prison” era. The Cooper escape, the Ryens’ murders, the resulting media attention to the crime, mass resistance by suburban Chino residents, and a rapid state government response was widely described at the time as the events responsible for ending Scudder’s dream. However, this was merely the culmination of many years of organizing against the prison, and the true outcome for CIM, Chino, and the rest of the California prison system was far more complicated than just the construction of new fences.

The dissertation’s epilogue, “The Future of Chino,” tracks the aftermath of the Cooper case up to the present day, pointing to the ways this incident has continued to define the history of the prison and the Chino Valley in the decades since. It traces the incorporation of Chino Hills as a separate municipality from its prison-affiliated neighbor city and the 21st century explosion

of both city's populations, all while further examining the continued role of CIM in the wider California prison system. It also connects this history to the lived experiences of those who came of age in a post-Scudder Chino Valley, and ends on exploring the potential future for carceral transformation in California.

A Note on Language

In this project, when possible, I use people-first language to describe those incarcerated at CIM ("incarcerated men," "imprisoned people," etc.) rather than the terms of "convict," "inmate," or "prisoner" that reduces them solely to that status. Though this occasionally results in some awkward phrasing, I use this language in solidarity with multiple groups of activists who seek to forward the humanity of this population and emphasize how this status is artificially imposed upon them.⁵⁶ At times, I also use the term "caged" or "caging" to describe this condition. While I usually use it to refer to instances of particularly extreme confinement, I believe the term is appropriate to describe the conditions experienced by the men in CIM even in the era where the prison was the most "open."⁵⁷ As this dissertation explores, the absence of gun towers, fences, walls, and locked doors at CIM was, to no small degree, performative, with the guards and administrators always wielding a great deal of control over the men imprisoned there, either by threatening them with a quick trip back to the horrors of Folsom or San Quentin, accessing their own weapons, calling upon armed assistance from local police, or inflicting extrajudicial violence not captured within the archive. When the punishment for freedom of movement is a

⁵⁶ For more on this initiative for people-first language in regards to incarceration, see The Marshall Project's "Language of Incarceration" series (<<https://www.themarshallproject.org/records/2651-language-of-incarceration>>), particularly Wilbert L. Cooper, "People-First Language Matters. So Does the Rest of the Story," *The Marshall Project*, 13 March 2021, <<https://www.themarshallproject.org/2021/04/13/people-first-language-matters-so-does-the-rest-of-the-story>>.

⁵⁷ This draws off of similar language used in Hernandez, *City of Inmates*.

cage, one is always just one degree removed from being caged. This remains true in Chino and the wider United States today, regardless of whether one lives “imprisoned” behind the fences of CIM or “free” beyond them.

Chapter 1: Promoting Progressive Prison Reform in Early 20th Century California

The California state legislature first ratified the construction of a farm-type prison in the Chino Valley in 1935. According to Kenyon Scudder's telling, however, the California Institution for Men at Chino truly took form several years later in the wake of a March 21, 1939, hunger strike in San Quentin, the state's oldest prison. Several months after prison guards subjected roughly forty prisoners to extended torture, the governor dismissed the state's entire five-man prison board for "incompetence, misconduct, and neglect of duty." The new board proceeded to fire San Quentin's warden and sought new leadership that could experiment with a different kind of prison that may improve the state's carceral system and its damaged reputation.¹ Said leadership would not only have to succeed at keeping those convicted of crimes sealed away in cells, but also persuade a skeptical public that their administration was both humane and effective.

Penology experts both nationally and internationally praised CIM's first two decades of operation for their potentially paradigm-shifting approach to prison management. Southern California's first state prison achieved this reputation primarily through aggressive promotion, both of the "open reform honor prison" model and of Superintendent Scudder, who regularly cast himself as a quasi-messianic figure whose wisdom and moral character provided the solution to the evidently ineffective and immoral conditions of the early 20th century penal system. This self-mythologizing of the "dream" of Chino served multiple purposes, from advancing Scudder and his acolytes' careers to encouraging the compliance of the prison's incarcerated population with a system of punishment less enforced with direct violence. This promotion of the open

¹ Kenyon J. Scudder, *Prisoners are People* (Garden City: Doubleday and Co., 1952), 14; Ethan Blue, "The Strange Career of Leo Stanley: Remaking Manhood and Medicine at San Quentin State Penitentiary, 1913–1951," *Pacific Historical Review* 78, no. 2 (2009): 210–41. <https://doi.org/10.1525/phr.2009.78.2.210>; "California Prison Board Accused of Misconduct, Removal Asked," *Fort Collins Express-Courier*, October 23, 1939, 10, <<https://www.newspapers.com/image/589048740/>>.

prison model played out in the press, in Scudder's best-selling memoir, in events held in CIM and greater Chino, and ultimately on the silver screen. This promotion of progressive penology became more and more central to defending the continuing operation of CIM as an "open" institution in the face of an increasingly skeptical and fearful public, which soon became a potent political force as the growth of Los Angeles' massive suburbs transformed the once sparsely populated region around the prison into the heart of the American dream.

The Rise of Progressive Penology

Kenyon Scudder was not a pioneering hero in the field of carceral management whose new ideas turned the tide of penal practice in California. Rather, he was part of a much wider movement of prison reform that took shape throughout the Progressive and interwar eras.² When he was initially approached to act as warden for the new prison, Scudder was serving as a probation officer, a job that owed its existence to decades of prior calls for progressive reform and a pressing need to reduce the number of prisoners in Folsom and San Quentin in the 1900s. On a national level, the American public's view of prisons had become increasingly centered around rehabilitation over incarceration. Beginning in the early Progressive era of the 1880s and peaking with the High Progressive Era of the mid-1910s, government agents and elected officials spoke for the first time as though "they owed a duty not only to its citizens but to its convicts."³ As noted by historian David Rothman, this Progressive-led movement advanced penal innovations

² Form more background on these trends, see David Rothman, *Conscience and Convenience: The Asylum and its Alternatives in Progressive America* (Boston: Little, Brown, 1980); Sara Mayeux, "The Origins of Back-End Sentencing in California: A Dispatch from the Archives," *Stanford Law and Policy Review* Vol. 22, No. 2 (2011): 529-544; "Unlocking History: 1894: First year for California Parole Law," January 23, 2024, <<https://www.cdcr.ca.gov/insidecdcr/2024/01/23/1894-first-year-for-california-parole-law/>>.

³ Rebecca M. McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776–1941* (Cambridge: Cambridge University Press, 2008), 418.

like parole, probation, juvenile detention, and indeterminate sentencing—all expressions of compassion and “conscience” that struggled to subvert the “convenience” of maintaining the status quo. This ultimately led Progressives like Scudder to attempt to “reform” existing state facilities rather than eliminate them entirely, just as they sought to “reform” the minds of their prisoners.⁴ This “great experiment” in a minimum-security prison in Chino was, in many ways, merely an extension of the idea of parole, offering nonviolent convicts with minor offenses an opportunity to serve a different kind of sentence that reduced overcrowding and the most harmful effects of incarceration in a jam-packed prison to individuals the state deemed less deserving of such trauma while still requiring careful supervision by the state.⁵

Scudder derived his “philosophy of freedom” from a lifetime of working with incarcerated and formerly incarcerated people. Born in 1890 in a minister’s household, Scudder lived all across the West Coast as a young man and earned his bachelor’s from UC Berkeley before going to work at the new Washington State Reformatory prison just north of Seattle in the early 1910s. Several years later, he received his masters from the University of Southern California before going straight into a career in reform schools. In the early 1920s, he worked at Preston Reform School, a castle-like facility berthed out of the first Progressive prison reform wave of the 1890s. Opened in 1894 in Ione, about thirty miles south of Sacramento and Folsom, Preston was one of the first reform schools in the nation to consider the possibility of using education rather than just punishment to prevent recidivism in its mission statement, though this opportunity was only extended to juvenile wards from San Quentin.⁶ After serving as interim

⁴ Rothman, *Conscience and Convenience*. For more on California’s role in this Progressive movement to reform prisons, see Shelley Bookspan, *A Germ of Goodness: The California State Prison System, 1851–1944*, (Lincoln: University of Nebraska Press, 2001), 65

⁵ Bookspan, *Germ* 110.

⁶ “Preston Castle Historical Landmark,” California State Parks, <<https://ohp.parks.ca.gov/ListedResources/Detail/867>>, accessed July 26, 2024.

superintendent at Preston, Scudder moved back to Southern California to head an even older juvenile reform school, Whittier State School, serving as its head officer from 1927 to 1931. Following that, Scudder transitioned to reform-centered practices with adults, serving as a California parole officer in the L.A. area until 1939.⁷

Scudder's initial appointment at CIM may have been due as much to his political history as his Progressive pedigree. Scudder would later claim that Olson gave him the Chino job after he reported in his initial job interview that he had been fired from his post at Whittier for refusing to nominate unqualified Republican cronies. His successor as Whittier's superintendent had apparently been a completely unqualified man from Arizona who turned out to have not even been the man Governor Rolph had intended to hold the position, left the school after three months, and was just the first of fifteen different men to hold the job over the next decade after Scudder's departure.⁸ Scudder was himself a registered Republican, and he claimed to have turned down numerous candidates recommended to him by the Democrat administration who did not pass his qualifying exams for positions at CIM, leading to accusations from the other side of the aisle that he was trying to launch his own Republican political machine in CIM.⁹ Whatever the wider political context for the decision to give Scudder control at Chino was, he had the state's blessing to operate the prison his way, with marked independence from how other prisons in the state were run.

⁷ Scudder, *Prisoners*; Paul Spitzzeri, "Kenyon J. Scudder, the reformer first warden of the men's prison in Chino," *Chino Valley Champion*, January 15, 2022; "Kenyon J. Scudder" Obituary, *Anaheim Bulletin*, September 28, 1977; "First Superintendent Kenyon Scudder, Nationally Known CIM Pioneer, Died," *Chino Champion*, September 30, 1977.

⁸ Notably, the Whittier State School was subject to numerous scandals in the years following Scudder's tenure, including the death of two Mexican-American children. Scudder dedicated a chapter of his final memoir, published a few years before his death, to casting the blame for this on his successors. Michael Docherty, "The Transnational Defense of Mexican American Children's Rights in Depression-era California," *Turn West: Finding and Defining the Transnational in California, Comparative American Studies An International Journal* 19:2-3, p. 97-114; Scudder, *Between the Dark and the Daylight* (Bancroft Library, 1972), 333-340.

⁹ Scudder, *Prisoners*, 19-21, 34.

This break from prior prison practices was not mere idle experimentation, but rather itself an act of political maneuvering. State officials offered Scudder the opportunity to administer the new Chino prison in the wake of a 1939 nonviolent sit-down food and labor strike at San Quentin. According to Scudder and various California newspapers, up to 4,000 of the prison's 5,300 imprisoned men at various points in February and March refused to eat food that they declared substandard, an entirely nonviolent action that the warden, prison board, and papers nonetheless deemed a "riot." When forty-six of the hunger strikers sat in the middle of the yard on March 21 and refused to join the work lines until they could have an audience with the warden, they were segregated from the rest of the prison population and subjected to extended torture for three days, forced to stand motionless at attention in a circle from sunrise to sunset with a single five-minute bathroom break, and whipped and beaten with leather straps and rubber hoses full of lead shot if they sat or moved—and, eventually, for no reason at all. One man suffered a double hernia; several others reported broken bones.¹⁰ The apparent brutality at San Quentin resulted in the firing of the warden and the entire board, though many observers blamed their removal on the recent election of Governor Culbert Olson, the first Democratic governor of California in forty years who may have sought to clean house after decades of Republican appointments. Former prison Chairman A.R. O'Brien said, "My sense of humor convinces me

¹⁰ John Gee Clark, *Before the Governor of the State of California: In the Matter of the People of the State of California Ex Rel John Gee Clark, Individually and As State Director of Penology Vs. the State Board of Prison Directors, A.r. O'brien, T.n. Harvey, Edward L. Abbott, Donald Kolts and John D. Mcgilvray, Respondents : Reporter's Transcript, Proceedings* (Sacramento, 1939); "New Hunger Strike Hits San Quentin, Involves 1,600 of 5,300 Inmates," *The La Crosse Tribune*, March 21, 1939. <<https://www.newspapers.com/image/510870593/>>; "Solitary for 27 Quentin Convicts," *Petaluma Argus-Courier*, March 22, 1939, <<https://www.newspapers.com/image/219137477/>>; Scudder, *Prisoners*, 14; David Rothman, *Conscience and Convenience: The Asylum and its Alternatives in Progressive America* (Boston: Little, Brown, 1980), 153–160;

that Governor Olson has made up his mind to convict me of the crime of being a [R]epublican.”¹¹

Truthfully, the allegations of corruption and human rights violations at San Quentin both before and after the strike were not an aberration in the nation’s long history of prisoner abuse. Indeed, the response to peaceful protest with violent police action was not close to a stand-out event in the nation as a whole, even right outside of prison walls. The very praxis of the sit-down strike was likely influenced by the wave of labor actions that defined much of the preceding decade during the Great Depression, most notably the sit-down strike of General Motors auto workers in Flint, Michigan, and, right outside the prison walls, the San Francisco General Strike, called in response to police shooting and killing two striking workers from International Longshoremen’s Association.¹² Regardless of whether the San Quentin uprising was genuinely the sole cause of state officials deciding to open another facility and to sign off on an experiment with different prison administration, the fact remained that California’s prison system was overburdened, outdated, and in desperate need of reform.¹³ The state government therefore prioritized initiatives that would reduce overcrowding, internal conflicts, and public protest while maintaining its power to incarcerate as it saw fit. Olson’s administration formed a new Board of Prison Directors, and its newly appointed members, led by senior District of Appeal Judge Isaac Pacht, offered Kenyon Scudder a chance to run the new Chino prison in accordance with his own

¹¹ “San Quentin Aide Accuses Olson Prober,” *The San Francisco Examiner*, October 20, 1939, 1, 8, <<https://www.newspapers.com/image/960408891/>>; “California Speaks,” *The Arroyo Grande Valley Herald Recorder*, November 3, 1939, <<https://www.newspapers.com/image/579642695/>>

¹² Mike Quin, *The Big Strike* (California: Olema Pub. Co., 1949).

¹³ For more on the numerous problems and human rights abuses present in California and the United States’ prison systems, see Kelly Lytle Hernandez, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965* (Chapel Hill: University of North Carolina Press, 2017); Rothman, *Conscience and Convenience*; Bookspan, *A Germ of Goodness*.

progressive penological beliefs regarding discipline and rehabilitation of incarcerated populations.

Scudder had a clear and extensive list of reforms that he wished to see enacted throughout California's prison systems to improve its efficacy and morality, and CIM was to serve as the laboratory to prove his hypothesis. Scudder argued for the importance of reduced sentencing and the expansion of parole offerings to prevent recidivism and save the state money. Notably, he called for racial integration, increased family visitation, dormitory-style sleeping arrangements with unlocked doors, and more humane conditions to prevent the kinds of emotional damage that he believed generated criminality by "bringing out the worst in a man."¹⁴ He abandoned the title of "warden" in favor of the more familiar "superintendent," choosing to focus his efforts on training and education rather than pure incarceration and punishment. Moreover, he required that the majority of the prison's employees be college educated like himself. Rather than arm them, he had the prison staff trained in judo to provide them a method of "self-defense without use of force."¹⁵ At the very core of Scudder's prison reform practices laid a belief that prisons should not use bodily restrictions and lethal violence—unless the prisoner attempted escape into the surrounding region.¹⁶ This use of force was less to prevent escapes from the prison, however, but more to ensure good relations with the prison's neighbors, who had the power to vote Scudder out should he fail to meet their expectations for how a prison should operate. Meeting those expectations would prove to be extremely challenging, especially as the environment around the prison had been in a state of constant change—and would experience even more dramatic ones in the near future. In many respects, the creation of CIM

¹⁴ Scudder, *Prisoners*, 274.

¹⁵ Scudder, *Prisoner*, 37–38.

¹⁶ Scudder, *Prisoners*, 27; Janssen, *Convict Labor*, 71–2.

was more closely linked with the development of Southern California as a metropolitan space than it was purely a product of Progressive penological experimentation.

A Changing Landscape

In the four decades preceding CIM's opening, Los Angeles had transformed from a medium-sized city to one of the United States' most bustling and thriving centers of commerce and culture. At the start of the 20th century, Los Angeles was home to 102,479 people and just the 35th largest city in the U.S.; by 1940, it was the fifth largest city in the nation, with a population of 1.5 million.¹⁷ The massive migration to L.A. stemmed from a variety of factors, including boosterism by local business leaders, the allure of the rapidly growing Hollywood film industry, the construction of the Los Angeles aqueduct, a staggering array of transportation infrastructure projects ranging from tramlines to freeways, and the massive growth of industrial jobs through the Great Depression and preceding World War II.¹⁸ All of this development raised the ceiling for the potential population the region could sustain, and the subsequent building out of car-dependent suburbs, which housed a growing middle-class and enabled the city and its satellites to sprawl continuously outwards, further aided this centrifugal growth.¹⁹ Many of the migrants to Los Angeles were Black; though the state's total Black population was relatively small prior to World War II, it was concentrated in urban areas, with thirty thousand of the eighty thousand total Black Californians living in Los Angeles according to the 1930 Census. California's larger

¹⁷ "Historical General Population, City and County of Los Angeles, 1850 to 2020," United States Census Bureau, <<https://www.laalmanac.com/population/po02.php>>.

¹⁸ See Eric Avila, *Popular Culture in the Age of White Flight: Fear and Fantasy in Suburban Los Angeles* (Oakland: University of California Press, 2004); Mike Davis, *City of Quartz: Excavating the Future in Los Angeles*, 2nd Ed. (London, New York: Verso, 2006); Hernandez, *City of Inmates*.

¹⁹ See Becky M. Nicolaides, *The New Suburbia: How Diversity Remade Suburban Life in Los Angeles After 1945* (New York, NY: Oxford University Press, 2023)

Mexican population was more evenly distributed between the state's urban and rural landscapes but made up a larger total percentage of the Los Angeles population. Both of these large minority populations would rapidly grow over the next two decades, with industry generated by World War II leading to the Black population quintupling in just two decades. Due to the extremely restrictive immigration laws of the late nineteenth and early twentieth century, only around three percent of California's population was counted outside of the categories of Black, White, and Mexican, with around half of that number hailing from East Asia and the Pacific.²⁰

Despite all the new changes, innovations, and growth, Southern California's settlement was facilitated by a long history of human caging carried out primarily by settlers of white European descent, and its spatial and demographic transformations did not radically alter this precedent. Southern California—and Los Angeles specifically—was rapidly becoming the state's population center, and thus the source of most of its incarcerated population—by the late 1940s, 60.8 percent of the state's committed men came from Southern California, with 33.3 percent coming from L.A. County alone.²¹ State officials knew that Los Angeles would continue to grow and remain heavily policed into the future, and it was becoming too inefficient to transport large numbers of convicted men and women 400 miles north to the same two prisons.²² In 1930, the LAPD alone reported that it had made 71,059 criminal bookings; that number remained fairly steady throughout the rest of the early 1930s, generating a steady flow of people who filled up

²⁰ 1930 Census: Volume 3, Population, Reports by State, <<https://www.census.gov/library/publications/1932/dec/1930a-vol-03-population.html>>, 233; Susan Anderson, "A City Called Heaven," Raymond A Rocco, "Latino Los Angeles: Reframing Boundaries/Borders," Allan J Scott, Edward W. Soja, ed., *The City: Los Angeles and Urban Theory at the End of the Twentieth Century* (Oakland: University of California Press, 1996).

²¹ Ronald H. Beattie, "California Prisoners 1945–1949; An Analysis of Admissions to and Releases from California Prisons" (Sacramento: The Research Committee of the Board of Corrections, July 1, 1951), 90.

²² Hernandez. *City of Inmates*.

jail cells and, eventually, prison cells, of which there were none based locally.²³ The state prison apparatus needed more beds and a closer logistical connection to what was quickly becoming one of the busiest urban centers and ports in the United States. A state prison of some form would have been built regardless, with or without a progressive ideology.

Even before Scudder was selected to run CIM, the state legislature always planned for it to be a minimum-security, farm style facility. While the much older Folsom and San Quentin prisons operated as fortresses, due in part to their proximity to the metropolitan cores of Sacramento and San Francisco, respectively, advances in transportation and communication technology now allowed for more prisoners to be securely held further from the city center, with the surrounding agricultural fields serving as sufficient buffers to keep escapees from disappearing into the urban landscape. The state board assessed numerous remote locations in and around L.A.'s "Inland Empire," including Upland, Norco, Adelanto, and Corona, before settling on the Chino site. While the American Beet Sugar Company would have to be paid "a considerable sum" in exchange for the 2,500 acres of land needed for the prison, Assistant Chief of the Division of State Lands Tracy Atherton noted in his report on what was first named the "El Rincon Site" that the parcel was most desirable for its location and particularly its remoteness. The land lacked any existing built structures besides five pumping houses and two "long narrow housekeeping bunkhouses designed for the occupation of Mexican itinerant labor and their families," all of which were already in poor repair. More importantly, "Not over fifty people are year-round residents of the belt of land one-half mile in width which could be drawn

²³ Los Angeles Police Department Annual Report, 1929–30, 39, <https://static1.squarespace.com/static/5b84cd95e17ba39a889ecaf5/t/5bbbac12c83025f1463204d9/1539025965242/1929-1930+LAPD+Annual+Report.pdf>; Los Angeles Police Department Annual Report, 1931–32, 124, <file:///C:/Users/Clay/Downloads/1931-1932+LAPD+Annual+Report.pdf>.

around this property.”²⁴ Chino Valley thus landed on the perfect point on Los Angeles’ urban periphery in the 1930s—close enough that materials and people could be easily brought in from the city, but not yet accessible or desirable enough to face large-scale resistance to a potentially undesirable project.

While the city of Chino was small, with just over four thousand residents in 1940, it was still an established and incorporated city in its own right.²⁵ Settled by the Tongva many years before Europeans’ arrival in the settlements of Pashiinonga and Wapijanga, a Spanish land grant in the early 19th century established Rancho Santa Ana del Chino.²⁶ While the precise origins of the “Chino” name remains fairly disputed, the area became a town in 1887 when landowner Richard Gird began to sell his land for public development, and the city incorporated in 1910 as it became a hub of agricultural production, especially dairy.²⁷ Most of the settlement of “downtown” Chino was in the north of the city limits, with farmland spreading out to the east across the flat land of the valley. The city’s southern limits ran up against a ridge of tall hills that separated the city from view and direct access with Los Angeles. These hills were minimally settled outside of a few homes—most of them vacation dwellings for Angelenos seeking a quick retreat from urban life—and California Junior Republic, a small reform school for troubled youth

²⁴ Tracy J. Atherton, “Report on Proposed Prison Site” (State of California, Department of Finance, Sacramento), F3717:1483–1490, Corrections-Administrations-Institutions-CIM Chino-Site Plans, 1936, Department of Corrections Records, California State Archives, Sacramento, CA.

²⁵ 1940 Census of Population: Volume 1. Number of Inhabitants. Total Population for States, Counties, and Minor Civil Divisions; for Urban and Rural Areas; for Incorporated Places; for Metropolitan Districts; and for Census Tracts, <<https://www2.census.gov/library/publications/decennial/1940/population-volume-1/33973538v1ch03.pdf>>, 127.

²⁶ Sean Greene and Thomas Curwen, “Mapping the Tongva villages of L.A.’s past,” <<https://www.latimes.com/projects/la-me-tongva-map/>>, accessed July 26, 2024; Hernandez, *City of Inmates*, 16–17; “Chino and Chino Hills,” Pomona Valley Historical Collection, <<https://libguides.library.cpp.edu/c.php?g=771946&p=7979552>>, accessed July 26, 2024.

²⁷ Al McCombs, “Where did Chino’s name come from?”, *Chino Valley Champion*, July 6, 2019.

founded in 1907 and helping to establish the region as a site for criminal rehabilitation.²⁸ Fewer than one hundred residents of Chino and the surrounding township reported as non-white when the prison opened, though this was prior to the introduction of “Hispanic” as a separate reported category in the census.²⁹

While CIM received pushback from state corrections officials for its open prison policies, local residents and landowners in Chino had a host of concerns about the selection of the site. Roughly six hundred residents of the Valley signed a petition to governor Frank Merriam protesting the use of the site.³⁰ Not all of those against the prison’s presence focused their ire on its open policy, which would not be fully developed until soon before its opening—rather, some of the earliest organized protests against the site selection were from local realtors, who were primarily against the process of the site’s selection and purchase through eminent domain rather than making the purchase of the land through them.³¹ This early protest foreshadowed much of the future tension to come between the state and local residents in Chino, as concerns about how the prison affected local property values and private interests’ ability to capitalize on them informed much of the public debate around CIM’s presence and policies for decades.

From the start, the Chino Valley’s physical environment shaped how the prison operated. The soil had already become useless for beet farming by the time the prison opened, so the men

²⁸ “Boys Republic Auxiliary History,” <<https://boysrepublic.org/auxiliary-thrift-shop/auxiliary-history/>>, accessed July 26, 2024; “History of Chino Hills,” <<https://www.chinohills.org/95/History>>, accessed July 26, 2024.

²⁹ 1940 Census of Population: Volume 2. Characteristics of the Population. Sex, Age, Race, Nativity, Citizenship, Country of Birth of Foreign-born White, School Attendance, Years of School Completed, Employment Status, Class of Worker, Major Occupation Group, and Industry Group, <<https://www2.census.gov/library/publications/decennial/1940/population-volume-2/33973538v2p1ch6.pdf>>, 584.

³⁰ “Chino Prison Protest Goes to Governor,” *Los Angeles Times*, June 18, 1938, <<https://www.newspapers.com/image/380758033>>.

³¹ “Realtors Enter Protest Against Prison Location,” *Chino Champion*, December 18, 1936, <<https://www.newspapers.com/image/98387766>>.

were forced instead to ranch cattle and pigs as part of their labor program.³² The valley's predominantly agricultural land use and low population density informed the kinds of labor incarcerated men were assigned, the low degree of security that the prison required to round up runaways, and the extent that prison administrators were able to operate CIM freely without much outside civilian pressure. Those conditions were not set in stone and would not persist for long. But as CIM was just getting started, Scudder could look upon the largely unpopulated expanse of the Chino Valley and imagine that he was writing the history of his institution on a similarly blank slate—and, indeed, he got started writing it right away, even as international events took the direction of the prison in a far different direction than anyone had initially anticipated.

The CIM Experiment Begins

When CIM first opened, journalists proclaimed that the accommodations the state planned to provide amounted to a practical “heaven on earth” for prisoners.³³ Scudder himself largely refrained from such rosy descriptions. For the new superintendent, improving conditions was not just a matter of preventing recidivism or improving the living conditions of incarceration. These reforms, as Scudder suggested, were necessary to justify prisons as a functional and moral means of improving society:

It is easy to be good with a gun in your back when you are told what to do and when to do it. It's quite another thing to have to accept responsibility while in prison, the same kind of responsibility you are expected to assume in a free world outside the walls. [...] If security facilities are severe, and if guards are so omnipresent that escape is not possible, then the important responsibility of deciding whether or not to escape will be eliminated. If he is constantly faced

³² Scudder, *Prisoners*, 30.

³³ “Convention Told Chino Prison ‘Earthly Heaven’ for Convicts,” *The Pomona Progress Bulletin*, April 21, 1941, 7; Scudder, *Prisoners*, 274.

with the possibility of escape and continually rejects this opportunity, then he has taken an important moral step and has accepted a responsibility.³⁴

On the surface, CIM's institutional practices represented a radical departure from the twentieth century's burgeoning penal system, particularly in relation to Foucault's interpretive theory of Jeremy Bentham's panopticism. Rather than use constant surveillance to assert control, Scudder's practices suggested that the state's apparatus, at least as it existed at the time, could not possibly monitor all of its citizens and thus should not even waste effort attempting it within the prison itself, instead operating in ways that inspired imprisoned citizens to self-regulate as they would have to in freedom.³⁵ Scudder wrote and spoke frequently of the inherent dignity of the individual even when imprisoned, forwarding this in the title of his memoir, and he claimed to believe it possible that prisons could one day be operated in a manner that did not involve violence should the conditions that caused criminality in the first place—namely, lack of education and means of social and economic advancement—be solved.³⁶

The most convincing evidence that CIM's open prison model represented any kind of breach with the status quo was the open opposition it faced from the existing California prison administration. Scudder claimed repeatedly that the so-called "old-timers," usually un-named but implied to be those who ran the state's other prisons and jails, put up fierce resistance to any of his suggested reforms. Indeed, soon after the project was announced, the subcommittee of the state board of prison directors harshly criticized the initial plans and designs for CIM, out of a stated belief that a permissive reduction of force would lead to increased violence and crime within the prisons. Warden Court Smith of San Quentin, the same figure who would be

³⁴ Scudder, *Prisoners*, 20, 26–27.

³⁵ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Knopf Doubleday Publishing Group, 1975).

³⁶ Scudder, *Prisoners*, 1.

dismissed the following year after the scandal surrounding the food strike and abuse by his guards, stated even prior to Scudder's appointment that CIM's initial design resembled a college campus or even a "playhouse" more than a prison, remarking publicly that the entrance "looked like a night club" and that the number of corners and obstructions present in the design would prevent constant monitoring of those imprisoned within, as in his view, "For every corner in a prison, there has to be a guard."³⁷

Several decades after the opening of CIM, Scudder and others affiliated with the prison's administration would also claim that prejudice was a major factor in the resistance towards many aspects of his open prison model. While he didn't specify what *kind* of prejudice this was precisely, Scudder made many references to the importance of CIM being California's first racially integrated prison and the first to provide job training and education to those from communities who had historically not been given opportunities for social or economic advancement. One could infer he believed—or wished others to believe—that racism was a root cause of opposition to his progressive "uplift" mission.³⁸ In response to opposition to his prison's practices, Scudder remained remarkably vocal and combative in his criticism of other state institutions, openly criticizing the unsanitary and overcrowded conditions at Folsom and San Quentin, their lack of success at reducing recidivism, and especially the poor training and unnecessarily violent behavior of their guards.³⁹ On the one hand, this may indicate Scudder had a feeling of job security at CIM and thus the freedom to antagonize political rivals who may one day be able to retaliate against those critiques. On the other hand, Scudder seemed to want to

³⁷ "State Wants Chino Prison Plan Changed," *San Bernardino County Sun*, Jan 15, 1938, <<https://www.newspapers.com/image/47267460/>>.

³⁸ "The Chino Story," *Pioneer News*, June 1966, 5, California State Archives F3717:1839 Department of Connections Records, Institutions, Publications, California Institution for Men (Chino) Newsletters.

³⁹ Scudder, *Prisoners*, 38.

stay on a constant offensive to protect his vision; perhaps his animus against adversaries to the open prison conveyed an insecurity about its future.

Despite the apparent deviations from the norm, Scudder's prison was deeply entrenched within and dependent on the state's existing system to operate. Scudder made his name in corrections working in the new careers created by decades of Progressive reform efforts, which by the time of his appointment to be Superintendent of CIM was widely popular in California across both sides of the political aisle. Both Cuthbert Olsen, a New Deal Democrat, and his successor Earl Warren, a centrist Republican and future Supreme Court Chief Justice, were in favor of prison reform. In the years immediately after CIM's opening, Warren elicited Scudder's advice when reshaping the parole board and instituting the state's new Department of Corrections in 1944.⁴⁰ Despite the earlier speculation of Chino becoming a "Republican machine," both Democrat and Republican administrations championed Scudder's right to run his prison without accepting unqualified political appointees on his staff.⁴¹ Furthermore, CIM was only able to begin its initial operation due to its cooperation with other prisons throughout the state. Its first "class" of inmates consisted of a carefully selected group of men from San Quentin that aligned with Scudder's vision of an ideal prison population: nonviolent, racially diverse, and set for release within the next two to three years.⁴² Those men all vied for a chance at what would have been a definitive improvement in their overall quality of life compared to San Quentin, but they also came to Chino knowing that a refusal to comply with the terms of CIM's administrators would send them right back into the panopticon—and with almost nothing but open valley for miles surrounding the prison, it was unlikely an attempt to escape the view of those sent to

⁴⁰ Scudder, *Prisoners*, 249–54.

⁴¹ Bookspan, *Germ of Goodness*; Scudder, *Prisoners*, 20.

⁴² Scudder, *Prisoners*, 44–7, Bookspan, *Germ*, 110.

retrieve them would succeed, no matter how many “corners” lay inside the prison campus. The very environment of Chino would permit monitoring of those imprisoned at CIM, both inside and outside its low fence.

Scudder’s approach to reform, especially his emphasis on job training as a means of ensuring proper reintegration of the prison population into society upon their release, offered its own apparent benefits to the state well beyond merely reforming criminal behavior. CIM became an important frontrunner in the development of California’s prison labor system.⁴³ All of its forced workers were required to work seven and a half hours a day as a condition of their relocation from Folsom or San Quentin.⁴⁴ CIM’s initial labor practices were closely tied to those of the surrounding environment and community. The prison operated 1,484.5 acres of cropland, more than San Quentin and Folsom’s combined, and 744.8 acres of grazing pasture. 106 of the 757 men at CIM in 1946 grew hundreds of tons of crops and hay annually from nutrient-drained fields. 195 others worked with the 172 dairy cows that produced over one hundred thousand gallons of milk each year; this alone valued at nearly half a million dollars in today’s currency.⁴⁵ CIM additionally leased out hundreds of inmates as hands for neighboring ranchers while managing a thousand beef cattle, eventually becoming “a full-service ranch operation requiring the labor and skills of hundreds of men.”⁴⁶ The imprisoned workers constructed a slaughterhouse on the facility grounds, where twenty-five steers were killed every day.⁴⁷

⁴³ For more on this subject, see Volker Janssen, *Convict Labor, Civic Welfare: Rehabilitation in California’s Prisons, 1941–1971* (University of California, San Diego, ProQuest Dissertations Publishing, 2005).

⁴⁴ Isaac Pacht, “California State Board of Prison Directors Administrative Report” (Sacramento: California State Board of Prisoners, 1944), 16.

⁴⁵ R.B. Easson, “Summary of Agricultural Operations at State Institutions 1945/6,” Senate of the State of California (Sacramento State Department, 1946), 1–11.

⁴⁶ Michael D. Brown, *The History of Chino Prison: The First Fifty Years of the California Institution for Men, 1941 to 1991* (Vocational Offset Printing Program, California Institution for Men, 1991), 142; Easson, 14.

⁴⁷ Scudder, *Prisoners*, 108.

CIM's role as a cheap source of labor for the state became increasingly clear and important as the nation entered World War II just a few months after the prison's opening. The beef and vegetables produced and stored by the incarcerated men's farms, ranches, slaughterhouses, and canneries went out to feed tens of thousands of troops stationed on the West Coast and fighting throughout the Pacific theater.⁴⁸ As Southern California became the logistical hub of this part of the U.S. war effort, Chino's men were quickly put to work loading cargo for the quartermasters corps, where they received acclaim from the officers in charge of the station as "the best of any labor" working in local depots. Scudder claimed that one colonel who used some of Chino's men to transport freight showered praise on them for "doing twice as much as my civilian employees" for a fraction of the cost.⁴⁹ The clearest visual and symbolic representation of CIM's participation in the war effort was when the camp's sole guard tower, which had sat unused for months after the prison's grand opening, saw its first use—not by guards looking for escapees, but by imprisoned volunteers who used it as an air raid observation post, assisting in the wartime defense of the nearby Chino airstrip.⁵⁰

CIM's most prominent long-term contribution to prison labor practices in California was its promotion of community correction camps located in rural and forested areas to combat destructive fires. Though Scudder did not invent the camp program, which originated as an offshoot of the New Deal's Civilian Conservation Corps, he had experience with forestry camp administration from his time as a parole officer. CIM's semirural location and emphasis on job training meant that it was among the biggest contributors to forestry labor once the war emptied out other supplies of civilian workers. The first prison-operated forestry camp in the state was

⁴⁸ Scudder, *Prisoners*, 110; Brown, *A History of Chino*, 128.

⁴⁹ "Chino Prison Labor Is Commended," *The Pomona Progress Bulletin*, April 27, 1943; Scudder, *Prisoners*, 114.

⁵⁰ Brown, *A History of Chino*, 117.

opened in 1941 in unincorporated San Bernardino County and staffed by men from Chino; by 1943, over three hundred CIM prisoners operated seven such camps.⁵¹ Scudder noted the significant benefits that this program provided to the region, stating, “We could maintain a thirty-man camp on the outskirts of San Bernardino to repair equipment and tools, clear firebreaks and trails, and fight fires... The program can be expanded indefinitely and should be seriously considered by other states.”⁵² Unlike Scudder’s prediction for the limited future scale and operations of prisons, however, this musing was extremely prescient. Over subsequent decades, firefighters from CIM and other imprisoned workers from around the state participated in numerous heroic actions, from dousing flames to saving civilians from mudslides to rescuing plane crash survivors, that proved time and again the value of their labor to saving lives, protecting property, and upholding the state’s settlement mission.⁵³ Today, more than fifteen percent of California’s firefighters are drawn from these prison labor camps, working a difficult and dangerous job that pays rates of around two dollars per hour.⁵⁴

Ironically, this same firefighting force later helped to alter the land use in the Chino Valley, leading to the creation of new mass suburbs that would reshape CIM in more ways than one. The decentralization of California’s population in many ways depended—and still depends—upon the presence of a fire fighting force to manage the region’s seasonal flames during dry seasons. As middle-class homeowners increasingly encroached on wildlands, the

⁵¹ Brown, *A History of Chino*, 122–125; Pacht, “Administrative Report,” 17

⁵² Scudder, *Prisoners*, 128.

⁵³ Scudder, *Prisoners*, 119–129. For a more extensive record, see Volker Janssen, “When the ‘Jungle’ Met the Forest: Public Work, Civil Defense, and Prison Camps in Postwar California,” *The Journal of American History*, Vol. 96, No. 3 (Oxford: Oxford University Press, December 2009), 702–726.

⁵⁴ Isabelle Chapman, “Prison inmates are fighting California’s fires, but are often denied firefighting jobs after their release,” *CNN.com*, October 31, 2019, <<https://www.cnn.com/2019/10/31/us/prison-inmates-fight-california-fires-tmd/index.html>>, accessed February 20, 2020. See also Mike Davis, “The Case for Letting Malibu Burn,” *Ecology of Fear: Los Angeles and the Imagination of Disaster* (New York: Metropolitan Books, 1998).

imperative of forest fire fighting grew, as did the cost of paying professionals and civilian volunteers.⁵⁵ In this respect, the success of Scudder's labor-based reform practices itself ensured the failure of his other prediction that future prison sizes would decline. As costly as it may be for the state to house and monitor tens of thousands of imprisoned human beings, prisons provide the kinds of hazardous, undesirable, but necessary labor that the modern state and suburban developers depend upon for continued expansion, settlement, and sale of land. Such cheap labor not only continued to make prison labor attractive from a capitalist state-building perspective; it also made it easier to settle places like the Chino Valley.

“Heaven on Earth for Convicts”

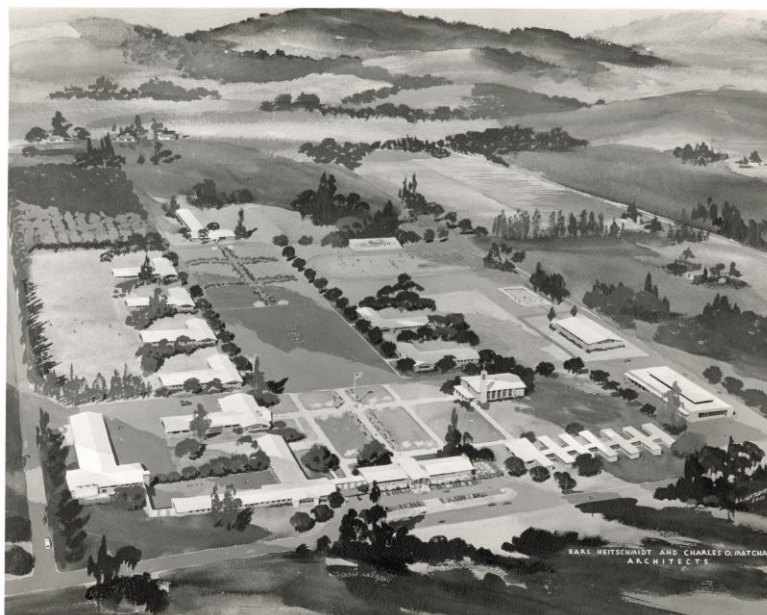


Figure 1: Concept art of CIM, emphasizing the campus's open layout and pastoral setting. Source: Heitschmidt & Matcham, Concept Art of California Institution for Men, California State Archives, F3253:54 (1-47), Department of Public Works, Architecture (Durkee Collection), California Institution for Men, Chino, F325314(4)N, 1941–51.

⁵⁵ Davis, “The Case for Letting Malibu Burn.”

In 1952, only eleven years after the opening of CIM, Superintendent Scudder published a memoir documenting his then-ongoing administration of the facility. The book's narrative went well beyond simply describing the day-to-day operations of the prison. As its concise title, *Prisoners Are People*, suggested, Scudder's main goal in writing the book was to advocate for the implementation of progressive practices in more prisons around the world. At the center of Scudder's promotion was a collection of statistics of the prison's escape and recidivism rates along with his own anecdotal evidence of working and living among Chino's imprisoned men for the past decade. In that time, Scudder had amassed an impressive record: only three percent of CIM's nine thousand inmates had attempted to escape despite the institution's lack of "guns, locks, or guards"; all but ten of the escaped men returned or were recaptured without need for violence; only two actions of violence had occurred against the staff; and (allegedly) "no inmate had been struck or abused" as they had at San Quentin.⁵⁶ Furthermore, the prison's pre-release training program had brought down parole violations by 8.2 percent, suggesting the initiative was at least moderately effective in reducing overall recidivism and the overcrowding that state officials wanted to avoid.⁵⁷

Scudder claimed that these numbers proved the ten-year experiment to be an absolute success. The evidence to him was clear: more humane treatment of the incarcerated not only provided better quality of life but was also more likely to reduce crime overall. In his view, this evidence suggested that all American prisons should be—and eventually would be—smaller, less stringent, and more focused on ensuring economic opportunity for all upon their release. In the years before and after the publication of his memoir, Scudder ascended to become a figure of

⁵⁶ Scudder, *Prisoners*, 214, 278.

⁵⁷ Scudder, *Prisoners*, 272.

national and international renown in the field of prison administration, with CIM being featured in numerous journals as a glimpse into a potential brighter future for prisons.⁵⁸ He was even invited to give a talk in The Hague in 1950 for the 12th (and what turned out to be final) International Penal and Penitentiary Congress hosted by the United Nations, where he suggested that open prisons would one day be implemented around the world; indeed, the prison model in several European nations today tends to more closely resemble the initial model for CIM, though Scudder is not typically cited as an influence.⁵⁹ The future of the open prison model's implementation elsewhere in the American carceral system seemed to Scudder all but assured—or, at least, that's what his confident telling of the story of Chino sought to persuade his audience.⁶⁰

Even San Quentin and Folsom—despite retaining their walls, grim reputations, and, for several years, their racial segregationist policies—adapted job training programs and more lenient carceral strategies in the 1940s and 1950s. This was not solely due to white Progressives' belief that such practices were more effective in reducing recidivism. In many instances, improvements in prison conditions came in direct response to continued organization and uprisings from growing imprisoned populations, who formed communities of resistance within, between, and outside of the United States' growing number of prisons.⁶¹ While Scudder and his allies sought to claim credit for any improvements to prison conditions at this time, it's important

⁵⁸ Philip L. Seman, "Chino: California Institution for Men," *Federal Probation* Vol. 9, no. 4, October-November 1945; Seman, "Building Character in Prison," *Social Science* 27, no. 2 (1952): 94–98; Kenyon Scudder, "Prison Is Not The Answer," *Reappraising Crime Treatment*, National Probation and Parole Association, New York, NY, 1953, <https://heinonline.org/HOL/Page?handle=hein.journals/yrbok37&div=24&g_sent=1&casa_token=&collection=journals>; James V. Bennett, "Evaluating a prison," *The ANNALS of the American Academy of Political and Social Science* 293, no. 1, 10–16.

⁵⁹ Scudder, "To What Extent Can. . .," 130–137.

⁶⁰ Scudder, *Prisoners*, 278.

⁶¹ For more on this movement, see Eric Cummings, *The Rise and Fall of California's Radical Prison Movement* (Stanford: Stanford University Press, 1994); Orisanmi Burton, *Tip of the Spear: Black Radicalism, Prison Repression, and the Long Attica Revolt* (Oakland: University of California Press, 2023).

to recognize that these reforms were enacted largely to defend the continued practice of caging those convicted of crimes, a process that is always fraught with uncertainty, prone to corruption, and unproven in its actual effectiveness at improving public safety. The continued resistance of incarcerated men and women towards imprisonment, even throughout CIM's earliest years as a reform institution, impugns the veracity of all the accounts provided by state records and those employed by the state that incarcerated people genuinely welcomed and desired the job training programs and relative safety provided at Chino.⁶² Rather, these state-sponsored sources provide a window into the image Scudder *wished* to convey, the issues he perceived to be the greatest threat to his mission's success, and the anxieties that he may have had regarding the project's long-term prospects.

While Scudder's progressive reform ideology appeared to offer a much more optimistic vision of the future of American prisons, his account of the conditions at Chino must be viewed with skepticism. Scudder provided his reader a rosy and idyllic image of his institution as a near utopia, with himself as its wise and almost infallible leader. In the book, he regularly speaks on behalf of the men he imprisoned in his writings, often anonymously and without providing any way to corroborate his claims about their personal feelings of happiness and fulfillment regarding the prison and their forced labor, or even whether any of the people and stories that he describes actually happened. A few of the stories depict subjects who are not reshaped into moral citizens or resent being incarcerated at all, but they are the exception that proves the rule, the minor glimpses of resistance that suggest the possibility of the accounts' veracity whose absence

⁶² For more on state and national liberal reform movements, see Bookspan, *Germ*; Janssen, *Convict Labor*; Rothman, *Conscience*; Rebecca M. McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776–1941* (Cambridge: Cambridge University Press, 2008); Ashley T. Rubin, "Early U.S. Prison History Beyond Rothman: Revisiting *The Discovery of the Asylum*," *Annual Review of Law and Social Science* Vol 15, 2019, 137–154.

would all but prove the entire memoir to be fictional propaganda. Stories of “dangerous psychopaths” like “Caryl,” a violent bandit who was executed for a kidnapping committed after his release, and “Red,” a shady trickster who fled to Canada after his escape from CIM, are offered as evidence of the necessity of prisons for keeping the general public safe from unrestrained criminality.⁶³ However, these are in the decided minority of cases Scudder discusses, even amongst those who escape from the prison. The superintendent instead tells most of the escape stories in a lighthearted, sometimes even humorous tone that partially belies the threat of violence escapees faced by breaking the imposed terms of their incarceration. To wit, one pair of convicts flees from their cold and damp hiding space in Chino Creek after hearing a hunter’s gunshot at a nearby raccoon, thinking they had been spotted by police and were being executed at gunpoint while defenseless and entirely motionless. Another escapee unsuccessfully attempts to rob a nearby farmhouse using a fake firearm made of pipe, only to be subdued under the very real threat of the homeowner’s very real firearm, a weapon that posed far more of a threat to Chino’s residents than any likely to be procured from the prison.⁶⁴

Ultimately, Scudder presented his prisoners mostly as upstanding citizens and proponents for his own philosophy of human dignity and his capabilities as a state employee. Sometimes, he presented what he claimed to be their direct testimony. Regarding the reaction to racial integration in CIM, he claimed at one point that a Black prisoner told him that, “I was treated with more respect at Chino, as a person, than anywhere I have ever been.” Elsewhere, he cited a white prisoner who stated regarding his Black peers, “It’s hard to break down the feeling you had all your life when you’ve been taught at home to dislike colored boys and keep them separate. To

⁶³ Scudder, *Prisoners*, 209–211.

⁶⁴ Scudder, *Prisoners*, 199, 207.

be honest with you, Mr. Scudder, some of us guys feel like the best kind of J*g is a dead one, but I personally believe that we can make better United States citizens out of them by mixing with them as we do here.”⁶⁵

While the Department of Corrections does not have specific data regarding the racial demographics at different prisons in this era, likely due to the lack of data collected prior to the creation of the department in 1944 and how frequently imprisoned men and women were moved between institutions. However, we can reasonably infer by Scudder’s insistence on the racial integration of the first groups of men in Chino that CIM was at least as diverse as the segregated population of California’s entire prison system. According to the first data set published by the DOC in 1951, covering the imprisoned population of the preceding five years, 64.2 percent of the male California prison community was white, 20.5 percent Black, and 13 percent Mexican (while the Census would not make distinctions between white and Hispanic in general for several decades, the prison data certainly did).⁶⁶ It is possible, even probable, that CIM’s population mirrored these racial proportions, which were massively skewed from those of the rest of the state. Even after the wave of wartime Great Migration of southern African Americans to California, Black people only comprised 4.4 percent of the state’s total population.⁶⁷ In *Prisoners are People*, Scudder claims that all three of these demographic groups were represented among the first thirty-four men transported from San Quentin to the new prison. However, Scudder also claimed that the first bus ride also contained incarcerated Filipino and Japanese men, which were a much smaller group and indicate that CIM was likely the most racially diverse institution in the

⁶⁵ J.V. Fornatero, “Daring experiment at Chino,” *The Leader-Post*, October 9, 1953, 19.

⁶⁶ Beattie, 13.

⁶⁷ 1950 United States Census, General Characteristics, California, <<https://www2.census.gov/library/publications/decennial/1950/population-volume-2/37778768v2p5ch3.pdf>>, 5-57.

state, at least in its beginning years.⁶⁸ While the first set of data on the 1945–49 population was doubtlessly skewed by the events of World War II and the forced internment of most people of Japanese descent in California in the immediate preceding years, there were reportedly only a total of eighty Filipino and six Japanese men in any of California’s state prisons during that time. If those numbers are remotely reflective of the population at San Quentin in 1941—and if we take Scudder at his word—he most likely would have gone out of his way to ensure his prison’s diversity, especially as CIM reached a population of 2,775 by 1950.⁶⁹

In other parts of his book, Scudder casts his prisoners in near-fable-like stories that demonstrate the efficacy of the prison’s policies and their willingness to comply with what Scudder framed as his compassionate and logical progressive thinking, especially in regards to race. At one point in *Prisoners are People*, the superintendent described an instance where a prisoner angrily protested CIM’s hosting of a blackface minstrel performance. Scudder expressed his sympathy for the man’s objections to racial stereotyping but advised “Francis” to “not wear his emotions on his sleeve.” In the story, “Francis” then takes this advice to heart, for which he is rewarded by the reading of one of his poems on the local radio, a good sign of his future prospects upon leaving the prison.⁷⁰ Such stories of racial harmony through progressive reform and paternalism represent a variation on Scudder’s earlier efforts to improve the L.A. neighborhood of Bunker Hill by removing the “riff-raff” and discouraging the interaction of Black, Filipino, and Mexican residents with white women at dance halls.⁷¹ This potentially fictional story casts blame for racial discord upon minority individuals unwilling to comply with

⁶⁸ Scudder, *Prisoners*, 47.

⁶⁹ Beattie, 8, 16.

⁷⁰ Scudder, *Prisoners*, 134–135.

⁷¹ Kenyon Judson Scudder, Criminologist and Social Engineer. Interview by Donald J. Schippers (Oral History Program, University of California, Los Angeles, Special Collections, 1967), 228–234. From Janssen, *Convict Labor*, 66.

a tenor of behavior that benefitted a comfortable white middle-class; only by adopting a more “respectable” and amenable disposition could one hope to be granted opportunities for upward social mobility.

Scudder further insisted to his readers that his entire prison population was uniformly heteronormative, regularly emphasizing the importance of family visits and church services on weekends to the maintaining of order. He acknowledges one instance of same-sex sexual activity at CIM, but once again this anecdote serves as an exception to prove the rule, as he describes the incident as caused by locals brought into the prison from outside his own carefully selected community of inmates and employees. This story benefits and protects CIM’s “open prison” model in two ways, first by insisting upon Scudder and his managers’ capability to discern and select only “worthy” candidates for CIM and, second, by suggesting that the outside community could itself be a source of “deviant” behavior rather than be in need of protection from deviance leaking beyond the prison’s walls.⁷² While the details of this particular incident may well be accurate, Scudder’s insistence that no other such queer behavior occurred in a decade of prison operation strains credulity, suggesting a blindness, willing or not, to all that occurred at the prison.

For all of these reasons, looking at CIM solely through Scudder’s eyes risks obscuring the real stories and experiences of those who lived in his “prison without walls.” His memoir likely presents a view of CIM as he wished it operated more than one of what inmates experienced.⁷³ Even within the pages of CIM’s prison-operated newspaper *Pioneer News*, certain

⁷² Scudder, *Prisoners*, 182, 187.

⁷³ Works that discuss organization of American and Californian inmates during the mid-twentieth century include: Ronald M. Berkman, *Opening the Gates: The Rise of the Prisoners Movement* (Princeton, N.J., 1977); Eric Cummings, *The Rise and Fall of California’s Radical Prison Movement* (Stanford: Stanford University Press, 1994); Janssen, *Convict Labor*.

incarcerated men at Chino were able to get past likely censorship and openly suggest that criminal behavior the prison administrators blamed on personal failings or a lack of education had more to do with systemic inequalities.⁷⁴ Op-eds like these, while few in number, indicate that many of the men at CIM likely preferred Chino to other California prisons, but that hardly meant that they had completely bought into the efficacy or morality of keeping them behind bars and away from their families.⁷⁵

By 1951, Scudder, the California state government, and the media could envision a future in which the prison population would shrink to half of their current levels by the next decade and where half of those remaining prisoners served little to no time at all before reentering society and returning to their communities with new jobs and opportunities.⁷⁶ Support from sympathetic governors and judges, the general progressive sentiment of New Deal Californians, and a desire of the state to regain control of its prison population following the resistance and turmoil at San Quentin and Folsom appeared set to give CIM the time it needed to prove that it could achieve its stated objectives. There were other reasons for these myriad interest groups to support an experiment in progressive penology at Chino, as Scudder's system stood to offer the entire state's prison system tangible benefits in other key areas, from managing recidivism rates to providing cheap labor for land management. Yet not all parties, particularly residents of the Chino Valley, shared these priorities, and Scudder would soon need to take steps to protect his prison from growing opposition from its neighbors.

⁷⁴ C.H. "What Do You Think?", *Pioneer News*, August 3, 1946: 1–3.

⁷⁵ This subject will be discussed in further depth in Chapter 3.

⁷⁶ Scudder, *Prisoners*, 273.

Protecting a Prison Without Walls: Defending Reform Penology in a Changing State

Scudder knew from the outset that outreach and cooperation with CIM's neighbors was necessary for his vision of an open prison to succeed. From the moment Chino was selected as the site for this new prison, local residents and politicians and the "old-timers" of California's prison administration protested the presence of a prison in their backyards, citing danger to resident safety and to property values.⁷⁷ Almost immediately after CIM opened, Scudder noted some local townspeople's opposition and resentment towards the creation of a prison in their neighborhood.

"They were sincere in their fears of what might happen to their wives and daughters should any of these 'dangerous criminals' escape. 'We will have to keep the house locked when the man is not home.' 'If you are driving your car through the streets of Chino, keep the doors locked, because when you come to a stop one of those convicts will crowd into your car and take it away from you.'"⁷⁸

Indeed, the 1940s witnessed several escapes each year from CIM that resulted in criticism from local media and panic regarding waves of inmates and their families coming to invade their community.⁷⁹ However, Scudder ultimately expressed confidence about his prison's future relationship with its neighbors. He believed that concerned community organizations such as the "Chino Citizens Indignation Committee" had negligible impact upon the prison's operations and were mollified once they were invited to tour the facility and saw the good work that the prison was doing. Scudder claimed that one member of this short-lived organization told him personally, "If I had a boy in trouble, I'd want him to be in a place like this rather than a penitentiary." Scudder subsequently increased outside visitation to the prison, invited local

⁷⁷ "State Wants Chino Prison Plan Changed," *San Bernardino County Sun*, Jan 15, 1938.

⁷⁸ Scudder, *Prisoners*, 31–32.

⁷⁹ "Wave of Chino Prison Escapes Continues," *The San Bernardino County Sun*, February 6, 1945, 9; "Chino Prison Escape Reported to Sheriff," *The San Bernardino County Sun*, May 28, 1946, 13; "Chino Prison Inmates Escape," *The Pomona Progress Bulletin*, October 15, 1951, 13.

teachers to give lessons in the facility as part of the training programs, and increased efforts to improve his prison's public relations.⁸⁰ He became an active member of the Chino community, serving as the president of the city's Rotary club in 1948.⁸¹ He also made sure to emphasize his own family's presence at CIM, regularly including his young grandson in prison events and discussing parts of his home life in his house on the prison grounds in *Prisoners are People*. His anecdote of hosting men overdue for parole at his home for a Christmas party clearly was meant to serve as both a reminder for his readers of the shared humanity that the imprisoned still held no matter their past crimes and as evidence that the men at his prison posed little danger to Chino residents in their own homes.⁸²

Even after the end of his administration at CIM, Scudder made sure to emphasize repeatedly in media appearances that the escape rate was much lower than even he had originally anticipated. "At first we thought we might lose ten percent of our people if we didn't use the towers and put up another fence. We never used the towers. We lost 4.5 percent the first four years with about 500 men there. Now [1958] at Chino we have about 1,500 men and our escape rate is less than one percent." At the same time, he sought to emphasize that escape was inevitable, and in some sense even desirable to ensure that the imprisoned men felt like they were making a meaningful choice to stay at the prison. "If you don't have any escapes, you're so tight, you don't have an open institution. That escape business is one of those things that seems to frighten the public so [...] but you *have* to have an escape."⁸³ Scudder was so adamant on this

⁸⁰ Scudder, *Prisoners*, 199–200.

⁸¹ "First Superintendent Kenyon Scudder, Nationally Known CIM Pioneer, Died," *Chino Champion*, September 30, 1977.

⁸² Scudder, *Prisoners*, 237–9; Chino-Activities/Programs/Services. Department of Corrections Records, California State Archives, Sacramento, CA

⁸³ "Community of the Condemned: 16; Self Governing Prisons," AAPB, 1958, accessed 9 February 2024, <http://americanarchive.org/catalog/cpb-aacip-512-348gf0nn5r>, 17:00; Scudder, *Prisoners*, 22.

point that he even demonstrated to new groups of men the easiest way to escape the prison during their orientation, laying his coat over the short barbed wire fence that was meant to corral the cattle.⁸⁴ If escape was inevitable, Scudder and the rest of the CIM administration had to do everything in their power to convince their neighbors that an escape was nothing to be frightened of, and that most of the men in Chino—even those who would dare escape—were harmless.

Not all the criticisms of the prison's operations were purely based in concerns over safety, however. Some of the very first protests against CIM's presence were over concerns that the state was interfering in the region's business interests and would use its power to supplant and unfairly compete with private interests in the city.⁸⁵ This trend continued in the following decades, as the Chino Chamber of Commerce often fretted that the use of taxpayer funds and cheap prison labor gave CIM an unfair economic advantage over its neighbors, who in some circumstances were their direct market competition. While any criticism of the prison's prolific output of food and other goods was muted during the labor shortage of the war, free citizens of Chino soon began to look askance at CIM for undermining their own businesses. Even the creation of a service station on prison grounds for employee use incurred the consternation of Chamber of Congress Director Victor Bloch, who criticized the taking of business away from the city's existing gas stations. Scudder had to put out a statement clarifying that the station was not funded by taxpayers, but rather by an association of CIM's 200 employees who each chipped in \$10 to build it, though he could not refute that the costs of the station were greatly reduced by the low wages of prison labor and that employees were likely to use its gasoline over those sold by local residents. This did not satisfy Bloch, who likewise complained that this installation and all

⁸⁴ Scudder, *Prisoners*.

⁸⁵ "Realtors Enter Protest Against Prison Location," *Chino Champion*, December 18, 1936.

of the prison's job training programs—even minor ones like barbershops and laundry services—took business away from Chino's free citizens.⁸⁶

It is difficult to discern how much truth was in this claim that the prison's presence depressed the local economy. Some individual small business owners doubtlessly experienced legitimate frustrations. Even if only prison employees could access CIM gasoline and haircuts, a not-insignificant number of CIM's paid employees lived in Chino and all of them traveled through the city to their workplace; their use of those services did represent lost earning potential of the local services who may have otherwise benefitted from their business. However, most of those employees were only brought to Chino because of CIM's presence, being drawn from local universities rather than existing farm families. Most of these employees likely contributed in some other forms to the city's economy, and the prisoner-subsidized businesses only saved them money that they would have spent in another city had the prison not been built in Chino. Still, Bloch's view suggested that many Chino residents saw the prison, rightly or not, as unfair and unworthy competition that contributed little to nothing of real value in return to the city. CIM's administration had to respond to this criticism by not only demonstrating that the prison's labor training policies would reduce crime, but that they could also offer something meaningful in return to their neighbors.

One public outreach strategy that CIM executives found particularly useful for their "honor farm" system was intramural sporting events. Many of the early issues of the prison's *Pioneer News* newspaper, itself a work training operation meant to train the men in printing, journalism, photography, and other skills that may have benefitted them after the end of their sentences, focused on covering the scores, results, and stories of the games in great detail, even

⁸⁶ "Gas Station at CIM Built for Employees," *Chino Champion*, March 13, 1953, 1, 14, <<https://www.newspapers.com/image/98393653/>>.

tracking individual player's softball stats.⁸⁷ Sports received almost the same regulated treatment as job training in the institution's curriculum, playing a key role in ensuring physical fitness and discipline.⁸⁸ CIM's administrators valued sport sufficiently to invest in quality facilities, including a large swimming pool; while decades later prison officials attempted to claim that the pool was nothing more than a paved reservoir, the state archives and Scudder's own memoir are replete with reports of the steps of its construction (including his insistence that black and white men swim together) and photos of swim meets with packed audiences, providing both structured exercise and a form of recreation for swimmer and observer alike.⁸⁹ Sport also served as a way to connect the prison to the local community by inviting outside spectators, playing local teams, and recruiting volunteers to coach the men in CIM. These matchups were rarely fair. One such bout between the CIM Wolves and the Fourth Air Force Flyers reserve football team, reported by the *Pioneer News* to be an aggregation of "ex-college, ex-professional, and ex-high school stars" weighing on average 24 pounds more than the average Wolf player, resulted in head coach Hank Azhderian quitting two weeks before the game to return to his full-time job at Chino High School; the Wolves were subsequently blown out.⁹⁰

⁸⁷ "Sports," *Pioneer News*, July 27, 1946, 3, F3717:1839, Corrections-Institutions-Publications-Calif. Institution for Men, Chino-Newsletters, 1945–46, 1966, Department of Corrections Records, California State Archives, Sacramento, CA.

⁸⁸ For more, see Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton: Princeton University Press, 2009); Dave Zirin, *A People's History of Sports in the United States: 250 Years of Politics, Protest, People, and Play* (New York: New Press, 2008); Ava Purkiss, *Fit Citizens: A History of Black Women's Exercise from Post-Reconstruction to Postwar America* (Chapel Hill: The University of North Carolina Press, 2023).

⁸⁹ Marlene Wedret, C.S.R., "Public Hearing California Legislature Senate Select Committee on State Procurement and Expenditure Practices in the Matter of: California Institution for Men at Chino," Chino City Hall, Chino, California, Saturday, June 26, 1982, California State Archives, F3717:B4180, Box 1, Jt. Committee on Prison Construction and Operation, Subject/Hearing Files, 3–4.

⁹⁰ "Highlights of Football at CIM," *Pioneer News*, September 22, 1945, F3717:1839, Corrections-Institutions-Publications-Calif. Institution for Men, Chino-Newsletters, 1945–46, 1966, Department of Corrections Records, California State Archives, Sacramento, CA.

One of the most notable examples of direct public relations outreach conducted by Scudder was an annual series of parades put on by the incarcerated men every Labor Day, featuring a host of floats highlighting each of the different job training programs offered by the prison and further tying the men's present and future capacity for labor to their worth as future citizen. Planning for the event began as early as July, with the front page of the *Pioneer News* listing the hosting of this "bang-up event" as one of the most important responsibilities for the Inmate Advisory Council.⁹¹ Some of these parades featured contests placing the different departments against each other, with winners determined by prominent guest judges from the local community. The 1945 parade, celebrating the end of World War II as much as Labor Day, involved a panel that included the editor of the local *Chino Champion* newspaper, the manager of the local office for the Edison power company, and Raymond Chuan, a specialist of the Chinese Air Force.⁹² These floats became more and more extravagant as the years passed; by 1953, the parade featured nineteen floats, multiple music performances from the prison band, sporting competitions, and a sword swallowing act.⁹³

⁹¹ "Council Meeting," *Pioneer News*, July 27, 1946, F3717:1839, Corrections-Institutions-Publications-Calif. Institution for Men, Chino-Newsletters, 1945–46, 1966, Department of Corrections Records, California State Archives, Sacramento, CA.

⁹² "Labor Day Parade is Feature of the C.I.M. Program," *The Pomona Progress Bulletin*, September 5, 1945.

⁹³ "Labor Day Theme- The Path to Freedom, 12th Annual Labor Day Parade," sponsored by Men's Advisory Council California Institution for Men, F3717:818B, Corrections-Institutions-Calif. Institution for Men, Chino-Activities/Programs/Services. Department of Corrections Records, California State Archives, Sacramento, CA.



Figure 2. Photos of CIM Parades. Clockwise from top left: 1. Photo captioned ““Slim” Smith, in a home-made clown’s outfit, delights several youthful visitors by introducing his pet piglet. One of the Fire Department’s Units may be seen passing in the background.” Numerous children are seen lining the road. 2. A clown holding a sign for “Chino Athletic Dept.?” wearing a football helmet, boxing gloves, running shoes, and a paddle. 3. Float featuring the “Main Kitchen,” with shirtless cooks working over giant pots. One of the boxes of food is largely labeled “Baby Tigers”- an inside joke? 6. A float titled “Christianity: The Path to Freedom,” featuring a small choir posed in front of a recreation of the prison chapel, surrounded by clouds of what the church presumably opposes: “Despair,” “Bigotry,” “Atheism,” “Crime,” “Religious Persecution,” “Intolerance,” “Hate,” and “Fear.” F3717:818B, Corrections-Institutions-Calif. Institution for Men, Chino-Activities/Programs/Services. Department of Corrections Records, California State Archives, Sacramento, CA.

These events were evidently significant to many of those imprisoned in Chino, if the level of detail and levity contained in each of the department's floats are anything to go by. The repair shop float in 1953's parade was an intentionally misshapen monstrosity, a tangled nest of metal scrap seemingly thrown together at extreme angles atop a tractor wheel frame with the riders precariously perched along bits hanging off of the edge. A large sign along the side poses for viewers, "We think our float is the best. What do you think?"—at once a self-deprecating joke as well as a sly reminder of the ingenuity likely required to make their unconventional float operate. Other floats had an even more gonzo and subversive sense of humor; the kitchen department from the same year had their muscular, shirtless chefs, complete with floppy hats, cooking giant pots labeled "baby tigers." Another featured a patriotic image of an American flag with the stars replaced by an array of stuffed rabbits, the accompanying sign indicating that even these creatures play a role in the "path to freedom."⁹⁴ This levity had the dual effect of helping to lift morale in the prison while simultaneously humanizing (and, to some degree, infantilizing) those incarcerated at Chino to outside observers, making escapes less likely while making Chino residents less fearful of escape.

Inviting residents from the surrounding area to observe and be entertained by these displays, both in-person and through the papers, served to further erode the typical divide between the prison and community, emphasize the contributions of CIM's labor to helping settle the Inland Empire, and demonstrate that the open prison model was safe to nearby residents. Photos of these and other events depicted imprisoned men fraternizing and competing with each

⁹⁴ CIM 12th Annual Labor Day Parade Photos, F3717:818B, Corrections-Institutions-Calif. Institution for Men, Chino-Activities/Programs/Services. Department of Corrections Records, California State Archives, Sacramento, CA.

other across racial boundaries. While I found no images of CIM events in the '40s and '50s where incarcerated men crossed racial boundaries with *visitors* to the prison, these photos of the men huddled close to each other to cheer on boxing matches and swim meets provides some of the clearest evidence to outside observers, then and now, that at least some of Scudder's claims about the prison's relative racial harmony in this era may have been based in reality.⁹⁵ Perhaps no images made this attempt at public outreach clearer than those of the incarcerated men at Chino posing with children. It is unclear from some of these pictures if some or even any of the children attending the parades and other social events were locals unrelated to the men imprisoned at CIM or to the prison's staff. Regardless, images such as those of one "Slim" Smith helping a group of happy children to pet a small piglet convey a desire to frame those imprisoned at CIM in the safest and most docile of manners to the public. Smith and many other incarcerated men dressed as clowns at the parade; in the years prior to John Wayne Gacy and Pennywise, the image was doubtless intended to be more frivolous than potentially terrifying.⁹⁶

Not all of the public outreach efforts were as frivolous, though. Among the many photos of the 1953 parade preserved in the prison's records at the State Archive, one in particular stands out for its more straightforward appeal for the benefits of the open prison model. On a stage attached to the truck bed, a group of imprisoned actors played out a scene contrasting "The Chino Way" with "Yesteryear." On the left, two men in striped prison uniforms stand behind bars and kneel in stocks, their posture indicating shame, pain, and sadness and their dress and props calling back to a caricatured "past" of prisons. On the right, two others stand upright, one in a jumpsuit and the other in shirt and slacks, literally unchained.⁹⁷ The message of this

⁹⁵ J.V. Fornatero, "Daring experiment at Chino."

⁹⁶ Ibid.

⁹⁷ Ibid.

photograph was unmistakable, to the point where it would not be the least bit surprising if it was designed and commissioned by Scudder himself. Whether it was the performers' or the administration's idea, the float frames CIM's system as more moral, compassionate, and scientific than those of the nation's other prisons. It was an idea evidently worth defending, in every manner and medium that it could be.



Figure 3. Further photos of CIM Parades. A float contrasting “The Chino Way,” with two unchained men in clean dress shirts and work jumpsuits, with “Yesteryear,” featuring two men in striped prison uniforms behind bars and in stocks.; Float sponsored by the prison’s rabbitry unit, boasting a giant American flag with stuffed (?) rabbits instead of stars, a giant stuffed rabbit, and a sign stating, “We too aid in the path to freedom.” Source: F3717:818B, Corrections-Institutions-Calif. Institution for Men, Chino-Activities/Programs/Services. Department of Corrections Records, California State Archives, Sacramento, CA.

Unchained: More Than a Melody

The most notable public relations effort in CIM's early years reached far beyond the local area around CIM and took a form that potentially only the first state prison in Southern California could attempt: a major Hollywood motion picture. In the mid 1950s, Scudder endorsed and supported a film adaptation of *Prisoners are People*. This effort would leave a lasting legacy in American culture—even if its purported dream of a better future for American prisons would not.

In 1955, Warner Brothers Studios released the film *Unchained*. Director Hall Bartlett's film is a fascinating historical object for reasons well beyond the story of CIM itself. Though some details of its creation do not tell much about the actual conditions at the California Institution for Men, the ambition and scale of the project indicates the level of energy poured into defending the "prison without walls" model in the 1950s and the priorities of Scudder and CIM's other administrators. There are several key aspects of this melodrama, its production, and its plot that convey significant context about the status of Scudder's experiment and his concerns about its future as it entered its second decade of operation.

As the change in title indicates, Bartlett's film was not just a straight adaptation of Scudder's book and features Scudder in a supporting role rather than as the protagonist. Instead, Bartlett initially conceived of the project as a kind of docudrama about CIM as it operated at the time of the film's release, a promotional film demonstrating the cutting edge of American penology. *Unchained* was Bartlett's directorial debut, but the Yale graduate and Naval Intelligence veteran got his start in Hollywood producing and writing docudramas. Bartlett's breakout work was 1952's *Navajo*, a film that curiously earned an Academy Award nomination for Best Documentary despite being a completely fictional narrative work featuring actors playing out a script Bartlett had written about a Navajo boy forced against his will to attend a reservation boarding school. The Academy of Motion Picture Arts and Sciences may have deemed *Navajo* a "documentary" solely for being filmed on location (it also earned a nod for Best Cinematography for its vivid nature photography) and for casting an actual Navajo child, seven-year-old Francis Key Teller, in the lead role in an era of pervasive "redface" performance—the mere depiction of actual indigenous people appeared to pass for documentary

in 1952.⁹⁸ Despite being entirely fictional, *Navajo* portrayed its indigenous characters with sympathy, with its young protagonist resisting assimilation and ultimately escaping the boarding school to return to his home and attempt to carve out a life on his own terms.⁹⁹

While this pro-escape plotline might seem on the surface to make Bartlett the worst possible candidate to make a film about CIM that supports the Department of Corrections' agenda, *Navajo* also portrayed the white schoolteachers and government operatives—one played by Bartlett himself—as sympathetic antagonists ultimately trying to do good and uplift the Navajo. It was a tricky balancing act, as Bartlett offered at once a critique of the U.S. government's existing practices towards oppressed groups but also a defense of the state's ultimate right to police and control human beings—in other words, making him a perfect artist to defend CIM to a general audience. Despite three different studios vying for the book rights to *Prisoners are People*, Scudder granted Bartlett the right to produce it independently and to film on CIM's grounds for just \$2,500, fifteen percent of the net profits, and—most critically—the agreement to give Scudder complete story approval.¹⁰⁰ The movie, then, would be an object of Scudder's vision and companion piece to his book rather than an impartial documentary.

Bartlett brought the same neo-realist, observational sensibility used in *Navajo* to the creation of *Unchained*. “The only ‘art’ [in the movie] is Chino itself,” he claimed in an early interview. “It can be a real sociological document if it’s made right.”¹⁰¹ Bartlett worked closely with Scudder throughout the production process, but he also attempted to involve the men

⁹⁸ Richard Dyer MacCann. “Navajos in Semi-Documentary: Hollywood Letter.” *The Christian Science Monitor* (1908-), Nov 20, 1951, <https://www.proquest.com/historical-newspapers/navajos-semi-documentary/docview/508454685/se-2> (accessed February 6, 2024).

⁹⁹ Norman Foster dir., *Navajo*, Lippert Pictures, 1952.

¹⁰⁰ Philip K. Scheur, “A Town Called Hollywood: Warm Spirit Pervades Work on Film About Chino Prison.” *Los Angeles Times*, July 18, 1954. ProQuest Historical Newspapers: Los Angeles Times, p. D4

¹⁰¹ Scheur, “A Town Called Hollywood,” 1954.

imprisoned at CIM with the project and to center their experiences. Bartlett claimed to have spent three months at CIM living among the men and initially posing as a prisoner, though he was found out right away. He had the script reviewed and verified both by Scudder and the imprisoned men's elected advisory council, who unsurprisingly also play a major role in the film's plot. He filmed the entire project on the grounds of the prison, and he utilized CIM's diverse imprisoned population as extras and diegetic musicians. The studio even initially selected the "Parole Fever 7" prison band to perform a public concert prior to the film's debut screening, but the filmmakers were unable to secure an early release for the band members from the Board of Corrections.¹⁰² Of course, there was another reason for filming at the prison and using the (most likely unpaid) labor of its men—it gave free production value to what was ultimately a very low-budget, independent film, ensuring that its melodramatic scenes played out in real locations with hundreds of extras rather than cheap, barren sets.¹⁰³

Despite these efforts at authenticity, Bartlett and company tried to draw on their connections in and around Hollywood to bolster the film's commercial appeal and expand its potential audience. Perhaps the biggest draw in the Southern California area specifically was the lead actor and subject of another of Bartlett's prior works as writer-producer: the National Football League's Hall of Fame wide receiver Elroy "Crazylegs" Hirsch, who gained local fame playing for the Los Angeles Rams, leading them to an NFL championship in 1951 and setting a host of pro football records.¹⁰⁴ Just two years after his championship win, Hirsch starred in Bartlett's first major writing-producing project after *Navajo: Crazylegs*, a biopic about the

¹⁰² "Lucky Seven," *The Shreveport Times*, March 6, 1955, 64.

¹⁰³ Douglas Martin, "Hy Zaret, 99, Tin Pan Alley Lyricist, Is Dead," *The New York Times*, 3 July 2007, <<https://www.nytimes.com/2007/07/03/arts/03zaret.html>>.

¹⁰⁴ "Elroy Hirsch," Pro Football Hall of Fame, <<https://www.profootballhof.com/players/elroy-crazylegs-hirsch>>, accessed May 25, 2024.

football player's own life, with Hirsch playing himself in an effort to launch an acting career that could take advantage of his team's proximity to Hollywood to make a living in the offseason during a more working-class era for American professional athletes.¹⁰⁵ While Hirsch's only acting credit prior to *Unchained* was this role as himself, his public persona of an all-American good guy lent immediate pathos to his imprisoned character Steve Davitt, helping to humanize the general population of CIM by proxy.¹⁰⁶ Character actor Chester Morris portrayed Scudder himself, lending him an authoritative yet approachable affect when recreating many of the superintendent's moralistic speeches almost directly from *Prisoners are People*, likely drawing on his experience from a long screen career that included playing a different side of law enforcement in the long-running *Boston Blackie* detective series.¹⁰⁷

Todd Duncan helped to round out the cast of named actors. Like Hirsch, Duncan was far more than just an actor, though his path stretched far beyond the gridiron. A highly accomplished singer, Duncan had led a successful effort to racially integrate Washington D.C.'s National Theater as the originator of the role of Porgy in George Gershwin's classic *Porgy and Bess* in 1935. He later became one of the first African Americans to perform with a major opera company, singing Tonio in *Pagliacci* for the New York City Opera in 1945, and was a prolific performer with numerous stage credits and over 2,000 singing recitals in 56 countries. Despite his extensive resume, Duncan's decision to perform in *Unchained* was a rare one; he had only one prior film credit in 1942's *Syncopation*, an epic about the history of jazz and swing music in

¹⁰⁵ Shav Glick, "Elroy 'Crazy Legs' Hirsch, 80; Football Hall of Famer Was An L. A. Rams Star," *Los Angeles Times*, January 29, 2004, p. B12.

¹⁰⁶ While filming, Hirsch played some games with the CIM football team. When he noted that they were running illegal plays with 12 men on the field, he alleged that the captain of the team told him, "That's why we're here. We cheat." Fred Pettijohn, "Crazy Legs Will Remain in the Public Eye," *Fort Lauderdale News*, December 23, 1954, <<https://www.newspapers.com/image/230340090/>>.

¹⁰⁷ "Movies' 'Boston Blackie,' Chester Morris, Dies," *Reading Eagle*, September 12, 1970, p. 13.

which Duncan plays a small but pivotal role in tying the history of the music to its African American roots.¹⁰⁸ Bartlett had wanted to cast Duncan since seeing him perform on Broadway in *Lost in the Stars*, and Duncan accepted the part for well less than his usual \$3,600 weekly salary for concert performances, agreeing to return to the screen for the role due to his interest in the source material. Reportedly, he told Bartlett, “God bless you for such a sensitive and timely approach, which is a little unlike Hollywood as I have observed it.”¹⁰⁹ Advertisements for the film took advantage of the implicit endorsement of his casting in certain newspapers, boasting of the “great colored star,” sometimes giving him equal billing to Hirsch, and claiming the film “smashes across boundaries of color and prejudice.”¹¹⁰ Duncan and Japanese American actor Henry Nakamura were the only non-white people cast in speaking roles for *Unchained*, but they were not the only ones featured on camera; with the men at CIM playing themselves as extras in the film, *Unchained* featured a far more diverse ensemble than many of its contemporary American movies.

In addition to lending authentic diversity to the film’s main cast, Duncan’s casting also allowed the film to incorporate a musical element, useful for attracting a broader audience in an era where musicals were more commercially viable and ultimately critical for keeping the film’s memory at least partially alive in the public consciousness in future years. Seeking a plaintive song that could convey the men’s longing for freedom to be reunited with their loved ones, the film’s producers contacted *A Streetcar Named Desire* composer Alex North to both write the score for *Unchained* and a song that Duncan could perform. Pairing with lyricist Hy Zaret, the

¹⁰⁸ Allan Kozinn, “Todd Duncan, 95; Sang Porgy and Helped Desegregate Opera,” *New York Times*, March 2, 1998, <<https://www.nytimes.com/1998/03/02/theater/todd-duncan-95-sang-porgy-and-helped-desegregate-opera.html>>; “Today in History- September 2, *Porgy and Bess*,” Library of Congress, <https://www.loc.gov/item/today-in-history/september-02/>>, accessed 7 February 2024.

¹⁰⁹ “Warm Spirit Pervades...,” *Los Angeles Times*.

¹¹⁰ *Unchained* advertisement, *Philadelphia Inquirer*, April 19, 1955, 17.

duo wrote an “Unchained Melody” for Duncan to sing with the accompaniment of the prison band; this contribution would prove to be the film’s most enduring legacy, though it was initially meant to amplify the film’s portrayal of the loneliness of prison life.¹¹¹

Despite the lengths taken for accuracy, Bartlett’s film does not directly adapt the various uplifting scenes of personal redemption or wartime service from *Prisoners are People*. Instead, the final version of the film offers a fictional narrative that is purpose-built to demonstrate the value of Scudder’s ideas for reform penology and the biggest threats to that effort’s continued success. The plot of *Unchained* centers around its fictional protagonist’s moral conflict over whether to escape the prison—and give himself and possibly his wife and child permanent fugitive status—or to endure an undetermined length of time apart from his family and learn to abide by the rule of law rather than his own, at which point the Adult Authority would grant him parole. Not wanting to make Davitt too unsympathetic, the script states that he nearly beat an employee to death who *might* have stolen from him, something that he does not begin to consider may have been wrong until receiving several scenes of self-righteous lecturing from Scudder.¹¹² Additionally, the script constantly re-emphasizes the cost that any successful escape would have on how CIM’s administrators and staff might be “compelled” to treat the men left behind who did not choose to flee the prison. In this sense, *Unchained* acts not simply as a piece of propaganda directed towards free people who could vote and make meaningful political decisions about the prison’s future to support CIM’s mission. It was also a potent piece of indoctrination for the men trapped inside Chino, placing the responsibility for better conditions within the prison on them rather than on their captors.

¹¹¹ “Unchained Melody,” *Unchained Melody Publishing LLC*, <<https://www.unchainedmelodypublishing.com/>>, accessed Feb 6, 2024; Martin, “Zaret”

¹¹² *Ibid.*

The film opens with a silent depiction of Davitt being beaten by guards within a dark solitary jail cell prior to his transport to CIM—a grisly and surprisingly critical portrait of state violence in prisons, especially given that the State of California gave permission for this film to be shot at Chino. As a bus full of men pulls up to the campus an earlier San Quentin warden had described as resembling a school or night club, the narration informs the audience, “This is the largest honor prison in the world. 2,000 men live here: murderers, armed robbers, forgers, safe crackers, petty thieves. But there are no guards to hold them, no walls, no armed guards. Just a man and an idea. The man is called Scudder, and the idea that prisoners are people.”¹¹³

This was a distortion of the realities at CIM, to say the least. While murderers and armed robbers from Southern California jails may have been processed and temporarily kept at Chino, in the 1950s it was almost always as a layover before being transferred up north. The film’s narration follows this with another stretching of the truth, claiming that the proceeding scripted story was all photographed at CIM “as it happened.” This is followed with a re-creation of the typical initiation to CIM described in *Prisoners are People*, with Scudder welcoming new inmates by demonstrating how best to lay a jacket over the barbed wire to escape without injury, emphasizing the possibility of escape while explaining that if they go they could never come back to a place where they will be treated as easily.¹¹⁴

Montages of exciting sporting events, jazz performances, lunches with families in the pastoral pavilion, work training with friendly instructors in the fields and shops, and other expository scenes of the prison’s operations follow, all casting CIM as a sort of pastoral college rather than a prison. Scudder offers an incarcerated former piano player with a broken hand

¹¹³ Ibid.

¹¹⁴ Ibid.

surgery to help him regain his old job and career. Nakamura's character practically dances with glee at being offered a welding job when his sentence is up in six months. After an "exciting" action sequence in which a shirtless Davitt defends the piano player from being lit alight by a bully's blowtorch, Scudder lectures to him, "At the state prison, I witnessed boys being whipped [...] unconscious, half dead. I had to stand by and watch men being beaten, starved. [...] Here we have a chance for something else."¹¹⁵ If the "inmates"—a term used rather than "prisoner" at Scudder's insistence—could not improve themselves and follow Scudder's paternalistic demands, it would be due to their own moral failing and proof positive that critics of CIM's more "humane" treatment of those incarcerated within were correct, thus ensuring worse treatment for all future imprisoned men at Chino.

This struggle is dramatized in the film's climax. When Davitt's appeal for parole is rejected, the protagonist is stopped from going over the fence by Duncan's character Bill Howard, a convicted murderer who had been subjected to physical abuse from the guards at San Quentin. In one evocative scene, Howard shows Davitt scars from a whip on his back, striking a pose not dissimilar from the famous Civil War photo of Gordon used for decades as a symbol of the cruelties of slavery.¹¹⁶ However, the kindness, education, and opportunities for leadership provided at Chino has reformed Howard and given him hope for the future, and he fears being subjected to such cruel treatment again should CIM be closed or its policies reimagined into just another prison.¹¹⁷ When Hirsch's quick-tempered hero attempts to escape after failing to obtain parole, he is stopped not by a guard but by a desperate Howard. When Davitt defeats Howard in

¹¹⁵ Ibid.

¹¹⁶ Mcpherson & Oliver, photographer, Escaped slave Gordon, also known as "Whipped Peter," showing his scarred back at a medical examination (Baton Rouge, Louisiana), Photograph, <https://www.loc.gov/item/2018648117/>.

¹¹⁷ Hall Bartlett, dir. *Unchained*. Burbank, CA: Warner Bros. Pictures, 1955. Accessed via Internet Archive, <<https://archive.org/details/Unchained>>.

combat but ultimately decides not to jump the fence, the film's ultimate Aesop is spelled out clearly. Reform penology could radically transform and uplift prisoners and possibly end enduring cycles of violence, but only with the full compliance of those it incarcerates and their understanding of their imprisonment as serving both a personal and social good. Compliance with this mission is heroic, while resistance to it is a selfish and potentially catastrophic social harm.

Unchained and its accompanying promotional materials are valuable for understanding several aspects of CIM as it entered its second decade of operation. First, the film conveys how the administrators of CIM still positioned their policies as distinct from the rest of the state's carceral practices and openly criticized how prisoners were treated at other institutions, even after years of "reforms" supposedly implemented at these other facilities. Second, while it was not initially a brainchild of the Hollywood system, the independent film's eventual support and distribution by a major studio in Warner Brothers suggests a vested interest from certain Californian elites in supporting and promoting this progressive reform experiment as a success.

Most significantly, the film's plot and very existence reveals how Scudder's progressive reform efforts were being received by many California residents during the 1950s. If the central conflict of *Unchained* is anything to go by—and it likely is, judging by Scudder's comments in an accompanying interview for the *Times*—the answer was "not very well." Scudder states in the *Times* article—and is echoed by his fictional counterpart in the film—that "The test of Chino is always the next man," meaning that every crime committed by a man who escaped over the prison's stout fence brought more pressure from the nervous public to "make Chino another San Quentin."¹¹⁸ In the film, after a first-act escape that ends up with a local family robbed, stripped,

¹¹⁸ *Unchained*.

and tied up, Scudder delivers a speech to all of CIM assembled at the mess hall: “They gambled with the freedom of every man in Chino. The people in the valley are frightened. [...] They’re wondering and asking about the next time [there is an escape]. The troublemakers outside, the ones who’ve always wanted walls around you and guns in your back 24 hours a day, have already started in putting the pressure on you.” Howard immediately makes the rounds to collect money from the other imprisoned men to pay back the family for their trouble, conveying to the audience that the majority of those incarcerated at Chino were as decent as their free neighbors.¹¹⁹

If *Unchained* was indeed Scudder’s most concerted attempt to preserve CIM’s unique identity and administration by trying to lean into the cultural cache of Los Angeles’ film and sports industry, all signs indicate that the effort was ultimately in vain. *Unchained* failed to leave a major impact on the popular consciousness, at least as a commercial film. Following the film’s release in January of 1955, *Unchained* never appeared in national entertainment trade magazine *Variety*’s weekly “National Boxoffice Survey” of the top ten highest grossing films in the nation; when it did appear below the line in the following months, the papers described its performance as “only fair” in February and “slow” by March. While there is no truly comprehensive box office data from this era, adding together the scarce *Variety* reports suggests that it made well under \$50,000 in its initial run, even when paired with more populist fare like *The Black Pirates* for double features.¹²⁰

¹¹⁹ *Ibid.*

¹²⁰ “Picture Grosses: Cold Clips B'Way Albeit 'Holiday' Boffo 13½G; 'Men' Only Okay 20G, 'Unchained' 18G, 'Toko-Ri' 145G, 2d.” *Variety* (Archive: 1905-2000), Feb 02, 1955, 9, <https://www.proquest.com/magazines/picture-grosses-cold-clips-bway-albeit-holiday/docview/1016993402/se-2>, “Picture Grosses: 'Underwater!' Smooth \$21,000 in Det.; 'Unchained' Slow 9G, 'Battle' 22G, 2d.” *Variety* (Archive: 1905-2000), Mar 02, 1955, 12, <https://www.proquest.com/magazines/picture-grosses-underwater-smooth-21-000-det/docview/1032360243/se-2>.

Like any form of popular art or entertainment, one can only speculate over the reasons for this fiscal underperformance. The film's marketing tried to sell it as an exciting action thriller, with posters featuring a shirtless Hirsch, stills of the handful of scenes involving physical altercations and romance, and promises that this authentic look at CIM's operations would shock regular audiences. The actual film is decidedly more muted, its conflicts more internal. The fact that *Unchained* was explicitly about the protagonists *avoiding* taking action to liberate themselves likely did not entice mass audiences to turn out for a quasi-educational picture without any major stars. Reviews were decent—*Review Digest* indicated every major publication gave at least a positive rating—but not exceptionally glowing.¹²¹ *Variety* complemented its “public service flavor” and “simple sincerity” for elevating it “a notch above the usual prison filler,” but critiqued its “stock” characters and merely “okay dramatic terms.”¹²² *Picturegoer* focused on the “dignity and conviction” of Duncan's performance but otherwise found it “disjointed” and prone to “far too much sentimentality and muddled moralizing.”¹²³ The film received only a single Academy Award nomination for Best Song, a category that indicated early on the film's greatest lasting legacy on American popular culture.¹²⁴

In sharp contrast to its source film's lack of a major social impact, “The Unchained Melody” became one of the most commercially and culturally successful songs of the 20th century, not just in the United States but around the world. While the initial release of the film and song predate the creation of *Billboard* magazine's all-encompassing *Hot 100* ranking of the

¹²¹ “REVIEW DIGEST,” *Boxoffice.*, July 2, 1955, c3, c4, c5, <https://www.proquest.com/magazines/review-digest/docview/1529159397/se-2>.

¹²² Brog, “Film Review: Unchained,” *Variety* (Archive: 1905-2000), January 26, 1955, 6, <https://www.proquest.com/magazines/film-review-unchained/docview/1032349742/se-2>.

¹²³ S, S. “Delightful Delicious Debunking: Unchained,” *Picturegoer* (Archive: 1932–1960), April 2, 1955, 19, <https://www.proquest.com/magazines/delightful-delicious-debunking-unchained/docview/1705003529/se-2>.

¹²⁴ 1956 Academy Awards, <<https://www.oscars.org/oscars/ceremonies/1956>>, accessed 2 February 2024.

nation's most popular songs, "Unchained Melody" immediately rose to the very top of its precursor chart in various formats. Bandleader Les Baxter's version ranked as the fifth best-selling song in the United States in 1955. Renowned baritone Al Hibbler's vocal rendition ranked 21st, becoming that singer's biggest commercial hit.¹²⁵ Soul singer Roy Hamilton likewise took his rendition to the top of the young Rhythm and Blues chart, and the song spent much of the summer as the best-selling sheet music and most spun track by jockeys all across the country.¹²⁶ Across the Atlantic, singer Jimmy Young likewise took a cover of the song to the top of the United Kingdom's music charts.¹²⁷ The song's breakout success persisted for many years, soon becoming an entrenched part of the Great American Songbook and one of the most widely covered standards in the United States and the United Kingdom. Exactly one decade later, The Righteous Brothers released a version of the song that eclipsed all prior renditions in the popular consciousness, though a later cover by Elvis Presley became one of the more recognizable parts of the star's extensive discography.¹²⁸ Four total artists took their versions to the top of the U.K. song charts over the song's first half-century.¹²⁹ In total, the song's publisher states that over 670 artists have recorded over 1,500 versions of "Unchained Melody" around the world in multiple languages.¹³⁰

¹²⁵ *The Billboard*. Vol. 68, no. 1. January 7, 1956. p. 20

¹²⁶ *The Billboard*. May 18, 1955-August 13, 1955

¹²⁷ "Unchained Melody by Jimmy Young," *Official Charts*, <<https://www.officialcharts.com/songs/jimmy-young-unchained-melody/>>. Accessed 28 January 2024.

¹²⁸ The Righteous Brothers, "Unchained Melody," *Just Once in My Life*, Philles Records, 1965; Elvis Presley, "Unchained Melody," RCA Records, 1978.

¹²⁹ Robson and Jerome, "Unchained Melody," *Robson & Jerome*, BMG Records, 1995; Gareth Gates, "Unchained Melody," *What My Heart Wants To Say*, RCA Records, 2002;

¹³⁰ "Unchained Melody," *Songwriters Hall of Fame*, <https://www.songhall.org/awards/winner/unchained_melody>, accessed Feb 6, 2024; "Unchained Melody," *Unchained Melody Publishing LLC*, <<https://www.unchainedmelodypublishing.com/>>, accessed Feb 6, 2024; Martin, "Zaret."

However, the song's popularity had next to no connection to the film, nor to raising attention for the CIM prison model worldwide. Despite the many different versions of the song that were released for purchase in various formats in 1955 and the decades that followed, Todd Duncan's first ever filmed rendition of the song was not among them. Warner Bros appeared unwilling or unable to rerelease the film in theaters to capitalize on the song's immense popularity, and without any kind of home media release, most listeners would have never even heard Duncan's version despite the later ubiquity of the song itself. The song's own publisher even refers to its namesake film as "obscure" on its website.¹³¹ While the film rode the song's immense popularity to an Oscar nomination for Best Original Song, the credit went only to the songwriters rather than Duncan and the other performers, some of them played by imprisoned men. North and Zaret lived well off of the royalties for the rest of their lives, but Duncan likely received very little, and the accompanying musicians from his version potentially less to none at all after their prison sentences were up.¹³²

Indeed, outside of being commissioned for the film, "Unchained Melody" had no direct connection to CIM, progressive penology, or even prisons at all. In the context of the film, Duncan's mournful cries about how "time goes by so slowly," sung from his bed in a dormitory surrounded by other imprisoned men deep in thought and feeling, stands out as a soft critique of incarceration in general and the debilitating and demoralizing impact of separating human beings from their families and loved ones.¹³³ Devoid of that context, the lyrics contain no mention of incarceration, only of romantic longing for a partner that could apply to any host of causes, whether it be from the end of a relationship to a long journey from home. The word "unchained"

¹³¹ "Unchained Melody," *Unchained Melody Publishing LLC*,

¹³² Of composer Alex North's fifteen career nominations at the awards, "Unchained Melody" was the only one for a song and not a musical score. The song ended up losing anyway to "Love Is a Many-Splendored Thing."

¹³³ Bartlett, *Unchained*.

is not even contained in the lyrics of the original version, at Zaret's insistence, further distancing it from its origins as a soft protest of incarceration.¹³⁴ Baxter's version includes the choir repeating the phrase "unchain me" to start the song, but even that could be construed as a metaphorical romantic plea.¹³⁵ When the American Film Institute's eventually listed "Unchained Melody" as one of the 100 greatest U.S. film songs of the 20th century, it was for its use in 1990's blockbuster *Ghost* rather than *Unchained*, further ensuring general audiences would connect the tune to Patrick Swayze and Demi Moore crafting pottery rather than mid-century prison reform propaganda.¹³⁶

The cast, crew, and producers of *Unchained* quickly moved on from CIM. Hirsch shifted his focus back to football, but not before teaming with Bartlett one last time for the more commercially-minded airplane disaster film *Zero Hour*; his final film is far better known today as the basis for the classic spoof *Airplane*. Despite the underperformance of his directorial debut, Bartlett continued to helm interesting political and observational films like *All the Young Men*, *The Caretakers*, and *Jonathan Livingston Seagull* for the next two decades. *The Sandpit* *Generals*, his 1971 adaptation of the Brazilian communist Jorge Amado's novel *Captain of the Sands*, became a surprise hit in the Soviet Union.¹³⁷ Though none of his films were remotely revolutionary in their politics, Bartlett's sometimes unorthodox filmmaking choices and decision to write, produce, and direct films that were often lightly critical of capitalism and the American state at large could be another reason why *Uncharted* failed to have a major rollout or long-term studio or audience support in an era where Hollywood was increasingly reticent to support left-

¹³⁴ Martin, "Zaret."

¹³⁵ Les Baxter, "Unchained Melody," Capitol Records, 1955.

¹³⁶ *Ghost*, directed by Jerry Zucker (Paramount Pictures, 1990); "AFI's 100 Years... 100 Songs," June 22, 2004, <<https://www.afi.com/afis-100-years-100-songs/>>.

¹³⁷ Marina Fonseca Damaros, "Jorge Amado in the USSR: Allowed Printed, 'dangerous' on the Big Screen," *Brasilianna: Journal for Brazilian Studies* 6 (1):7–27, 2018, <https://doi.org/10.25160/bjbs.v6i1.98883>.

of-center filmmakers. The film's commercial failing also may have had something to do with why Duncan also never again returning to the screen; while he never commented publicly on his feelings towards his final film's underperformance and his relative erasure from the story of "Unchained Melody"'s massive success, his lack of interest in future film roles despite his otherwise prolific career as a vocalist and teacher may hint towards his disappointment in *Unchained*'s ultimate lack of a social impact. This general socio-political resistance towards progressive change would be reflected in CIM's ultimate fate as just another min-max prison out of many across the state of California.

Downplaying the Prison Without Walls

In the years after *Unchained*'s commercial disappointment, CIM's relaxed approach to prison security came into conflict with the residents of Chino, particularly as the number of those residents swelled with a population that had much greater difficulty imagining their sons ever needing to go to a place like CIM.¹³⁸ But Scudder was long gone by the time the Valley's demographics and land use transformed. The aging reformer stepped down from his position as CIM's superintendent in 1956, just one year after *Unchained*'s unimpressive debut. It is unlikely that the film's underperformance directly caused Scudder's retirement; he was sixty-five years old, widely known and admired by peers in his field, and likely ready to move into a less strenuous and contentious job. Scudder subsequently worked with the Osborne Association as a teacher and a proponent of community-based social support for families impacted by

¹³⁸ Lassiter, *The Suburban Crisis*.

incarceration, though he never went as far as that association's founder and one-time Sing Sing warden Thomas Mott Osborne in endorsing total self-governance for prisoners.¹³⁹

While the veracity of Scudder's own descriptions of his institution is difficult to discern, the way the superintendent and other state officials wrote and spoke about the possibility of carceral reform still reveals the very real possibility for a different path in America's history of incarceration. Within just a few years, Scudder was an in-demand speaker and oft-cited expert on penology, not just throughout the nation but around the world. Sociologist-turned-Cook County sheriff Joseph Lohman, himself an active promoter of both "scientific" improvements for incarceration and himself, invited Scudder onto his local television program *Community of the Condemned* to discuss best methods for recidivism reduction and prison governance. On this program, Scudder rejected the idea of prison "self"-governance, insisting upon the ultimate authority of the administrator, but laid out the value of CIM's prison advisory council for addressing problems. He noted that members of these bodies, limited in power though they may be, wielded the most freedom to organize events and entertainment, at once giving them the feeling of authority and responsibility while reducing tension that inevitably resulted from boredom.¹⁴⁰

Like his previous careers as a probation officer and prison superintendent, Scudder's new path reflected wider nationwide trends in penology. Such work was typical of the Kennedy and Johnson administration's primary strategy for crime prevention in the 1960s, pouring federal funding into programs that aimed to increase the presence of public health-style programs

¹³⁹ Kenyon Scudder, "Connecticut's New Prison," *Hartford Courant*, March 17, 1956; "First Superintendent at Chino: Kenyon Scudder, Ex-Prison Chief, Dies," *Los Angeles Times* (1923–1995), September 28, 1977. Retrieved from <<https://search.proquest.com/docview/158270735?accountid=14509>>; "Community of the Condemned."

¹⁴⁰ "Community of the Condemned: 16; Self Governing Prisons," 13:39; Melanie Newport, *This Is My Jail: Local Politics and the Rise of Mass Incarceration* (University of Pennsylvania Press, Inc., 2022), 109.

conceived to reduce and disrupt patterns of criminality at the local level—all enforced by increasingly large and well-funded police forces tasked with monitoring and coercively guiding free citizens’ behavior.¹⁴¹ This approach treated criminality as a type of pathology, the refusal to comply with all laws and norms as representative of a mental or moral deficiency that could be treated and “cured” by professionals. While professionals like Scudder insisted that these treatments could and were most successful when performed collaboratively and compassionately, the establishment of a system that turned individuals into wards of the state for all matter of reasons—often at the discretion of police and based on classifications of race, gender, and socioeconomic class—greatly expanded the direct presence of police in many communities, often to disastrous effect.¹⁴²

Despite the optimism Scudder expressed publicly, issues also persisted behind the scenes at Chino. One report, written the same year as *Unchained*’s release, lists twelve different names of men involved in the drug trade inside of CIM, tracking how these men held and concealed prohibited substances like marijuana, heroin, benzedrine, or other “goof balls.” Though the report admits that “some of the inmates might very well be innocent of such trafficking,” eleven of the twelve men were expunged from CIM and sent to San Quentin, Folsom, or Soledad; the twelfth was permitted to stay only at the insistence of the Catholic chaplain, who rejected four other testimonies that he had been using his chapel to sell and use contraband. Drug use at CIM is covered in just one chapter of *Prisoners are People* and is not represented at all in *Unchained*. This likely has to do with what the CIM staff identified as the only “certain” source of the drug flow: the wife of “Hump,” the “leader and brains” of the operation, had smuggled the contraband

¹⁴¹ Hinton, *From the War on Poverty*, 116; Matthew Lassiter, *The Suburban Crisis: White America and the War on Drugs* (United Kingdom: Princeton University Press, 2023).

¹⁴² Lassiter, *Suburban Crisis*.

in on visiting days, hidden within “cakes, avocado shells, and fruit.”¹⁴³ The open and largely unmonitored interaction with visiting spouses, a core part of CIM’s operational philosophy meant as a tool to disincentivize escape and enforce the heteronormative nuclear family unit, also made CIM vulnerable to scrutiny for its low security and perceived permissiveness towards drug use. As the War on Drugs escalated in the following decade, this aspect of CIM’s open system fell under increasing scrutiny and eventually resulted in the end of what had long been held as one of the most humane aspects of life at Chino.

For all of Scudder and his supporters’ posturing, CIM was never a truly benevolent institution. The vision of choice and freedom from violence presented in *Unchained* rings hollow when the escape of just one man would result in the threatened return of many others to San Quentin and Folsom and the violent conditions that awaited them there. Even so, the California Institution of Men’s “open prison” model presented an alternative path for incarceration that criminalized men and women throughout the state evidently preferred to the more explicitly violent and dangerous legacy of caging that had long marked the region. They may not have been markedly any *more* “free” than anyone else, imprisoned or not, from the threat of future punishment. But if one views freedom in terms of the degree of movement one is permitted and safety in terms of one’s proximity to armed guards in gun towers, men at CIM were unquestionably more free and safe than those at San Quentin and Folsom—for so long as the prison at Chino was actually administered in approximate accordance to Scudder’s original vision. If this was ever the case, it did not last long. As early as 1950, during the height of Scudder’s administration, the prison’s own reports indicated that a guard used a “warning shot”

¹⁴³ F.R. Dickson, Letter to Richard A. McGee, September 21, 1955, F3717:584, Corrections—Correctional Services, Projects, and Programs-Incidents. Department of Corrections Records, California State Archives, Sacramento, CA. Though the report contains the full names, prison ID numbers, sentencing and incarceration history of each of the men, I shall refrain from using their full names here.

to prevent one man from fleeing over the fence after he was caught during a sting operation at what he thought was a marijuana dead drop on the outskirts of the prison.¹⁴⁴ Scudder claimed in an interview five years later that guns were only taken out of the armory when guards had to go retrieve runaways off prison property for purposes of self-defense, which this incident hardly qualifies for, indicating that Scudder may not have been truthful in his claims about the prison's lack of armed guards and that conditions at the prison may never have been as safe and non-violent as he claimed.¹⁴⁵

In subsequent decades, federal strategies continued to influence the carceral practices at CIM in far more meaningful ways than the removal of its figurehead, putting the reform institution on a collision course with an entirely different community that was likewise influenced by national political trends: the suburban middle class. These larger forces came to a head in the local arena of the Chino Valley, with tragic consequences for Scudder's idealistic dream. The region came to be seen as a potential haven from crime and danger for thousands of new residents—but only if those incarcerated at CIM were subjected to greater degrees of direct control and violence in order to segregate them from their non-criminalized neighbors.

¹⁴⁴ "Report on Narcotic Investigation, Apprehension, and Hearing of Disciplinary Committee on Suspects," 26 September 1950, 1, F3717:584, Corrections—Correctional Services, Projects, and Programs-Incidents. Department of Corrections Records, California State Archives, Sacramento, CA

¹⁴⁵ "Community of the Condemned: 16; Self Governing Prisons."

Chapter 2: Reforming the Prison Without Walls- Challenges to Progressive Penology

On June 12, 1966, a group of administrators and politicians once again descended on CIM—this time to celebrate the institution’s twenty-fifth anniversary. The visitors ate with the incarcerated men in the prison’s own dining hall, with Kenyon Scudder seated as a guest of honor. Incidents of violence in the prison had been so minimal in recent years that guards permitted imprisoned men to use their metal knives and forks without considering it a potential security issue. In the minds of CIM’s boosters, the institution had transitioned from an experiment into an “unqualified success.” Its future as an open facility focused on inmate training and reform seemed assured, and it even seemed to some in attendance that its practices would soon become the norm across the nation. As the dinner’s keynote speaker, California’s Administrator of Youth and Adult Corrections Richard A. McGee, noted, “The successful operation of the first major open facility in California helped win public acceptance and develop the operational know-how upon which were erected the other minimum-security programs in which we now retain almost forty-five percent of those inmates in our custody.”¹

This image of the prison was further reinforced by the coinciding publication of the 25th anniversary edition of *Pioneer News*. This newspaper dated back to CIM’s opening and was a prison sponsored publication, not a grassroots community document. Publishing was one of many work training programs offered by the prison, and all the paper’s content was filtered through the administration before it could be distributed within the prison. Even so, the Silver Anniversary issue differed notably from its predecessors in its content and form. Early issues of *Pioneer News* were primarily concerned with documenting the scores of the prison’s intramural sporting events, announcing the dates and times of events and church meetings, and sharing the

¹ Michael D. Brown, *The History of Chino Prison: The First Fifty Years of the California Institution for Men, 1941 to 1991* (Vocational Offset Printing Program, California Institution for Men, 1991), 137.

names of those either beginning or ending their sentences at CIM. Despite being fairly limited in what it did (or was allowed to) publish, the *Pioneer News* was written and edited by and credited to those caged in the “open” prison. Glimpses of their personalities, preferences, friendships, and occasionally opinions did leak through in some articles and op-eds, and sometimes they even outwardly criticized the operations of the prison, the wider prison system, and even of capitalism itself; we will look at more examples of this in later chapters.² Such was not the case in this commemorative issue, which almost exclusively featured articles written by CIM’s administrative staff, highlighting their pride in the prison’s success at “reforming” criminal behavior and reducing recidivism. Perhaps the most prominent contribution to the issue from an actual CIM resident was its cover image. Commissioned by an imprisoned artist, the image consisted of a collage of illustrations of CIM’s prisoners participating in idealized visions of Scudder’s dream: hard at work in a variety of occupations, at play in various sports, engaged in a nuclear family dynamic during a visit from a wife and child. Almost all the actors in these images are drawn as visibly white, save for a sole dark-skinned inmate pursuing an education in the prison library. At the center of these scenes sits a dignified image of Scudder hard at work, surrounded by a deifying halo and resting above his “Prisoners are People” catchphrase.³

² For one exceptionally notable example, see C.H. “What Do You Think?” *Pioneer News*, August 3, 1946: 1–3, F3717:1839, Corrections-Institutions-Publications-Calif. Institution for Men, Chino-Newsletters, 1945–46, 1966, Department of Corrections Records, California State Archives, Sacramento, CA.

³ Johnny Urdaban. “Chino: A City of Men, C.I.M., U.S.A.” *Pioneer News*, June 1966 (California State Archives F3717:1839 Department of Connections Records, Institutions, Publications, California Institution for Men (Chino) Newsletters).

particularly in the wake of postwar suburban moral panics around the threat of drug pushers and predators, the civil rights protests and uprisings of the mid-1960s, and the declaration of a full-out War on Drugs in the early '70s.⁴ This was a notably bipartisan effort, with overwhelming consensus in Congress for the vast majority of politicians from both of the United States' major political parties.⁵ President Johnson's "tough on crime" legislation was built upon by a similarly-minded Nixon as part of his "New Federalism," increasing the number of federal block grants made available to states in return for increasing their police presence and—most notably for this project—building more and more high security prisons designed for custodial purposes rather than the rehabilitation that was exhibited in Scudder's early experiment.⁶

Manifestations of these broader shifts played out in CIM from the late '50s to the early '70s—a time of substantial change across the nation and especially in California, both in terms of how prisons operated and how the increasing majority of Americans would choose to live. This chapter traces how attitudes towards CIM's intentionally lax security measures changed over this period, nearly in conjunction with both the transformation of Chino Valley from a rural to a suburban space and the shifting priorities of the developing carceral state nationwide. These changes laid the groundwork for large-scale, organized resistance to CIM's operation as an "honor farm," ensuring that CIM would radically transform in the years to come. These changes were particularly reflected in the local media, which shifted its coverage from largely glowing acclaim for the innovations in prison reform that downplayed potential dangers of expected

⁴ Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016), 63; Matthew Lassiter, *The Suburban Crisis: White America and the War on Drugs* (United Kingdom: Princeton University Press, 2023).

⁵ Lassiter, *The Suburban Crisis*, 9–10.

⁶ Hinton, *From the War on Poverty*, 63–92

escapes in the immediate post-war years to increasingly critical and sensational assessments of the many potential dangers of building a suburban community next to a prison without walls.

Promoting a “Safe” Community with Escape Narratives

Chino Valley had already started to transform by the time of Scudder’s departure in the ‘60s. During World War II, the only visible built landmarks in southern Chino were the local airstrip, a juvenile reform school, and the small residential neighborhood of Los Serranos. The rest of the surrounding valley consisted primarily of small farms and ranches.⁷ That changed in the years after the war. Southern California, driven in part by a thriving aeronautics industry fueled by Cold War era federal investment, attracted millions of new residents.⁸ The population of Los Angeles skyrocketed, and middle-class workers flooded the area, spurring on one of the United States’ most dramatic suburban expansions. The development of the Corona Expressway (State Route 71) and Riverside Freeway (State Route 91) greatly reduced the travel time between Los Angeles’ urban core and the growing “Inland Empire” for those who could afford a car. In less than a decade after CIM was built in a rural valley perceived as relatively isolated, it had become just an hour’s drive away from the nation’s second biggest city.⁹

The development of countless miles of mostly single-family housing initially clustered either closer to L.A. proper, in Orange County to the south, or around the existing satellite metro

⁷ “U.S. Department of the Interior Geological Survey, El Prado Dam Quadrangle,” State of California Department of Water Collections, 1946. Contained in UCI Special Collections, Orange County Ephemera Collection MS.R.089, Series 2.

⁸ Chino itself became the home of a U.S. military arms factory and testing site, with military industry Aerojet building an 800-acre complex in the Chino foothills in the 1960s that was used for chemical and radioactive weapons testing for nearly four decades; Michael Collins, “Living Next to a War Factory,” *LA Weekly*, May 3, 2000. <<https://www.laweekly.com/living-next-to-a-war-factory/>>.

⁹ “Introduction,” Chino General Plan, 2006: 3–5, <<https://www.cityofchino.org/211/General>>.

areas in Riverside and San Bernardino to the east of Chino.¹⁰ By the 1950s, the rural Chino Valley became visible on maps of Southern California as a somewhat anomalous blank spot in the midst of an increasingly tangled net of street networks and developments. The southern part of the city remained mostly farm and ranchland, with the presence of the prison perhaps serving as a deterrent for residential investment.¹¹ But that “emptiness” was relative to the more dramatic growth elsewhere in greater Los Angeles; plenty of people started to move to Chino in the postwar years, especially flocking to new subdivisions built in the northern part of the city. In 1940, the Census counted a population of 4,204 in Chino. After a 37.7 percent population increase over the next decade, that number rounded out to 5,788 in 1950.¹² For now, this was fairly mild growth—the population truly exploded in the next decade and stayed at that rate through the end of the 20th century—but it was still significantly more people than had lived in the region for all of its recorded history, including when the site was first selected for building a new prison. The men and women moving into these new homes were active consumers: of goods, yes, but also of information, especially about the valley they called their new home and the strange prison to the south of their city.

Local newspapers are a rich source for information about the minutiae of everyday life, particularly prior to the introduction of the Internet and social media. Publications like the *Chino Champion*, *Pomona Valley Progress-Bulletin*, and *San Bernardino County Sun* featured articles

¹⁰ For much more on some of the history of this development and its political, racial, and economic dynamics, see Eric Avila, *Popular Culture in the Age of White Flight: Fear and Fantasy in Suburban Los Angeles* (Oakland: University of California Press, 2004); Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001).

¹¹ John Gregory, “Sleepy Chino Hills Stirring to Boom Talk,” *Los Angeles Times*, July 29, 1973. See Avila, *Popular Culture*.

¹² 1980 Census of the Population: Volume 1, Characteristics of the Population: Number of inhabitants (California.. United States, Bureau of the Census, 1983). Digitized by Google, 6-5, 132.

<https://www.google.com/books/edition/1980_census_of_population/oh_DVEeUnokC?hl=en&gbpv=0>.

about political developments at home and abroad, advertisements for local business ventures, updates on sports from the high school level to the pros, obituaries, and personal ads spanning everything from announcements of weddings and anniversaries to recaps of individual's personal vacations to declarations of boredom. In the postwar years, they were particularly full of real estate advertisements, people seeking to buy, sell or rent empty lots or new homes in brand new subdivisions. The October 2, 1946 issue of the *Pomona Valley Progress-Bulletin* contained three ads all from one Joseph C. Clarke trying to sell the same piece of property, two ads for new homes in new subdivisions, one for a farm, three for a lot of land, one for a veteran and his wife seeking a rental, and one looking for someone willing to lease grain land, all in Chino and all on one single-page spread.¹³ One advertisement from the Ketell Retail Company, barely disguised as a travelogue news story in the *Los Angeles Times*, introduced the new subdivision of Mayfair Park. A 40-minute Oldsmobile drive from Los Angeles over Route 99, it was "a secluded yet convenient haven" of "built-forever Pumacrete homes" with "wide-paved streets," "big front yards," "kid-loving backyards," selling for as low as \$8,000 with \$45 monthly payments for veteran GIs ("Which means that anybody's *crazy* to keep on payin' rent!"). Not mentioned anywhere in this lengthy newspaper advertisement is the actual surroundings of these idyllic homes of the postwar, car-dependent, unsustainable American Dream. At 13th and B Street, just south of Riverside Drive, Mayfair was just two miles north of CIM's northern border, making it one of the closest residential neighborhoods to the prison for several decades.¹⁴

Despite the advertisements for Chino homes usually not bringing up their proximity to the prison, the local papers also contained a lot of prison escape stories. Press coverage of CIM

¹³ Real Estate, *Pomona Valley Progress-Bulletin*, October 2, 1946, 13, <<https://www.newspapers.com/image/623772782/>>.

¹⁴ "Good Morning, Here's Your Ketellegram!", *Los Angeles Times*, October 3, 1948, 3, <<https://www.newspapers.com/image/380847697/>>.

during the '40s and '50s had largely focused on the patriotic achievements of both the prison's administrators and even its incarcerated men.¹⁵ By the 1960s, however, a different narrative had supplanted them in popularity. Clearly, not all of the people incarcerated in Chino had chosen to emulate *Unchained's* characters and their moral stances on staying in prison for the sake of their fellow inmates and a greater societal good. Just as Scudder had warned in his book and Todd Duncan's character had warned in the prison's promotional film, these escapes were bringing negative attention towards CIM's deliberately lax security policies. The Department of Corrections recognized a total of 192 total escapes from California state prisons in 1963.¹⁶ The newspapers around the Chino Valley drew heavily from them for content, but not always in an explicitly critical manner.

In spite of the regularity of escapes from CIM and other carceral sites, local newspaper writers covering them did not generally oppose CIM's operation as a prison without walls, at least not at first. Many of the published stories of prison escapes frame them as almost humorous or adventurous exploits that sometimes even play up the ingenuity and daring of the prisoners in executing their plans, framing them as rebellious protagonists not dissimilar from those of popular Hollywood films. The description of one duo's 1963 Christmas Eve escape in the *Pomona Progress-Bulletin* reflects this attitude.

"Elmer Beck and Kenneth Christiansen were both assigned to CIM's main reception center. Christiansen had been convicted of first-degree robbery in 1951 and violated his first parole in San Mateo County, but good behavior had seemingly earned him a place at CIM, where he worked at the prison photo lab. Beck had only been in prison for a few months for writing a bad check and had been given maintenance duties. The two men volunteered to run the projector to screen the Biblical epic *David and Bathsheba* for an

¹⁵ "Convention Told Chino Prison 'Earthly Heaven' for Convict," "Upland Youth Gets Chino Prison Post," *San Bernardino County Sun*; "Unique State Establishm'nt is Dedicated," *Pomona Progress Bulletin*; Scheur, "A Town Called Hollywood"; Bartlett, *Unchained*.

¹⁶ "Annual Escape and Attempted Escape Report, Calendar Year 1990." Department of Corrections Administrative Services Branch, Estimates and Statistical Analyses Section, Data Analysis Unit. Sacramento, CA, 95814, 1990. <<https://www.ojp.gov/pdffiles1/Digitization/143877NCJRS.pdf>>, 4.

audience of 300 fellow inmates. Once left alone, they apparently were able to access the roof through an unsecured door and escape to freedom before anyone came to investigate why Gregory Peck and Susan Hayward had yet to grace the screen.”¹⁷

The tone of this isolated story hardly suggests anxiety related to lax policing and prison security, from its flippant title (“No Movie At Prison; 2 Operators Escape”), to its conclusion (“Other projectionists showed the movie Christmas Day.”), to its placement in the back of the paper between stories of a rancher’s struggles with bison husbandry and a Unitarian art exhibit. If anything, the story and the manner in which it was told hints that Scudder’s ideal attitude of civilians towards the incarcerated had begun to take root and become a part of the local flavor. The article gives little reason for citizens to fear the idea of two men getting to enjoy their Christmas on the outside of the prison fence. Even if one of them had committed a robbery a decade prior, the story repeatedly notes their status as minimal security risks for the community, that the conditions for the escape occurred during a one-off event, that no one had escaped from this section of the prison for years, and that the episode would help strengthen future security and prevent such an unusual method from working a second time.¹⁸

Even the less humorous escape narratives went out of their way to emphasize the value presented by the prison’s open and reform-centered policies. Such is the case in a pair of articles from the *Progress-Bulletin*, published in April 1963. The first identifies a duo of escapees (once again “a robber and a bad check writer”), whose method of evading incarceration was much more mundane and common amongst their peers; they simply went AWOL during their trip to the nearby school. This is a typical story, given little of the flourishes visible in the Christmas tale, but it is made notable by virtue of its placement on the newspaper page. Immediately below

¹⁷ “No Movie At Prison; 2 Operators Escape.” *Pomona Progress Bulletin*. December 27, 1963.

¹⁸ “No Movie At Prison” *Pomona Progress Bulletin*.

this story was printed another CIM article, “Inmate Takes Circle Route for Fitness.” This two-paragraph human interest story reports on Hal Kilman, “an inmate whose ambition is ‘to go straight’ [who] has walked 50 miles in a circle.” Kilman, at least as presented in this article, personifies the progressive dream of self-imposed reform, having attained a position within the prison as an inmate physical fitness instructor and demonstrated his commitment to good citizenry by marching around CIM’s football field for a 50-mile, sun-up-to-sun-down marathon in recognition of President Kennedy’s call for greater American physical fitness in the face of Soviet aggression.¹⁹ The implication of the two articles’ juxtaposition seems clear; while the prison’s low security and dedication to reform presents opportunities for some to “abuse” their circumstances and evade the grasp of the state, said elements simultaneously provide the opportunity for others to attain the ideals of American manhood and be prepared to reenter society at the end of their sentence.

Most reports of CIM escapes were not front-page news, at least in local papers from around Chino; the *Pomona Progress-Bulletin* usually tucked them away back around page 13.²⁰ Sometimes, however, the context of the escape was considered notable enough to make the front page. Such was the case of Douglas “Slippery” Sullivan, who made it just under the headline of Venice’s *Evening Vanguard* for his double escape in September 1963. According to the paper, Sullivan, who was serving a term for burglarizing a Culver City gas station, used a prison track and field event as a cover for an initial escape from CIM, running off with the rest of his group and never returning after apparently using his handkerchief sweatband to help him hop the barbed wire fence. His story’s placement on the front cover came not from his somewhat

¹⁹ “Two inmates escape from Chino Prison; inmate takes circle route for fitness,” *The Pomona Progress-Bulletin*, April 17, 1963.

²⁰ “Two Inmates. . .”; “Two Make Break From Chino Prison,” *The Pomona Progress-Bulletin*, April 30, 1963; “4th Termer Flees From Chino Prison,” *The Pomona Progress-Bulletin*, June 25 1963.

humorous escape from Chino, which was considered a less-than-surprising feat, but rather his *second* escape. Sullivan, like so many other escapees before him, was quickly apprehended while hitchhiking in Venice just a day after his escape from Chino. He then managed to again escape state custody just an hour later when he slipped out an open window in the police station.²¹ While this anecdotal example of multiple lapses in carceral security does not suggest the state was completely incapable of caging people, it does provide some evidence that the distinction between CIM's "open" policy with that of the rest of the state's penal facilities may not have been as clear as Scudder, CIM's other progressive boosters, and its skeptics in the community and government believed and promoted.

²¹ "'Slippery' Sullivan Takes Advantage of the 'Breaks'," *Venice Evening Vanguard*, September 5, 1963, 1.

Resume of Escapes - California Institution for Men

Year	# of Escapes	# at Large	Avg. Daily Pop.	Escape Rate
1941	11	0	232	4.7%
1950	22	0	1,451	1.52%
1955	7	0	1,848	0.38%
1960	29	0	2,053	1.41%
1965	22	0	2,073	1.06%
1973	8	0	2,134	0.37%
1974	10	0	2,413	0.41%
1975	14	2	2,599	0.54%
1976	12	0	2,326	0.52%
1977	17	1	2,210	0.77%
1978	17	0	2,394	0.71%
1979	26	1	2,694	0.97%
1980	20	1	2,764	0.72%
1981	30	4	3,165	0.95%
1982	22	0	3,651	0.6%
1983	12*	4	4,100	0.27%

Figure 5: The asterisk is to note that one of the escapes—Kevin Cooper—was an “inmate released in error by Los Angeles County.” Source: Joint Legislative Committee on Prison Construction and Operation, Senator Robert Presley, Chairman, “Conclusions and Recommendations, Investigation and Hearing into the Escape of Kevin Cooper from the Chino Institution for Men on June 2, 1983,” (California Legislature, July 22, 1983, California State Archives, B4181, Box 2, 2907, Jt. Comm on Prison Const & Oper, Subject Files, Hearing Files AN: 2003-029), 14.

Sullivan’s story calls attention to another important and overlooked aspect of prison security measures. The apparent frequency of individual escapes from CIM into the wider Chino area does not fully capture the nature of the prison’s security measures. It may be more accurate

to conceive of CIM's borders as having been designed to be flexible rather than truly open. While the men who attempted to escape incarceration in Chino before the end of their terms might be able to spend a few days and nights beyond its barbed wire fences, of the 3,430 individuals to escape *all* California penal institutions between 1945 and 1969, all but 19 were eventually apprehended and returned to custody, just like Sullivan was almost immediately after both of his attempts. This 99.4 percent re-apprehension rate stayed mostly steady for the following two decades, even as the state's prison population swelled dramatically.²² While those who lived near CIM could still likely expect to encounter someone incarcerated at the prison taking advantage of low security to escape, there was little to suggest that these individuals would remain in their communities for long periods of time, or that they had a great deal to fear from a population that was almost entirely convicted of non-violent charges. Ironically, the factors that would most likely drive escaped inmates without a prior history to commit further crimes in the process of their escape—namely, the lack of money to attain transportation, food, and clothing or the need to trespass private property to evade recapture by a very competent state apparatus—were caused by their state-imposed status as felons rather than any personal pathology.

Even if escapes were generally judged to be a necessary nuisance or even amusement by Chino's press in the early '60s, this attitude would not last, as anxieties regarding the perceived and real changes in the nature of crime and the demographics of incarcerated people rapidly transformed in subsequent decades. CIM continued to promote its open policy through the end of the 1960s, with its advantages like "life in dorm-like quarters, nightly television, training in trades such as business-machine repair, electronics, and cabinet work, which make Chino

²² "Annual Escape and Attempted Escape Report, Calendar Year 1990," 10.

graduates much in demand among outside employers, movies, high school classes, and library facilities.” Yet articles that covered these benefits also eventually began pointing out the sizable costs of providing that training and of monitoring parolees after release and predicted that the then-current rates of incarceration might require building another “new, \$30 million prison” every two years to keep pace, a far cry from Scudder’s initial concept of CIM being a “twice in a decade” type of institution.²³ While those future prisons awaited their own site selections and funding, all of those incarcerated men and women had to go somewhere. In Southern California, the ideal (and only) location remained Chino.

The National View Towards Prisons Shifts

Although the total number of people incarcerated in California actually dipped dramatically in 1971 (to 15,734 from 19,314 the year prior), thanks in part to Governor Reagan’s wider implementation of parole subsidies—perhaps the greatest lingering legacy of Scudder’s Progressive prison politics—the number of new convictions in California stayed very stable year to year.²⁴ Additionally, the number of men sent to CIM from the state prisons in the north increased due to aging infrastructure, prisoner resistance, and administrative convenience, with Reagan at one point considering using CIM as a replacement site for San Quentin at a time where it seemed like the state’s oldest prison may have to close.²⁵ These men resided in CIM’s reception center, built out in stages in 1951 and 1960 to house the overflow populations for as long as necessary. These wings’ mere existence distorted the dream Scudder had once held of CIM remaining a wholly open facility. While parts of the prison remained fairly low security,

²³ Dial Torgerson, “The Parolee- Can He Make It?” *The Los Angeles Times*, May 13, 1968, 33, 38.

²⁴ M.V. Ryan, et al., “California Prisoners- 1974 and 1975, Summary Statistics Of Felon Prisoners And Parolees” (Health and Welfare Agency Department of Corrections, Sacramento, CA, 1975), 5, 14.

²⁵ Walt Orvis, “Possible Quentin move stirs opposition here,” *Chino Champion*, January 12, 1972, 1.

with the open dormitory-style housing and lack of armed guards, the wings of the institution built to temporarily hold men from Southern California before they were sent north held medium- and maximum-security descriptions and had security measures that fell more or less in line with the rest of the state's growing number of prisons.²⁶

Yet the image of Scudder's dream lived on in most coverage of the prison for the following decade, helped by the still clear symbolic visual of the unmanned gun turrets, the unfinished wall now used as a handball court, the low barbed wire fences along the edges of its land, and especially the three-acre open and green visiting space where the men and their families met, ate, played and watched sports, and attended religious services together.²⁷ Sometimes, this open design was presented as an idealized vision of what California's penology had once been and could be again. Increasingly, however, critics in both the press and government adopted the misleading depiction of CIM as a wholly open prison in order to criticize the institution rather than praise it. Said critics typically did not question the efficacy or value of efforts to reform criminality and empower the poor and uneducated, but instead lambasted the prison's inability to protect its new neighbors from the often imagined—but sometimes real—threats of crime and violence such softly protected targets presented.

Through the 1950s and '60s, a wider transformation occurred across the United States—but especially in Southern California—towards public opinion regarding criminal behavior, especially regarding the sale and use of drugs and particularly in middle-class suburban communities. The media and law enforcement proliferated narratives of various racialized threats, from hordes of rapacious and murderous “wolf packs” to predatory drug “pushers” and

²⁶ State of California, Department of Corrections and Rehabilitation, California Institution for Men (CIM), Chino, CA (1941), Pacific Coast Architecture Database, <<https://pcad.lib.washington.edu/building/4377/>>.

²⁷ “Togerson, “The Parolee”; “The Chino Story, *Pioneer News*, June 1966.

dealers invading homogenous suburbs. These stories, sometimes rooted in a degree of truth and sometimes largely fictional, captured the imagination of a growing number of Americans. Narratives of white youth being corrupted by predominantly Black and Latine criminal elements were featured prominently everywhere from Senate subcommittees to PSA filmstrips played throughout the nation's elementary schools.²⁸ This framing of the drug economy in particular was almost entirely mythologized—drugs were largely sold peer-to-peer in white communities and were actively sought out rather than aggressively pushed. White youth in Southern California did not need “Mexican drug gangs” to seek them out as a new market; empowered with mobility by the proliferation of the same car culture that facilitated the creation of their suburban communities, they frequently made the journey themselves into the cities or across the border to purchase contraband.²⁹

The actual social reasons for the widening generation gap of attitudes towards the use of marijuana and other banned substances ultimately mattered little to law enforcement in California, who steadily ramped up their arrests and convictions for drug-related offenses in the post-war years until they were leading the entire nation in those statistics.³⁰ This arrest rate ultimately became unsustainable. With roughly a third of U.S. high school seniors using marijuana by the mid 1970s and a large coalition of parents organized to protect their children from prison sentences and other punitive measures, sentencing and arrests for marijuana and other drugs that saw widespread use in white suburbs would be generally relaxed, with the War

²⁸ Lassiter, *The Suburban Crisis*, 100–101; *Report of the Governor's Advisory Committee on Children and Youth, Subcommittee on Narcotics*, 1953, folder 1, box 75, GJK-CSA; Testimony of Anonymous Witness, February 18, 1958, “Transcript of Proceedings,” Subcommittee on Police Administration and Law Enforcement, LP 115:5, PASAJC-CSA.

²⁹ Lassiter, *The Suburban Crisis*; 96–99.

³⁰ Lassiter, *The Suburban Crisis*; 100; Exhibit in “Juvenile Delinquency,” Bureau of Criminal Statistics, California Department of Justice, Hearings before the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, November 10, 1950, 728–730.

on Drugs shifting focus instead towards leveling harsher penalties against cocaine and heroin use in predominantly urban and minority communities.³¹ These initiatives disproportionately impacted people of color, to the extent that by the early 1970s, California's imprisoned population was minority-majority. Though white people still comprised the largest racial group in the state's prisons, they now were just 48.5 percent of the total numbers behind bars—a massive disparity, considering that white people outside of prisons made up well over three-fourths of California's population, and a gap that would only continue to widen as the decade proceeded.³²

This narrative of the early years of the War on Drugs emphasizes a few major points that will prove particularly relevant for the case study of Chino's suburbs and their relationship with CIM. First, it demonstrates the exceptional capacity of majority white middle-class suburban communities, who wielded an immense degree of social, political, and economic capital, to successfully push the criminal justice system to bend to its interests and will, often to the detriment of communities that lacked this power. Second, it conveys the perception held by many—in California and the rest of the nation—that the United States was losing the War on Drugs before it had even truly begun, in no small part due to the justice system's perceived “softness.” Historian Matthew Lassiter aptly describes middle-class white youth as being deemed “impossible criminals” by most politicians and law enforcement, even while they were actively breaking the law, and the system changed the goal posts accordingly to accommodate their behavior. However, most tough-on-crime activists saw the arrests of these impossible criminals

³¹ Lassiter, *The Suburban Crisis*; 411, 416; NIDA, *Highlights from Drug Use among American High School Students, 1977-78*; San Mateo County Department of Public Health and Welfare, *Summary Report: Surveys of Student Drug Use, San Mateo County, California*, March 1977.

³² “California Prisoners and Civil Narcotics Addicts, 1983, 1984, and 1985” (Sacramento: Department of Corrections Administrative Services Division, 1986), 70.

as an overreach and misplacement of government power and authority, they regularly demanded harsher and harsher punishment and treatment of individuals and communities they identified as the “real” source of criminality, namely foreign and minority communities in urban locales.³³ As early as 1960, Republican and Democratic politicians alike were claiming that California’s justice system had become a “revolving door” and that Californians were “paying for a whole era of softness towards criminals and crime.”³⁴ The bipartisan consensus of just two decades prior—namely, that the solution to crime was compassionate, progressive reform to prison administration and the provision of services to ameliorate poverty and social inequity—was now seen as the cause of rather than the cure for crime by a broad swathe of the American population. Chino’s “prison without walls” provided a handy and visible symbol for all the issues these “tough on crime” crusaders had with the way things had been done for the past several decades, and it quickly became an easy target for those seeking to make their name as crusaders against crime.

In 1965, an hour away from Chino, in the metropolitan core of Los Angeles from where CIM drew many of its unwilling inhabitants, years of racial injustice, poverty, and police brutality culminated in the Watts Rebellion, which resulted in 34 deaths, over one thousand injuries, over three thousand arrests, and millions of dollars in property damage. Rather than address the systemic inequalities, corruption, and state violence that caused the uprising, as suggested by the state-sponsored McCone Commission report, the Los Angeles Police Department doubled down, expanding their power and increasing arrests. Following the line of thinking championed in that same year by the federally-sponsored Moynihan Report, the

³³ Lassiter, “Impossible Criminals.”

³⁴ Lassiter, *The Suburban Crisis*, 108; Kenneth Hahn, *Los Angeles Times* Press Release, February 16, 1960.

destruction and deaths caused by the riot were quickly reframed and understood by many white families across the United States as the inevitable result of urban Black familial dysfunction rather than as the inevitable result of systemic racism.³⁵ Many white suburbanites who relocated to cities like Chino, regardless of reasons for moving, would come to cite dangerous urban pathology as a key reason for their change of scenery.

A series of incidents around CIM in the late '60s and early '70s exemplified this existential threat to the future of Scudder's dream. Collectively, they demonstrate how local and state media approached their depiction of CIM as an "open prison" more critically over time. Though no one single event in this time period brought about the definitive end to the open prison era in the absence of a sufficiently organized and motivated residential population in Chino, these events contributed to an overall negative perception of this once-utopian vision, laying the groundwork for a larger future population motivated by the "right" incident to one day radically alter the trajectory of the prison's history.

The Escapes of Ronald Beaty

While stories of prison escapes and resisting authority continued to capture Americans' attention in print and on the screen throughout the following decades, these narratives began to attract a different kind of attention in local papers around the Chino area by the 1970s. While it is difficult to pin down an exact moment that the mostly rural valley's residents began to turn against the prison, a key event was the murder of prison guard Jesus Sanchez in the escape of Ronald Wayne Beaty. This incident was not widely reported on and is almost absent from many retrospectives

³⁵ For more on Watts' legacy in the policing of Southern California, see Kelly Lytle Hernandez, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965* (Chapel Hill: University of North Carolina Press, 2017); Max Felker-Kantor, *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD* (Chapel Hill: University of North Carolina Press, 2018).

on the prison's history, which tend to focus almost exclusively on the far more violent, mysterious, and disturbing circumstances surrounding Kevin Cooper's later escape and prosecution. This has led to Beaty's escapes being surprisingly understudied, despite the details and stakes of his attempts being decidedly dramatic. Typically, Beaty's name has appeared only in studies of the radical groups that allegedly assisted in his latter escape, with little attention paid to the conditions at Chino that enabled their strategy's success. This is precisely why Beaty's case is so significant for connecting the unique case of CIM to California prison history writ large, as it helps to explain—in conjunction with the earlier, far more publicized, and much less successful George Jackson escape attempt and Attica uprising elsewhere in the nation—why the lax security measures that were a core part of CIM's reform philosophy would not endure in all of the United States' prisons and why public attitudes towards escape attempts would soon sour.³⁶

Beaty's case is most important for understanding how CIM began to alter its approach to inmate security and control far earlier than many timelines have suggested. Critically, his story connects the history of CIM with the emergence of radical resistance towards not just the carceral state but the entire U.S. government in the 1960s and '70s. Much of the scholarship on the radical prison abolition movement has rightfully focused on the organization of Black men and women in conjunction with the wider Civil Rights Movement, particularly the organization of the Black Panther Party, as well as the highly visible turning point events of 1971 with the murder of revolutionary activist George Jackson at San Quentin and the uprising at Attica

³⁶ Tony Rettman, "The Warriors of a Failed Revolution," *Narratively*, September 30, 2020, <https://narratively.com/the-warriors-of-a-failed-revolution/>; Gregory Cummings, Stephen Sayles, "The Symbionese Liberation Army: Coming Together, 1973," *History Compass* (Blackwell Publishing, June 2, 2011), <<https://compass.onlinelibrary.wiley.com/doi/full/10.1111/j.1478-0542.2011.00782.x>>.

Correctional Facility in New York.³⁷ The still-rural city of Chino itself was physically distant from much of the anti-war, anti-racist, and anti-capitalist counterculture activism that defined much of the state of California in this era, particularly the Bay Area. However, this ethos—and U.S. and California governments’ backlash against it—informed many of the events surrounding Beaty’s escape as well as the media’s reaction to it. Revisiting it allows not just a clearer understanding of why CIM ceased to be an “open” prison; it reveals how and why the case study of Chino is an important piece of understanding California’s wider carceral evolution.

Beaty staged two dramatic and violent escapes from CIM in the early 1970s that attracted media attention across multiple states at the time. In November 1970, Beaty, a white man who had been incarcerated at CIM since 1964, was on his third criminal conviction and was serving a minimum five-year sentence for robbery. He was far from the kind of prisoner who Scudder had envisioned being moved to CIM at its inception, but the changing conditions of the state’s prison system resulted in CIM being forced to make room for him and thousands of other felons. Beaty fled CIM with another prisoner, Leonard Veale, in a car taken from a security guard that they had allegedly paid a \$1,000 bribe to.³⁸ The two escapees claimed that their deal had gone south when the guard, 24-year-old Manuel Vicario, showed up to the rendezvous spot with a “16-year-

³⁷ For more scholarship on the Black radical movement, its movements within prisons, and its aims to abolish policing and incarceration, see Orisanmi Burton, *Tip of the Spear: Black Radicalism, Prison Repression, and the Long Attica Revolt* (Oakland: University of California Press, 2023), Eric Cummings, *The Rise and Fall of California’s Radical Prison Movement* (Stanford: Stanford University Press, 1994); Sadiya Hartman, *Wayward Lives, Beautiful Experiments: Intimate Histories of Social Upheaval* (New York: W.W. Norton & Company, 2019); Newport, *This Is My Jail*; Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition*, 2nd ed. (Chapel Hill: University of North Carolina Press, 2000); Heather Ann Thompson, *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy* (New York City: Pantheon, 2016); Donna Murch, *Living for the City: Migration, Education, and the Rise of the Black Panther Party in Oakland* (California: Chapel Hill: University of North Carolina Press, 2010); Cedric J. Robinson, *Cedric J. Robinson: On Racial Capitalism, Black Internationalism, and Cultures of Resistance*, ed. H.L.T. Quan (London: Pluto Press, 2019) Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition*, 3rd ed. (London: Zed Books, 2020).

³⁸ “Limelight on Chino again: Officials chase slim leads in escape-killing,” *Chino Champion*, October 11, 1972, 1; Jay Thorwaldson, “Venceremos Pair: Nab suspects in guards death,” *Palo Alto Times*, December 12, 1972, <<https://www.newspapers.com/image/840518597>>.

old friend,” Elizabeth Sanchez. Veale allegedly held both of the car’s occupants at shiv-point and forced them to drive to Arizona, at which point they stated that Vicario left the car of his own volition while Sanchez elected to stay. Vicario fully refuted this story, claiming that there had been no such bribe or prior communication, that he and Sanchez were sitting in the car in an isolated spot before being assailed by the two men, and that they had tied up and abandoned him in the middle of the Arizona desert for resisting before he managed to free himself and flag down assistance from passing drivers. In either case, the escape ended with a high-speed chase through the desert that culminated in a crash that hospitalized both the escaped men and Sanchez.³⁹

This was a highly unusual escape story for CIM for many reasons, not the least of which being the escapees feeling the need to either collaborate with or assault one of the prison guards to get off the premises. As former guard Jeff Sweet remarked after Beaty and Veale were convicted of kidnapping the following year, “It’s not at all difficult to escape from Chino, and there have been instances where escapers went over the fence and hitchhiked right up to Central Avenue in plain sight.”⁴⁰ In a vacuum, even if the vast majority of escape attempts from CIM had been nonviolent to this point, Beaty’s and Veale’s actions appeared to subvert progressive penologists’ beliefs that reducing the number of weapons and allowing prisoners to self-regulate would entirely eliminate the risk of violence in and around the prison. Even though all parties involved ultimately survived the encounter, part of Scudder’s earlier promise to the community was undermined by this isolated incident, whose motives initially remained unclear.

This escape attempt may have also contributed, in conjunction with the higher profile killings of correctional officers by George Jackson and the Soledad Brothers at San Quentin prior

³⁹ Ibid., “2 CIM Escapers Convicted on Kidnap Charges,” *The Pomona Progress-Bulletin*, September 19, 1971.

⁴⁰ “2 CIM Escapers...,” *The Pomona Progress-Bulletin*.

to their own deaths, to a two-week picket protest in 1971 by guards at CIM against unsafe working conditions. The guards, members of Teamsters Local 960 but working outside of the official channels established by the union, objected to lax policies towards “inmate discipline” and requested the banning of all “racially oriented” organizations in the prison, including the “Black Panthers, Black Muslims, and Mexican-American groups,” and that all “militant” inmates be removed from CIM.⁴¹ By the time of the guard’s strike, California’s prison population had declined by nearly twenty percent over the previous year alone due to Reagan’s parole policy, reaching the lowest total numbers in over a decade and what should have been the most manageable prison population most of those guards had ever been asked to supervise. However, 48.9 percent of that population identified as either non-white or Mexican, the highest percentage since those demographics began being counted. California’s prisons were on the precipice of becoming majority minority, and the prominence of those “racially oriented” and militant groups reflected those changing demographics, the results more of changing police practices rather than overall demographic trends in the state.⁴² Beaty and Veale were white and were not known to belong to any of those groups at the time of his escape, though Beaty would soon become associated with them as he sought means of avoiding further punishment and regaining his freedom. Despite Beaty's non-political escape attempt offering the most direct example of danger for guards in Chino, it appears that these guards were more concerned with the changing demographics at CIM and the California prison system and how the increasing radicalization and

⁴¹ “Prison Guards Hold Protest,” *San Mateo Times*, September 18, 1971, <<https://www.newspapers.com/image/52057893>>; Bob Smith, “Chino Prison Chief Meets With Guards,” *The San Bernardino County Sun*, 25 September 1971, <<https://www.newspapers.com/image/61438562>>.

⁴² “Table 27A: Ethnic Groups, Percentage Distribution of Male Felons in Prison,” *California Prisoners 1970 and 1971: Summary Statistics of Felon Prisoners and Parolees* (Sacramento: Human Relations Agency, Department of Corrections, Research Division, Administrative Information and Statistics Section, December 31, 1971), 70.

organizing of an increasingly non-white prison population could lead to more mass resistance against incarceration.

These striking guards ultimately did not receive any of their vague demands other than their request for meetings with CIM's newly appointed Superintendent Bertram Griggs, who became the first African American appointed as a warden (or warden equivalent, in Chino's case) in the state of California. Like many of his predecessors at CIM, Griggs came from a background of working in parole, having previously also been California's first Black regional parole administrator. Griggs fit well with CIM's fostered reputation as a leader in racial integration in prisons, and he publicly voiced his agreement with the institution's reform ethos, believing in the importance of staff training to be "sensitive to the feelings and history of minority groups."⁴³ But Griggs would ultimately face more adversity in defending that ethos than any of his predecessors at CIM throughout his decade-long tenure, and the challenges he faced soon exceeded mere complaints from guards about race-based groups in the prison.

The kidnapping charge alone would have kept Beaty behind bars for another twenty years and disqualified him from minimum security eligibility, but he was kept at CIM so that he could stand trial in the local courts for his lesser, more routine escape charge. In October 1972, Beaty was on his way to the county courthouse for this exact process when he launched another escape, this one more successful—and violent. According to eyewitnesses and guard George Fitzgerald, two cars containing four armed assailants drove the state vehicle that was transporting Beaty to court off the road on the corner of Edison and Euclid Avenues, a relatively remote part of Chino a little over a mile north of the prison and the airport and about a mile south of the

⁴³ Smith, "Chino Prison Chief Meets With Guards"; "A Prison Boss Willing to Listen," *The Press Democrat*, March 1, 1972, <<https://www.newspapers.com/image/294312665>>; Don Chaddock, "1971: Griggs was first black warden," California Department of Corrections and Rehabilitation, February 12, 2024, <<https://www.cdcr.ca.gov/insidecdcr/2024/02/12/1971-griggs-was-first-black-warden/>>, accessed 25 May 2024.

aforementioned Mayfair Park neighborhood. The gunmen retrieved Beaty and restrained and shot both of his unarmed guards, wounding Fitzgerald and killing his partner, Jesus Sanchez. This guerilla-style coordinated effort was easily the most extreme instance of armed resistance against the state seen in Chino since its incorporation as a city in 1910, and the subsequent manhunt for Beaty received heavy media attention in a manner that sharply contrasted with the more lighthearted human interest stories of the prior decade's CIM escape stories.⁴⁴

Two months later, Beaty and his romantic companion Jean Hobson were arrested in their car while crossing the Bay Bridge in San Francisco, with multiple firearms in the trunk of his vehicle.⁴⁵ Beaty later pled guilty to being involved in Sanchez's murder, receiving a life sentence with the possibility of parole in just seven years. In exchange, he also named the four who had assisted with the escape, including naming Robert Seabock as the one who had shot Sanchez. These four figures, as well as Beaty and Hobson, had all been members of or affiliated with the Venceremos movement, a radical Maoist group based in Palo Alto.⁴⁶ Venceremos' leadership and the four accused all vehemently denied their involvement, though not without simultaneously insisting that "those in prison should be freed by any means necessary," and further claimed that their group was being targeted by the FBI due to the challenges they had leveled against capitalism, settler-colonialism, and the United States' state-sponsored violence at home and abroad.⁴⁷

Across the state, other communist and radical groups issued statements of support for the arrested Venceremos members and the organization as a whole. Their literature and statements

⁴⁴ "Limelight on Chino again," *Chino Champion*; "Chino officials ignore tip"; "Woman held for aid in escape," *Redlands Daily Facts*, October 12, 1972.

⁴⁵ "Freed in an ambush, Beaty caught in same," *Chino Champion*, December 20, 1972, 1.

⁴⁶ *United States v. Hobson*, 519 F.2d 765 (9th Cir. 1975)

⁴⁷ "Slaying Linked To Radical Group," *The New York Times*, December 24, 1972; Larry Liebert, "Venceremos Role in Chino Escape Denied," *San Francisco Chronicle*, December 27, 1972.

labeled Beaty as a snitch and a conman; far from the long-time radical prison organizer he had claimed to be, they claimed that he had weaseled his way relatively recently into Venceremos' ranks.⁴⁸ While it is difficult to identify for certain how Beaty ingratiated himself into the group from behind bars and the extent to which it involved his personal relationship with Hobson, a great deal had indeed inspired in the nation's prisons in the two years between Beaty's first and second escape. Beaty claimed that he personally exchanged correspondence with George Jackson in the months prior to his killing during an alleged escape attempt from San Quentin in August 1971. While not Black himself, Beaty used the language and ideology of prison abolition that had been increasingly popularized by figures like Jackson and Angela Davis, another indication of the extent to which their writings and ideology had spread in the wings of CIM.⁴⁹ During subsequent trials and examinations, the defense for the accused Venceremos members questioned whether Beaty could really have met the "high degree of political responsibility" required of the group's members, citing the testimonies of other CIM inmates who identified him as being affiliated with the Nazi Party and Aryan Brotherhood while in Chino. In response, Beaty pointed to his correspondence with Venceremos and the information on their safehouses and materials as proof of his membership, explaining his interactions with far-right groups as just one of many actions he had to take in order to navigate the prison environment without being beaten or killed.⁵⁰

Across the state, supporters of Venceremos, opponents of the United States and its prison system, and those who questioned the reliability of Beaty's FBI-friendly testimony protested the trial and formed local Chino Defense Committees to raise awareness and legal funds for the

⁴⁸ "Chino Escape Case," *Winter Soldier*, Vol. 3, Issue 2, September 1973: 10 <<http://www.vvaw.org/pdf/v3n7.pdf>>;

⁴⁹ Rettman, "Warriors."

⁵⁰ Patrick Sheeran, "Escapee admits he pressured others to do his bidding," *San Bernardino County Sun*, May 17, 1973

defense. Tellingly, only one such committee appeared to have been formed in Southern California proper, let alone anywhere near the prison itself: a single outpost in San Bernardino, seemingly connected to student activists at the eight-year-old Cal State campus. The other half dozen were all clustered around the Bay Area, with none of the “Chino” Defense Committees seemingly able to attract any followers or attention in the streets where the deadly escape had actually occurred.⁵¹ Their efforts to stand against the apparatus of the state ultimately failed. The four Venceremos members each received lengthy sentences for the murders, and many other high-profile associates of the group, most notably former Stanford professor H. Bruce Franklin, were arrested and closely investigated for potentially helping to hide and house Beaty during the two-month manhunt.⁵² Within a few years of Beaty’s arrest, Venceremos was no more, though similar groups rose to take their place, most prominently the Symbionese Liberation Army group that gained national infamy for the abduction of Patricia Hearst and later staged their own successful prison break from Vacaville.⁵³ The alleged killer himself, Seabock, was only released on parole in 2018.⁵⁴

It was much more difficult for local papers to put an amusing spin on even nonviolent escape stories in the wake of one turned murderous with potentially revolutionary goals. This was notably conveyed in the pages of the *Redlands Daily Facts*, which embedded a story of another escape from CIM in between two of their updates on Beaty’s prosecution. Henry Rivera Jr. and James Edward McCraw had fled from CIM after allegedly sawing through the windows

⁵¹ “Amerikan Justice in Chino,” *The Pawprint*, October 3, 1973.

⁵² See also Aaron J. Leonard and Conor A. Gallagher, *Heavy Radicals: The FBI’s Secret War on American Maoists* (Winchester: John Hunt Publishing, 2015).

⁵³ Rettman, “Warriors”; Cumming, “The SLA”

⁵⁴ Mike Ramos, “Parole Board approves release of convicted killer Herman Monk,” *Highland Community News*, February 7, 2018, <https://www.highlandnews.net/news/parole-board-approves-release-of-convicted-killer-herman-monk/article_eca74578-0c62-11e8-b35a-eb2ac3f620ec.html>.

of the minimum-security mess hall, but the article contains no jokes about the two men missing a meal, only a cold reporting of their arrests along with the three men who had sheltered them in their Chino home, and the escapees' prior convictions (armed robbery and heroin use, respectively, both more "dangerous" crimes than those most historically common at CIM).⁵⁵ The implications of the placement of this story in relation to Beaty's are clear: Sanchez's murder was not an isolated case of a conspiracy to evade incarceration, the crimes of those caged in Chino were getting more severe than conmen and bad check writers, and CIM's lack of security posed a tangible threat to its surrounding community. Regardless of whether these implied messages reflected the real conditions of Chino in the 1970s, the perceived threat of Communist guerilla warfare breaking out on the still-rural city's sleepy streets was enough to have many local newspaper writers on edge.

Ironically, Beaty's escape did not necessarily reflect badly upon the security measures of the CIM facility itself. The "gang-style" raid to free Beaty had taken place outside of the grounds of the prison; no walls or gun turrets would have saved Sanchez's life. Still, his murder occurred in the prison's surrounding community as he was driven to the court house, both Sanchez and Fitzgerald had been unarmed, and Beaty was able to coordinate his escape despite the dates of his hearing changing throughout the week and the prison being sent an advance tip about the plan.⁵⁶ None of these elements reflected well on CIM's ability to both contain its perceived "undesirables" nor to protect its neighbors from the potential harm that they (or the armed police assigned with recapturing them) could cause. Additionally, stories of the rise of violence inside the prison, including gang-related murders of inmates, likewise continued to spill out to the

⁵⁵ "Two escapees captured," *Redlands Daily Facts*, October 12, 1972.

⁵⁶ "Limelight on Chino again," *Chino Champion*; "Chino officials ignore tip," *Redlands Daily Facts*.

press.⁵⁷ Such examples could have generated wider fear that CIM was vulnerable to further violence that could leak past its permeable borders, leaving the Chino Valley to become a potential battleground for gangs and radical groups seeking to free their compatriots.

Even with the story receiving national news coverage, Beaty's escape did not serve as the tipping point to send CIM into full alignment with the rest of the growing state prison complex.⁵⁸ As previously described, Venceremos was disbanded within a year of the escape due to forces from within and without and thus no longer posed any threat to CIM—or any prison's—continued operations.⁵⁹ There also seemed to be little true mass panic in and around Chino. Beaty's trial was moved to a more secure site outside of San Bernardino, and CIM's superintendent changed security protocols to require guards to possess firearms and radios when transporting inmates, moves that quelled community fears without radically altering the prison's policies.⁶⁰ Within Chino's population, which by 1970 had grown to 20,000 people, there seemed to not be enough numbers of citizens activated and incentivized to protest or put forward mass resistance against CIM's continued operation as a “prison without walls.”⁶¹ However, on the front page of the *Chino Champion*, immediately across from a story reporting on the Beaty murder-escape, another article title suggested a reason for why that environment might soon change: “225 lots in new hill subdivision.”⁶²

⁵⁷ “CIM Inmate Beaten to Death,” *Ontario Daily Report*, October 5, 1976; “Inmate Stabbed to Death at CIM,” *Ontario Daily Report*, May 16, 1977; Mike Balchunas, “Court of Appeals Delays Start of Trial for Three CIM Inmates,” *Ontario Daily Report*, October 8, 1977— all in Vertical File: Prisons, Robert E. Ellingwood Model Colony History Room, Ovitt Family Community Library, Ontario. From Carpio, *Collisions at the Crossroads*.

⁵⁸ It is possible, however, that this event contributed to the reopening of San Quentin. Berger, *Captive Nation*; “San Quentin, Scheduled to Close, Takes on Air of Ghost Town,” *The New York Times*, July 5, 1972.

⁵⁹ Bill Evers, “Venceremos Disbands: Group Localism Blamed,” *The Stanford Daily*, September 28, 1973.

⁶⁰ “Limelight on Chino”; “Bulletproof-glass courtroom site of prison escape case,” *Pomona Progress-Bulletin*, November 27, 1973.

⁶¹ 1980 Census of the Population: Volume 1, Characteristics of the Population: Number of inhabitants, California, United States, Bureau of the Census, 1983, digitized by Google.

<https://www.google.com/books/edition/1980_census_of_population/oh_DVEeUnokC?hl=en&gbpv=0>, 6–14.

⁶² “Limelight on Chino”; “225 lots in new hill subdivision,” *Chino Champion*, October 11, 1972.

Chapter 3: Creating a Suburban Prison

In the mid-1980s, the National Institute of Corrections anticipated that eighty percent of new prison construction could expect resistance from locals. Even the promises of additional jobs to struggling communities, government-sponsored repurposing of derelict buildings, or statistics showing that there would be little change in local crime often did little to convince towns like Putney, VT, Carbondale, IL, and Wasilla, AK, to accept “a project nobody wants.” While the growth of the total prisoner population was obviously the biggest cause for the overcrowding of prisons, this phenomenon of “Do it in the next county” also contributed massively, as it greatly reduced the government’s options for building prisons that were located close to inmates’ families and to necessary services.¹

But the case of Chino was different from that of Putney, Carbondale, Wasilla, and countless other would-be prison towns for one key, obvious reason: the prison was there first. While their rural predecessors had shared some of their apprehensions about the presence of an “open” prison, most of the region’s new residents did not share these farmers’ history with the land and its community. Rather than merely seek to “preserve” their settlement’s former economy and character, those in Chino were attempting to reshape and retrofit land use and government policy to live up to their expectations for what a suburban middle-class lifestyle should look like. The distinguishing factor of CIM’s pre-existence may help to explain the disparity with Martin and Myers’ 2005 finding that the knowledge of a prison’s security measures “had virtually no relationship with crime expectations and safety concerns.”² While

¹ F. A. Silas, “Not in my neighborhood,” *American Bar Association Journal*, Vol. 70, Issue 27 (1984): 27–29; For more on distance and lack of transit’s impact on families, see Carpio, *Collisions at the Crossroads*, 209–218; Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Oakland: University of California Press, 2007), 1.

² Randy Martin and David L. Myers. “Public Response to Prison Siting: Perceptions of Impact on Crime and Safety.” *Criminal Justice and Behavior*, Vol. 32, No. 2, April 2005, p. 162.

they lacked the political power and will to actually remove the prison, Chino residents could campaign for measures that would limit the extent to which their own day-to-day experience would be impacted by the prison's presence. These included improving the prison's security, but they also extended to limiting CIM's population size, physical footprint, and number of inmate visitors, who they identified as largely coming from Los Angeles.³

Martin and Myers' study on prison NIMBYism identifies this final consequence of prison construction as an underreported but potentially critical motivation for community resistance, particularly in more racially homogenous Caucasian neighborhoods where hostility towards other racial groups is commonly observed.⁴ This chapter traces how national and statewide trends in incarceration and in suburban sprawl influenced the changing attitudes of Chino residents towards CIM in the late 1970s and provided a framework for the residents to organize against aspects of the prison's operative models that just two decades before had been politically popular and viewed as a desirable part of a more humane future for American prisons. This history illustrates how a suburban community that mostly identified itself as founded upon the protection of families and family values could come to aggressively oppose policies like open visitation to their local prison, measures that were meant to preserve the nuclear family. This apparent contradiction was supported by the concerted dehumanization of not just imprisoned men but their relatives—and, implicitly and sometimes explicitly, all members of other racial or cultural backgrounds. Once the people of Chino—and the United States at large—identified prisons as inherently dangerous and the *source* of crime rather than the means to prevent it, the ground was well laid for the eventual complete dismantling of Scudder's utopian dream of the open prison.

³ Al McCombs, "City-prison relationship changes," *Chino Champion*, October 7, 1983, Chino Champion Newspaper Archives, 1887–2017.

⁴ Martin and Myers, "Public Response. . . ," 160–161, 163.

Changes to the Carceral State in the 1970s

CIM's transformation from a progressive institution to a more typical medium-security custodial facility coincided with wider alterations to prison administration occurring throughout the state of California beginning in the 1970s. California was among the most eager recipients of federal cash in return for the building of prisons. This enthusiastic participation—especially during Reagan's governorship—was a nationally significant instance of carceral growth. Some scholars such as Ruth Wilson Gilmore attribute the rapid expansion of the carceral state largely to the economic downturns of the 1970s. These economic trends generated a statewide economic recession and a jobs crisis that particularly impacted inland agrarian communities and increased demand for the funds and opportunities that prisons offered. The complicated impacts of this economic restructuring included the shrinking of the welfare state and increased anxieties from the once-secure white middle-class towards both crime and diversity more generally. Importantly for Chino, it also involved the withdrawal of agriculture from irrigated spaces in the Central Valley due to the influence of private finance capital, agribusiness, and suburban sprawl.⁵ Other prison historians—including Volker Janssen, whose work focuses primarily on CIM—further identify the early '70s as an era in which there was a general “eroding faith in community therapy, counseling, vocational training, and correctional industries,” resulting in a strong pivot towards “incarceration and concentration” rather than therapeutic treatment for behavior that the state identified as criminal.⁶

⁵ Gilmore, *Golden Gulag*, 40.

⁶ Volker Janssen, *Convict Labor, Civic Welfare: Rehabilitation in California's Prisons, 1941–1971* (University of California, San Diego, ProQuest Dissertations Publishing, 2005), 535–539.

Economic anxieties and changing land use patterns were hardly the only changes in Southern California that affected the administration of prisons. The Watts Rebellion and other “riots” became a shorthand for citizens, politicians, and police to claim that minoritized racial communities in urban centers posed an imminent threat to public safety, with authorities generally ignoring that increased policing of communities like Watts exacerbated the conditions that caused the uprising rather than address the root causes of systemic inequalities and discrimination.⁷ An increase in convictions and in the length of prison sentences provided a strong push for the creation of more cells to cage an increasingly greater number of people the state sought to incarcerate. These attitudes doubtlessly influenced how these residents perceived the steady stream of prison buses from L.A., the men who stepped off of them, and the prison that promoted a gentler attitude towards reform—and regular visitation from their families.

Once convicted, these men and women would spend much longer tenures behind bars than their predecessors. The Uniform Determinate Sentencing Act of 1976 was one of the most prominent and impactful changes in California’s carceral policy. Implemented in 1977, the year of Scudder’s death, this act signaled the state’s greatest priority shift from rehabilitation to punishment. The act greatly increased the average length of sentences for all non-violent offenders by laying out a determinate sentence for the vast majority of crimes that could not be revisited at a later date by a judge or appeal board.⁸ This law would have been a particular blow to Scudder had he lived to see it enacted. Beyond his own history in parole, part of the initial

⁷ For more on Watts’ legacy in the policing of Southern California, see Kelly Lytle Hernandez, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965* (Chapel Hill: University of North Carolina Press, 2017); Max Felker-Kantor, *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD* (Chapel Hill: University of North Carolina Press, 2018).

⁸ For analysis of the law’s requirements, see Peter Quon and Lillian Lim Quon, “Uniform Determinate Sentencing Act of 1976,” *Criminal Justice Journal* Vol 1, Issue 2, Spring 1977, <<https://heinonline.org/HOL/Page?handle=hein.journals/tjeflr1&id=327&collection=journals&index=>>.

promise of CIM's reform program had been in how annual meetings with Adult Authority motivated the men at Chino to learn new skills and behaviors to be used as part of their appeal for early release.⁹ For many incarcerated men, this plan had never aligned with the reality of their experiences. Several complained that indeterminate sentencing merely strung them along, forcing them to work harder and gather up false hope year after year to appeal to a board that appeared to make its decisions according to their own whims. One member of the Senate Select Committee on Penal Institutions described it as "one of the most ingenious forms of torture that we could have invented to lay on the backs of convicts."¹⁰ Other scholars have noted parole's role in actually increasing the number of those placed in prison in the long term. While parole on the surface offered a method for quickly getting people out of prison and back into "normal" society, the conditions of their parole placed them under increased monitoring by the state and often laid the groundwork for an accelerated return behind bars.¹¹ Now, with the passage of determinate sentencing dramatically increasing prison time for repeat offenders, parole became part of a wider system for keeping more people in prison longer.

Partially because of these new statewide carceral policies, the numbers of the incarcerated people in California exploded statewide towards the end of the century, with African American and Latine communities from nearby Los Angeles comprising over two-thirds of the growing prison population.¹² In almost every way, these trends subverted the idealistic dreams of Scudder and his fellow progressive reformers, and they directly and dramatically

⁹ Kenyon J. Scudder, *Prisoners are People* (Garden City: Doubleday and Co., 1952), 255–261.

¹⁰ Brown, *History of Chino*, 147–148.

¹¹ Sara Mayeux, "The Origins of Back-End Sentencing in California: A Dispatch from the Archives," *Stanford Law and Policy Review* Vol. 22, No. 2 (2011): 529-544.

¹² Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016), 173; Gilmore, *Golden Gulag*, 7; Matthew Lassiter, *The Suburban Crisis: White America and the War on Drugs* (United Kingdom: Princeton University Press, 2023).

affected his former prison. Even with all the new cells being built every year throughout the state, CIM was still faced with housing thousands more inmates than it had originally been designed to hold. The population of the prison, which had mostly held steady around 2,000 since 1950, spiked notably in 1975 to around 2,500, then took off in the early '80s, passing 3,000 in 1981 and 4,000 just two years later. Remarkably, the escape rate did not noticeably increase despite the sudden change, but this did ensure that the total number of escapes began to climb, creating increasing risk of incidents that could negatively impact CIM's relationship with its neighbors and its ability to persist as any form of an "open" institution.¹³

To try to counter this shortage of beds, ranch and farm land was built over for new inmate processing centers and maximum and medium security wings. While some of the old "open" facilities remained and CIM's administrators continued to tout the institution's many job programs, CIM fundamentally changed to the extent that locals eventually claimed it now "looked like your idea of Sing Sing."¹⁴ Due to the reduction of green space, CIM was no longer able to maintain its kinship with the remaining neighboring ranchers, and it increasingly reoriented its labor production to industrial goods.¹⁵ Gymnasiums and lounge rooms built in CIM's early years were converted into new dormitories, diminishing the once-relatively high quality of life for all inmates, regardless of their sentence. These transformations cost CIM the "special status" that it had once been able to claim with some locals as a leader in progressive penology. Chino was becoming a real "prison town." Unlike many of the rural residents further

¹³ Joint Legislative Committee on Prison Construction and Operation, Senator Robert Presley, Chairman, "Conclusions and Recommendations, Investigation and Hearing into the Escape of Kevin Cooper from the Chino Institution for Men on June 2, 1983," (California Legislature, July 22, 1983, California State Archives, B4181, Box 2, 2907, Jt. Comm on Prison Const & Oper, Subject Files, Hearing Files AN: 2003-029), 14.

¹⁴ Al McCombs. "City-prison relationship changes." *Chino Champion*, October 7, 1983.

¹⁵ See Chapter 6 of Brown's *History of Chino* for a complete list of such offerings.

inland who clamored for prison construction to bring jobs and funding to their communities, that was the last thing Chino's new suburban residents wanted.¹⁶

How precisely *all* individual residents of Chino responded to the prison's presence is difficult to track, particularly as its residents had little direct say in how it was administered. During this era of rapid change in California's and CIM's carceral priorities and policies, not to mention equally drastic transformation in Chino's urban landscape, those outside of CIM's barbed wire fences expressed their demands and oppositions in the form of public addresses to local newspapers, rallies, and by voting for politicians who made law enforcement and prison administration parts of their platforms. Attitudes towards CIM expressed in these platforms evolved fairly dramatically from the early 1960s to the early 1980s, going from the benign and celebratory feelings expressed at the prison's Silver Anniversary banquet in 1966 and culminating with outright hostility towards the prison's expansion and even its existence by the early 1980s. Rather than solely reflect how the prison or the city of Chino changed, these transformations demonstrate how CIM's initial "open prison" model had depended upon its distance from residential communities that pathologized certain populations as inherently criminal. Once the prison and the residents were more closely in contact with each other, their relationship soured. As one local Chino writer reflected, "As the city and prison grew, the two became closer physically, but the leadership became more distant."¹⁷

The "open prison" model was ultimately not compatible with the physical and political atmospheres that developed in Chino, in California and across the United States from the '40s to the '80s, which helps to explain why the future of limited prison expansion and improved

¹⁶ "No More Prisons For Chino," *Chino Champion* Editorial Board, April 7, 1977.

¹⁷ McCombs, "City-Prison Relationship Changes."

conditions that Scudder and his allies had envisioned in postwar years ultimately did not come to pass. Suburban sprawl was certainly one of these transformations—few in the 1930s could have predicted just how quickly Chino would move from the periphery of Los Angeles’ metropole to the center of one of the world’s greatest examples of unmitigated, low-density urban sprawl. But another, more significant change in the late 1960s and early 1970s came in how the populations of these suburbs were shaped and determined. The banning of enforceable housing covenants in 1948, the string of civil rights legislation in the 1960s that culminated in the 1968 federal Fair Housing Act and the banning of redlining, and the end of de jure Jim Crow segregation throughout the country largely took *explicit* discrimination towards minority communities out of the mainstream of American politics. However, systemic and individual racism hardly disappeared in this era, merely taking new forms. While many parts of the burgeoning Inland Empire became much more diverse in the following years, barely disguised (and sometimes open) hostility towards the perceived encroachment of other new minority residents remained quite common.¹⁸ Even more common was the use of “color-blind” language and racial dog whistles to speak about and pass policy that harmed largely minoritized (particularly Black and Latine) communities, such as coating discriminatory and punitive carceral practices with “tough on crime” rhetoric while disproportionately arresting, punishing, and incarcerating non-white people. All this is not to say that every instance of Chino citizens protesting about incarcerated people’s friends and family visiting or settling in the city or expressing their unfounded suspicions that their presence increased crime in the city was purely racially motivated. Rather, it

¹⁸ For more on the resistance towards and eventual success of diverse settlement of some Southern California suburbs, see James Zarsadiaz, *Resisting Change in Suburbia: Asian Immigrants and Frontier Nostalgia in L.A.* (Oakland: University of California Press, 2022); Becky M. Nicolaides, *The New Suburbia: How Diversity Remade Suburban Life in Los Angeles After 1945* (New York, NY: Oxford University Press, 2023); Becky Nicolaides, *My Blue Heaven: Life and Politics in the Working-Class Suburbs of Los Angeles, 1920–1965* (Chicago: University of Chicago Press, 2002);

is important to remember that the public perception of criminality and race were (and are) messily intertwined, that the prevailing rhetoric of a supposedly “post-racial” United States contributed to the perception of non-white people as targets of suspicion and potential criminals in spaces like Chino, and that the nation’s continued patterns of racial segregation, income inequality, and discriminatory policing is the result of systemic racism.¹⁹ Scudder himself claimed that prejudice was a major motivator for opponents of CIM in the early 1940s, and it appears that this sentiment continued to inform the opposition towards humane treatment of incarcerated people and their families decades later.²⁰

A series of incidents in the ‘70s, coming in the wake of Beaty’s escape from the prison, provided critics of the CIM open model with examples they could use to support local citizens’ and state officials’ expressed fears that the increase of both free and imprisoned populations in Chino would inevitably lead to disaster. As a result, this era marked a definitive turning point in how local and state media approached its depiction of CIM as an “open prison,” laying the groundwork for the response to a local tragedy that led to a definitive change in how CIM was operated.

Sprawl Meets State Prison: The Growth of Chino

In the *Chino Champion*’s recap of the biggest events of 1972, Beaty’s escape and the accompanying rise of violence at CIM was attributed to “a tougher breed of inmate [...] sent here because of the closing of San Quentin prison and greater use of the probation program which kept those convicted of lesser crimes out of prison.” However, this rise in violence was only

¹⁹ Alexander, *The New Jim Crow*; Hinton, *From the War on Poverty...*; Lassiter, *The Suburban Crisis*; Matthew Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2006); Eduardo Bonilla-Silva, *Racism without Racists* (Rowman & Littlefield, 2003).

²⁰ “The Chino Story,” *Pioneer News*, June 1966.

listed as the second most significant story of the city's year. The most important by far, gracing the cover title of the milestone issue, was the city's "record building spree," which had seen the opening of a 118-bed hospital, a new high school, and many homes and apartments. Construction was already underway for a new public library, and permits for \$18–19 million (well over \$100 million in 2024) worth of new apartments were already issued and construction was in progress.²¹

In spite of the prison and park's limitations on the land that was available for conversion to suburban subdivisions, Chino's population exploded in the late 20th century. As demand for housing continued to increase, this "open" space was viewed by many as "the solution to Southland sprawl," and developers increasingly invested in building housing in the region.²² Their efforts were assisted greatly by Chino's own locally elected officials, who adopted the city's first ever general plan in 1969 as part of a wider effort to boost the profile of their municipality. This plan stated their desire to transform the region's rural character into a residential and suburban one that would align closer with the desires of those already flocking to the region while simultaneously making their city more attractive for further development and growth.²³ In 1960, Chino counted a population of 10,305; a decade later, that had nearly doubled to 20,411; a decade hence, that number nearly doubled again to 40,165, with 9,318 married-couple families comprising the vast majority of the city's 10,909 households.²⁴

²¹ "Record building spree tops Chino news in '72; Beaty pleads guilty to charge of murder," *Chino Champion*, December 29, 1972.

²² Gregory, "Sleepy Chino Hills Stirring to Boom Talk."

²³ City of Chino Hills General Plan, 2015, 7, <<<https://www.chinohills.org/DocumentCenter/View/11275/General-Plan---Final-approved-by-CC-2-14-15-4-21?bidId=>>.

²⁴ 1980 Census of the Population: Volume 1, Characteristics of the Population: Number of inhabitants (California.. United States, Bureau of the Census, 1983). Digitized by Google, 6-5, 132.
<https://www.google.com/books/edition/1980_census_of_population/oh_DVEeUnokC?hl=en&gbpv=0>.

The biggest obstacle to the city government's desire for a suburban transformation was, in many respects, the state of California itself. At the time of the first Chino general plan's creation, the state owned the largest single parcel of land in the city in the form of CIM, all of which had to be zoned as "urban reserve" with the city's boosters powerless to further develop or change the use of the prison and its many acres of surrounding farmland without the sale of the land by the state. Future editions of the general plan, including the current edition adopted in 2006, all describe this reserved land in terms that clearly convey the desire to see it one day opened for purposes besides the incarceration of Southern Californians, with instructions to immediately develop a new master plan for the parcel in the event of any change in land use.²⁵ The opportunities for municipal planning and guided development were further limited in the late '70s, when thousands of acres to the south of the city were designated as a state park; this space would continue to expand over the subsequent decades, as the park purchased additional lands from neighboring ranchers. The Chino Hills State Park now covers over 14,000 acres and contains some of the last vestiges of the region's appearance and character from before the construction of CIM.²⁶

Both the prison and the state park offer examples of contested spaces between the state and municipal government's desire for land use in the region. It bears noting, however, that Chino's government was limited in its ability to control land use not just due to the policies of Sacramento but also due to the organization of locals with their own interests. Starting in 1977, a citizens' group called Hills for Everyone campaigned and petitioned the state for nearly seven years to have the land that comprised the State Park set apart in order to preserve the quiet rural

²⁵ "Introduction," Chino General Plan: 7, "Land Use," Chino General Plan, 35

²⁶ "California State Park System Statistical Report: Fiscal Year 2009–10," California Department of Parks and Recreation, 2011.

character they found desirable in the place they found home.²⁷ Many of the members of this group were not residents of Chino proper; rather, they lived in unincorporated land to the southwest of the city in a community known as Chino Hills. This area was not subject to Chino's municipal oversight and developed its own identity. Many who settled in Chino Hills were not first-time suburbanites but rather those seeking a community that still held some of the rural characteristics and attributes that were increasingly becoming harder to find in Greater Los Angeles as sprawl encompassed the hills and valleys. One such group included the young Ryen family, which moved to Chino Hills from Santa Ana in 1975 to breed Arabian horses.²⁸ As Chino Hills built more of a community around a desire to preserve a rural character in the face of increasing sprawl, its residents also expressed a desire to distance themselves from the city of Chino and its prison, resisting annexation and writing to local papers about their distaste with being associated with their incorporated neighbor.²⁹ Even in matters of conservation and preserving green space for public enjoyment, concerns about the nearby presence of a carceral site influenced local residents' land use priorities and decisions. Despite the desire of Chino Hills residents to distance themselves from their prison town neighbor, the region's story would soon be inextricably and tragically tied to CIM's with the murders of the Ryens.

In fitting with the historic nationwide demographic trends of suburbanization caused by mortgage redlining and other discriminatory housing policies and practices, by 1980 the majority of Chino's families (26,691 of 40,165 residents) were non-Spanish white, though there was a sizable Hispanic population (10,742) as well. Notably, of the 1,859 Black residents of Chino, the

²⁷ Ibid.; "About the Park," California State Parks, accessed May 19, 2024, <https://www.parks.ca.gov/?page_id=21973>.

²⁸ Cooper, *Scapegoat*, Ch. 2

²⁹ McWilliams, "Chino and Its Prison Image," *Chino Champion*, June 17, 1983. <<https://www.newspapers.com/image/103940767/>>.

Census only counted 317 women, a stark gender imbalance that suggests the majority of the city's Black population was incarcerated at the men's prison, a number that aligns with the proportion of Black men in the California prison system at that time.³⁰ By the 1980s, the imprisoned men in CIM shared Chino's hills and grasslands with thousands of new white middle-class families. The corner of Euclid and Edison where Ronald Beaty escaped and Jesus Sanchez was killed, a location that was considered a fairly remote rural road just a few years prior, was now much closer to the rapidly expanding core of a growing city.

The growth of suburbs around CIM did more than simply relocate residents closer to the prison itself; the new subdivisions brought the politics of the suburbs with them. Taken as a whole, Chino residents did not vote overwhelmingly for any particular party, at least not any more or less than those in the rest of the state. Indeed, the region largely matched the rest of the state in statewide elections; San Bernardino County voted for the winner of every gubernatorial race from CIM's founding in 1941 up to 2002, whether Democrat and Republican.³¹ While Chino's citizens likely reflected the wider trends in suburban California politics observed by other scholars, including the rise of more hardline conservatism in the 1960s, little indicated that there was anything partisan about how they organized and voted.³² The unifying influence on the region's voting habits was not political party, but rather their general consensus around the

³⁰ 1980 Census of the Population: Volume 1, Characteristics of the Population: Chapter C, General Social and Economic Characteristics, Part 6 (United States, Bureau of the Census, 1983). Digitized by Google, 6–63 <https://www.google.com/books/edition/1980_Census_of_Population_Volume_1_Chara/iC6VsDji5s4C?hl=en&gbp v=0>; “California Prisoners and Civil Narcotics Addicts, 1983, 1984, and 1985” (Sacramento: Department of Corrections Administrative Services Division, 1986), 70. For more literature on discriminatory housing practices, see Rothstein, *The Color of Law*.

³¹ Voting results accessible through California Secretary of State or US Elections Atlas (uselectionsatlas.org). These voting records are listed by county and lack demographic breakdowns prior to the 1990s, at least available on the official California Secretary of State website.

³² For more on California's conservative wave, see Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001).

values of the suburban middle-class: homeownership, safety, and strong law enforcement.³³ San Bernardino County voters overwhelmingly supported laws and motions like Proposition 184 that were meant to increase incarceration and be “tough on crime.”³⁴ The reasons for this fit with many other suburban communities throughout the United States, as examined by other scholars: the very existence of their *sub*-urban community identity—not to mention maintaining their property values—was partially based upon Chino’s predominantly white middle-class residents clearly distinguishing themselves as separate from the image of a predominantly non-white urban core from which many of California’s incarcerated were drawn.³⁵

The fact that Chino’s residents increasingly lived closer to the prison as the region became more populated meant that they had to interact with and directly witness the results of mass incarceration more directly than many other middle-class communities, for which prisons and the people caged in them were typically out of sight and fully out of mind. To many of Chino’s white suburban residents, the prison had to exist to preserve their way of life and the continued growth of the city—in addition to the jobs and labor the prison provided, state per-capita funding for the inmates and privileged land extensions alleviated many of the municipal government’s financial burdens.³⁶ Still, Chino residents consistently expressed that the prison should operate in a form that would bring them into as little contact with its inmates—and their visiting families. Local editorials offered a few different justifications for trying to keep the

³³ Mike Davis, *City of Quartz: Excavating the Future in Los Angeles*, 2nd Ed. (London, New York: Verso, 2006), 153.

³⁴ “Supplement to the Statement of Vote- Results of the November 8, 1994 General Election, Statewide Summary by County,” 102, <<https://elections.cdn.sos.ca.gov/sov/1994-general/ssov/measures-statewide.pdf>>, accessed March 9, 2020.

³⁵ For more on suburban identity politics in Southern California, see Eric Avila, *Popular Culture in the Age of White Flight: Fear and Fantasy in Suburban Los Angeles* (Oakland: University of California Press, 2004); Davis, *City of Quartz*, Lassiter, *The Silent Majority*; *Sunbelt Rising: The Politics of Place, Space, and Region*, Ed. Michelle M. Nickerson, Darren Dochuk (Philadelphia: University of Pennsylvania Press, 2011).

³⁶ “No More Prisons,” *Chino Champion*.

prison more secure, some more tangible than others. They pointed out that the responsibility for re-apprehending escapees often fell on local law enforcement, and that crimes committed by CIM inmates both inside and outside of the prison often wound up in local courts. These extra burdens on the civic legal bureaucracy, they argued, took energy and attention away from their own responsibilities to those who were voluntarily growing Chino's population. Other complaints were more abstract, suggesting that the presence of men who had previously committed crimes in the prison would eventually result in such vice spilling out into their own "safe" communities.³⁷

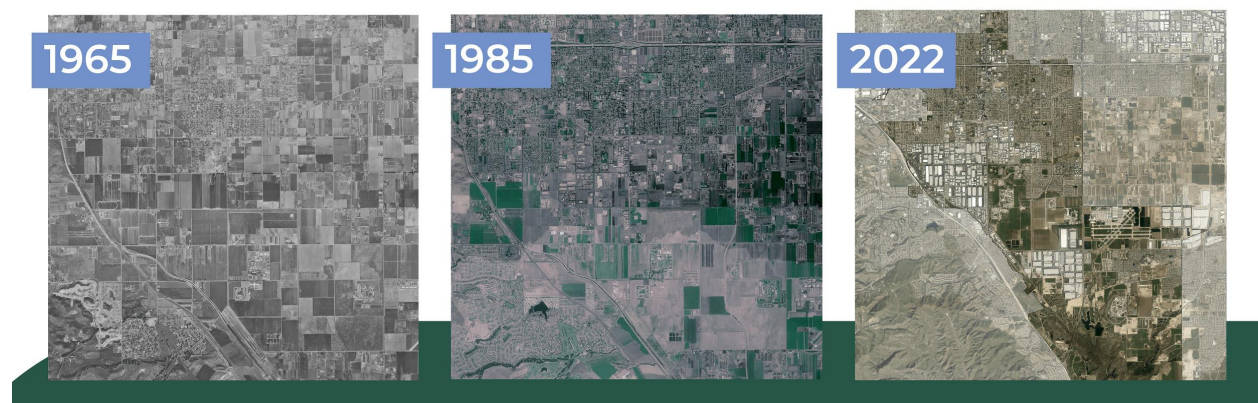


Figure 6: Aerial photos depicting Chino's continued development southward towards CIM over the decade. CIM sits in the center south of each image. Source: City of Chino General Plan Update, accessed May 26, 2024, <<https://www.cityofchino.org/575/General-Plan-Update>>.

Similar concerns about crime encroachment had been present in the Chino area since the opening of the prison; Scudder himself wrote of several encounters with concerned citizens groups in his early memoirs, though he claimed that simply meeting with these local farmers was sufficient to calm their concerns.³⁸ However, the civic community that he interacted with in the

³⁷ Ibid.; "The white elephant goes nuts," *Chino Champion*, February 16, 1973, 8; Harvey Feit, "Ayala seeks probe of Chino-area gangs," *The San Bernardino County Sun*, July 10, 1976.

³⁸ Scudder, *Prisoners are People*, 199–200.

1940s was radically different from the one that had continued to grow exponentially in the post-war years. The infrastructure of the new suburban neighborhoods further encouraged the organization of these white middle-class families to oppose the creation of new facilities and the importation of new inmates. Over the next decade, local attitudes towards the prison became increasingly apprehensive, with many residents opposing every addition to the prison's size and population. To express their concerns and exert political pressure, concerned parents gathered in their children's new parks and in the auditoriums of their public schools, which had ceased to send their teachers to the prison by the late 1970s.³⁹ The local newspaper, the *Chino Champion*, increasingly ran editorials protesting the prison's expansion and calling for new policies that would better safeguard citizens' homes, some which were now being built on the southern hills in direct view of the prison.⁴⁰ Ironically, despite the local residents' frequent cries of "no more prisons," the idea of prison abolition never gained real popularity amongst the suburban population. The cry for "no more prisons" was really one for "more prisons, but somewhere else." At bare minimum, it was a literal call for "no prisoners in my *literal* backyard," calling for the installation of far more stringent and visible security measures than had been the norm in Chino for the past several decades to prevent the escapes men like Scudder had once viewed as inevitable and necessary.⁴¹

"No Prisons In My Backyard" is a fairly unique form of NIMBYism, but it conveys a great deal about how certain residents of Chino thought about the prison in relation to their own lives and the challenges it presents to an institution like CIM. Prison NIMBYism shares much in

³⁹ McWilliams, "Angry Crowd...", 3.

⁴⁰ "No More Prisons," *Chino Champion*.

⁴¹ Chino residents were hardly the only suburban community to complain about prison administration they deemed to lax, nor were they the only people who complained about CIM. Alan Stang, "Liberals Destroy Prison Rehabilitation," *The Sunday News and Tribune*, Jefferson City, MI, September 15, 1974.

common with other forms of “NIMBY” or “LULU” (“Locally Unwanted Land Use”) ideology, in that “the activity [incarceration] is widely supported while the facility to do it is opposed locally.”⁴² There are, of course, a few key differences between opposition to a waste dump or power plant and opposing a prison. While the viewing of many services as “essential” is certainly a political choice, anti-prison NIMBY rhetoric frames fellow human beings—both those incarcerated and those loved ones who come to visit them—in the same terms as literal garbage or waste: unpleasant at best, lethal at worst, and undesirable in any sense. This attitude was nevertheless embraced not just in Chino but in many middle-class towns throughout the United States, likely helped along by rhetoric that demonized and criminalized minority urban populations.

One notable *Champion* editorial that presented a firmly anti-CIM stance was released in April 1977, a year where the nation’s prison population had just reached an all-time high of roughly 275,000, a tally that would nearly sextuple over the next thirty years.⁴³ This editorial was written in response to a long-rumored proposal to create a second facility on the CIM campus, this one a maximum-security block with 1,200 beds that would be administered separately from the low security CIM, bringing the total incarcerated population of the city up to 3,500.⁴⁴ The editorial decried this expansion and begged legislators to oppose it on behalf of the citizenry. Interestingly, it did so by appealing to the history of the prison, reflecting back on Scudder’s original vision and presenting a utopian view of the experiment, in which the remote location of

⁴² D. J. Lober, “Why protest? Public behavioral and attitudinal response to siting a waste disposal facility” *Policy Studies Journal*, Vol. 23, 1995, p. 499–518. Martin and Myers. “Public Response to Prison Siting,” 143–171; Anna Silver, “The Prioritization of the Prisoner Community Versus the Host-Community in the Relocation of Utah’s Draper State Prison,” CLOSUP Student Working Paper Series, No. 39 (University of Michigan, 2018).

⁴³ “Criminal Justice Facts,” The Sentencing Project, accessed March 4, 2022. <<https://www.sentencingproject.org/criminal-justice-facts/>>.

⁴⁴ Other oppositions to expansion had come years earlier, when the underused Youth Training Center was eyed as an alternative site for multiple uses. “The white elephant goes nuts,” *Chino Champion*.

the prison facilitated a symbiotic relationship with its non-incarcerated neighbors. “The prison itself was in a country area, well away from Chino’s postwar residential growth. It was staffed with people who lived in Chino and became involved in community life. The school district worked hand in hand to establish an education program for inmates, who in turn helped Chino social agencies with equipment repairs and items for the needy.”⁴⁵

Rather than identify the present clash as the result of the encroachment of suburban settlement in the Chino Valley, however, the newspaper identified the origin of local resentment towards CIM as the growth of the carceral complex and its inability to manage its own size. The paper denounced the relocation of the women’s prison in nearby Corona and the growth of existing CIM facilities, correctly blaming the increase in the prison population for the seeming boom in escapes in the 1960s that culminated in the death of Sanchez. Subsequent increases in security, the writer then claimed, failed to manage the number of “inside murders” in the prison and distanced the connection between the town and CIM by bringing in outside guards rather than hiring locally. The “new breed of toughened criminal,” it suggests, lowered property values as developers “refused to advertise their new tracts as being in Chino” even as they “came in closer to the prison grounds, so they were no longer so isolated.” Though Chino’s residents remained mostly safe, the paper now claimed that the city was now widely known as a dangerous place to live, affiliated with gangs, riots, members of the Manson clan, frequent escapes, and oppressive construction of new prison infrastructure.⁴⁶ While “the prison lands were incorporated into the city to give us the benefits of state per capita funding,” this left dysfunction to be

⁴⁵ “No More Prisons,” *Chino Champion*.

⁴⁶ Chino’s Youth Training School, another juvenile facility referenced in the 1977 “No More Prisons” editorial as a sight of an “infamous” riot and a source of local gang activity like tagging, is mentioned in a 1978 brief on prison gangs leaking into the local community distributed by the Board of Corrections. Brian Khan, “Prison Gangs in the Community: A Briefing Document for the Board of Corrections,” (Sacramento, CA, Department of Corrections, June 14, 1978), 26, 37, 74.

handled by local and county law enforcement and courts. “CIM was no longer a model institution with worldwide interest, but just another prison with facilities ranging from minimum to maximum [...] Chino doesn’t need more of this.”⁴⁷ Ironically, this criticism of the prison’s impact on the city’s crime rates and budget coincided with a local effort to boost police officers’ hours and arrest rates, which Chino’s police chief claimed resulted in a 29 percent decrease in property and violent crime but would not be sustainable without further investment into the force.⁴⁸

This community criticism of the prison’s impact on the city stands out for a few reasons. It conveys that, by the late ‘70s, Scudder’s CIM’s experiment in progressive penology had already come to be regarded as a well-intentioned failure. However, this failure was not necessarily judged to be the inevitable result of all efforts to reform criminality, racially desegregate the prison population, or provide job training to those convicted of crimes. Rather, the failure was blamed on the perceived spatial and administrative “realities” of running such an institution in Chino in the 1970s. This narrative suggested that an open, reform institution *could* work, but only if the incarcerated population was carefully tailored to a size and temperament that could ensure a distant but cordial relationship with its unincarcerated neighbors. Such a harmonious symbiosis was impossible with a growing number of suburban residents paired with a large population of “toughened criminals” rather than the prison’s old cohort of “placid con artists and bad check writers,” language that some in and around Chino interpreted as referring to a population that was becoming increasingly urban and non-white.⁴⁹ It was thus the fault of

⁴⁷ “No More Prisons,” *Chino Champion*.

⁴⁸ Bob Sweetnam, “Police crackdown in Chino results in crime rates drop,” *Pomona Progress Bulletin*, May 25, 1977, <<https://www.newspapers.com/image/70202392/>>.

⁴⁹ “No More Prisons,” *Chino Champion*. While few of the local newspapers made explicit references to race as a concern by the 1970s, the presence of white supremacist groups at the trial of Kevin Cooper indicates that at least some white residents in Chino and elsewhere were outright hostile towards Black people, particularly those

either the state or the criminals themselves (the editorial doesn't quite identify which) for not adjusting to meet the requirements for CIM to successfully function along the parameters for the open prison to operate "properly," *not* the fault of new homeowners who were seeking to reshape the character and composition of their neighbors.

In addition to "toughened criminals," gang members, and other categories of criminal that were categorized according to increasingly racialized language, Chino citizens grouped the "mentally ill" in with this group of undesirable inhabitants. When the Department of Corrections proposed to repurpose the Youth Training School, a juvenile detention facility that directly bordered CIM, as a medical facility for the mentally ill in 1973, Assemblyman John V. Briggs stated that such a use would be "grossly unfair to the City of Chino and the surrounding area." His argument rested on the changing demographics of the region. "Chino has worked hard to make progress and grow. It has accepted over the years its fair share of correctional facilities, but I feel it is unfair to put additional facilities out in Chino. [...] I personally would prefer to see the facility put to use as a school or something which would have greater benefit for the community."⁵⁰ Put more bluntly by another *Champion* editorial: "So good old Chino was tabbed to take the mentally ill criminals, on top of everything else. [...] Mentally sick inmates are particularly adept at escaping, and escapes have already caused the community an enormous headache. Then there is the reputation that goes with being identified with a nut house [...]"⁵¹ These responses convey the growing lack of patience among certain members of the public with loose prison security, the physical presence of government institutions that didn't seem to directly service their interests, and even with their city's name being affiliated with those judged

convicted of crimes and incarcerated at CIM. Ramon Coronado, "Cooper linked to hatchet at the sight of slaying," *San Bernardino County Sun*, November 10, 1983, A-4.

⁵⁰ "Briggs opposes new use for YTS prison," *Chino Champion*, February 16, 1973, 3.

⁵¹ "The white elephant goes nuts," *Chino Champion*.

to be divergent from their own values of morality and health. More than a rejection of *prisons* and *hospitals*, these protests were a rejection of poor, disenfranchised, and neurodivergent *people* from consideration as part of Chino's community.

Narratives like these shifted blame for all the alleged problems caused by the prison's presence to those they imprisoned and to the distant legislators in Sacramento who chose to put them there, rejecting those who lived in CIM against their will from being considered true or worthy members of the city's citizenry. From a distance, this harsh rejection and apparent fear of Chino's imprisoned population seems entirely misplaced and even somewhat strange when compared to the attitudes of other California prison towns of similar size in more rural settings. Free Chino residents outnumbered incarcerated ones 10-to-1 by the mid '70s, and the growth of their community was keeping pace even with the exploding prison population.⁵² State per capita funding, if functioning as designed, should have boosted the number and quality of courts, police officers, and other public servants in Chino to deal with any additional burdens incurred by the prison. Likewise, for a bedroom community that exports much of its labor, population, and capital during the workday, the presence of a population that lives, works, and contributes to the local economy would seem ideal. CIM being blamed for encroaching on local homes seems especially egregious; the prison's borders remained unchanged from its creation in 1941, and the physical footprint of a dormitory with 1,200 extra beds was considerably smaller than the equivalent number of beds in single-family homes or even apartment complexes built elsewhere all around Chino. Yet all these alternative possibilities for how to view and integrate the prison into the life of the wider community are largely absent from Chino editorials and political statements. Instead, citizens and local officials focused on framing big government and violent

⁵² 1980 Census, Volume 1, Characteristics of the Population: Number of inhabitants (California.. United States, Bureau of the Census, 1983); M.V. Ryan, "California Prisoners"; Feit, "Aya la seeks..."

crime and precarious real estate values as the biggest obstacles to suburban harmony even as subdivisions sprawled closer and closer to an increasingly overcrowded prison facility whose growth was predicated on their own political choices regarding law enforcement.⁵³

It is extremely difficult to measure the extent to which these examples of local press coverage and editorializing captures the broad public reaction to CIM's presence among Chino's growing suburban population. Data-driven studies of prison NIMBYism in other locales identify that the "overall levels of fear and resistance" can be—and often are—much lower than what the visible public resistance might otherwise suggest. Martin and Myers' study in rural southwestern Pennsylvania suggested that only fifteen percent of their survey respondents actually believed that crime would increase if a prison was built close to them, that more than half believed that changes in their daily lives would be minimal, and that the "pocket of resistance" towards prison construction was shaped more by apprehension towards family visitors to the incarcerated than the incarcerated themselves.⁵⁴ This may suggest that the resistance to prisons, open or not, was more of an indicator of just a very vocal anti-prison minority and a mostly apathetic majority with mild concerns than one of outright animosity towards the prison's presence.

Yet even if anxiety over the prison's presence and its open security history was not universal or strongly felt among Chino's citizens, they were feelings mirrored by those in power who represented them, who demonstrated through their policy making and campaigning a belief that being tough on CIM would help to win political support in Chino and the broader San Bernardino County. Ruben S. Ayala was, in many respects, Chino's favorite son. Born in the city in 1922, the grandson of Mexican immigrants had worked in the beet fields of Chino as a boy.

⁵³ "Despite Empty Beds, Chino's CIM Loaded," *Ontario Daily Report*, October 25, 1978, in Vertical File: Prisons, Robert E. Ellingwood Model Colony History Room, Ovitt Family Community Library, Ontario. Carpio, *Collisions at the Crossroads*.

⁵⁴ Martin and Myers, "Public Response. . . ," 163–164.

He departed as a young man to attend college and serve in the U.S. Marines during World War II, and by the time he returned to his hometown, the state had purchased and repurposed those same beet fields to build CIM. Ayala explored careers as a repairman and insurance salesman before ultimately entering politics, a field in which he became something of a trailblazer. Ayala became Chino's first elected mayor in 1962, joined the County Board of Supervisors four years later, and lost a Democratic primary battle for a congressional seat in 1972. In 1974, he became the first Mexican American to be elected to the California State Senate in over half a century, a seat that he would hold until term limits were implemented in 1998.⁵⁵

A dedicated centrist, Ayala positioned himself as a pro-labor politician with conservative social values.⁵⁶ This position, combined with his lifelong association with Chino and prior political connections to CIM and other prisons in San Bernardino, such as the California Institution for Women (CIW) in Frontera and the California Rehabilitation Center (CRC) in Norco that brought thousands more incarcerated people to his district, led Ayala to frequently make political gestures towards him being tough on crime both before and after conviction. In 1976, he asked the state attorney general to “investigate Chino area prison gang activities and drug trafficking” after two members of the Our Lady of Guadalupe Catholic Church’s anti-vandalism patrol, Manuela Cortez and Ignacio Padilla, were gunned down in a neighborhood he and local papers identified as a “barrio.”⁵⁷ These patrols had been instituted due to the increased amounts of drug users who were seeking to use the church’s once-open bathrooms, one apparent

⁵⁵ Ruben Ayala, *Up From Second Street: The Autobiography of California State Senator Ruben S. Ayala* (Chino Hills, CA: Ruben S. Ayala Research Center Library, 2005); Elaine Woo, “Ruben S. Ayala 1922–2012: Legislator Made A Mark,” *Los Angeles Times*, January 7, 2012, AA6.

⁵⁶ Ibid.

⁵⁷ Mike Tullius, “Search for killers pressed,” *Chino Champion*, May 26, 1976; “History/Historia,” Our Lady of Guadalupe, Chino, CA, <<https://www.ourladyofguadalupechino.com/history-historia>>, accessed February 8, 2023.

sign amongst the citizenry that crime was increasing in the city.⁵⁸ Ayala offered one explanation for this rise, claiming that “a number of reliable sources,” mainly current and former guards and other employees at these prisons, had told him that “former prison gang members are remaining near the state institutions” for the purposes of moving drugs through the prisons’ porous borders.⁵⁹ Ayala and his allies identified CIM as especially vulnerable, pointing out that the open visitation policy that Scudder had so proudly promoted, particularly the outdoor picnics glorified in *Prisoners are People* and *Unchained*, brought close to 10,000 people “in from the streets” in a given month and presented a clear opportunity for drugs and other contraband to be smuggled through loose security disguised in everything from picnic baskets to baby diapers.⁶⁰ The idea that those drugs could come from middle-class, suburban, and majority white streets was not even suggested; rather, “the streets” were presented as a distant, amorphous, and racialized danger artificially drawn from the distant cities that interfered with the realization of a suburban dream.

Ayala’s complaints were refuted by the superintendents of CIM and the other prisons. While it was impossible to *ensure* the control of contraband and all measures of security in and around the prison, they all claimed that there was little evidence suggesting that the activity had increased in recent years, or that such trade was directly tied to the murders of the church security.⁶¹ Additionally, after the city declared a day of mourning for their deaths, commemorating them as martyrs for their faith, and police arrested multiple suspects, their

⁵⁸ Data on crime reporting suggests a moderate increase in violent crime and a relatively steeper increase in property crime across the state from the 1960s to 1990s. However, the manner in which crimes are reported and counted change over time due not just to the on-the-ground experience in a community caused by a variety of factors, but also by the evolution in policing and law. In any case, the specific numbers for property crime in Chino prior to 1999 are not readily available. Hinton, Gilmore; Elliot Currie, *Crime and Punishment in America* (Picador, 2013)

⁵⁹ Feit, “Ayala seeks. . . ”

⁶⁰ Feit, “Ayala seeks. . . ”; Scudder, *Prisoners Are People*, 157–162.

⁶¹ Feit, “Ayala seeks. . . ”

murders ultimately went unsolved. These investigations not only failed to bring justice or answers for the victims' families, but also failed to draw any solid connection between the violence in the "barrio" and prison gang activity, with the Attorney General eventually dismissing Ayala's claims of prison gang activity spilling outwards into the community entirely.⁶² Despite this, Ayala's posturing against prison crime continued to draw from many tropes of prison NIMBYism, suggesting that allowing open and direct contact between those incarcerated in the state's prisons and their loved ones attracted undesirables into the community.

Prison visitors being blamed for the church murders further suggests that unsubstantiated fears of this population was not necessarily exclusive to newly arrived white middle-class communities. Crucially, this opposition may have been shared by some members of Chino's working-class Latine community, who shared apparent concerns over violence being "imported" into the communities that they had built. Notably, Our Lady of Guadalupe's parish and its surrounding "barrio" neighborhood represented one of the relatively few parts of Chino that well predated the founding of CIM. Worshippers had been conducting services locally since at least the late 19th century, and the parish's first church was built there in 1903, before the city was incorporated. The subsequent steady growth of Chino led to the church building being demolished and rebuilt multiple times over the following decades; the most recent iteration, built in 1954, was mostly constructed by the parishioners themselves, most of them skilled Mexican artisans who engraved their names into the very stones of their church.⁶³ Their opposition to the prison potentially carried even more weight than those who had just moved into Chino's new

⁶² "Martyrs remembered," *Chino Valley News*, May 17, 1978; "Prison issue- Pros and cons," *Chino Champion*, September 2, 1977, 10.

⁶³ "History/Historia," Our Lady of Guadalupe.

subdivisions, as it suggested that the prison may have been guilty of more systemic issues regarding security and policing that had escalated since its founding.

However, the local newspapers did not quote the parishioners themselves as being in opposition to the prison and its open policy, nor does the current memorial to the victims on the church's website mention the prison at all.⁶⁴ It is possible that members of the rural working-class Mexican population of Chino were not entirely against the prison continuing to operate as it had for the last forty years; as Chino's demographics transformed with the advent of sprawl, Ayala would likely have cared more about the majority of his electorate, now composed of newcomers to the city. One cannot rule out the possibility that Ayala and his allies were potentially trying to use the publicity around the murders and sympathy for the innocent victims of a local crime to rally further opposition to a project they opposed: namely, the state's ownership of a large and increasingly valuable chunk of the city's land. Judging just by his public stances alone, it appears certain is that Ayala believed that there was a general animosity among both Chino's general citizenry and by those employed by the Department of Corrections towards a criminal element they perceived as being drawn to their growing city by the prison's presence, a state that was foisting an undesired land-use on their city, and leadership they believed was not doing enough to keep them safe. Even when Chino mayor Bob McLeod and Police Chief Gerald Doyle suggested the following year that they were ambivalent towards the expansion of the CIM population and building of new facilities in "empty land" that the state already owned, believing that such changes were unlikely to increase crime or Chino's existing reputation as a "prison town," Ayala joined with the Chamber of Commerce and a growing contingent of anti-prison activists in expressing opposition to any expansion at CIM. Ayala

⁶⁴ Ibid.

argued that the expansion would do no good and that it was well past time the rest of the state started shouldering some of the “burden” of incarcerating criminals.⁶⁵

The local Chino community’s concerns about crime “leaking” into their community conveys the extent of their fear of CIM’s incarcerated population, but it doesn’t appear to point to an actual threat to the overall health and safety of the community. However, conditions inside of CIM *were* worsening—not to the risk of the new suburban emigrants, but to the incarcerated population and their guards. Residents of Chino often had little contact with the inside of their city’s prison, and the perspectives and wishes of those in CIM’s cells received little space in newspapers outside of the facility’s fences. Within them, however, incarcerated men attempted to forge community, assert their limited agency, and in some cases merely survive in worsening and steadily more crowded conditions. While this case study is primarily concerned with the administration of CIM and the pressure placed upon it by the voluntary citizens of Chino, it bears considering how these incarcerated men responded to the changing environment around them, both to recognize their central role in this story as those both directly affected by these policies and to understand how the state and Chino’s local political actors sought to limit their speech and freedom.

“What Do You Think?”: Imprisoned Californians Respond to Changes

These myriad and oft-used sources for justifying moral panic—race, religion, class, mental illness and, of course, crime—compounded in the 1970s with the pursuit of political power, financial opportunity, and land in the Chino Valley. Each contributed to a public discourse that became more and more opposed to CIM’s very presence in Chino, even if that presence had

⁶⁵ Sweetnam, “Chino expansion plan draws fire.”

helped to grow and support the city in the first place. But how rooted in the reality of conditions inside the prison were these growing fears? What did the men imprisoned within CIM think of their neighbors, if they thought of them at all? And, most critically, how did they attempt to respond to the rapidly changing conditions in CIM and throughout the California prison system, and were they successful in enacting any change themselves? To partially answer that, we can look more deeply into the prison's own publications—and, often more tellingly, observe which subjects that would have been of immediate interest to many of those imprisoned at CIM are mostly missing from the archival record.

How did those incarcerated in CIM respond to Beaty's escape, let alone the accompanying changes in prison security and the local community's feelings towards the prison and its promotion as an "open" institution? How did they respond to increases in gang violence, assaults, and murder within the prison? How did they feel about the guards and the prison's mission, and did they believe that it was actually being carried out. The archive unfortunately muddles and obscures the answers to these questions. It would be immensely helpful to this project to better understand the extent to which the issues that served to rally Chino citizens against the operation of CIM as a prison without walls—concerns over increased levels of violence, radical gang and political organizing, or the intent to commit crimes outside of the prison's borders—were actually present within CIM at the time. It would likewise be advantageous to know if there were other issues present within the prison that were not reported on by local press, or whether the incarcerated population expressed their own negative opinions about their neighbors. There is certainly a great deal of scholarship about prison communities and organizing in this era that gives valuable insight into what this community was likely expressing and enduring, but there is relatively little directly speaking to what those in CIM

directly experienced, particularly regarding whether conditions under earlier, more progressive and “open” reform policies were truly superior or preferred to what succeeded it.⁶⁶ Future scholarship will hopefully continue to shed more light on these and other issues, but a critical reading of what is available in the archive from people imprisoned at CIM and other California prisons in this era assists in tracing how the harsher custodial policies pushed for by those outside of the prison impacted the lives of those within. The gaps in that record likewise demonstrate the limits of incarcerated people’s agency to push back against narratives propagated against them, particularly in the moments where the carceral state’s security seems most tenuous.

The California State Archive has preserved dozens of copies of CIM’s *Pioneer News* from the years 1945–46, 1966, and 1977, but has no issues from the time of Beaty’s incarceration, escape, and trial, nor does it have any coinciding with high-profile killings within the prison. The archive contains dozens more issues of other California prison newspapers, mostly from the late 1970s and early 1980s and notably cutting off in 1982. Titles include *The San Quentin News*, *The Folsom Observer*, *The Vacaville Star* from the California Medical Facility, *The Hilltopper* from the California Correctional Institution at Tehachapi, and *The Mountaineer* from the California Correctional Center.⁶⁷ None of the physical copies of these newspapers mention Jackson’s or Beaty’s radical and deadly response to the conditions of incarceration, nor do any contain records of the later escape of Kevin Cooper, which so dramatically altered the image and operations of CIM. Few of them speak openly on any issue that reflected most poorly on the publishers of the newspapers and the owners of said archive. To

⁶⁶ See Orisanmi Burton, *Tip of the Spear: Black Radicalism, Prison Repression, and the Long Attica Revolt*, (Oakland: University of California Press, 2023).

⁶⁷ All located within Folders F3717:1832–1859: Institutional Publications, 1945–46, 1960, 1966–70, 1976–82, Department of Corrections Records, California State Archives, Sacramento, CA.

fill in the gaps, in absence of oral interviews with those who worked and lived in CIM in the early '70s, we are left to rely on the voices of those from other California carceral sites and to make limited use of Sadiya Hartman's methodology of critical fabulation.⁶⁸

These gaps in the institutional record are likely only partially related to deliberate state censorship of incarcerated voices. In many, if not most cases, their absence is potentially more indicative of state indifference for them. The dusty boxes that hold copies of these prison newspapers at the State Archive in Sacramento contain few issues of any publication from the 1940s, none at all from the 1950s, and barely any from the early 1960s, the time periods where public hostility towards therapeutic penology, job training, and rehabilitation were at their lowest. While issues from the early '70s that may have contained commentary on Angela Davis, George Jackson, Attica, and other landmarks of radical prison resistance are glaring in their absence, as are any from right before and entirely after Kevin Cooper's escape, the majority of the preserved issues come from between those eras, and some do contain outright critiques of the prison system. If the earliest issues of *Pioneer News*, with their records of intramural baseball scores and physical descriptions of the men entering and leaving incarceration, were indicative of its content through the next several decades, it would make more sense to explain their exclusion as merely a lack of interest on the state's part in preserving more than a sample of their inmates' written labor. If censorship was the priority, Scudder and other superintendents could have simply exerted greater editorial control or banned publication of unfavorable articles altogether. The format of *Pioneer News*' "Silver Anniversary" edition, written almost entirely by CIM and

⁶⁸ Sadiya Hartman, *Wayward Lives, Beautiful Experiments: Intimate Histories of Social Upheaval* (New York: W.W. Norton & Company, 2019); Melanie Newport, *This Is My Jail: Local Politics and the Rise of Mass Incarceration* (University of Pennsylvania Press, Inc., 2022). For more on prison newspaper publications more broadly, see also Russell N. Baird, *The Penal Press* (Evanston: Northwestern University Press, 1967); James Morris, *Jailhouse Journalism: The Fourth Estate Behind Bars* (Jefferson, N.C.: McFarland, 1998).

DOC staff and a single imprisoned editor, an extremely pro-CIM writer Johnny Urdaban, suggests that the former approach may have been taken during some eras or for key issues.⁶⁹ Perhaps the few dozen inmates who comprised these papers' active readership would have desired to save a copy they were featured in or contributed to, but the paper the newspapers were printed on likely was more valuable for other purposes than reading the words that were printed on it. Those "missing" issues likely joined countless other pieces of bureaucratic detritus in CIM's paperwork files that were cleared out and disposed of every ten years.⁷⁰

If all of those missing newspapers only contained sanitized propaganda meant to support the prison complex, their absence from the archive would not matter a great deal for discerning the thoughts and beliefs of their incarcerated journalists. Yet even from the earliest available issues of *The Pioneer News*, glimpses of critique and resistance jump out in the editorial section. One early edition features on the front page an inmate's ruminations on how his incarceration was more the result of the socio-economic conditions of the world outside the prison than any personal failing. Published under the title "What Do You Think?", author "C.H." poses in its opening sentence, "Do you advocate a world government which will truthfully foster, direct, and maintain the best economic conditions possible among all the people of the world?" While relatively meek in its tone and lacking any explicit calls for revolutionary activity, this passage does itself pose an existential challenge to the wider mission of CIM and progressive penology

⁶⁹ Contributors to the Silver Anniversary include Scudder himself, Supervisor of Education E. Baeurmeister, Librarian A. Oppenheim, and Chaplain H.L. Duncan. The only other incarcerated contributors are Sam Hardy, who reports on the Alcoholics Anonymous meetings, and R.C. Foster, who reports on some of the correctional industries. *Pioneer News* Silver Anniversary Edition, June 1966.

⁷⁰ This is common practice in many state archives, including carceral sites, which has presented an additional challenge for this type of research. See Melanie Newport, *This Is My Jail: Local Politics and the Rise of Mass Incarceration* (University of Pennsylvania Press, Inc., 2022), 30.

as a whole, implicitly questioning the efficacy and even morality of attempting to solve crime by altering people's behavior rather than abolish capitalism.

“We have the wealth of the Bible and many other vast stores of history to guide us in forming an honest, human, and efficient economic system. Are we to admit we do not possess the intelligence necessary to formulate such a system? Or must we admit there are other reasons, principally greed, hindering such a program? [...] Shouldn't we advocate profit-sharing in all enterprises? [...] One final disturbing thought: What should we *do* about how we feel and think?”⁷¹

This editorial's published presence even in the highly sanitized pages of the *Pioneer News* serves as evidence that at least some of the men incarcerated at Chino did not buy into Scudder's utopian ideals for an open prison, in contrast to his attempts to portray a near consensus of approval in *Prisoners are People* and *Unchained*. However, it is also an anomaly in the context of the available preserved copies of *Pioneer News* from the 1940s through the '60s, published before the more popular rise of prison-based activism and a more explicit embrace of communism and Black and Brown radical thought as potent ideologies of resistance. Any impact this editorial may have had was also likely evened out by others written by imprisoned men (or, perhaps, an overzealous “editor” employed by the prison) touting the value of rehabilitation and offering advice for how to make the most use of it. “Planning for the future,” one such anonymous reporter suggested, “can be both the incentive and the blueprint to success. It should be doubly important to one who finds himself incarcerated at present as a result of past mistakes.”⁷² These messages were coupled with announcements for church services and Alcoholics Anonymous meetings, updates on intramural sports scores, and screeds from Scudder himself, all serving to make the papers of early CIM more of a means of job training and pacification than a forum for education, organization, or robust debate.

⁷¹ C.H. “What Do You Think?”, *Pioneer News*, August 3, 1946: 1–3.

⁷² “Editorial,” *The Pioneer News*, July 27, 1946, 5.

The copies of other California prison newspapers from the late 1970s and early '80s preserved in the State Archive do appear to convey more of the incarcerated men and women's authentic voices. The issues of *Pioneer News* are generally more passive in tone than *The Hilltopper* and other publications regardless of the era, but the differences in the later editions of *Pioneer News* are striking when compared with the issues from three decades prior. Beyond the cleaner typeface and replacement of sketches and cartoons with photographs, the front page of the January 1977 edition of *Pioneer News* boasts proudly of the prison's second Kwanzaa celebration. The second page includes an editorial/humor column from con man Joe Seide, "Hi-Lites and Seide-Lites" describing an encounter with Supervisor of Correctional Education F.L. Tyson, who insists on reading and approving of everything published in the "prison paper" before it is put to print. The descriptions of Tyson as an "Ole Grizzly Bear" who can't read and inclusion of various crude jokes at his expense imply that he hasn't actually committed to the process, though they do confirm that the prison staff at least made some effort to censor and shape the paper.⁷³ Later issues include times for Mormon, Jewish, and Muslim religious services in conjunction with the Protestant and Catholic offerings of thirty years prior, updates on classes on Black and Indian culture, an article about a "Soul Day," a celebration of Mexican Independence Day, and an interview with Richard Pryor following a well-received prison stand-up performance.⁷⁴

The March 1978 issue of *Pioneer News* is the most explicitly political, containing on its front page a critical rebuke of the Determinate Sentencing Law reprinted from a San Luis Obispo

⁷³ Joe Seide, "Hi-Lites and Seide-Lights," *The Pioneer News*, January 1977. For more on Seide, see his obituary in the *L.A. Times* in which the author speculates that he probably is not dead. Al Martinez, "King of the Con Men," *Los Angeles Times*, May 17, 1994.

⁷⁴ "News in Brief: Mormon Services, Jewish Fellowship," *The Pioneer News*, January 1977; "Islamic Banquet," "Nas-Nu-Dihaa (round-up) Indian Culture Group of CIM," March 1977; C.J. Walker and Duke Richardson, "Richard Pryor Special," September 1978.

public defender and an open letter from National Council on Crime and Delinquency Milton Rector to the Attorney General about the law's inefficacy. "I am compelled to write because I am fearful that, in an effort to control crime, the country is about to make decisions that will set it back generations. [...] At this time, our jails and prisons hold more than 500,000 people, a greatly disproportionate number of them nonwhite. Five years ago, there were 200,000 fewer inmates. The jump in imprisonment does not reflect more crime; it reflects a more punitive attitude." Accompanied by a host of other statistical analysis of the trends in American incarceration that would only continue to worsen over the next decades, this letter is in many ways a stunning document to see featured on the front page of a publication whose ultimate editorial control laid with the officials of the state who implemented these policies, let alone a newspaper founded by progressives who did not predict that this growth in incarceration was possible in their lifetime.⁷⁵ That said, in the case of CIM, it is conceivable that the Superintendent and others in positions of authority may have *agreed* with the stances of these two critics, particularly as this boom in caging was already creating serious logistical problems for the Chino prison.

While *Pioneer News* still appeared to be largely shaped by prison staff, some newspapers from other California prisons appeared to offer their incarcerated populations more of an actual voice, crediting more of the journalists by name and offering a forum for them to outwardly criticize their own prison officials rather than distant Sacramento politicians. A *Vacaville Star* issue from 1982 likewise contained updates on new sentencing laws and policies that would interest and apply to its readership. It also contained an obituary for Daryl, who died suddenly of a heart attack from playing basketball; author Eric Martin openly blames the prison staff for

⁷⁵ Milton Rector, "An Open Letter to Attorney General Griffin Bell," "S.B.42, A.B.476- State Public Defender," *The Pioneer News*, March 1978. This issue also contains a significant article about scuba diving ("Divers Education- Is It Worthwhile?"); more on that later.

giving him delayed and unhurried medical treatment and reports that one of his family members died from the shock of his death, but acknowledges that “For once, the Chicanos, Whites, and Blacks all got together for a common cause” to raise money for his family. Other articles from paper editor Vic Diaz contain open protests against the prison’s policy of requiring cellmates to report on each other, stating that it creates a potentially dangerous atmosphere of distrust in the prison, in addition to criticism of the sentencing of one Norman Rice of a crime by a judge after he had been cleared by a jury of his peers and of the violent manhandling of inmates by prison staff. This poor treatment was reflected throughout the issue by cartoons depicting the prison staff as violent and needlessly cruel, with one bringing an “upside-down cake” to a man strung up by his ankles.⁷⁶ Not all issues of the *Star* were as focused on criticizing the prison; some included attempts to foster community, celebrating Juneteenth with an ironic recap of the holiday’s history of emancipation with a bitingly sarcastic “Y’all take care” as a sign-off.⁷⁷

The *Star*’s apparent freedom to criticize its prison directly appears to have come largely from Diaz, who was renowned enough for his no-nonsense confrontation of the state to warrant mentioning in other prisons’ papers. In the first edition of *The Mountaineer* published in Susanville after a brief hiatus and retooling, new editor Jeffrey M. Williams thanked Diaz for his work resisting censorship and decided to reprint a recent editorial from the *Star* in his own paper as a tonesetter. In it, *Star* associate editor Bob Collins lays out how the paper was dedicated to ending the existing system of censorship that had resulted in the firing of staff at *San Quentin News* by taking them to court. He identifies that “the Administration is afraid the penal press is securing too much power—or are they afraid that some truths might come out. [...] Most editors

⁷⁶ T. Abdullah “Law Update,” Eric Martin, “The Fallen Soldier,” Vic Diaz, “My Brother’s Keeper,” *The Vacavalley Star*, Feb-April 1982.

⁷⁷ Jerry Robinson, “Juneteenth Celebration,” *The Vacavalley Star*, June-July 1981.

are chosen for their stability and common sense and would call for unity within the prison masses. Then again, maybe the administration doesn't want that popularized either..."⁷⁸

While this increase in permitted free speech in prison newspapers did not wholly remove censorship from the prison staff, it does suggest that there may have been reasons why copies of the *Pioneer News* from the time of Beaty's escape—or Kevin Cooper's, or any major escape—were not sent to the State Archive in Sacramento or not preserved in the following years. It is possible that the men at Chino and elsewhere *did* write about Beaty and their feelings about his escape and Sanchez's murder, and that what they wrote embarrassed or scared the staff enough to prevent it from being preserved or even published in the first place. It is also reasonable—though not certain—that the printing presses may have been shut down as a preliminary measure as soon as Beaty escaped with Venceremos, out of the fear that the exchange of ideas through the written word that had enabled his deadly flight would prove equally dangerous if it was permitted through the forum of *The Pioneer News*. Or perhaps the papers did continue to be printed, only devoid of anything notable, from a mention of incident or resistance to something truly unique and memorable, to warrant anyone saving. Or perhaps a fellow prisoner did write of Beaty, of the newly armed guards, of their apprehension of CIM becoming an even more dangerous place to be, and of the injustice and unfairness of all conditions of incarceration, and those issues were just thrown away or eaten by moths or sit in a dusty box in a forgotten corner of some archive waiting to be dug up.

We have little to go on to know how those men in CIM responded to the changing world around them. We have far more written by their neighbors on the other side of the fence that—at least for a few more years—formed a somewhat permeable barrier between the CIM and the

⁷⁸ Bob Collins, "Censorship: An Analysis," *The Mountaineer*, reprint *Vacaville Star*, November-December 1980.

growing city of Chino. It is unknown how many copies of the *Champion* or other local papers made their way to readers in CIM, nor do we know how any of those potential readers responded to them or if they even cared about the growing hostility for their presence. It is also uncertain—but more likely, based on the other papers contained in the archive—whether or how often *Pioneer News* shared more radical and critical writing from other prison newspapers as part of an effort to build a wider community of the written word. What is certain is that prison newspapers provided a forum for many behind bars to form community, organize, and vocalize their dreams of a better future. Doubtlessly many at CIM did all this and more in other forums as well, from their religious and political groups to their interpersonal relationships to their correspondence with friends and family outside the prison. But any dreams these men may have had of a more equitable society or even just improved prison conditions went unrealized in the immediate future, while those outside the prison sought a radically different outcome for CIM and prisons like it.

Planning the End of the Open Era

The history of CIM in the 1970s is more crucial to understanding the ultimate fate of Scudder's "open prison" than any era before or since. While Cooper's escape and trial and the murders of the Ryen family would receive the most media attention and ultimately be blamed for the downfall of Scudder's dream of progressive, reform-based penology, those two incidents may not have even been connected in the public imagination were it not for the groundwork laid in the 1970s. When Ronald Beaty's escape at the beginning of the decade resulted in the killing of a prison guard in broad daylight, the incident certainly received media attention, but the prison was not subjected to the public reprisals and condemnation that it received a decade later following a

horrific crime that was less definitively connected to CIM's presence and operations. The groundwork laid in order to produce this completely different outcome was contingent upon changes in the general view towards prisons and the imprisoned observed in almost every level of American government, society, and urban design in the preceding four decades.

On the state and federal level, the increase in policing and incarceration of the poor and racial minorities had undermined CIM's ability to operate as efficiently and relatively nonviolently as progressives had envisioned and propagandized that it could have. Forced to act as a processing center for the mass caging of urban Angelenos of color and incapable of being selective in both the hiring of its staff and the selection of its prisoners, CIM's superintendents and officers were dealt a hand that Scudder and his allies could not have possibly managed. Though it well predated the wider prison system that was beginning to develop throughout California and the rest of the country, one of the few concepts pioneered by Scudder that would actually be adopted by many of these new prisons was the system of prison labor used to manage California's interior environment for settlement.⁷⁹ In most other areas, CIM had little choice but to fall in line with the directives from "up top" that were shaping how prisons operated throughout the state and country.

In this respect, the case study of Chino in the 1970s casts an important light on the way in which the rise of mass incarceration was reshaping the operations and even philosophy of American prisons. It equally demonstrates the consequences of suburban reconfiguration in California and, to a lesser but not insignificant extent, the nation as a whole. As the expansion of the state's freeways enabled the transformation of Chino from sleepy rural backwater to a center of sprawling suburban development, free residents of the city and region sought to establish

⁷⁹ For more, see Volker Janssen, *Convict Labor*.

more local political, economic, and cultural control. The breadth of these settlers' development, in many cases shaped by the same car dependency, economic priorities, and desire for the American middle-class nuclear family dream that drove suburban sprawl across Greater Los Angeles and the entire country in the postwar era, itself shaped the politics of Chino residents, leaders, and developers who were left to compete with the state for increasingly limited land. While other communities may not have featured as specific a symbol of the paradoxical politics of the American white middle class in the 1970s—in favor of law and order and an increase in police power, but against its presence in their communities or having to themselves pay for the consequences of it—the contradictions could not have been more apparent in Chino.

Finally, more than an apt metaphor for the state of the country, the increasing difficulty CIM had with dealing with its neighbors served as another potential explanation for why California increasingly built its prisons far from major metropolitan areas and their accompanying sprawl.⁸⁰ To accompany this boom in incarceration, the legislature ratified the construction of twenty more prisons throughout the state starting in the late '70s, especially in its economically-depressed Central Valley, allowing state and local politicians to convey that they were offering new jobs to suffering regions while also being “tough on crime.”⁸¹ Beginning in the 1980s, these prison administrators steadily increased their security protocols, eventually culminating in the creation of the state's first supermax prison in Pelican Bay in 1989.⁸² This had the further effect of decentralizing the concentration of California state prisons further inland and away from major population centers. The Chino Valley, nicknamed by some as “Prison Valley” due to possessing three state prisons (CIM, the California Institution for Women in Corona, and

⁸⁰ Gilmore, *Golden Gulag*

⁸¹ Gilmore, *Golden Gulag*, 2, 68–69, 88.

⁸² Keramat Reiter, “Reclaiming the Power to Punish: Legislating and Administrating the California Supermax,” *Law and Society Review* Vol. 50, No. 2 (June 2016), p. 484–518.

the California Rehabilitation Center in Norco), increasingly became just another part of a much larger system. Crucially, the announcement of so many new, far-away prisons, in far greater numbers than Scudder had predicted a few decades prior, doubtless opened up the possibility for Chino residents to realistically imagine a CIM-less future for their city for the first time as California's former governor assumed the presidency and a new decade began.

The dream of an “open” prison in Chino had already ended by the time that Kevin Cooper was first incarcerated there. CIM was still a minimum security institution focused on job training, but almost every other element of Scudder's original vision—its open gates, its college-educated and unarmed staff, its agrarian character and focus, its shared Christian values, and *especially* its small population of exclusively short-term minor offenders—were all gone. Now all that remained was for the very memory of CIM's initial vision to join those who were caged in it, out of sight and ignored by the outside world. And in the months before anyone in California knew the name “Kevin Cooper” or any residents in Chino actively feared being murdered in their homes, Senator Ayala joined forces with an ambitious senator from the Bay Area. Together, they sought to end CIM's reform era, at first not by stoking public resentment against the prison's presence and open security, but against its management and the very idea of criminal rehabilitation.

Scudder died soon after the Determinate Sentencing Act was passed, following a long battle with pneumonia. He had worked in prisons for half a century and remained fairly active in the public sphere late into life, even well into retirement. He wrote two books, *The Twenty Billion Dollar Challenge* and *In Durance Vile* about the importance of reform and rehabilitation, particularly for young people.⁸³ Shortly after his passing, one obituary in the *Chino Champion*

⁸³ Paul Spitzzeri, “Kenyon J. Scudder, the reformer first warden of the men's prison in Chino,” *Chino Valley Champion*, January 15, 2022; “Kenyon J. Scudder” Obituary, *Anaheim Bulletin*, September 28, 1977; “First

reflected on the complications of his legacy, suggesting that the ideas that had once seemed so revolutionary—the idea that prisoners should be treated as people, that non-violent offenders shouldn’t spend long behind bars, that rehabilitation should be prioritized—had become so commonplace as to be rendered nearly invisible: “The type of men he so carefully selected for Chino no longer stay in prison long, if at all. The type of offense they commit now usually gains them probation, or a quick parole.” This was, of course, not true—imprisoned men were becoming increasingly dehumanized in overcrowded facilities, many sentences for non-violent offenses could not be appealed or shortened, and many rehabilitation programs had been cut. However, the author of this piece went a step further, likewise suggesting that Scudder’s dream had been corrupted or become misused by the late ‘70s, commenting that the “tough breed of violent criminals” now in Chino benefitted from the “fruits of Mr. Scudder’s campaigning for more humane treatment,” perhaps undeservedly. He further remarked on the symbolic resonance of Scudder’s old house on the grounds, converted upon his retirement into the Kenyon J. Scudder Education and Resource Center, no longer serving as a classroom for college education but rather as a space for conjugal visits.⁸⁴

In 1972, five years before his death, Scudder published his second autobiography, *Between the Dark and Daylight*, reflecting on his pre-Chino life working in youth reform schools in Preston and Whittier. While far less successful and circulated than *Prisoners are People* had been at the height of his popularity, when a total revolution in prison administration seemed just over the horizon, this reflection was far more sobering. In this last document, Scudder barely

Superintendent Kenyon Scudder, Nationally Known CIM Pioneer, Died,” *Chino Champion*, September 30, 1977; Kenyon Scudder, Kenneth Beam, *The Twenty Billion Dollar Challenge: A National Program for Delinquency Prevention* (Putnam, 1961); Scudder, *Between the Dark and the Daylight* (Bancroft Library, 1972).

⁸⁴ “The Legacy of Kenyon Scudder,” *Chino Champion*, September 30, 1977.

even mentions Chino, but he continued to openly critique how prisons typically operated just as he had at the start of his career, lambasting the political cronyism and lack of professionalization that had cost him his job in Whittier. “There is no protection in punishment purely for punishment’s sake,” he insisted. “It’s an expensive and unrewarding philosophy, because under its grim program too many boys and girls emerge worse off than when they entered.” More prophetically, one of Scudder’s last musings pointed towards the likely trajectory of prisons in the nation and the state. “Thousands of experiments have been tried, and many for a time have proved successful. Then some unfortunate thing happened, and in our fears we discard the new and return to the old system.”⁸⁵

⁸⁵ Scudder, *Between the Dark and the Daylight*, 373–374.

Chapter 4: The End of a Prison Without Walls

For decades, CIM's ability to operate as an "open" prison had faced both pragmatic and existential challenges. In the 1980s and '90s, the Southern California papers that had chronicled CIM's unique history through the lens of its relationship with its free neighbors began to write the obituaries for the "prison without walls". Numerous publications produced articles reflecting on the four decades of the prison's history, how its administrators had fought to keep it a reform institution rather than a mere site for human punishment and caging, and how that legacy had been essentially wiped away. These observers tended not to focus on the experiences of those who had actually been imprisoned and "reformed" there, but instead lingered on the quasi-tragedy of Kenyon Scudder's progressive penology, mourning how the late reformer's dream of a gentler form of criminal rehabilitation had been unable to outlive him.¹ Different journalists and commentators had different takeaways about what the significance of CIM's history would be for the future of American prisons, but they all more or less agreed on the cause of the "open" institution's demise: the escape of Kevin Cooper from CIM and his conviction for murdering a Chino family in their own home.

This chapter will address the case, though not in extensive detail. The Kevin Cooper escape and trial has been well documented and speculated upon by many others in the decades since, and the truth of exactly what happened the night four people lost their lives and an eight-year-old boy was orphaned will likely never be known.² What is known is that CIM's tenure as an open prison did not end in response to the killings of Christopher Hughes and Douglas,

¹ McCombs, "City-prison relationship changes," 7; Hurst, "Penology Experiment Fades..." *Los Angeles Times*; McWilliams, "Chino and Its Prison Image."

² O'Connor, *Scapegoat*; "California Has Wasted Enough Time on Kevin Cooper," *Criminal Justice Legal Protection*, March 2004, <https://www.cjlf.org/deathpenalty/CooperReview.htm>; Nicolas Kristof, "Is an Innocent Man Still Languishing on Death Row?", *The New York Times*, January 23, 2021, <<https://www.nytimes.com/2021/01/23/opinion/sunday/kevin-cooper-dna.html>>.

Peggy, and Jessica Ryen, as contemporary observers had believed and promoted. Cooper's escape and conviction was not nearly as clear a point of transformation as observers believed or claimed that it was, but just the most sensational flashpoint in a long enduring struggle to alter the prison's administration and its place in the changing landscape of the Chino Valley.

If Cooper's escape and the Ryen family's murders were not the reason for the end of the open prison era—and if the “open prison” had long ceased to be fully “open,” and if large parts of it remained largely unaffected by his escape—why did so many observers write postmortems on Scudder's vision after Cooper's conviction? Much of the blame lies with the media circus that preceded it, which drew off popular tropes about the imprisoned population that open prison opponents in Chino and across the country had developed for years. This coverage of the story, which assumed the guilt of a Black imprisoned man for a horrendous and senseless crime without a trial and treated all convicted men as potent future threats to public safety, had an incalculable impact on how the free residents of Chino and the surrounding area perceived their increasingly unwanted neighbor. The horror of these murders was successfully used by local politicians and activists who had already been opposed to CIM's presence and operations to activate many citizens, most of whom had tolerated or even ignored the prison for the past forty years, against a now-seemingly imminent threat to their way of life. This chapter traces how this terrifying incident of seemingly random violence provided opponents of the CIM with a more immediate example of the potential dangers posed by a large “open” prison being located near a growing middle-class suburb. Guilty or not, Cooper provided a visible scapegoat that tapped into the anxieties of a citizenry preoccupied with the threat of violence and urban decay, a citizenry that fought tooth and nail across the country to lock away anyone who even looked like they

might be involved in a practice that threatened their way of life.³ In Chino, this threat of “urban crime” spilling into their “safe” communities felt more tangible with the direct presence of the prison and escapees who could be blamed for a wide range of real and imagined dangers.

This moment may not read as a critical piece of United States history. It is the origin story of a mid-sized suburban city in a country with no shortage of them, shaped by a response to a land use that relatively few of these locales directly deal with—at once too small scale and too niche. Yet these two traits—the suburban setting and the unique presence of a large-scale prison—are precisely why the stories of Chino and Chino Hills are worthy of study. Increasingly, the history of the suburbs is the history of where the majority of Americans live, and while few suburbanites engage so directly with prisons, they do vote in the political system that creates these sites. The story of Chino Valley’s grassroots organizing to claim more direct control over how their local prison demonstrates the extent to which local politics can have far-reaching impacts, especially in regards to their contributions to shaping the United States’ current form of mass incarceration. These residents’ protests against CIM’s continued operation as any kind of “open” reform institution were part of a larger quest to attain more means of local control to resist state intervention in the world they sought to build for themselves. In many ways, their political actions would shape the direction of incarceration and local city politics in California and the U.S. up to the modern day.

Committees Question the “Open” Prison

In spite of all of the growing backlash among Chino’s populace towards the continued presence of an open prison in their backyard, relatively few residents ever actually advocated closing CIM

³ Matthew Lassiter, *The Suburban Crisis: White America and the War on Drugs* (United Kingdom: Princeton University Press, 2023).

outright. Most knew that making such a request would be a fool's errand, especially in the early 1980s. The federal and state governments' push to incarcerate was too overwhelming, and closing the facility would have only exacerbated the problems of overcrowding in other facilities. More than that, the truth was that CIM was too tied up in the very fabric of the city of Chino. The prison was—and remains—among the largest single providers of jobs in the city, and its presence brought in a substantial amount of per capita state funds to the city and community that even its most fiscally conservative leaders would be loath to surrender.⁴ More importantly, the construction of a physical barrier could not sever the mental association that had formed between the city and the prison over the past half-century. Those not intimately familiar with the state's bureaucratic nomenclature were unlikely to even know that the prison was called “the California Institution for Men”; most publications referred to it as “the prison in Chino” or, even more commonly, simply “Chino.”⁵

This association with CIM may have been unavoidable, but it still did not sit well with many of Chino's free residents. Relatively few worked at the prison themselves; while prison guards were paid well enough to afford to live in the Chino Valley in theory, “the solution to Southland sprawl” sought to attract more middle-class professionals who would be commuting to jobs closer to the urban core without expanding the size of the prison and the number of jobs it offered. Workers in Chino had an average commute of thirty minutes, while Chino Hills averaged closer to forty.⁶ Those displeased with the city's continued association with the prison

⁴ “No More Prisons For Chino,” *Chino Champion Editorial Board* (April 7, 1977, Chino Champion Newspaper Archives, 1887–2017), <<https://champion.newspapers.com/image/98429249/>>; “Major Employers in Chino.” One appraisal by the Department of Collections suggested that CIM brought \$40 million in funds to Chino; Bryce White, “State Plans To Build New Prison Opposed; Chino Residents Live With Fear, Anger,” *The Fresno Bee*, July 5, 1984.

⁵ Al McCombs, “Return to prison,” *Chino Champion*, September 17, 1993.

⁶ 1990 *Census of Population, Social and Economic Characteristics, California*, “Summary of Labor Force and Commuting Characteristics,” 41, <<https://www2.census.gov/library/publications/decennial/1990/cp-2/cp-2-6-1.pdf>>.

persisted in expressing their displeasure with the institution in the same way they had for decades: forming citizens' groups and writing to the local papers. New residents expressed their dismay that their friends elsewhere in Southern California assumed that they had been convicted of some crime when they said they had moved to Chino, a sentiment that they believed would give real estate developers and local businesses pause.⁷ In 1976, a riot and mass escape attempt at the neighboring Youth Training School juvenile facility, likely conveyed to residents an overall breakdown of order and control at both facilities and in the city at large, considering most press described the breakout as the "Chino prison riot."⁸

These feelings extended to their elected representatives: As early as 1976, Councilwoman Eileen Carter had put forward proposals that the name of the prison be changed to a numerical designation, claiming that the "C" in CIM was often mistaken for "Chino" rather than "California" in local publications and that "everytime something happens at one of the prison facilities, it takes a long time to overcome the negative connotation."⁹ The next year, Carter led a successful motion to investigate the potential impact of expansion into the city as part of her protest against the legislature's attempt to expand the site; the motion received general approval, with only one council member, Leonard Frketich, protesting it due to having worked at the Youth Training School for three decades.¹⁰ At a subsequent City Council/Planning Commission Meeting, the same concerns were again raised regarding "expansion of court facilities, reimbursement of the State of services provided for by the City and the possibility of delay in payments, the already overburdened sewer treatment capacities, and undesirable publicity.

⁷ "No More Prisons."

⁸ Mike Dunstan, "8 free after Chino prison riot, Guard said grave from beating," *Long Beach Press-Telegram*, September 21, 1976.

⁹ Chino City Council Regular Meeting Minutes, September 21, 1976, City of Chino Public Records, 4.

¹⁰ Chino City Council Regular Meeting Minutes, April 5, 1977, City of Chino Public Records, 3.

Meeting attendees argued that if the state wanted to develop the land it presently owned in Chino, a State College would provide a far better image for the city [...] The general consensus was that the city needs to attract all levels of income earners to provide for a well-balanced community.” This statement points to the increasingly prominent idea that hosting a prison was a “rural” responsibility, associated with economic simplicity and backwardness.¹¹ To change the character of the city into something more desirably “suburban,” the prison could not exist as a core part of the city’s economy or identity. The follow-up report suggested that the overall benefits of the prison’s continued presence would be “minimal,” specifically pointing to the added burden on the city police and the frequency in delays in state reimbursements.¹² This led the council members to vote on a resolution opposing prison expansion, with only mayor Bob McLeod abstaining and the rest of the council voting in favor; Frketich remarked that “a maximum security prison would be better than what presently existed.”¹³

This move by the city council joined with State Senator Ruben Ayala’s years of calling for major changes at CIM, but those demands were mostly met with deaf ears at the state level, as the California AG declined to pursue the senator’s allegations of corruption and unmonitored criminality within the prison or investigate its potential impact on the surrounding community.¹⁴ In the early 1980s, however, Ayala’s campaigning on behalf of his local constituents who opposed the prison’s proximity and policies would begin to bear fruit, but only by altering his strategy to targeting the prison’s finances and by gaining the assistance of politicians from well outside of Greater Los Angeles and the Inland Empire.

¹¹ Adjourned City Council/Planning Commission Meeting Minutes, April 12, 1977, City of Chino Public Records, 2.

¹² Chino City Council Regular Meeting Minutes, June 7, 1977, City of Chino Public Records, 2–3.

¹³ Chino City Council Regular Meeting Minutes, July 5, 1977, City of Chino Public Records, 6.

¹⁴ “Martyrs remembered,” *Chino Valley News*, May 17, 1978

Daniel E. Boatwright, like Ayala, was a moderate and occasionally maverick Democrat who represented a predominantly middle-class suburban district outside of a major metropolitan center, specifically the 7th District adjacent to the East San Francisco Bay. After serving in the Korean War, Boatwright entered the law profession, serving as a Deputy District Attorney in Contra Costa County in the early 1960s and gaining a reputation as a highly effective prosecutor. Boatwright's reputation for being tough on crime and corruption continued as he entered electoral politics, working his way up the ladder until being elected to the state senate in 1980. The ambitious Boatwright quickly landed multiple committee assignments, including the state's Committee of Finance.¹⁵

Boatwright soon started making waves on the Finance Subcommittee on Resources and Correction. Despite hailing from a district in much closer proximity to San Quentin and Folsom, Boatwright led multiple hearings on the policies and priorities of CIM, traveling far from Sacramento and his home district to hold them in Chino itself. The prison had been experiencing very public problems for several years by this point. In 1979, CIM experienced the largest escape in its history when ten people escaped the minimum-security wing at once.¹⁶ The following year, CIM hosted its first recorded "riot" of its own when hundreds of men "rampaged" through the prison after a night-time power outage, setting fires and breaking windows in six buildings.¹⁷ Such an event was considered improbable by CIM administrators less than two decades prior due to its "well integrated community," but times at the prison had seemingly changed.¹⁸ Prison

¹⁵ "Daniel Boatwright Obituary," *Contra Costa Times*, May 1, 2012; "Daniel Boatwright," *Sacramento Advocates*, archived 12-19 April 2004. <https://web.archive.org/web/20091207084818/http://www.sacramentoadvocates.com/boatwright.html>, accessed June 24, 2023

¹⁶ Lynn Simross, "Her new job is 'rule enforcer' at Chino men's state prison," *Los Angeles Times*, June 2, 1982.

¹⁷ "Chino has prison riot," *Simi Valley Star*, February 17, 1980.

¹⁸ "Chino's riot position," *Chino Champion*, September 20, 1967.

spokesman Marv Ryer surmised that the riot had managed to not escalate to any harm to guards or imprisoned men primarily due to a delay in riot gear arriving, which he estimated might have signaled a fight response to the men; despite this, the prison ordered more riot gear for its guards anyways, ensuring future resistance would not end so peacefully.¹⁹

These were not the inciting incidents for the investigation, however; most of those men were rounded back up and given increased sentences within the year, falling in line with how escapes had been handled in Chino for decades, and no one had been harmed in the riot. Rather, CIM allegedly received heightened attention in response to a petition sent in 1981 by an unknown number of imprisoned men to the state government complaining of mismanagement. While many such petitions protesting staff or administrative abuse and incompetence have been written and ignored in the history of prisons, this one caught the eye of Sacramento for claiming that some members of the prison community were treated *too* well and shown undue favoritism and preferential treatment.²⁰ Though there is reason to suspect that legislators, especially Ayala, were already eager to comb through CIM's funds to find parts of its operation to criticize, this letter gave them all the reason they needed to launch a full investigation.

Boatwright, Ayala, and the other state officials hailing from across California and from both the Democratic and Republican parties took Chino's superintendent and other officials to task for a whole host of perceived misuses of public funds, hosting their most prominent hearing in 1982 at Chino City Hall. Opening the June 26th hearing, Boatwright stoked concern that the problems of Chino would soon spread to other prisons in the state. "It's becoming very apparent that the inmates of Chino when viewed systemwide aren't too far out of the norm. And that's a

¹⁹ Richard Brooks, "CIM to beef up riot gear availability and electricity," *San Bernardino County Sun*, February 21, 1980.

²⁰ Simross, "Her new job is 'rule enforcer'," *Los Angeles Times*.

sad commentary on the prison system as it has been in California. I can assure you that this committee is going to do its best to find out why the system is sputtering along. First, by exposing the problem to a little sunlight and secondly through legislation to correct these problems that have come to our attention.” Ayala, after welcoming the other senators to his hometown, likewise remarked that solving the issues at CIM would help with solving issues at other prisons and in the rest of California’s government.²¹ Chino was to be a bellwether for the rest of the state’s prison reform efforts, just as it had been four decades prior, but for a different political cause.

While this effort to rein in misuse of government funds fell largely in line with the limited government ethos of the 1980s, of which former California governor and now President Ronald Reagan was the patron saint, Boatwright was not in any meaningful way seeking to reduce the size of government. Still, his rhetoric about the wastefulness of government spending fit in with the general ethos of the late ‘70s tax revolt that produced Proposition 13, a citizen’s initiative that passed with nearly two-thirds of the vote, immensely limited California’s property taxes for decades, and contributed to another wave of movement out of California’s urban centers and into their suburban fringes. Both in Chino and in Boatwright’s own district in the Bay Area, railing against taxes and government spending had broad appeal, and the short-term results of Prop 13 may have even contributed to some recent Chino settlers’ move to the region.²²

It is tempting to link the movement to reduce or abolish some of the services that CIM had offered for decades as a core part of their mission to this “small government” impulse, but

²¹ Marlene Wedret, C.S.R. “Public Hearing”

²² Robert O. Self, “American Babylon: Black Panthers and Proposition 13,” *Race, Poverty & the Environment* 15, no. 2 (2008): 50–53, <http://www.jstor.org/stable/41554620>.

anti-CIM officials generally did not seek to reduce spending by cutting down on the unsustainable number of people who were being incarcerated, nor the growing numbers who were being paid to guard, train, and feed them in the existing system.²³ Instead, Boatwright and his peers generally sought to cut back only on how much was being spent on Chino's prison population without seeking ways to reduce it. Some of the "issues" Boatwright identified did deal with state corruption, but they mostly pertained to preferential treatment of certain convicted people who prison officials and staff provided with cushy living conditions and various services due to an extensive system of bribes and favors. Stories like those of convicted double murderer Enrique Sandoval being taken on shopping trips to Beverly Hills, receiving elective surgery at private hospitals, and being given a "private office" at CIM on the taxpayer's dime supplanted the old local newspaper genre of escape stories, illustrating to readers how even caged men could pose a threat to the public good by "stealing" their tax dollars for frivolous ends and undeserved rewards.²⁴ Boatwright at times questioned the salaries paid to prison officials and questioned whether certain hires resulted from patronage, but those stories tended to not be featured as prominently in the press as the more colorful tales of "cushy" prison conditions.²⁵ Much like the increased military spending of the Reagan administration in the midst of slashing other services, the budget of the prisons was not the problem, just the idea that it was being spent in any way that could possibly benefit the working poor.

²³ Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016), 173; Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Oakland: University of California Press, 2007), 7.

²⁴ Richard Gray, "Far reaching scandals jolted CIM," *Ontario Daily Report*, December 31, 1982; Alan Mittelstadt, "Prison probe shifts to CIM," August 17, 1982, Press Clippings, Select Committee Investigations PRISONS, 1981–82. Department of Corrections Records, California State Archives, Sacramento, CA.

²⁵ "Prison is told taxes paid for obstetric cases at prison," *San Gabriel Valley Tribune*, June 27, 1983.

Indeed, the committee devoted much of its time and attention to criticizing any aspect of CIM that could stand to benefit imprisoned people. Boatwright especially criticized the prison's work training programs, the very same initiatives that had made CIM an internationally renowned example of progressive carceral practice just two decades prior. Almost anything that could be perceived as making life *too* easy for those incarcerated at CIM was liable to receive criticism from the committee and press. Boatwright lambasted the idea that prisoners were permitted to wear "cowboy hats and non-institutional clothing" while riding on horseback on the prison farm.²⁶ He further questioned the practice of providing prisoners with free cosmetic plastic surgery. The report noted that these operations were performed by residents from the University of California, Irvine medical school rather than fully trained professionals, indicating that these surgeries were more of a benefit than a cost to the state, providing medical training on a population with otherwise limited options for care. Still, one Dr. Meyer claimed on the record that at least one fellow he knew had broken parole so he could return to prison to "get his eyes finally fixed."²⁷ Boatwright was particularly critical of the CIM's scuba diving training program, which transported its students on field trips to San Diego and Catalina Island to experience real ocean dives and rewarded them with diving certifications for an estimated cost of \$40,000 annually. Boatwright spent a good section of the hearing at Chino City Hall grilling the prison's vocational instructor Robert Schelke on why the prison's on-site "reservoir," historically intended and used as a swimming pool, was not adequate for this diving training.²⁸

It is entirely possible —perhaps even likely—that state funds were being misused or improperly allocated at CIM. Prisons were hardly the only space where spending was aimed to

²⁶ Wedret, Public Hearing, 2.

²⁷ Ibid., 6–7.

²⁸ Ibid., 13–14.

be reined in across the state and the nation. Yet prisons were a particular target of these Reagan-era crusaders, largely because of how these institutions and their increasingly demonized and majority non-white population had come to be perceived negatively by the general public, making them useful tools for political theater and directing national animus.²⁹ Just how successful Boatwright's campaign against the prison was at rallying local opposition to how CIM was operated is difficult to fully quantify, but his was not the only voice that suggested those incarcerated in Chino had a better life than those who voluntarily moved to the region. Some were louder—and more explicitly racist—than others. Jack L. Loeth, publisher of the *Azusa Herald*, stated in an editorial his anger that “We Eat Hamburger- Convicts Eat Steak” and called his readership to write their congressman to “join Sen. Daniel Boatwright who is investigating this rape of taxpayers’ money.” “I would like you to write your State Senators and Representatives and demand that they quit coddling and pampering the convicts in the state and in this country. Give them what the poor in Mexico eat... tortillas and beans [...] and if that’s too expensive give them rice... with fish heads. When the elderly people of America on fixed incomes can’t afford meat on their table, and at times raid the garbage for fresh vegetables thrown out by supermarkets, it should be they who receive steak³⁰ While not all of Boatwright’s allies used such language that whistled towards framing CIM’s incarcerated population as foreign predators, this general ethos that the prison’s budget had to be slashed because it was benefiting the wrong sort of people was pervasive.

After two years of audits and hearings, in 1982 CIM attempted to turn a new page in its history and move on from the public scrutiny brought about by accusations of corruption.

²⁹ Ibid., 3.

³⁰ Jack L. Loeth, “We Eat Hamburger- Convicts Eat Steak,” *Azusa Herald*, July 29, 1981. California State Archives, F3717:B4180, Box 1, Jt. Committee on Prison Construction and Operation, Subject/Hearing Files.

Amongst a flurry of other firings and reprimands of CIM officials, Superintendent Bertram Diggs was demoted and transferred to a new facility. His successor Midge Carroll was appointed largely off of the promise that she would better respond both to oversight from the state legislature and to criticism from the Chino community. The 46-year-old daughter of Dust Bowl farmers was in many ways an ideal candidate to take the reins at CIM. Her journey into working in the prison system began sixteen years prior at the nearby California Institution for Women in Frontera, which offered the twice-divorced mother of two a job when she had few other employment opportunities available to her. Carroll had successfully worked her way up through the system, serving as a prison guard and a parole officer before becoming one of the first women to be given an administrative job in the California Department of Corrections. Although Carroll acknowledged that she had faced gender discrimination throughout her career, she outwardly affirmed that things were now “much better” for women in the corrections line of work. Besides being a fresh face with no prior connections to the corruption allegations that now plagued the facility, Carroll appeared to hold some of the same ideals that Scudder had touted for reform-based institutions. In a feature for the *Los Angeles Times*, Carroll commented on the importance of “setting the mold” as the first woman to be appointed as the head of a California men’s prison. She brushed off alleged wolf whistles from imprisoned men with a smile and claimed “There is only one way to treat inmates—all alike, humanely, kindly, and courteously. That’s the basic cornerstone in corrections.”³¹

In other settings, though, Carroll had a decidedly different tone and message towards her place at CIM, emphasizing that she was appointed more to ensure CIM’s compliance than to increase opportunities for women or for the imprisoned. A self-professed conservative and “rule

³¹ Simross, “Her new job. . . ,” *Los Angeles Times*

follower and rule enforcer” pledged to increase the institution’s transparency and improve its relationship with the state and with the local community.³² “When you do things in the open, it keeps you straight,” she said to a local paper. “I think it keeps the system healthy.” She further pledged to “tighten control on prison supplies, boost prisoner security, and make the rules more strict,” even in the face of vocal protests from incarcerated people that the rule changes “would make this a San Quentin,” echoing the same language used by Scudder and the characters in *Unchained* nearly three decades prior.³³ This last note of distress from within CIM’s incarcerated population is notable, as it comes from a local publication (the state archive lacked any copies of the *Pioneer News* from this era). This suggests the extent to which the changes in prison security made those subjected to them nervous, and their worries were well-founded.

Carroll’s tenure as CIM’s superintendent got off to a decidedly rocky start. In July 1982, one month after her appointment as CIM’s top cop, Department of Corrections public information officer Philip Guthrie announced that CIM would be reconfiguring the East Facility from a protective custody wing to a medium-security building in order to double capacity. The state sought to move the men in protective custody, who had been placed in the East Facility’s cells in their original single-use capacity, to Soledad and Tracy to clear room for the increasing backlog of medium-security prisoners, who could be doubled up in the one-man cells. This move incurred protests from both sets of incarcerated men and their families, who either feared for the safety of those moved out of the relative safety of Chino or were angered by the increasingly cramped conditions. It likewise enraged locals who were seeking to shrink the size of the prison population to make their neighboring prison more manageable.³⁴ The protests from both of these

³² Ibid.

³³ Gray, “Far reaching scandals,” *Ontario Daily Report*.

³⁴ “Prisoner shift will bring more to Chino,” *Chino Champion*, July 2, 1982.

normally opposing groups about the increasing untenability of administering the overcrowded prison proved prescient just a few months later when a race riot involving 150 imprisoned men broke out in the minimum-security wing, allegedly over a dispute over weight-lifting equipment. A white imprisoned man was killed from stab wounds; a Black man and another white man were placed into critical care, five more imprisoned men were hospitalized for less serious injuries, and the minimum-security wing was placed on lockdown for several weeks.³⁵ A subsequent effort to alleviate the overcrowding by building a “tent city” to house one thousand men was quickly shot down due to what Guthrie called “a tremendous amount of local opposition” to any increase in CIM’s population.³⁶

No one pointed out in the wake of the riot that the alleged causes of the incident—the lack of materials for all imprisoned men to use, the apparent lack of racial integration among an overcrowded prison community—were all issues that CIM had been originally designed to avoid. It hardly mattered, as those in charge of CIM were constantly seeking to distance themselves from this past. The nature of many of Boatwright and his allies’ critiques made clear that CIM was being targeted with reprisals from Sacramento in no small part because of its continued embrace of the “prison without walls” moniker, something the committee—and the Department of Corrections—would aim to change. Even if CIM *mostly* conformed with the increasingly established standards of mass incarceration in the 1970s and 1980s, the few areas in which it remained an exception were viewed as fiscally inefficient in a system willing to spend billions of dollars to capture and cage people but unwilling to spend a cent more to provide for their welfare. The groundwork had been well laid by the Committee for more radical changes to

³⁵ Trissa Borgongo, “Lockdown in force: One dead, seven hurt in Chino riot,” *Chino Champion*, October 15, 1982.

³⁶ *Los Angeles Times*, April 26, 1983, 2.

come in CIM that would remove the last vestiges of Scudder's vision, with the vocal support of much of the free community. These changes would come much quicker than Boatwright, Carroll, Ayala, or anyone else could have likely predicted, for reasons none of them could have hoped for.

The Kevin Cooper Case

In spite of the repeated promises that new leadership would alleviate their concerns, the committee, the public, and the imprisoned population's repeated forecasts of imminent disaster related to the prison seemingly proved prescient on June 5, 1983. Bill Hughes stopped at the home of Douglas and Peggy Ryen to pick up his son Christopher from a sleepover at their ranch home in Chino Hills, the unincorporated land just south of Chino and CIM. He walked into a scene of pure horror. The Ryens, their daughter Jessica, and his son had been murdered. The Ryens' 8-year-old son Josh survived a slit throat but was unable to clearly identify the attacker. Some witnesses claimed he had originally identified a group of white or Mexican assailants, but Josh later stated that he had only seen a shadow. The Ryens' neighborhood was so new that most of the houses on their street were vacant, still waiting for buyers. No one else had seen or heard the attack take place, nor had they noticed the Ryens' car being stolen out of their driveway.³⁷

Almost immediately, law enforcement's primary suspect for the murders was Kevin Cooper, an African American inmate of CIM serving a sentence for burglary who had escaped the day before the killings. Despite his felony burglary arrest, Cooper had been assigned to Chino's minimum-security wing, in part because his use of an alias had obfuscated his prior

³⁷ Mark Lundahl, "Cooper Verdict," *The San Bernardino County Sun*, February 20, 1985; Michael D. Brown, *The History of Chino Prison: The First Fifty Years of the California Institution for Men, 1941 to 1991* (Vocational Offset Printing Program, California Institution for Men, 1991). 149.

arrests for rape and kidnapping and in part because there were simply too few other places to incarcerate him in the state of California. Out of the initial round of evidence that investigators collected at the crime scene, a bloody print in the Ryens' bedroom was identified as matching the tennis shoes issued by the prison. The suspicion of Cooper's guilt was raised to apparent certainty when the Ryens' car was found abandoned in Long Beach, with blood smeared across the seats and physical evidence that implicated Cooper. Cooper evaded police for several weeks, making it as far as Tijuana; he later returned to the United States and was only apprehended after being arrested after a woman who was sheltering him, ignorant of his identity, called the police and accused him of attempting to sexually assault her at knifepoint. Prosecution and law enforcement presented further physical evidence that helped place Cooper at the scene of the Ryens' murder. He eventually confessed to lying low and making several phone calls from a phone in the unsold house next to the Ryens residence. Prosecutors accused Cooper of breaking into their home and murdering the family to steal their car keys from the driveway for his escape from Chino; Cooper claimed that he merely hitchhiked out of Chino the night before the murders.³⁸ Cooper was quickly convicted of the murders and sentenced to death.³⁹

Though Boatwright's commission had wrapped up its work in Chino months before the Cooper manhunt began, he could not help but offer his own opinion on the case. While he had plenty of experience in criticizing the prison's lax security, the senator chose instead to emphasize his particular moral outrage for the types of media that prisoners were permitted to view in the wake of the escape, narrowing in on a screening of *The Texas Chainsaw Massacre* at

³⁸ Hurst, "Penology Experiment Fades," *Los Angeles Times*, June 21, 1983; "Investigation and Hearing into Escape of Kevin Cooper."; Lily Mae Lazarus, "Fighting to Free Kevin Cooper: Santa Barbara G-Man Reinvestigates Decades-Old Murders to Prove Death Row Inmate Innocent," *Santa Barbara Independent*, July 22, 2021.

³⁹ Tina Susman, "Jury finds Cooper guilty of Chino Hills murders," *Thousand Oaks Star*, February 20, 1985.

the prison just two days after the murders.⁴⁰ In a letter to DOC Director George F. Denton, Boatwright claimed that his committee had found a \$161.75 bill charged for the rental of the movie and complained, “I am requesting an immediate reconsideration of the state prison policy of providing this and similar movies for inmates. I’m not suggesting that prisoners watch *Bambi*, but especially in light of recent events [...] this scarcely seems like appropriate entertainment for inmates. This kind of movie is a glorification of sick violence, and some of the people we are showing it to have been convicted of committing the type of heinous crimes depicted in the movie.” Attached to his complaint was an excerpt from an eight-year-old *New York Times* review that played up the same kind of moral panic that Boatwright sought to tap into, recapping the film’s graphic violence without noting any of its artistic merit (and, of course, not citing any literature that could actually connect the viewing of horror films to acts of real-world violence).⁴¹

This critique fell well outside of Boatwright’s purview as a member of the Finance Committee. For a start, acquiring the film for screening cost an extremely small sum in the grand scheme of the DOC’s budget and no more than a less-violent alternative would. More significantly, the movie had actually been purchased by the incarcerated men themselves via a collective inmate welfare fund, *not* through CIM’s general fund, rendering their ability to view it protected by the First Amendment. There was also the fact that Cooper had not seen the movie at CIM and had not even been there for more than a few days; whatever crime he was guilty of, it was not caused by what movies he had seen in Chino.⁴² Of course, dedicating time and energy to the trivial expenditure of a film screening was not about cutting waste; indeed, the amount of time and energy spent on litigating the viewing of this movie was far more a misuse of taxpayer

⁴⁰ Ruben Casteneda, “Chino residents want warning on escapees,” *LA Herald Examiner*, June 16, 1983.

⁴¹ Letter from Daniel Boatwright to George Denton, June 14, 1983. California State Archives, F3717:B4180, Box 1, Jt. Committee on Prison Construction and Operation, Subject/Hearing Files.

⁴² Casteneda, “Chino residents want warning on escapees”

dollars. Going after *Texas Chainsaw* and associating it with Cooper was about connecting CIM's operations to a hot-button cultural issue and framing them as sharing responsibility for the Ryens murders, thus getting public attention and outrage focused on CIM as a whole and elevating Boatwright's profile among an audience reasonably scared about their children's safety. Just bringing up the concept ensured that the press would run several stories and editorials about horror films being screened at state prisons and loop them in with other tales of misused taxpayer dollars, expanding the visibility of Boatwright's crusade against the seemingly lax moral standards of California prison operations.

Boatwright's committee did not focus solely on *The Texas Chainsaw Massacre*, nor was CIM the only object of its ire. At another hearing for the California Institution for Women in neighboring Frontera, he tied in screenings of the horror films *Massacre* and *My Bloody Valentine*, another violent horror film, to a variety of behavioral problems among the incarcerated population. Boatwright further blamed the higher annual expenditures at CIW on a host of gendered stereotypes that fit into different front of the culture war, citing obstetric bills paid by the state for pregnancies he claimed resulted from conjugal visits, paying guards to "babysit" their children during visitation, and the purchasing of excess clothing for female staff. CIW was never viewed or described as much in terms of presenting a physical threat to the surrounding community as the men's prison often was, but this added evidence of moral decay in the prison administration added fuel to Boatwright's pyre.⁴³ Boatwright and his committee's appeal to the sensibilities and concerns of middle-class American suburbs had stretched beyond criticizing government spending or identifying genuine dangers to public safety and had fully

⁴³. "Prison is told taxes paid for obstetric cases at prison," *San Gabriel Valley Tribune*; Bob Umphress, "Panel hints clampdown at women's prison," *Riverside Enterprise*, June 26, 1983.

embraced the culture wars of the Reagan era, even embracing the myth of the welfare queen in the context of the state's prisons.

The 1980s were an era of culture wars and constructed moral panics in which all manner of social ills were blamed on the malignant influences of the media, sometimes out of genuine (if misplaced) fears of the unknown and sometimes as a cynical tool used for political leverage. The response to the Ryens' murders was no exception. If Boatwright's intention was to use *Texas Chainsaw Massacre* to raise his and the committee's profile by tapping into moral panic, he succeeded. The senator received numerous letters from across the state from private citizens horrified at the idea of prisoners being shown horror films. Several of the letters originated far from Chino. One Bob Matthews of Santa Rosa, who identified himself as a former institutional parole agent for delinquent girls for two decades, expressed, "Many times we saw their instability and how easily they were influenced by violent films. We cannot understand how the staff could have shown such poor judgment in this."⁴⁴ Boatwright suggested in his response that "because of the widespread controversy this discovery has generated, I predict changes to this policy will be made."⁴⁵ To another, he responded more bluntly: "I think some of the people in the Department of Corrections have a screw loose if they continue to authorize the showing of sick, violent, cult films. I also think that, if they have been hearing from the public like I have on this issue, they have gotten the message!"⁴⁶ The idea that the criminal element of society were being conditioned for violence in prison by the specter of slasher movies and video nasties clearly resonated, particularly with those who feared the same works would corrupt their own

⁴⁴ Letter from Robert E. Matthews to Daniel Boatwright, June 18, 1983. California State Archives, F3717:B4180, Box 1, Jt. Committee on Prison Construction and Operation, Subject/Hearing Files.

⁴⁵ Letter from Daniel Boatwright to Robert E. Matthews, June 30, 1983. California State Archives, F3717:B4180, Box 1, Jt. Committee on Prison Construction and Operation, Subject/Hearing Files.

⁴⁶ Letter from Daniel Boatwright to Catherine F. Palmer, June 27, 1983. California State Archives, F3717:B4180, Box 1, Jt. Committee on Prison Construction and Operation, Subject/Hearing Files.

and others children in the new movie theaters and video rental stores popping up on their streets. It also introduced the fear to some that the horrors and brutality depicted by these works would spill out into their own developing cul-de-sacs.

As Department of Corrections Director Georges V. Denton noted with dismay just a month after being appointed to the job, “In terms of consequences, [Cooper’s sentence] is probably the most disastrous thing that has happened to any prison system in a long time.”⁴⁷ The prevailing narrative remained that a CIM inmate had butchered a family in their own home. This apparent failure of the prison to protect its residential neighbors provided a dramatic incentive for the state to intervene in operations at Chino. Over a thousand residents rallied at the local Glenmeade School to “boo and jeer” at Superintendent Carroll, whose responses to public questioning focused on emphasizing the prison’s ignorance of Cooper’s record rather than suggesting that he had not been tried by a jury of his peers and may have had nothing to do with the murders. In response, conservative radio and television host George Putnam, a former Los Angeles newscaster, conservative political commentator, and prominent Chino ranch owner, called for the gathered citizens to “beat the bureaucrats” and overhaul their failed record system by implementing an even more modern successor that could use fingerprints to prevent inmates from using aliases to slip through administrative cracks.⁴⁸ Another group, identifying themselves as the Concerned Citizens of Chino Hills, partnered with Chino Mayor Pro-tem Raphael Kenealy to put forth a list of demands: “NO more overcrowding at CIM. NO more gunless towers at CIM. NO more inadequate fencing at CIM. NO more prisoners or prison facility expansion at CIM or

⁴⁷ John Hurst, “Chino backlash jeopardizes projects: Outrage over slayings staggers prison system.” *Los Angeles Times* (1923–1995), Jun 21, 1983.

⁴⁸ “Angry Crowd...” *Chino Champion*; George McClennan, “George Putnam, longtime L.A. newsman, dies at 94.” *Los Angeles Times*, September 13, 2008, <<https://www.latimes.com/la-me-putnam13-2008sep13-story.html>>.

the Youth Training School. NO tents at CIM. NO more escapes or so-called walk aways from CIM. [...] We want a guarded, no-risk prison.”⁴⁹

Local leadership, pressured by the immediacy of the local outcry, likewise responded quickly to demonstrate that they were taking the murders seriously and pinning the blame on CIM’s lax security. State Senator Ayala did not return to his hometown after the killing, instead claiming in a public statement that he was going to stay in Sacramento to ensure that \$350,000-\$400,000 would be committed to immediately building a new fence. Superintendent Carroll pledged that patrols would be increased and that no new prisoners would be accepted for the next six months.⁵⁰ Boatwright did not return to Chino, but he did note in responses to letters about the incident that “my own Select Committee on State Procurement and Expenditure Practices revealed some of the administrative flaws that can allow these things to happen” and that “Armed with the results of these investigations, the prisons ought to be able to tighten security procedures and policies to prevent the escapes.”⁵¹ The Chino City Council released a statement responding to the massacre that consisted entirely of demands for the state and governor to increase security at the prison and restrict the prison’s growth. Despite insisting in the statement that “We must not let emotions cloud our judgment,” no part of the council’s demand asked for the state to ensure that Cooper was the actual perpetrator of the crime before convicting him, nor did it request the state revise the laws and conditions that led to prison overcrowding in the first place.⁵²

⁴⁹ “Local viewpoints for CIM,” *Chino Valley Sun*, July 6, 1983, 4; “Cooper’s Capture Lets Residents Sleep Easier,” *Lancaster New Era*, 2 August 1983.

⁵⁰ “Angry Crowd. . .,” *Chino Champion*.

⁵¹ Daniel Boatwright, Letter to Mr. Michael Levine, August 17, 1983, California State Archives, F3717:1839

⁵² “Council Statement on the Chino Hills Massacre,” *Chino Champion*, June 17, 1983.

Indeed, the veracity of Cooper's sentencing mattered little to the media, California legislators, and Chino residents. The narrative that the low-security prison was responsible for the murders and would inevitably lead to more deaths was quickly accepted by the community, but it was not a mere kneejerk reaction. The "logic" that the criminal escapee who stole a murder victim's car was a logic rooted in local beliefs in the inherent danger of those from the prison, especially if they were non-white. Cooper's assumption of guilt came about in no small part because of the preceding years of fear mongering towards those imprisoned in CIM, which had primed Chino residents to blame horrifying events in their backyards on prisoners and their families. Events like Beaty's deadly escape a decade prior, numerous gang-related killings and assaults within the prison, and even committee investigations into the screenings of violent movies had all over time fostered an association of all prisoners with violence. Cooper becoming the immediate primary suspect was not an isolated event, either; Ayala and other community leaders had previously blamed violent crimes like the church killings on prisoners and their friends and families with far less evidence.⁵³ This context for the Ryens' killings is key to understanding why the police, press, and community were immediately so adamant about Cooper's guilt, as there are indeed several elements of the case that have led other observers to question the direction and results of his investigation and prosecution.

There is no "making sense" of any crime this ghastly. Anyone capable of murdering a family with young children in their home for any reason is not operating on a level that anyone would recognize as rational. That very absence of sense forces observers to apply their own mental framework to try to explain the unexplainable. Law enforcement and residents in Chino responded to the murders working off the premise that someone like Cooper, accused and

⁵³ "Ayala seeks probe of Chino-area gangs," *The San Bernardino County Sun*, July 10, 1976.

convicted of prior violent crimes and in the process of breaking other laws, would be the most likely suspects for any crime in their vicinity. However, one might just as easily question why an unarmed man seeking to evade capture would not avoid unnecessary risk that would bring further attention upon themselves and incur far greater punishment. Working off of that premise, Cooper's defense holds a great deal more weight. The bloody details of the Ryens' deaths did not fit with the *modus operandi* of Cooper's prior convictions for armed robbery and sexual assault. Though his history of violent crime and confessed proximity to the dreadful crime scene did him no favors, little in his criminal history nor the other confirmed circumstances of his escape could explain *why* he would have descended into the depravity of murdering an entire family, let alone *how* he would have done so when the Ryens outnumbered him and owned firearms. Committing all of these murders in such a drawn out manner rather than seeking to find the keys to their vehicle while they slept would have delayed Cooper's escape, ensured the manhunt for his recapture would be far more intense, and damned him to a death sentence if he was caught. Furthermore, if Cooper had been converted to thrill-killing during his extremely brief time being processed at CIM, authorities never associated him with any other murders in the subsequent month that he was on the run despite having abundant opportunities to do so, most prominently in the time he spent essentially hitchhiking on a boat around Baja California that ultimately brought him back to the United States against his wishes.⁵⁴

None of this is to definitively say that Cooper is innocent of this or other crimes—there is a mountain of physical evidence placing him at the scene of the murders, and while he and his defense claim that much of that evidence was placed there by police, it seems unlikely we will

⁵⁴ Casteneda, "Chino residents want warning on escapees."

ever know the truth about that or any element of this case with absolute certainty.⁵⁵ It is simply worth pointing out that the immediate push to convict Cooper—*before* the evidence was collected and he could provide any defense—was rooted in the community and state’s preconceived notions about the prisons and the inherently immoral and dangerous nature of those processed and caged there. His guilt appeared predetermined, in no small part because of how well it fit into how residents of Chino viewed the prison, its men, and the world they lived in.

While much of the hysteria and jumping to conclusions surrounding Cooper’s conviction can be associated with the preexisting fears of the prison, those fears cannot be untangled from Cooper’s race, and indeed the racial identity of much of California’s imprisoned population. When CIM first opened, California’s prison population was disproportionately diverse when compared to the rest of the state’s demographics, but white men still composed two-thirds of the incarcerated population.⁵⁶ Since then, decades of disproportionate and prejudiced policing and arrests of California’s communities of color had completely flipped the demographics of state prisons. In 1983, Black people had become a plurality of incarcerated male felons, comprising 35.9 percent of the population compared to 34.9 percent white and 26.1 percent Mexican-American. Unlike just a decade prior at the time of Beaty’s escape, when white people still represented the largest racial group in California prisons, or in 1941, when Scudder had to go out of his way to ensure members of all racial groups imprisoned at San Quentin had the opportunity to be transferred to better conditions at Chino, CIM’s population was predominantly Black and

⁵⁵ Kevin Fagan, “Death Row inmate Kevin Cooper wasn’t framed for 1983 murders, special council finds,” *San Francisco Chronicle*, January 13, 2023, <https://www.sfchronicle.com/california/article/Death-Row-inmate-Kevin-Cooper-wasn-t-framed-for-17717610.php>.

⁵⁶ Ronald H. Beattie, “California Prisoners 1945–1949; An Analysis of Admissions to and Releases from California Prisons” (Sacramento: The Research Committee of the Board of Corrections, July 1, 1951), 8.

Brown by the time of Cooper's escape.⁵⁷ As a Black man, Cooper was visually representative of both an increasingly racialized prison population and an increasingly criminalized Black population, which unquestionably made him a symbol for the anxieties and prejudices of the Chino Valley's residents.

As established previously, the Chino Valley was never as lily white as some suburbs have been, or have been perceived to be, with a significant non-white Hispanic population in Chino and a growing Asian community developing in the unincorporated Hills. Still, white people were the absolute majority, especially in the Hills where the Ryens were killed, and the unincarcerated Black population in both locales was extremely small, at or around 5 percent of the population.⁵⁸ Indeed, some publications expressed surprise that Cooper managed to get as far from the prison on foot as he did given his "out of place" appearance.⁵⁹ Even Josh Ryen, the sole survivor of the killings and the only person who claimed to physically witness Cooper in Chino after his escape, did not initially report seeing him. A young and incredibly traumatized child, Ryen did not even initially identify his assailant as Black or did not answer clearly that there had only been one assailant. It took until adulthood, after years of the state and media depicting Cooper as a psychotic monster and the police offering DNA evidence that Cooper was at least in the vicinity of the killings, for Ryen to become adamant that Cooper had killed his family.⁶⁰ Once again, that is not to say that Ryen is definitively wrong about what he believed he saw, but rather to point

⁵⁷ "California Prisoners and Civil Narcotics Addicts, 1983, 1984, and 1985" (Sacramento: Department of Corrections Administrative Services Division, 1986), 70.

⁵⁸ J. Patrick O'Connor claims in *Scapegoat* that Cooper was "the lone black person in Chino Hills." That is unlikely; the 1990 Census ID'd Chino Hills as having a Black population of 1,381, around 5% of the population at the time of the region's incorporation. *1990 Census of Population, Social and Economic Characteristics, California*, "Race and Hispanic Origin," 78, <<https://www2.census.gov/library/publications/decennial/1990/cp-2/cp-2-6-1.pdf>>.

⁵⁹ *1990 Census of Population, Social and Economic Characteristics, California*, "Race and Hispanic Origin," 78, <<https://www2.census.gov/library/publications/decennial/1990/cp-2/cp-2-6-1.pdf>>.

⁶⁰ "California Has Wasted Enough. . .," *CJLP*.

out that Cooper was identified as the primary suspect well before the sole witness to the crime was of sound mind and body, largely on account of his appearance and background.

Racist animosity against Cooper took many forms in the wake of his capture. He now could stand as a symbol for all resentment and hostility towards Black people in Chino, particularly those who had been identified as criminals and forcibly relocated to the city's prison. In some cases, the racism was extremely explicit. White nationalist groups, including members of the American Nazi Party, assembled outside of the courtroom where Cooper was tried, screaming racial epithets, handing out propaganda flyers, and waving Confederate flags and a toy monkey with a sign wrapped around its neck calling to "hang Kevin the Ape."⁶¹ One white cellmate, 18-year-old convicted murderer David Cota, assaulted Cooper in their cell at the San Bernardino County Jail in an apparent effort to "avenge his race."⁶² Though such direct displays of bigotry were not endorsed by most publications covering the case, this racism could also be seen in less direct forms. Community leaders fixated on the threat of criminals, who happened to be from the disproportionately non-white imprisoned community, murdering their (majority white) city's women and children in their homes. Editorials declared any favorable or lenient treatment of said prisoners as irresponsible at best.⁶³ Even the prosecution commented on the appearance of Cooper's Afro in its opening statements.⁶⁴ It is not difficult to see, in this context, why Cooper's guilt might have been so widely assumed by his majority white jury in San Bernardino, and why his public defender David Negus unsuccessfully tried to have the trial

⁶¹ Coronado, "Cooper linked to hatchet"; Richard Gray, "Cooper pleads innocent to Chino slayings," *Daily Report*, August 12, 1983; "Tight security at hearing," *Chino Champion*, November 11, 1983; O'Connor, *Scapegoat*, Location 1076.

⁶² "Cooper isolated for his protection following assault," *Daily Report*, September 10, 1983; O'Connor, *Scapegoat*, Location 1065.

⁶³ Patrick A. Langan, "Race of Prisoners Admitted to State and Federal Institutions, 1926–86," U.S. Department of Justice, May 1991, 49. <<https://www.ojp.gov/pdffiles1/nij/125618.pdf>>.

⁶⁴ *Scapegoat*, Location 1519.

moved to San Francisco, where jurors may have been drawn from a more diverse populace without years of prior conditioning to fear an increasingly non-white prison population.⁶⁵

Once Cooper was convicted, the Chino community's demands for greater protection shifted from their local government to the state, calling for protection from all future threats from "out of town" criminals. The response came quickly, as it had in the aftermath of Beaty's escape, but this time the changes to security requirements came from the very top. The California legislature's Joint Committee of Prison Construction and Operation held a hearing in nearby Ontario to review the details of both Cooper's escape and conviction and to field questions and critiques from Chino's citizenry. Many of those in attendance merely asked clarifying questions about legal processes and logistics, but several others took the opportunity to vent. David Rock stated "Chino is the dairy capital of the world. I don't think we want Chino to be the prison capital of the world also."⁶⁶ The committee subsequently issued a report calling for an immediate increase in security infrastructure at the prison, including four new gun towers, a new computer system for processing inmates, and a 12-foot fence topped with razor wire. Earlier proposals from the state to build new facilities to expand the inmate population fizzled in response to community outrage, at least for the time being.⁶⁷

The End of the Prison Without Walls

Not all residents were happy about the prison's continued presence, even if the walls cut off the facilities and the incarcerated within them from view, but there was little else that could be done

⁶⁵ "Kevin Cooper's lawyer wants his trial moved," *Ventura County Star*, March 13, 1984.

⁶⁶ "Examination into the Escape of Kevin Cooper from the California Institution for Men," Hearing by Joint Committee of Prison Construction and Operation, June 2, 1983, 186. California State Archives, F3717:B4180, Box 1, Jt. Committee on Prison Construction and Operation, Subject/Hearing Files.

⁶⁷ Hurst, "Penology Experiment Fades"; "Investigation and Hearing," Cal Legislature; Brown, *History of Chino*, 150.

to carry the momentum of this local organization further into closing the facility and changing the land use. Local officials lacked the power to change anything about the prison's operations and policies other than send requests to Senator Ayala, who found no significant allies elsewhere in the state to join him in trying to reduce the number of beds available for California's incarcerated without otherwise changing the policies that created the carceral system's overcrowded conditions. Still, some local leaders did momentarily fight to close CIM and relocate its inmates further inland. Larry Walker, a Chino native and city council member, rode an endorsement from Senator Ayala to win the mayoral election in 1980, replacing the generally pro-prison Bob McLeod. He became the then-youngest mayor in Chino history at 28-years-old, serving at the post for the next six years.⁶⁸ One year after the Ryen killings, Walker proposed that the state shut down CIM permanently and create a new facility further inland to house its 4,583 incarcerated men.

Walker and his allies on the city council presented three main issues with the prison's current location. First, its location of CIM and the other institutions in "Prison Valley" were now in the midst of what was quickly becoming one of the country's largest metropolitan areas.⁶⁹ Of course, the United States had a long history of locating prisons in urban environments, and standard policy for site selection was to consider locales that allowed for easy transportation and access for both necessary goods and the visitation of loved ones.⁷⁰ But Walker dismissed these criteria, stating "Prisons shouldn't be in the middle of a city like this. They should be built in the boonies."⁷¹ He also dismissed the previously accepted wisdom that prisons were an economic

⁶⁸ Joe Nelson, "Chino resident Larry Walker led San Bernardino County into 21st century with myriad elected positions," *San Bernardino Sun*, March 3, 2016, <<https://www.sbsun.com/2016/03/03/chino-resident-larry-walker-led-san-bernardino-county-into-21st-century-with-myriad-elected-positions/>>.

⁶⁹ Carpio, *Collisions at the Crossroads*, 209; "State Plans. . .," *The Fresno Bee*.

⁷⁰ Carpio, *Collisions at the Crossroads*, 215–216; Wilson, *Golden Gulag*, 1.

⁷¹ White, "State Plans..."

boon to the cities that housed them, claiming that the \$40 million in payroll and other benefits received by the city could easily be replaced or even exceeded by new industry and development in the land the state held claim to for its own purposes.⁷² However, his most highly emphasized reasoning for a move of CIM was simply its unpopularity with his constituents, claiming that ninety-nine percent were against expansion and three-fourths were in favor of closing it entirely due to the perceived threat of another killing. Even if they were not, he cynically perceived that the *perception* of the prison as a real and present danger to the community was more important than whether it actually was and “whether Cooper committed the crime or not.”⁷³

Whether this appraisal would have held up to serious polling is unclear. Actual data from the Senate Office of Research suggested that Chino’s property values had gone up 36.9 percent in the three years before Cooper’s escape, equivalent or better than other cities of their size, and Chino’s own police chief pointed out that the city had the lowest crime rates in the county and had only one murder in all of 1985. Walker insisted that the studies were flawed.⁷⁴ Regardless, a measure to remove CIM never came to a vote, as it simply was not Chino’s decision to make. The Department of Corrections needed the infrastructure and the beds to hold its growing population, fueled by the steadily increasing policing and sentencing policies that had been supported and pushed for by many of the same citizens who were simultaneously complaining about the prison’s proximity. Similar proposals to move CIM’s incarcerated population were continually brought up by Walker and Ayala over the following decade, but every effort to close

⁷² Interestingly, one of the largest recognized achievements of Walker’s time as mayor and later elected offices was the preservation of \$30 million of land for the purposes of dairy farming, suggesting that he was not as inclined to preserve all historic land uses in the city in lieu of further development. Nelson, “Larry Walker.”

⁷³ White, “Chino Residents...”

⁷⁴ Richard Brooks, “Mayor disputes study, wants to know how prisons help Chino,” *The San Bernardino County Sun*, November 17, 1985, <<https://www.newspapers.com/image/64876640/>>.

CIM failed.⁷⁵ The state *would* ultimately acquiesce to building more prisons deeper and deeper inland over the next few years—indeed, they were already doing so—in lieu of greatly expanding CIM or building further carceral sites closer to where most incarcerated people originally lived, despite the greater logistical challenges that came with doing so and despite the grief this caused their loved ones, who had to travel longer and longer distances (or move entirely) in order to visit them.⁷⁶ Unlike Chino, many of the communities where these prisons were built actually desired the prisons’ presence, with the jobs and government funding enabling many of the rural towns’ growth and employing a majority of their populace.⁷⁷

Even if anti-prison advocates did not receive everything they asked for, the voices present at town hall and city council meetings and published in the local newspapers ultimately got many of their wishes. The gun towers that had last been manned by imprisoned volunteers defending their nation against potential Japanese air raids forty years ago were now staffed by armed guards defending the free citizens of Chino from their incarcerated neighbors. The concerned citizen groups had believed that the presence of more weapons and the threat of potentially lethal consequences for escapes would be sufficient to deter the attempts themselves. On the surface, their strategy appeared successful in achieving their desired goal of reducing any interaction with the prison population; the number of escape attempts from CIM (and other California prisons) dropped noticeably after 1983. In the year of Cooper’s escape, there were 114 escapes from state

⁷⁵ Some of their constituents in Chino called out their representatives for two-faced NIMBYism, pointing out that these officials also regularly called for more beds for the prison population. George Gillette, “Selling the prison,” *Chino Champion*, April 20, 1995.

⁷⁶ This lays the groundwork for the narrative covered in Wilson, *Golden Gulag*, which focuses more extensively on this subsequent prison building spree and the reasons for why the surrounding communities were in much greater favor of the proximity of the prison from a metropolitan history standpoint, focusing on land use and economic incentives.

⁷⁷ Tim Arango, “‘Nothing Will Be The Same’: A Prison Town Weighs a Future Without a Prison,” *The New York Times*, January 12, 2022, <https://www.nytimes.com/2022/01/10/us/susanville-california-prison-closing.html>.

institutions, representing around 0.32 percent of the average daily population. The next year, escapes had dropped to 79. That number remained stable for the rest of the decade even as the prison population continued to balloon; by 1990, the escape rate had dropped to 0.09 percent.⁷⁸ The response to the Ryens murders hadn't achieved a totally "no-risk" prison (especially not for the men inside the walls) nor ended crime either within CIM or Chino Valley, but it had substantially reduced prisoner escapes and more or less achieved what the Concerned Citizens had set out to do, cutting off CIM's criminalized population from any risk of interaction with its non-criminalized residents.

While the shift towards ending the prison's open era had been in progress for over a decade, how the cities of Chino Valley and CIM developed following Cooper's escape would be forever tied to this incident, especially in the public memory. The Ryens' murders in their own home ensured that CIM would never again operate as the loosely guarded reform institution dreamed up by the progressive reformers of California's past. However, as previously established in this study, CIM's "open" policy had faced some degree of state and local opposition since it had first been conceived. The changes that occurred inside of CIM after Cooper's escape—the manning of some gun towers, the renaming of administrative positions, and the building of larger fences—were relatively superficial and somewhat redundant. The degree of security had already been altered several times following Scudder's retirement as superintendent, from the arming of guards following the lethal escape of Ronald Beaty to the opening of new high-security wings in response to the massive boom in the state's incarcerated population. The prison already *had* walls, fences, armed guards, overcrowded barracks, solitary cells, and all the other things Scudder and his followers had staunchly opposed as harmful and

⁷⁸ "Annual Escape and Attempted Escape Report, Calendar Year 1990," 4.

counterproductive in many of its wings; Cooper's escape just led to their further expansion.

There were also several elements from the Scudder era that would endure for many more years at the prison, as CIM continued to offer more or less the same job training (and cheap labor for state projects) that Scudder had helped pioneer, which left an enduring legacy not just on CIM but on the operation of prison labor programs throughout the state and the country. The low security wings of the prison that held those convicted of "nonviolent" crimes would continue to operate as well, though they were now merely part of a larger institution rather than central to its mission.⁷⁹

CIM may have ceased to be a true "prison without walls" long before Cooper hopped one of its fences, but the reaction of the Chino community meant that it would only further distance itself from its past as a reform institution in the years to come. Neighbors no longer appreciated boasting of low security as a gesture of benevolence and understanding for society's disenfranchised; instead, they viewed such expressions as naive and even offensive ideas that put innocent citizens' lives in danger. When Midge Carroll was succeeded by Otis Thurman two years after the Cooper escape, Thurman shed Scudder's old title of "superintendent" for the more fitting—and accurate—one of "warden." The new title did not entail any different responsibilities for Thurman; it merely solidified CIM's complete break from its reformatory past, sending a message to both those imprisoned in the facility and to their free neighbors that the prison administration's priorities would be focused on control rather than education and reform.⁸⁰

⁷⁹ "Examination into the Escape of Kevin Cooper from the California Institution for Men" Hearing, 186.

⁸⁰ Brown, *History of Chino Prison*, 191.

The rest of the state's prisons continued on much the same trajectory, increasing security and prolonging sentencing. In 1994, Proposition 184, a "three strikes" law that granted lengthy twenty-five to life sentences to repeat felony offenders regardless of the severity or timing of the offense, was put on the ballot for California's still rapidly growing electorate. If passed, the measure would contribute to the further ballooning of California's prison population, resulting in even more overcrowded prisons that would require the further movement of prisoners based on available space rather than concerns of safety.⁸¹ The "tough on crime" legislation passed without much controversy; in San Bernardino County, the measure received 81.2 percent of the vote.⁸² This indicated that a significant number of voters in closest proximity to CIM and other Inland Empire state prisons who had opposed the presence of increasingly crowded carceral sites in their own backyards either did not connect sentencing laws with the issues they had complained of or that they did not care so long as other communities were left to deal with their consequences.

Nearly four decades after Kevin Cooper's initial incarceration, he remains behind bars in San Quentin. While he received the death penalty, at the time of his conviction no one had been executed in the state of California since the first year of the Reagan administration in 1967, nearly two decades prior. Despite the passage of Proposition 17 ensuring the practice's legality in 1972, the governors of California would only affirm the execution of thirteen out of the hundreds of men and women handed death sentences in the half century that followed, and no one has been executed in the state since 2006.⁸³ Cooper has had several brushes with death over

⁸¹ Gilmore, *Golden Gulag*, 6.

⁸² "Supplement to the Statement of Vote- Results of the November 8, 1994 General Election, Statewide Summary by County," 102.

⁸³ "U.S.A. Executions- 1607–1976; California, 1941–1967," accessed March 30, 2023, <<https://deathpenaltyusa.org/usa1/state/california5.htm>>; "Execution Database," <<https://deathpenaltyinfo.org/executions/execution-database?state=California&federal=No>>.

the decades, being granted a stay just three days before one scheduled date of execution in 2004.⁸⁴ While his legal petition was enough to save his life in this circumstance, he has continued to languish behind bars, with multiple judges and governors from both political parties rejecting his appeals and petitions for clemency based on claims of “racial bias, police misconduct, evidence tampering, and poor-quality defense council.” Despite getting legal and political support from a diverse array of parties, spanning from the president of the American Bar Association to United Nations special procedures to even reality television celebrity Kim Kardashian over the past four decades, every appeal and petition has resulted in the state of California reaffirming Cooper’s “definitive” guilt.⁸⁵ Cooper has been imprisoned for the majority of his adult life, a tenure now nearly as long as the California Institution of Men had existed when he first escaped to his final weeks of freedom.

While most imprisoned in California do not spend such long tenures in prison, Cooper’s experience is just one example of the hundreds of thousands of Californians and Americans in the late 20th and early 21st century who have experienced incarceration as a form of punishment and social control. People imprisoned in the United States may not be subjected to the same constant state of helplessness and threats of death that Cooper has been for being the wrong escapee at the wrong time, but they *are* marked by the experience for life in their legal, economic, and psychological status. It is a far cry from the path to reform and opportunity that Scudder and his peers promoted their vision for the future of prisons, though perhaps it was the

⁸⁴ Lance Pugmire, et al, “Convicted Killer Gets Last-Minute Reprieve,” *Los Angeles Times*, February 10, 2004.

⁸⁵ Ali Tadayon, “CHINO HILLS: Retrial sought for Kevin Cooper, convicted in 1983 massacre,” *The Press Enterprise*, September 23, 2015, retrieved October 28, 2015; Working Group of Experts on People of African Descent, Joint Urgent Appeal from Special Procedures, United Nations Human Rights Office of the High Commissioner, October 28, 2016. For more on Kevin Cooper’s ongoing pursuit of clemency, see Kevin Cooper Clemency Project, <<https://kevincooper.org/>>, accessed August 12, 2024.

inevitable outcome of any state plan to “fix” perceived social ills through top-down punitive measures.

Epilogue: The Fate of Chino

In hindsight, Scudder's dream of a progressive prison was not a break from precedent, but merely a new part of a longer history of human caging that had existed in Southern California since the beginnings of European colonization in the region.¹ The conditions for a "prison without walls" at Chino were enabled by centuries of precedence established by Spanish, Mexican, and American settlers, who both conceived of the land in the Chino Valley, Greater Los Angeles, and the state as a whole as suitable for exploitation of their wants and needs and a site where criminalized elements of the population could be detained accordance to their own administrative priorities. These attitudes towards understanding the land as merely a resource for exploitation allowed American settlers in the 1930s to perceive the valley as a suitably "remote" region from the city for the storing of excess prisoners. That attitude towards land also allowed a different group of settlers in the 1970s to view the valley as a garden paradise refuge from undesirable cities and as an opportunity for massive profits in a demand-heavy real estate market. Those two different land uses were always destined to eventually conflict with each other. When the Chino Valley was deemed more desirable for settlement than for the settlement of undesirables, the fate of CIM as an open prison was all but sealed. Now, all that was left was for those settlers of the valley to continue to pursue policies that would increase their control, safety, and well-being in the land they called their home.

The Incorporation of Chino Hills

Ultimately, the grassroots organizing of suburban politicians failed to outright close the California Institution for Men or move all of its prisoners away from their growing suburban

¹ Kelly Lytle Hernandez, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965* (Chapel Hill: University of North Carolina Press, 2017)

enclave; the name of “Chino” has remained associated with the prison up to the present day, failing to appease residents and real estate speculators who had long grumbled about the association of their would-be middle-class suburban paradise with its undesired prison population and their visiting families. However, another solution gathered increasing popularity in the late 1980s and proved to be more successful. Rather than physically move the prison elsewhere, those who lived in and around the Ryens’ former home could distance themselves from association with the city of Chino entirely.

By the late 1980s, a wider movement began to call for the Chino Hills area just outside of Chino proper, an area that included the neighborhood where the Ryens had been murdered, to have greater autonomy from the control and influence of the City of Chino and San Bernardino County. This movement came to a head in 1991, as a group of residents from this region formed the Chino Hills Incorporation Committee, or CHIC, to oppose efforts from the Chino city council to annex the Hills and campaign to place a motion for incorporation on the ballot.² The pro-annexation Blue Ribbon Committee of Chino and Chino Hills, which touted the benefits of joining with the older and larger city, failed to get their alternative option on the ballot. The motion to incorporate passed 3,822 to 2,790 (57.8 percent in favor), with notable winning margins in favor of cityhood in the Rolling Ridge and Butterfield neighborhoods that were closest to Chino and the prison. How much of the support for incorporation directly had to do with a specific desire to separate themselves from association with the prison is unclear, but the legacy of local anti-prison organization in those neighborhoods indicates that it played a major factor. Perhaps most tellingly, a contingent of those clamoring for incorporation suggested that the new city should take on the entirely new name of “Canyon Hills,” a change that would make

² Laband Village advertisement, *San Gabriel Valley Tribune*, June 3, 1990; “Village Oaks Offers Affordability and a Rural Lifestyle,” *Los Angeles Times*, November 1, 1986, 10.

little difference in their ability to make local policy decisions but would help further dissociate themselves from the negative reputation that Chino had garnered over the past several years. This movement was ultimately unsuccessful, but it came just close enough that a new junior high school opened in Chino Hills three months before incorporation held the “Canyon Hills” name. It remains as a lingering reminder of this contingent’s efforts to even further distance themselves from the history of Chino and its prison.³

The impact of Chino Hills’ incorporation was immediately noticeable, as the population of the new city nearly doubled in the next decade.⁴ This growth was likely assisted, as Chino’s had been years prior, by the adoption of a new general plan and zoning measures that incentivized the construction of desirable single-family “frontier” housing that was in high demand in this era. But there were several other significant elements of Chino Hills’ independence. First, the new city was much wealthier than its “parent.” In 1989, Chino’s median household income was significantly lower than Chino Hills’ (\$41,958 to \$58,030).⁵ The gap has widened as of 2020: \$85,659 to \$104,661 for the household and \$30,794 to \$42,395 for the individual. Chino still boasts a larger population as of 2020 (92,975 to 78,665), but it is also larger in area than Chino Hills when not accounting for the State Park (29.7 to 22.7 sq. miles).⁶ Another stark and significant difference between these two populations is race. By 2010, the majority of Chino’s population (41,993, or 53.8%) reported as Hispanic, while fewer than a third

³ City of Chino Hills, CA, “Transcript: Celebrating 25 Years of Excellence: 2016 State of the City of Chino Hills, Mayor Art Bennett,” June 9, 2016. For more on the development of Chino Hills, particularly through its context as an ethnoburb for the Asian-American community, see Zarsadiaz, *Resisting Change in Suburbia*.

⁴ “Chino Hills, California Population History 1990-2021,” <<https://www.biggestuscities.com/city/chino-hills-california>>.

⁵ 1990 *Census of Population, Social and Economic Characteristics, California*, “Summary of Occupation, Income, and Poverty Characteristics,” 51, <<https://www2.census.gov/library/publications/decennial/1990/cp-2/cp-2-6-1.pdf>>.

⁶ 2020 U.S. Census, Quick Facts. <<https://www.census.gov/quickfacts/chinohillscitycalifornia>>, <<https://www.census.gov/quickfacts/chinocitycalifornia>>.

of Chino Hills’ (21,802, 29.1%) reported the same.⁷ In contrast, Chino Hills boasts a much higher number of Asian residents; by 2020, this community had become the city’s largest demographic group at 31,417, around forty percent.⁸ These distinctions all helped give Chino Hills the ability to punch above its older neighbor’s weight politically on the state level and gain several advantages, as most evidenced in the city’s successful resistance to the building of above-ground power lines that were part of the Tehachapi Renewable Transmission Project.

A critical program for transferring power from wind farms in Central California to the Los Angeles metro area, the TRTP was initially planned to consist of a network of miles of above-ground transmission lines propped up by 200-foot towers. Southern California Edison had a legal right-of-way to build the towers through both Chino and Chino Hills, but they were met with massive resistance in the latter by a grassroots organization called “Hope for the Hills,” who declared that the huge buzzing gray towers presented a threat to property values, public safety, and quality of life in their communities. Protests against the towers ramped up when they began being erected in Chino Hills in the late 2000s, resulting in Hope for the Hills (with the vocal support of several local elected officials) staging multiple demonstrations and protests both in their city and at government and SoCal Edison offices beyond it, even buying charter buses to travel en masse to the California Public Utilities Commission offices in San Francisco. This last motion contributed to CPUC narrowly voting 3-2 to overturn their prior decision, a motion that forced Edison to scrap all sixteen towers they had already built in Chino Hills and move the power lines underground at a significant expense.⁹ Notably, similar efforts from other

⁷ 2010 DEC Redistricting Data, (PL 94-171), United States Census Bureau, <<https://data.census.gov/table/DECENNIALPL2010.P2?q=p2&g=160XX00US0613210,0613214>>.

⁸ 2020 DEC Redistricting Data, (PL 94-171), United States Census Bureau, <<https://data.census.gov/table/DECENNIALPL2020.P2?q=p2&g=160XX00US0613210,0613214>>.

⁹ “Tehachapi Renewable Transmission Project: Project Information from 2011 to 2013,” Chino Hills.com

municipalities in San Bernardino County to replicate Chino Hills' success all faltered, a testament to the disproportionate strength of this municipality.¹⁰

Chino residents did not have as much incentive to protest the power lines, however. At the time of the TRTP's construction, relatively few residents lived in the area near the towers, though new developments have encroached closer to them just a few years later. Instead, the lines ran primarily through the business district and by the prison, whose residents had little say in resisting a state-run project adjacent to state-owned land. In this sense, the lines' presence stands as a potent reminder of how those convicted of a crime in the United States are stripped of their political power, though it is doubtful the presence of power lines were of much concern to those imprisoned at CIM compared to the other issues they faced.

The lines link the prison to its history and its socio-economic context in other ways, particularly if one connects the building and administering of prisons and the people in them to other political phenomena involved in how Californians—and Americans at large—have shaped and built their environments. To the north and east, the lines stretch to the wind farms of the Central Valley, close to the chain of prisons built in part as a response to Chino's protests of its suburban prison. Both the power lines and the prison represent a "service" viewed as necessary but undesirable when in proximity to free and affluent citizens, a service shipped inland to a region with less political will and desire to resist visually unseemly infrastructure that nonetheless provides jobs to local residents. To the west, the lines follow the same path that

<<https://www.chinohills.org/1000/Tehachapi-Renewable-Transmission-Project>>; Phil Wilson, "Giant new utility poles spark controversy in Chino Hills," *LA Times*, November 27, 2011; Bill Clark, "Hope for the Hills Protest Power Towers," YouTube, January 30, 2012; Samantha Tata, "Chino Hills Residents Perform Through Their Power-Line Phlight," NBC Southern California, May 4, 2012, <<https://www.nbclosangeles.com/news/local/southern-california-edison-chino-hills-hope-for-the-hills-youtube-video-power-lines-tehachapi-renewabl-transmission-project/1951945/>>; Canan Tasci, "Edison Crews Remove the Last of high-voltage towers in Chino Hills," *The Sun*, November 10, 2013

¹⁰ Marianne Napoles, "Ontario loses power line appeal," *Chino Champion*, January 2, 2016.

Kevin Cooper would have traveled on his way to the Myers residence. Yet now, as soon as they cross over the border of Chino Hills, the lines plunge down into a transfer substation, then straight into the ground: a potent symbol of the many ways in which the incorporation of this community allowed residents to establish local control, cut itself off from association with old Chino and its undesirable prison without walls, and build a community in the form they most desired.

The last remnants of TRTP are its absence. The thin strip of land where the towers briefly stood remains undeveloped, providing a narrow path along a creek with unobstructed sightlines straight towards the old Ryen residence.



Figure 7: Photos by author, June 2023, from the same location on Pipeline Avenue in Chino Hills. The image on the left shows the substation where the TRTP power lines plunge below ground right at the border between Chino and Chino Hills; the photograph on the right shows the path of now undeveloped land that was previously a site of several TRTP power lines. The former Ryen residence is located in the hills visible on the end of this path, roughly under the large palm tree in the foreground on the middle right.

Memory and Erasure in Chino

There is currently little trace of the old Chino Valley left, at least not as Superintendent Scudder and his original group of imprisoned men and employees knew and described it. The population of the region, now divided into the “old” Chino and Chino Hills, has swelled to nearly 170,000

people.¹¹ The old cattle ranches that prisoners once helped run are all but gone, following some controversies involving the drainage of their livestock's manure and a general trend of dairy industry centralization deeper inland. They have since been replaced by parks, office buildings, and hundreds of single-family homes.¹² The old creek that several would-be escapees attempted to take shelter in during their flights has been paved over.¹³

These changes are reflected in the immediate surroundings of the California Institute for Men. Instead of green fields of scattered beet and dairy farms marked with the odd barbed-wire fence, the prison is today surrounded by Ruben S. Ayala community park, a satellite campus for Chaffey College, Walmart and Amazon delivery centers, dozens of offices and businesses, and a brand new residential subdivision called "The Commons at College Park," featuring pretty family-oriented homes ranging from \$650,000 townhomes to larger houses valued upwards of \$1 million.¹⁴ Beyond those lay a whole host of landmarks that have given the region its own identity and significance to residents: a massive Hindu temple complex called BAPS Shri Swaminaryan mandir, a sprawling "Big League Dreams" sports complex, megachurches, outdoor shopping malls, golf courses, hotels, schools, and miles and miles of even more cul-de-sacs and rows of houses, condos, and apartments.

This landscape is intimately familiar to me, not just from trips to the region to research for this project, but because I was born and raised in it. My parents settled in Chino Hills in the

¹¹ "Chino" and "Chino Hills," U.S. Census Bureau, accessed February 26, 2020. <<https://www.census.gov/quickfacts/fact/table/chinocitycalifornia,CA/PST045219>>

¹² "Developers: People Will Displace Cows in Chino Valley," *Dairy Herd*, Jan 17, 2011, accessed February 27, 2020. <<https://www.dairyherd.com/article/developers-people-will-displace-cows-chino-valley>>; David Allen, "Cows mooove out as one of Chino's last dairies close," *Inland Valley Daily Bulletin*, June 9, 2018, accessed February 27, 2020, <<https://www.dailybulletin.com/2018/06/09/cows-mooove-out-as-one-of-chinos-last-dairies-closes/>>.

¹³ Kenyon J. Scudder, *Prisoners are People* (Garden City: Doubleday and Co., 1952), 206–207.

¹⁴ Prices based off of Zillow valuations, May 16, 2024.

early 1990s; the pair of public school teachers quickly planted their roots in the young municipality, and I arrived soon after. I personally witnessed the region's rapid development from still-largely agrarian to almost entirely suburban in character. Though Chino Hills' General Plan still insists that the city preserve its "rural" roots through zoning measures and land use policies that prevent the conversion of abundant ranching and park land into high density housing, I saw, smelled, and felt the Chino Valley transform from an expanse of cow pastures to a series of profitable, low-density, visually indistinct subdivisions.¹⁵ Almost everything I knew of my hometown has changed—but not the prison.

I still visit Chino and Chino Hills often, both to visit my parents and close relatives of my wife, who by pure happenstance now live in a subdivision that neighbors the prison. Visiting them has given me additional insights about the character of these prison suburbs, which truthfully differs little from that of any of the other upper-middle-class neighborhoods of Southern California. Around Halloween, the area bustles with young families with costumed children trick-or-treating after dark, the lights of the prison casting a festive orange light over the block. The fears expressed by the *Champion* editorial decades prior that residents would one day live right next to the prison had become a reality, though I didn't see any trick-or-treaters venturing from across a small dirt field to knock on the gun tower and ask for candy. On the Fourth of July, Independence Day festivals fill Ayala Park, which was built in 1986 and commemorated in 1987 specifically with the intention of one day buffering new developments from the prison; it took several years, but eventually it succeeded in attracting developers to the land.¹⁶ Fireworks celebrating freedom fill the sky over a facility housing nearly 4,000 men whose

¹⁵ City of Chino Hills General Plan, 2015, <<https://www.chinohills.org/DocumentCenter/View/11275/General-Plan--Final-approved-by-CC-2-14-15-4-21?bidId=>>.

¹⁶ Matthew Erlich, "Public facilities could buffer homes from prison," *Chino Champion*, December 19, 1986; "News Briefs," *Chino Champion*, Oct 2, 1987.

freedom has been taken from them by the United States' criminal justice system. Watching the hundreds of families, filling the soccer and baseball fields their children use everyday, looking straight past the walls in front of them and the men behind them to gawk at the sky full of lights and colors above remains one of the more jarring experiences of my life.¹⁷

Indeed, the presence of their imprisoned neighbors rarely appears to breach the thoughts of park goers, college students, and residents that use these spaces in clear view of the prison, save for the occasional mass phone call warning them of an escape or a rare riot in the facility. Children play Little League and youth soccer tournaments mere feet from the facility that was once treated as the greatest danger for children's safety in the region, seemingly without even registering its presence. I certainly didn't think of it very much for the two decades that I lived in Chino Hills. I had never heard of Cooper's escape or the Ryens' murders until long after I left home; neither had my parents or my friends who attended Ruben S. Ayala High School, named after the senator who campaigned for most of his career against the presence and expansion of the prison and built in 1990 in Chino Hills almost directly between the prison and the Ryens' old house, along the path that Cooper traveled on his initial escape. Indeed, most people I have spoken to, both formally and informally, do not think of Chino Hills as a prison town at all, even though Ayala High was built immediately next door to Boys Republic, a much older school for troubled youth that itself serves as a type of carceral site with an emphasis on reform, one even older than CIM. Most of those who attended Canyon Hills Junior High had never heard of the origins of their school's name, a vestigial trace of moral panic and concern about the prison's impact on property values. The whole of Chino Valley seems to be in an uneasy state of *détente*

¹⁷ By coincidence, my own academic advisor texted me during the writing of this paper when his own family was invited to a youth soccer game at Ayala Park; he shared my feelings on the sheer strangeness of the environment.

with the prison, agreeing to look the other way and draw back on their criticisms of its operations so long as escape numbers remain negligible.

Those anecdotal observations do not mean that the prison has been entirely removed from the same physical plane as the surrounding neighborhood, but the state and CIM's administration has done everything it can to do so. The towering fences of the prison, installed and built up in the aftermath of Kevin Cooper's escape, envelop much of CIM, cutting it off from clear view from the neighbors save for the gun towers, survey lights, and the upper tip of some smelting chimneys. These security measures suggest that this carceral space, this institution that predates most other human-made spaces in Chino, is hardly ever experienced directly even by those who live next to it for decades. This division renders the California Institute for Men in Chino—and Scudder's progressive dreams of a different future for prisons—practically invisible amidst the suburban sprawl that enveloped it. The interior of the prison is ironically best visible from further away, from the homes and golf courses that line the same Chino Hills whose residents have fought the hardest to distance themselves from the prison. CIM is especially visible at night, its agricultural fields forming a mostly black square embedded in the sea of twinkling lights of car-dependent suburbs stretching out across the valley and crawling up the face of the San Gabriel Mountains. From this vantage point, CIM and the men caged in it can appear to exist in a completely separate world from their neighbors—but they do not.

Time has not stood still behind the walls and fences at CIM, and the men processed and incarcerated there have not simply disappeared, as much as the local groups and politicians who sought to displace them further inland once sought to do so. While no longer the subject of the mythologized amusement storytelling of the '50s and '60s or the heightened hysteria of the '70s and '80s in the local press, the California Institution for Men and the rest of the California

carceral system has continued to come under fire by prison abolitionists and human rights activists for its overcrowded conditions, reliance on convict labor, and the often hazardous conditions experienced by those imprisoned within. Besides the other host of traumas experienced by those who are caged as a form of punishment or control, these people have been subjected to abuse from guards and fellow imprisoned people, the terror of riots, and rampant disease fostered by unsanitary and overcrowded conditions. The operating model has even placed those who worked at the prison in danger, with several guards being wounded and killed as well—though, with that violence occurring behind the fences of the prison rather than on the streets and in the homes of Chino and Chino Hills, calls for the prison’s closure have yet to return to the volume of the late 1980s and ‘90s.¹⁸

The problems faced by American prison operations most notably came to a head in 2020 during the COVID-19 pandemic, when 600 of those imprisoned in CIM became severely ill and nine died as the disease tore through the prison facility, ranking it as the among the worst in the state in responding to the pandemic and leaving the administration guilty of further potential constitutional violations.¹⁹ Like many aspects of American society, the pandemic briefly put on full display the shortcomings of our systems and structures, compelling Governor Gavin Newsom and the legislature to permit many throughout the state to leave the prisons and temporarily return to their homes and families. Those moderate reductions have since given way to the closures of some state prisons, a reversal in trends almost unimaginable even a decade

¹⁸ Marvin Mentor, “California Guard Murdered By Prisoner; Investigative Reports Blame Gross Staff Incompetence,” *Prison Legal News*, November 15, 2006, <https://www.prisonlegalnews.org/news/2006/nov/15/california-guard-murdered-by-prisoner-investigative-reports-blame-gross-staff-incompetence/>; Gillian Flaccus and Don Thompson, “Prison packed during riot,” *Oakland Tribune*, August 11, 2009

¹⁹ Keri Blakinger, “Report: Four of California’s prisons ranked worst at handling COVID, care for inmates,” *Los Angeles Times*, June 7, 2023.

prior. Ironically, CIM was never considered for closure, despite the continued opposition or indifference of most residents for its continued operation. Instead, it was the most remote carceral sites, such as the California Correctional Center in Susanville, which fully deactivated in 2023 while larger and more logistically convenient sites like CIM remained in operation. The protests in these communities *against* these prisons' closures emphasizes the distinct differences between how prisons are viewed as a "desirable" institution in rural locales that are economically dependent on government jobs and funding versus being seen as "undesirable" in urban or suburban locales with more diversified job opportunities and higher property values.²⁰ This marked difference supports the interpretation that the shift in public support for CIM had much less to do with a broad cultural backlash against the specific "open" practices of the prison and far more to do with the valley's transition from rural to suburban identity and the different economic and political priorities of the residents that transformation attracted.

The pandemic era's increase in parole and reduced sentences coincided with heightened public discourse surrounding the purpose and role of the American justice system as its failure to "solve" the problems of crime, poverty, and inequity in American society have become increasingly difficult to ignore. Spearheaded by the Black Lives Matter movement and related protests to the murder of George Floyd by a police officer in Minneapolis, calls to reduce and eliminate the practice of incarceration heightened, with the idea of reducing prison sizes being discussed—or at least briefly acknowledged—by a few in elected office. While some voices have called for the complete abolition of prisons and the police who fill them, others have offered various suggestions for compromise and "compassionate reform" that (likely unknowingly) echo those championed by Scudder nearly a century prior as he sought to preserve

²⁰ Arango, "Nothing Will Be The Same."

a prison system on the brink of collapse.²¹ Others still have focused on trying to right prior wrongs within the confines of the existing justice system; various figures, including none other than reality television star and business mogul Kim Kardashian, have even called on Governor Newsom to restore Kevin Cooper's freedom from what he and his supporters claim was a racially-motivated death sentence.²²

In response to these various critiques of the carceral state, many of the most reactionary discourses that had been leveled at reform-based penology for decades have likewise been revived and amplified. Many conservative politicians, commentators, and residents have dusted off the same old tropes that have been touted in Chino and suburbs like it for decades, proclaiming their perceived needs for harsher punishments, increased sentencing, and more stringent security measures to segregate inherent criminals from their neighborhoods.²³ In 2024, after roughly forty years of mostly relaxed relations with CIM, Chino and Chino Hills' mayors, the Chino chief of police, and city council members from both cities joined Mary Ann Hughes, mother of the murdered boy who lost his life in 1983 along with the Ryens, for a press conference denouncing the relocation of several death row inmates to CIM for rehabilitative programs. Both city governments posted about the move on their social media platforms, calling for local residents to petition Governor Newsom and CDCR Secretary Jeff Macomber to reverse the change. Representatives of the city likewise traveled to Sacramento to personally advocate for these men to be relocated to San Quentin. While there had not been a major escape from the prison in years and Department of Corrections officials claimed that the men were imprisoned in

²¹ For more on the journalistic discourse surrounding contemporary American prisons and criminal justice, see *The Marshall Project* (<https://www.themarshallproject.org/>).

²² Hannah Yasharoff, "Fans have mixed reactions to Kim Kardashian's quest to exonerate death row inmate," *USA Today*, June 3, 2019. <https://www.usatoday.com/story/life/entertainthis/2019/06/03/kim-kardashian-west-controversial-decision-exonerate-death-row-inmate/1327408001/>.

²³ Arango, "Nothing will be the same"

their own high-security compound behind a lethal electrified fence, Police Chief Kevin Mensen called the move “a recipe for disaster.” Mayor Eunice Ulloa expressed “outrage” about this move, claiming it placed the “safety of the community” at risk. Local papers dipped back into the old tropes of generations past to criticize the prison’s lax security standards, providing the most fantastical escape story possible from recent years of a man who stole a wetsuit—ironically from the same scuba diving program Senator Boatwright had lambasted decades prior—to scale a razor wire fence whose sensors had allegedly not worked in years. Most tellingly, all of these public addresses drew on the 40-year-old murders, framed as “the largest criminal loss of life in our City” (though it predated Chino Hills’ formal incorporation) as the main reason to fear another escape. Mrs. Hughes expressed that, “People need to wake up,” especially those with young families who lived right next to the prison whose children might be next if dangerous criminals were to escape into otherwise safe neighborhoods.²⁴

As before, none of these addresses from locally elected officials identified or interrogated the root cause of *why* death row criminals had to be relocated to CIM from overcrowded San Quentin, nor why these men were slated to be executed, nor why CIM and the rest of the state’s prisons had to continue to operate. They did not advocate for the prison to close, nor for *all* prisons to close, and they did not address the issues or needs faced by the imprisoned men who could not vote for them. One voice that *did* address these issues, however, was Kevin Cooper, who has advocated tirelessly not just for his own life but for the lives of all people imprisoned in the United States for years. In prison, Cooper read *The Autobiography of Malcolm X* for the first time, which opened the gateway for him to read many other books by figures like Nelson Mandela and became a part of the same Black radical tradition that George Jackson had

²⁴ Brian Rokos, “Chino leaders demand removal of death row inmates from local prison,” *San Bernardino Sun*, May 7, 2024; City of Chino Hills (@cityofchinohillsgov), Instagram, April 19, 25; May 7, 2024

championed and Robert Beaty had used to organize his own escape. Cooper has given multiple statements and interviews over the years to not only argue for his own innocence, but to identify his position as a part of a much wider struggle against an unjust and discriminatory prison system. Cooper has connected his experience of spending most of his life on Death Row with the histories of indigenous people, enslaved people, the LGBTQ+ community, the working poor, and other oppressed groups throughout the United States. From behind bars, through his writings, interviews, and art (he taught himself to paint in prison while watching Bob Ross on PBS), he has been active for years in calling for the system to be overturned. In his words:²⁵

““Reading is to the mind what exercise is to the body” is something that I believe in. I must exercise my mind by reading different types of things. [...] It’s all about [...] this fight that we’re in. That I’m in, that poor people are in. That gays, lesbians, transgender people are in, bisexual people. I mean, we’re all in the same fight, no matter what our sexual orientation or our religion or whatever. If we’re poor, or we’re considered different, or being different by the powers that be, we’re all in this struggle. ‘Cause they’re trying to kill us, one way or the other.”²⁶

Just as it was in 1941, when Scudder erroneously predicted that open prisons were the future of penology and no further prisons would be built in California for decades, the future of incarceration in the United States is uncertain. Now as much as then, it remains the responsibility not just of politicians in Sacramento and Washington, but of local actors and activists, to shape the next era of criminal justice in the United States. The history of Chino Valley should be instructive in that endeavor—as an example of the ultimate folly of trying to incrementally reform inherently inhumane prisons to become slightly less inhumane, yes, but also as a reminder that the future of U.S. prisons is unwritten. If a sufficiently organized group of political

²⁵ For more on Kevin Cooper’s writing about his experience as a death row inmate and his perspective on the wider movement against prisons, see his collected writings for *Scheerpost*.

<<https://scheerpost.com/category/contributors/kevin-cooper/>>; “I Was Four Hours Away From Execution,” *Prison Writers*, <<https://prisonwriters.com/hours-away-from-execution/>>.

²⁶ Robert Scheer with Kevin Cooper, “Another Christmas on Death Row,” *truthdig*, December 25, 2019, <<https://www.truthdig.com/articles/another-christmas-on-death-row/>>;

actors could reshape the carceral landscape of a state to take a shape its top administrators could not have imagined in just a few decades, they can do so again, for worse or for better.

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