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UNIVERSITY OF CALIFORNIA
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Unbroken Spirit: Pelican Bay, California Prisoner Hunger Strikes, Family Uprisings, and
Learning to Listen

A Dissertation submitted in partial satisfaction
of the requirements for the degree of

Doctor of Philosophy

in

Ethnic Studies

by

Angelica Camacho

September 2017

Dissertation Committee:

Dr. Dylan Rodríguez, Chairperson

Dr. Fred Moten

Dr. Andrea Smith

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The Dissertation of Angelica Camacho is approved:

Committee Chairperson

University of California, Riverside

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DEDICATION:

Para Felipe, Robert, y Johnny. Gracias por haber compartido su luz, amor, y sabiduría.
Para todo los camarad@s detras rejas, que este libro sea un orgullo – y que les trasmita esa misma fuerza y esperanza que ustedes me han brindado.

“But it is not so easy for neoliberal globalization, because the exploited of each country become discontented, and they will not say well, too bad, instead they rebel. And those who remain and who are in the way resist, and they don't allow themselves to be eliminated. And that is why we see, all over the world, those who are being screwed over making resistances, not putting up with it, in other words, they rebel, and not just in one country but wherever they abound. And so, as there is a neoliberal globalization, there is a globalization of rebellion. And it is not just the workers of the countryside and of the city who appear in this globalization of rebellion, but others also appear who are much persecuted and despised for the same reason, for not letting themselves be dominated, like women, young people, the indigenous, homosexuals, lesbians, transsexual persons, migrants and many other groups who exist all over the world but who we do not see until they shout ya basta of being despised, and they raise up, and then we see them, we hear them, and we learn from them.”

-Ejército Zapatista Liberación Nacional,
“La Sexta Declaracion de La Selva Lacandona,” June 2005

ABSTRACT OF THE DISSERTATION

Unbroken Spirit: Pelican Bay, California Prisoner Hungers Strikes, Family Uprisings,
and Learning to Listen

by

Angelica Camacho

Doctor of Philosophy, Graduate Program in Ethnic Studies
University of California, Riverside, September 2017
Dr. Dylan Rodríguez, Chairperson

Unbroken Spirit: Pelican Bay, California Prisoner Hunger Strikes, Family Uprisings, and Learning to Listen is a full-length study of the 2011 and 2013 California (CA) prisoner hunger strikes that emerged from Pelican Bay State Prison (PBSP), California's heaviest monitored maximum-security prison. The California prison hunger strikes animated a new criticism of inhumane prison conditions that was articulated through the analytical and critical frameworks of incarcerated people, sparking a new set of public debates about human rights, incarceration and state priorities. Through an interdisciplinary analysis of the Pelican Bay and California prison hunger strikes, *An Unbroken Spirit* embraces multiple methods to document the socio-political consequences of Security Housing Units (SHU) on both those incarcerated within Pelican Bay and the "free world" communities they come from. This project provides the first sustained engagement with the historical conjunctures, textual archives, film and popular

cultural contexts, policy implications, oral histories, and ethnographic fieldwork that specifically addresses the emergence of PBSP-SHU and the hunger strikes. Utilizing an expanding body of scholarship in the emerging field of Critical Ethnic Studies, and informed by a radical prison praxis, this dissertation departs from traditional disciplinary approaches to social movement theory by methodologically and theoretically centering the organizational, intellectual, and political labor of incarcerated strikers and their families. My dissertation primarily asks, “How might the actions propelled by the Pelican Bay Hunger Strike help enrich or critically inform existing academic, policy, and community-based discourses of violence, harm reduction, social justice, and community health in communities of color experiencing the effects of mass incarceration?” *An Unbroken Spirit* examines how the logics of the prison apparatus are uncovered through the contested politics of the prison hunger strike and its support networks. I argue that this prisoner-led movement, and the proposed models of organizing by families, provides direction toward alternative social and cultural relations necessary to recompose power. Importantly, their theorizing around criminalization offers us transformative visions and strategies for anti-prison organizing. As we learn the importance of listening, they disrupt the troubling ways human value is ascribed by a criminalizing national culture, and remind us of the sacredness of life.

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Introduction

On July 1, 2011, over 6,600 incarcerated men across California's state prisons initiated a hunger strike to protest the conditions of confinement in Pelican Bay's Security Housing Units (PBSP- SHU).¹ This monumental strike rose as a multi-racial effort and animated new criticisms about human rights, incarceration and state priorities. Such widespread coordination and participation of incarcerated people stemmed from prisoners' situated knowledge of crime-driven social policy in California and across the nation. Indeed, PBSP-SHU's very own construction in 1989 occurred as state and national austerity efforts gained momentum by purporting a need to warehouse America's most violent and serious criminals. The construction of PBSP-SHU constituted a state attack on prison- based mutual aid societies, specifically those accused of being prison gangs involved in organized crime and the Mexican Mafia. As the hunger strikes continued, it was the mobilization of family members – mostly women who identified as mothers, wives, and sisters – that became central to the success of the strike

¹ L.A. Now, "6,600 California prisoners refused meals," *Los Angeles Times*, July 6, 2011, accessed February 7, 2014, <http://latimesblogs.latimes.com/lanow/2011/07/6600-california-prisoners-refuse-meals.html>; Ian Lovett, "Hunger Strike by Inmates Is Latest Challenge to California's Prison System," *New York Times*, July 7, 2011, accessed Feb 7, 2014, http://www.nytimes.com/2011/07/08/us/08hunger.html?_r=0; Paige St. John, "30,000 California prisoners refuse meals in apparent hunger strike," *Los Angeles Times*, July 8, 2013, accessed Feb 7, 2014, <http://articles.latimes.com/2013/jul/08/local/la-me-ff-prison-strike-20130709>; "California Prison Hunger Strike: 30,000 Inmates Refuse Meals," *Huff Post Los Angeles*, July 9, 2013, accessed February 7, 2014, http://www.huffingtonpost.com/2013/07/09/california-prison-hunger-strike-30000_n_3567639.html

My dissertation provides a full-length study of the Pelican Bay and California prisoner hunger strikes from 2011-2013 and the subsequent formation of California Families Against Solitary Confinement (CFASC) that rose to contest the conditions of confinement in Security Housing Units (SHU) across California (CA). My research reveals how PBSP was an epicenter for propelling the criminalization and incarceration necessary to reproduce what Prison Studies scholars such as Dylan Rodríguez and Ruth W. Gilmore call the prison regime and prison industrial complex.² I examine how the criminalization of men in prison gangs and the Mexican Mafia has created, what I term, a “moral panic of the Mafioso” that has advanced the criminalization of men inside of Pelican Bay SHU and also brown youth and barrios. Moreover, while *mafiosos* and gang members are often understood as social ills that need to be eradicated, a scapegoat is produced. *Mafiosos* are blamed for complex problems produced by a neoliberal white supremacist heteropatriarchal capitalist state that cannot be easily solved by prisons and policing. Moreover, I insist that this prisoner-led movement, and its produced theories and organizing models, provide transformative social and cultural relations necessary to recompose power.

My research embraces multiple methods to analyze the Pelican Bay and California prisoner hunger strikes and to document the socio-political consequences of Security Housing Units on incarcerated people and the “free world” communities they come from. My dissertation, *Unbroken Spirit*, is the first sustained engagement with the historical

² Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime* (Minneapolis: University of Minnesota Press, 2006); Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007).

conjunctures, policy implications, textual archives, oral histories, and ethnographic fieldwork regarding the emergence of PBSP-SHU and the hunger strikes. I conducted fieldwork for five years organizing with California Families Against Solitary Confinement (CFASC), gathered formal interviews with participants, and reviewed the personal archives of SHU family members.

Utilizing an expanding body of scholarship in the emerging field of Critical Ethnic Studies, and informed by a radical prison praxis that methodologically centers Zapatismo, this dissertation departs from traditional disciplinary approaches to social movement theory by methodologically and theoretically centering the organizational, intellectual, and political labor of incarcerated strikers, their families, and loved ones who supported this mobilization.³ My dissertation project contributes to scholarly debates in the fields of Social Movement Studies, Criminal Justice/Prison Studies, Cultural Studies, Chicana Studies, and Critical Ethnic Studies by interrogating how power is socially and culturally activated within, against and beyond the U.S. carceral state. This project is theoretically guided by Critical Ethnic Studies approaches that refuse liberal multiculturalist agendas that portend to promote civility and inclusion, yet are premised on the criminalization of marginalized populations. Inspired by the Zapatistas, I seek to

³ Dylan Rodríguez defines Radical prison praxis as, “fundamentally an institutional and discursive antagonism, that is, an insurgent or insurrectionist formation of critique, dissent, and rebellion that (1) elaborates a conception of political subjectivity—its context, possibilities, and historicity – specific to the formation of the prison as a particular regime of power; (2) conceptualizes praxis through the terms with which it is organically linked and historically ‘belongs’ to, a lineage of imprisoned radical intellectuals; and (3) shifts the presumptive political geography of praxis by examining its formation at the site of imprisonment, a disjuncture from the juridical and cultural domains of civil society.” (*Forced Passages*, 76)

engage theories that emerge when ordinary people collectively self-organize, despite extraordinary odds, to assert demands on and critique the hegemonic state apparatus. Moreover, I am less interested in studying prisoners and their family as objects that follow behavioral patterns/organizing trends, than in initiating a conversation committed to turning social inequalities into social justice.

My dissertation asks, how might the actions propelled by the Pelican Bay Hunger Strike help enrich or critically inform existing academic, policy, and community-based discourses of violence, harm reduction, social justice, and community health in communities of color experiencing the effects of mass incarceration, most especially for Chicanxs? How does the peculiar carceral and criminological genealogy of Pelican Bay structure the criminalization of Latinx communities? How does the building and maintenance of Pelican Bay State Prison impact prisoners, their loved ones, and the communities they come from? How have we been anesthetized to the brutality of Pelican Bay SHU? What does it mean to mobilize around the unredeemed “gang member” who does not fully align himself with radical movements or prison abolition? Moreover, what have been the larger cultural formations that have made it impossible for men involved in gangs (and their loved ones) to also influence larger prison movements? How have the criminalizing logics that cohere Pelican Bay informed who are proper subjects that can be listened to? Can we think of the Pelican Bay Hunger Strike as not only connected to local and regional struggles for social and political transformation in California, but also as part of a larger transnational and global struggle to preserve and honor life?

I invoke the Zapatistas call to “learn to listen,” as a premise to dismantle the silencing and criminalizing logics that cohere the prison regime. I question our inability to engage prisoners that have not relinquished and rejected gang membership in our theorizing and building of a world beyond chains and cages. I challenge us to seriously engage the “unapologetic-sometimes proud- gang member,” or the incarcerated person who is “guilty of a crime” to truly enact a politics that ruptures the conceptions of private property transpired onto incarcerated people as they’re labeled “criminals.” I insist that the branding of state property onto prisoners, is rooted in a colonial practice that simultaneously denies us the ability to see the sacredness and interconnectedness of all life. Just as these logics that dehumanize incarcerated people have anesthetize us to the torture and devaluation of prisoners’ lives within Pelican Bay SHU.

I do not enter this story attempting to make incarcerated men legible as subjects- pure, perfect and non-contradictory beings. I enter wanting us to sit in their complexity, contradictions- in our interconnectedness. In an unconditional love for thy neighbor that goes beyond criminal labels and the ideas of personhood generated by our carceral society. In the possibilities that lie in faith and prayer and the sociality promoted by Diane Million’s Indigeneity, Hebrews 13:3 and InLaKesh. Alternatively, I argue that if we learn to listen, the Pelican Bay California Prisoner Hunger Strikes can begin a dialogue about the importance of redistributing value onto life and also help us get closer to the dismantling of the prison regime and prison industrial complex.

I promote that “other worlds” be built collectively with communities in struggle who do not always predispose a set of “politically correct revolutionary ideas.”

(Whatever that means anyway) Those who participated in the hunger strike are much more complex- as all people and “revolutionaries.” They are imperfect, as tomorrow and struggle continues to be. Nonetheless, we have much to learn from each other in dialogue as we collectively construct a world by lending an ear to listen to each other’s imperfect contributions.

Motivations

My involvement with the hunger strike began in July 2011 out of concern for a friend in the SHU that was participating. After I became completely immersed and consumed by the organizing I decided to make it part of my dissertation project. I became unsettled with events I was witnessing through the hunger strike and I wanted to document this movement as well as work through my thoughts about anti-prison organizing. I could not fathom how the larger public, and especially brown people, had become anesthetized to the brutality of the California carceral system, above all a place like the SHU. On the supportive end, I was annoyed with comments about the hunger strike being simplistic and reformist. As I juxtaposed these comments with the anesthetization I witnessed, the desire for this movement to be some sort of remake of Attica or 70’s prisoner revolts seemed out of touch with the current historical moment. I also understood the maintenance of Pelican Bay as connected to larger processes of violence affecting local communities and global struggles, and felt the present rising opposition was already as is of utmost importance.

As the organizing of the hunger strike came improvisationally together, I was immensely inspired by the strength and courage of the hunger strikers' families and loved ones. The power of their stories touched me and reminded me of the urgency and need for this prisoner movement. Moreover, the love and compassion they had for their kin in prison, and anyone willing to listen, made me rethink the way I approached anti-prison organizing. As we worked together to orchestrate rallies and make flyers we developed personal relationships with one another. Over the years, in the numerous times I carpooled with them to visit in Pelican Bay, I witnessed the pain and obstacles many family members face having their loved one in the SHU. I saw how the violence of carcerality extended beyond its walls to drastically impact prisoners' surrounding communities.

As we repeatedly collaborated to put together events and protests, the families' concerns and questions around this hunger strike were part of my daily meditations. I was angered to see the organizing strategies of family members and the messages of the hunger strike overshadowed by desires to take more radical approaches to anti-prison activism. I also questioned why political revolutionary prisoners were highlighted or praised over those who were deemed gang members, when most of the men in prison or on hunger strike did not self-identify- as radical or political prisoners. Especially noting that the hunger strike representatives had previously clarified and clearly stated in solidarity statements that this uprising was not to be connected to previous political events, groups, or figures but looked at as its own unique historical event of incarcerated

men that strived to unite across racial lines to create a new movement for change. Their words were both clear and profound.

Prisoners' resilience and confidence in confronting the California Department of Corrections (CDC) fueled me. Their example moved me to walk with strength in my daily living. I felt there was so much to take in and learn from this uprising. More than anything, that it was vital to seriously engage the theorizing emanating out of these uprisings if we were ever to build healthier communities.

Research Methods

Breaking with traditional anthropology ethnographic practices and sociological studies of social movements, I analyze this movement to initiate a conversation that can help us transform social inequalities into social justice, and am not interested in following or documenting behavioral patterns or organizing trends. Moreover, my efforts are less focused on analyzing how they did it, and more interested in telling you what they are fighting for and why its important for the welfare of our society. My engagement with social movement literature is not to prove the organizing around the Pelican Bay Hunger Strike qualifies as a social movement, but rather to speak about the importance it has to a larger struggle against the prison regime and prison industrial complex.

My dissertation research project is heavily based on primary data gathered from personal correspondence with prisoners through letters and prison visits, formal interviews, ethnographic fieldwork, online blogs and newspapers, the California Department of Corrections (CDC) and Office of Public Affairs government databases,

California Families Against Solitary Confinement (CFASC), and from personal collections of SHU prisoners' family members. Moreover, I will comparatively examine the proposed solutions of hunger strikers, their families and loved ones, California State Assembly's Public Safety Committee, and the CDC.

Much of the research was also gathered through my own personal and political involvement in the outside organizing of the hunger strike alongside family members and loved ones of incarcerated strikers. I do find it important to note that my involvement with the Pelican Bay and CA prisoner hunger strikes did not emanate out of a call for activist research. As previously stated, I was initially drawn to the organizing, because I had a friend who was incarcerated in Pelican Bay SHU who was hunger striking. After it was evident there would be no response from the governor I felt it was vital to become involved in any way I could.

Different from traditional research methods, I do not see my personal involvement as detrimental to the research process. As João H Costa-Vargas notes in his proposal of "observant participation" in activist-research, even those that try to be invisible at the very least influence the social environment of their fieldwork location. Most importantly, during debates on positivism and objectivity, attempted claims to objectivity and neutrality also carry a very clear moral and political position. While they want to leave the status quo untouched, to remain "neutral" is to side with those in power.⁴

⁴ João H. Costa Vargas, "Activist Scholarship: Limits and Possibilities in Times of Black Genocide," in *Engaging Contradictions: Theory, Politics, and Methods of Activist Scholarship*, ed. Charles R. Hale (Berkeley: University of California Press, 2008), 172; George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia, Temple University Press, 1998).

Following in the tradition of critical ethnography and various indigenous and active scholars I take an interdisciplinary approach that methodologically centers aggrieved communities and their necessities. I borrow from Linda Tuhiwai Smith's efforts to develop methodologies that are more respectful, ethical, sympathetic, and useful to the respective communities. In her book, *Decolonizing Methodologies*, Tuhiwai Smith further states, "Processes are expected to be respectful, to enable people, to heal and to educate."⁵ Further, Ruth Wilson Gilmore reminds us that scholars can make a difference because "we have the precious opportunity to think in cross-cutting ways and to find both promising continuities and productive breaks in the mix of people, histories, political and economic forces, and landscapes that make up forgotten places."⁶ Further, I hope to follow George Cajete's call to produce research for "Life's Sake" and place at the center of my project community regeneration.⁷ In this spirit, I have chosen to enact ethnographic practices that reduce the social distance between me and those easily labeled "criminals" as I incorporate the voices of prisoners, their family and loved ones.⁸ Lastly, inspired by the Zapatista principles, Center for Convivial Research and Autonomy, and Universidad de la Tierra- Califas, I enact Zapatismo as methodology to

⁵ Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (New York: Zed Books, 2001), 128.

⁶ Ruth W. Gilmore, "Forgotten Places and the Seeds of Grassroots Planning," in *Engaging Contradictions: Theory, Politics, and Methods of Activist Scholarship*, ed. Charles R. Hale (Berkeley: University of California Press, 2008), 31.

⁷ Gregory A. Cajete, *Look To The Mountain: An Ecology of Indigenous Education* (Durango, CO: Kivaki Press, 1994).

⁸ Nils Christie, "The Eye of God," in *Crime Control as Industry: Towards GULAGS, Western Style* (New York: Routledge, 2000)

privilege research process over product, and begin to enact the alternative world visions I propose through the very way I conduct research.⁹

Zapatismo as Methodology

The Zapatistas strongly influenced my political imagination and naturally impacted the way I organized alongside, perceived, and related to the Pelican Bay California Prisoner Hunger Strikes.¹⁰ As such, I propose Zapatismo as methodology. I borrow from scholar activists, indigenous methodologies, and the Zapatista principles to inform a research methodology that thinks alongside prisoners, their mothers, and loved ones in struggle, rather than for them.

Similar to the Zapatistas who privilege process rather than the endpoint, I lend special importance to the process of conducting research for knowledge production. I advocate the creation of the world we envision through an enactment of it in the present. In our relationality, and the ways we produce research. Moreover, I see the practice of Zapatismo as methodology as a conversation that exchanges and proposes ideas, rather than imposes. I push us to begin to create spaces of dialogue- conversations that treat

⁹ Special thanks to Dr. Manuel Callahan who introduced me to Convivial Research Methodologies and Universidad de la Tierra during my undergraduate study at University of California, Santa Barbara. My thinking through Zapatismo and methodology is heavily indebted to our conversations.

¹⁰ Coming of age, I was very inspired by the Zapatista movement in Chiapas as I saw them defend their land and right to life. I was excited to see them counter images of indigenous people as submissive, passive, and in need of saving. Especially when they made the decision to live under their own terms. They skipped over government approval, and declared themselves autonomous with full control over their territories. I felt alive every time I heard or read their simple, but profound words. My love for them was so immense, because they not only spoke to those above, but primarily those from below. Everyday common people like my parents.

others with dignity and respect. Where we are all both students and teachers, rather than inhabit a position that tells people what to do by assuming the role of an expert or intellectual vanguard.

In their efforts to create a more just world, the Zapatistas do not claim to have the answers. Instead they offer guiding principles their communities can follow. Those principles are:

Mandar Obedeciendo (Lead by Obeying)
Proponer y No Imponer (Propose, Don't Impose)
Representar y No Suplantar (Represent, Don't Replace)
Antipoder Contra Poder (Anti-power Against Power)
Convencer y No Vencer (Convince and Not Defeat)
Todo Para Todos, Nada Para Nosotros (Everything for Everyone, Nothing for Ourselves)
Construir y No Destruir (Construct, Don't Destroy)
Queremos Un Mundo Donde Quepan Muchos Mundos (We Want a World Where Many Worlds Fit)

I find these Zapatista principles a useful guide for the creation of methodological principles. As such, I promote the practice of Zapatismo as a methodology in order to produce work alongside and in the service of struggle. My proposition of Zapatismo as methodology encourages:

- Refuting the intellectual vanguard sometimes implied in activist research
- Thinking with rather than thinking for aggrieved communities in struggle
- Learning to listen to those most intensely impacted by the violence of the prison regime
- Process over endpoint or process over the pressure of producing.
- Begin to build, create, and/or practice envisioned alternative worlds through the very way we produce research/knowledge.

Activist Research and the Intellectual Vanguard

As a scholar in the discipline of Ethnic Studies I always imagined myself as entering the academy to produce and document knowledge that would help make the world a better

place. I imagined the research I produced would directly serve efforts to improve the social and living conditions for people of color, specifically Chicana communities. I hoped to fulfill the call made by *El Plan de Santa Barbara*, where Chicana activists in 1969 gathered to develop a plan to demand the university create a Chicano Studies department and program that provided an education designed to liberate and address the needs of Chicano barrios.¹¹

Often, scholarship that aligns itself with activism will offer critiques and/or solutions for activist circles in order for us to better learn how to enact revolution/s. This type of scholarship is often referred to as “activist-scholarship.” Some of the works that fall within the realm of activist- scholarship have been crucial in the current state of domestic war and daily human sacrifice partly enacted by the prison industrial complex. They have prompted conversations about how we as academic researchers can use our labor to shift the field of struggle. To reorganize our own consciousness and the concentration and uses of social wealth in “forgotten places.”¹²

For Charles Hale a fundamental feature of activist scholarship is, “to work in dialogue, collaboration, alliance with people who are struggling to better their lives; activist scholarship embodies a responsibility for results that these ‘allies’ can recognize as their own, value in their own terms, and use as they see fit.”¹³ For Hale, activist scholars also share a political sensibility that encompasses a commitment to the basic

¹¹ *El Plan de Santa Barbara: A Chicano Plan for Higher Education* (Santa Barbara: La Causa Publications, 1970).

¹² Gilmore, “Forgotten Places,” 31.

¹³ Charles R. Hale, “Introduction,” in *Engaging Contradictions: Theory, Politics, and Methods of Activist Scholarship*, ed. Charles R. Hale (Berkeley: University of California Press, 2008), 4.

principles of social justice, pay attention to intersectional inequalities, and align themselves with struggles to confront and eliminate social injustices.¹⁴ In the pamphlet *Action Research*, Mario Barrera and Geralda Vialpando highlight the need to establish a reciprocal relationship between research and action in order to develop long-term strategies to redistribute wealth and power. They are very explicit in stating that their research efforts are intentionally designed to benefit the poor and powerless. Those who are the least likely to afford funding research, and whose interests are often oppositional to dominant elites. They advance this type of research by highlighting policies and processes that drastically impact the Chicano community while they theorize “barrio-defense projects” that can offer counter-narratives and strategies.¹⁵ Moreover, for Ruth Wilson Gilmore, as we open the world we make, “Activist scholarship attempts to intervene in a particular historical-geographical moment by changing not only what people do but also how all of us think about ourselves and our time and place.”¹⁶ These works all form part of the vision for the research I have produced. It would be my greatest joy to see what I write, meditated upon and taken into praxis to create the many necessary shifts within our homes and communities.

On the other end, Maria Josefina Saldana- Portillo, facilitates a deeper meditation of the dangers academics face when we position ourselves as intellectuals that produce knowledge for social change. In her book, *The Revolutionary Imagination in the Americas and the Age of Development*, Saldana- Portillo studies revolutionary

¹⁴ Ibid.

¹⁵ Mario Barrera and Geralda Vialpando, eds., *Action Research: In Defense of the Barrio* (Los Angeles: Aztlán Publications Pamphlet, 1974).

¹⁶ Ruth W. Gilmore, “Forgotten Places,” 56.

movements that continuously reproduced hierarchies and the subordination of indigenous people through their proposed models of development.¹⁷ The revolutionary intellectuals imagined revolutions often reproduced regimes of subjection. They engaged indigenous people insofar as they disavowed their indianess in the name of progress, which demanded a transformation of consciousness and being.¹⁸ In this manner, many revolutionary movements retained a trace of colonialism's racialized discourse of civilization. They labeled indigenous people pre-modern, and placed them in a primitive stage that society needed to evolve from.

In both subjective developmentalism and revolutionary literature you find a call for a vanguard, composed of masses of men that need to be reformed and a set of elite productive men who are ready to reform them. Saldana- Portillo articulates how the notion of enlightened and educated elite- that carried the solutions and passed on to form a revolutionary vanguard- reproduced modern violent racist and patriarchal subjection. The revolutionary hero presented itself to save and discipline the peasant's underdeveloped consciousness and bring them to revolutionary subjectivity upholding concepts of human development that had been derived from imperial reason. Part of the problem, Saldana-Portillo identifies is that the theoretical revolutionary subjectivity did not emerge from the material reality peasants found themselves. Consequently, they were left outside visions of revolutionary development.¹⁹ Although Saldana-Portillo speaks about the formation of vanguards in relation to revolutionary movements plans for

¹⁷ Maria Josefina Saldana-Portillo, *Revolutionary Imagination in the Americas and the Age of Development* (Durham and London: Duke University Press, 2003).

¹⁸ Saldana-Portillo, *Revolutionary Imagination*, 259.

¹⁹ *Ibid.*, 259, 84, 111.

development, I further her argument by connecting the vanguard to intellectuals in the academy.

In order for us to create democratic societies, Dean Spade suggests, social movements must be governed by those most directly impacted and center the development of their leadership, “centering the belief that social justice trickles up, not down.”²⁰ This strategy disrupts dogmatic and vanguard organizing that has traditionally centered white people, the educationally privileged, and drowned out the presence of those most widely affected.²¹ Central to these politics is the belief that every day common folks have the ability to transform the world. They do not need saviors or a vanguard that pretends to have the answers and a duty to educate the masses. Those most widely affected may in fact have a more thorough analysis of the current conjuncture, regardless if they have acquired formal schooling or have experience in revolutionary social movements. They carry with them knowledge, an epistemology, and theorization rooted in their lived experiences- having to confront state violence on a daily basis and constantly constructing strategies for existence and survival.

In a communiqué released last year (2014), where the Zapatistas announce that Subcomandante Marcos will cease to exist, they finely articulate the way intellectuals and revolutionary experts can reproduce violence by presenting themselves as holding the answers to their struggle and positioning themselves as thinking for rather than thinking and learning with them.

²⁰ Dean Spade. *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of the Law* (Brooklyn, NY: South End Press, 2011), 223.

²¹ Spade, *Normal Life*, 214.

“Maybe it’s true. Maybe we were wrong in choosing to cultivate life instead of worshipping death.

But we made the choice without listening to those on the outside. Without listening to those who always demand and insist on a fight to the death, as long as others will be the ones to do the dying.

We made the choice while looking and listening inward, as the collective Votán that we are.

We chose rebellion, that is to say, life.

That is not to say that we didn’t know that the war from above would try and would keep trying to re-assert its domination over us.

We knew and we know that we would have to repeatedly defend what we are and how we are.

We knew and we know that there will continue to be death in order for there to be life.

We knew and we know that in order to live, we die...

They say out there that we haven’t achieved anything for ourselves.

It never ceases to surprise us that they hold on to this position with such self-assurance.

....

But that’s not where we want to go.

It doesn’t interest us.

Within these parameters, we prefer to fail than to succeed."²²

The Zapatistas point me to a very frustrating tendency in academic scholarship. That is:

to study a social movement and position oneself as contributing to their organizing by

imposing our ideas about what they should be doing. While enacting the tradition of

critique, by criticizing and tearing apart a group’s present practices and strategies.

However, not really having to be present to live the realities of the outcomes from

organizing efforts and/or the critiques that have been offered in academic circles about

²² Subcomandante Insurgente Galeano, “Between Light and the Shadow,” *Enlace Zapatista*, May 2014, accessed May 27, 2014, <http://enlacezapatista.ezln.org.mx/2014/05/27/between-light-and-shadow/>

these communities. Often, intellectuals will talk about social movements, but not walk with them.

Dialogo: Thinking With, Rather Than Thinking For

While Linda Tuhiwai Smith argues that any engagement with theory needs to take serious the way in which it has been used against native communities, I ask us to think critically of the way in which we see ourselves produce theory for movements as intellectuals in the academy. That we be weary of how the research processes we enact can reproduce the violent subjection of marginalized communities.²³ As Andrea Smith and Audrea Simpson state, the questions is not whether we should theorize, but “how we can critically and intelligently theorize current conditions in diverse spaces inside and outside the academy, and how can we theorize our responses to these conditions.”²⁴ As such, the process we imagine ourselves to enact when we produce knowledge/theory is of vital importance.²⁵

This is not to argue against the use of theory, but rather to pay particular attention to the process we enact when we produce knowledge.²⁶ If we fail to engage and acknowledge the theorizing of aggrieved communities, it is very likely we will not address the material conditions they face. This will result in an imposition of ideas and presupposition that everyday common people, who do not necessarily have an established

²³ Linda Tuhiwai Smith, *Decolonizing Methodologies*.

²⁴ Audra Simpson and Andrea Smith, eds. *Theorizing Native Studies* (Durham and London: Duke University Press, 2014), 7.

²⁵ *Ibid.*, 5.

²⁶ *Ibid.*, 5.

presence in the academy, are unable to think for themselves. Considering all people are capable of producing theory on the daily, perhaps it would be best to see ourselves as intellectuals that think alongside others, rather than for them.

Similar to the Zapatistas push for dialogo during their long juntas and encuentros, I push us to begin to create spaces of dialogue- of encounter- where we can exchange and learn from one another. Rather than assume the role of an expert and educator that has come to teach people what to do without also being a student that knows how to listen. The practice of seeing knowledge production as a conversation- an exchange where one proposes rather than imposes ideas- is what I call the enactment of Zapatismo as a methodology.

As Andrea Smith and Audre Simpson explain, “racialized and colonial Others become marked as those who can be theorized about, but not those who can theorize.”²⁷ Theorizing is not simply a luxury reserved for academics, but a practice that is enacted by people all of the time, outside of academic institutions and formal learning spaces. While Andrea Smith and Audre Simpson promote an “intellectual promiscuity” that engages with other academic fields in Native Studies, I encourage us to practice an “intellectual promiscuity” that is open to go outside the academy to think and engage with people that have different- or lack thereof- models, structures, and formats for producing ideas. As Smith and Simpson articulate, “different forms of theorization can produce forms of analysis that take up political issues in ways that have important consequences for

²⁷ Ibid., 7.

communities of every sort.”²⁸ It would be great to have anyone who can help imagine ways out of our moral and political impasses as part of the conversation. I imagine this can lead to much stronger political and intellectual building.²⁹

Process Over Product: Enacting Alternative Worlds in the Ways We Produce Research

Tuhiwai notes that the process of research is more important than the outcome.³⁰

Zapatismo as methodology not only attempts to generate solutions for a more egalitarian tomorrow, but also strives to create that world through its very practices and process to conduct research. The prioritization of people and humanity, before a project, is essential to a decolonial project. For as folks from Unitierra Califas reminds us in their proposal for Convivial Research Methodologies, the way one chooses to produce knowledge is central to shaping of the knowledge that is produced.³¹

In part, for me this means honoring spaces of *chisme* and peoples trust- at times this meant enacting ethnographic refusal.³² Similar to Native scholar Audre Simpson, I

²⁸ Ibid., 7.

²⁹ Ibid., 10, 7, 11.

³⁰ Tuhiwai Smith, *Decolonizing Methodologies*, 128.

³¹ “Convivial Research and Insurgent Learning,” Universidad de la Tierra Califaz, accessed May 29, 2015, <http://cril.mitotedigital.org/>.

³² I personally choose to align myself more with the word *chisme* than gossip, because gossip is often perceived to denote that what you are saying are not facts, but rather rumors, lies, or exaggerations. *Chisme*, may include this, but it is used a lot more loosely and playfully in Mexican culture and can simply denote informing people about others’ acts, or the choice to devote energy outside of working to improve your own personal life. For example, someone could say, “There you go being a *chismosa!*” when you share with a mate something that happened to you involving one or more persons. Just about all conversations shared with me were of things directly affecting the person and not random negative rants about people. I categorize them as *chisme* because the setting was very informal, during down-time. This was where I got to hear personal inner feelings and

maintain that not because you have been given certain knowledge means that you are meant to share it with the larger public. While writing, I have largely meditated on the impact of sharing certain information can have on those incarcerated, their loved ones, and their communities. I contemplated how academic research and popular journalism on crime and prisons has been used to justify current conditions of confinement as well as garner support for tough on crime and zero tolerance policies. I considered how some people who are heavily impacted by the prison system struggle to keep what little they have. Alas, at the center of my work, I have kept Audra Simpson's questions and "ethnographic refusal":

"What am I revealing here and why? Where will this get us? Who benefits from this and why? And 'enough' was when they shut down (or told me to turn off the recorder), or told me outright funny things like 'nobody seems to know' - when everybody *does* know and talks about it *all the time*... The ethnographic limit then, was reached not just when it would cause harm (or extreme discomfort)- the limit was arrived at when the representation would bite all of us..."³³

I reached my own limit when I felt my writing would help reproduce the violence of the prison industrial complex. I have omitted certain information that was asked to be kept in confidence, or that I myself, without the need of them asking, felt was inappropriate to share. As Ines Hernandez-Avila boldly states, "I am willing and prepared to say to them everything I say here." I designed my work to be read by those who are involved in the research, and it is my utmost hope that the incarcerated people, their loved ones, and

thoughts regarding certain events, or people would share intimate personal stories that were funny, embarrassing, painful. More than often, *chisme* took the form of storytelling or venting in confidence. Some of us would at times playfully say to one another, "I wanna hear the *chisme*!", "*Haber, cuenteme el chisme!*", or "*Esta bueno el chisme!*" Although, *chisme* does translate into gossip, for me there is a certain playfulness and open-endedness that is lost in translation.

³³ Audra Simpson, "On Ethnographic Refusal: Indigeneity, 'Voice' and Colonial Citizenship," *Junctures* 9 (Dec 2007): 78.

family who cross paths with my work will, “ read what is here with interest, and hopefully with relief rather than indignation or disappointment.”³⁴ Most importantly, I feel that to share, when my instinct says to ethnographically refuse, would be a betrayal of the confidentially entrusted in me and the friendships I hold with many of them.

As I maintain the desire to develop methodologies that are more respectful, ethical, sympathetic, and useful to the respective communities I hold in high regards the words of Tuhiwai Smith as she states, “Processes are expected to be respectful, to enable people, to heal and to educate.”³⁵ I hope to demonstrate my respects by protecting the interests and sensitivities of those involved in the study, and represent a form of respect beautifully expressed by Linda Tuhiwai Smith,

“The term ‘respect’ is consistently used by indigenous peoples to underscore the significance of our relationships and humanity. Through respect the place of everyone and everything in the universe is kept in balance and harmony. Respect is a reciprocal, shared, constantly interchanging principle which is expressed through all aspect of social conduct.”³⁶

It is of vital importance for me to honor the people who have opened their homes and hearts to me. As such I strive to be accountable to them and not produce this project at the expense of their livelihoods.

I also seek to avoid the “ethnographic imperative” that has historically objectified communities in struggle through a process of thingnification that attempts to make them more knowable. Instead, I enact what Andrea Smith terms as an “intellectual ethnography,” to see what everyday common people struggling with the effects of prisons

³⁴ Inés Hernández-Avila, “Mediation of the Spirit: Native American Religious Traditions and the Ethics of Representation,” *American Indian Quarterly* 20, ³/₄ (Summer-Autumn 1996): 329-352.

³⁵ Tuhiwai Smith, *Decolonizing Methodologies*, 128.

³⁶ *Ibid.*, 120.

“have to tell us about the world we live in and how to change it.”³⁷ I engage with the theorizing that emanated out of the Pelican Bay and California Prisoner Hunger Strike struggle, as opposed to studying the prisoners and families organizing as objects. A method that helps one listen to the voices from below, rather than study their peculiarities. I take on ethnography’s call for thick description in order to generate knowledge that deepens our analysis of the multiple dimensions of violence produced by the prison industrial complex, specifically Pelican Bay State Prison.

My intellectual work aims to shift the dominant narratives of criminality that target and scapegoat communities of color into counter-hegemonic narratives of social life that highlight social struggles for dignity and liberation. Further, if the starting point is dignity of those in struggle then the struggle must be primarily defined by and for them. Hence the Zapatista slogan, “command by obeying” and “asking we walk.” Revolution is a listening-talking, a dialogue, a setting out rather than arriving. Revolution is made in the course of its making. Not due to a lack of ideas, but as a matter of principle.

³⁷ Andrea Smith, *Native Americans and the Christian Right: The Gendered Politics of Unlikely Alliances*, (Durham: Duke University Press, 2008), xxiv, xxiii; Eva Garrouette, *Real Indians*, (Berkeley: University of California Press, 2003); Robert Warrior, *Tribal Secrets*, (Minneapolis: University of Minnesota Press, 1994); Elizabeth Cook-Lynn, “American Indian Intellectualism and the New Indian Story,” In *Native and Academics: Researching and Writing about American Indians*, ed. Devon Mihesuah, (Lincoln: University of Nebraska Press, 1998): 111-138.

Learning to Listen

I aim to have us rethink a dominant vanguard that doesn't know how to listen and leads to the dismissal and devaluing of the larger percent of the prison populations who do not associate with political prisoners or the varying degree of "radical politics." I am interested in a different process of building. Where we do not privilege political platforms, but rather learn to engage in dialogue with the communities in struggle we are at times a part of and claim to enact social transformation for. So that we may learn from one another as we struggle together through our flaws and inadequacies. Further, I'd like for us to reflect on the ways we treasure and value more the lives and theorizing of those that align with "revolutionary" political platforms. Platforms that we see as- or assume to be- the answer. I suspect that such assumptions, and impositions, have led to a lack of engagement with the larger percent of imprisoned populations in California populations who are unapologetically "gang members," "mafiosos," or simply doing time. On the other end, there are efforts to glorify and reinterpret their behavior as revolutionary or acts of resistance. This is not an interest of mine.

Whereas much of the literature on prison activism centers political prisoners, I refuse to name the organizers of the hunger strike as political prisoners. I insist we learn to listen without needing to ascribe value onto peoples' lives based on the espousal of a certain set of politics. I'd like for us to meditate on how these practices devalue the lives of those that do not perceive the world through our same eyes. Choosing to listen, although you acknowledge these men do in some ways measure up to the standards of illegibility, is part of the transformative act. Where one refuses to invest in juridical and

social repudiations that ascribe market value onto our lives, and reproduce the criminalizing logics that enact domestic warfare and the daily human sacrifice of people in black and brown communities.

I am not trying to romanticize the men inside or claim any sort of innocence—much less follow a mythical sense of community. However, I am saying that our visions for a better tomorrow shouldn't move forward without the engagement and contribution of those with closest proximity to the violence and brutality of the prison regime. I do not mean to suggest that those incarcerated and their families hold all of the answers, or that people must consider every incarcerated person their comrades. I am simply critiquing that espousing a certain set of politics has become a standard to be heard, engaged, and/or deemed worthy.

I begin to close with a phenomenal quote by the Zapatista National Liberation Army in a letter titled. “I shit on all the revolutionary vanguards of this planet,”

We treat the children like children. It is the powerful with their war that treats them like they are adults. We talk to them. We teach them that the word, together with love and dignity, is what makes us human beings. We don't teach them how to fight. Well, yes, but only how to fight with their words. They learn. They know that the reason we are in all this is so that they won't have to do the same. And they talk and they also listen. Contrary to what you say, we teach the children that words don't kill but that yes it is possible to kill words and, along with them, the act of being human.

We teach them that there are so many words like colors and that there are so many thoughts because within them is the world where words are born. That there are different thoughts and we should respect them. That there are those who pretend their way of thinking should be the only way and they persecute, jail, and kill (always hidden behind the reasons of the State, illegitimate laws, or “just causes”) thoughts that are different than their own. And we teach them to speak the truth, that is to say, to speak with their hearts. Because the lie is another form of killing words. In the language of the bat men, those that in talking orient their paths, the Tzotziles, to speak with the truth they say “YALEL TA MELEI”. We teach them to speak and also to listen. Because when people only talk and don't listen, they

end up thinking that what they say is the only thing that is worth anything. In the language of the Tzotziles, those that in listening orient their paths, to listen with their hearts they say “YATEL TAJLOK ‘EL COONTIC’”. Speaking and listening to words is how we know who we are, where we come from, and where our steps are going. Also it’s how we know about others, their steps, and their world. Speaking and listening to words is like listening to life.”³⁸

I advocate listening with the heart, so that we may learn from each other and more wisely figure out how to create healthier futures. So we may move forward in our efforts to dismantle the prison industrial complex and untangle ourselves from the prison regime. Otherwise, by silencing the stories of those imprisoned and their families, we continue to kill their words and humanity. We have so much to learn from each other.

My Methodological Limits

When I first embarked on this dissertation, I envisioned a very different project. I had planned to enact a collective process of writing, where I would co-write the dissertation as I engaged in conversation with hunger strike participants. As soon as I began the human subjects process my vision was shattered. I was prohibited from speaking directly with prisoners about my work. I was not allowed to talk to them about my research in either letters or visiting. The human subjects’ committee claimed to be concerned about retaliation and the prisoners’ safety. While I felt censored and was upset that the project would have to completely reorient itself, I was baffled that the university greatly acknowledged the brutality and state violence enacted through prisons. Here I was, trying to piece a project together that would demonstrate this widely university acknowledged

³⁸ Zapatista National Liberation Army, “I Shit on All the Revolutionary Vanguards of This Planet (January 9 to 12, 2003),” in *Ya Basta! Ten Years of the Zapatista Uprising Writing of Subcomandante Insurgente Marcos*, ed. Ziga Vodovnik (Oakland, CA: AK Press, 2004).

truth. A truth that other than to deny me the ability to openly write about it, the university refused to publicly engage as a platform.

Criminalization and Global Connections

While scholars have often identified a rise in the criminalization of Latinx migrants, youth, and workers they have not identified their relation to the combined rise of California's prison industrial complex, the current War on Drugs and the criminalization of "mafiosos." This dissertation's analysis of the "moral panic of the Mafioso" offers a window to see how the criminalization of men inside the SHU is connected to indigenous displacement through the expansion of the War of Drugs in Mexico, the rise of border militarization, and the criminalization of undocumented migrants.

Theoretically positioning the "local as global," this dissertation narrates the struggle within Pelican Bay as part of larger state processes connected to the expansion of neoliberal global capitalism. I borrow from intellectuals such as Gustavo Esteva and Madhu Suri Prakash to situate the importance of this historical Hunger strike. They propose to think locally in order to address oppressive global forces and celebrate age-old wisdom of thinking small- recommending that we start with the basics of life (i.e. food).³⁹ As I situate the rise of Pelican Bay within the processes to preserve a neoliberal capitalist nation state, we can better understand the local, state, national, and global impact of this movement. Most importantly, we are able to understand that significant actions do not

³⁹ Gustavo Esteva and Madhu Suri Prakash. *Grassroots Postmodernism: Remaking the Soil of Cultures* (London and New York: Zed Books, 1997).

have to be grandiose in order to enact change, but can be in our daily doing and relationality.

The prison regime produces the social logic that maintains the U.S. social order intact.⁴⁰ It is because of imprisonment, punishment, and policing that U.S. society can conceptualize “freedom” and “peace.” In other words, we come to know the free world through the unfreedom of others and feel peace and safety through the containment of unruly disorder and crime- all concepts that have been socially constructed. For Dylan Rodríguez, the normalized function of the prison in our society is a continuity of the construction of “white freedom” that privileges whiteness. As exemplified through constructions of private property or the normalization of juridical and political foundation such as law.⁴¹ Further, prisons are not only designed to control prisoners, but also those who witness incarceration. The fear of experiencing the violence of imprisonment is also a form to discipline the “free world,” producing obedient citizens that follow the common sense normalizing logics of order.

United States white supremacy and western civilization have recodified itself through the prison regime at the expense of the hypercriminalization and incarceration of a large percentage of poor black and brown people. In this way, we may understand the prison regime as a “fundamental organizing logic of the United States,” fueled by racism that determines the life chances and opportunities of people of color in the service of white supremacy. For Gilmore, the combination of this racial war and incarceration has brought about the New Age of Human Sacrifice.

⁴⁰ Rodríguez, *Forced Passages* 14.

⁴¹ *Ibid.*, 14-15.

Rodríguez signals how white supremacy produces regimented, institutionalized, and militarized conceptions of hierarchized “human” difference through its principal weapon, racism.⁴² As defined by Ruth Wilson Gilmore, “Racism is a state-sanctioned and/or extra legal production and exploitation of group-differentiated vulnerabilities to premature death, in distinct yet densely interconnected political geographies.”⁴³ Racism, and in effect white supremacy, are based on state sanctioned structural technologies of killing that decide whose lives matters, who gets to live and who gets to die. Which is to say, that through prisons this white supremacist capitalist heteropatriarchal settler nation state commits the human sacrifice of predominately black and brown men, and all others that do not fit the normalizing logics, for its daily reproduction.⁴⁴

Prison provides a point of reference for what one is not, it dehumanizes and demonizes those on the inside to humanize and perceive as civil those on the outside. We produce value onto our lives, through the criminalization and devaluation of the lives of people who are incarcerated. By saying we are not criminals- by distancing from those we outkast. In this dissertation I delineate the processes behind conducting a fear for crime and the moral panic of the *mafioso*, so we can comprehend the importance of disinvesting in the naturalized criminalizing logics that propel Pelican Bay and reproduce this white supremacist heteropatriarchal capitalist nation state that kills poor racialized communities.

⁴² Ibid., 11.

⁴³ Ruth W. Gilmore, “Race and Globalization,” in *Geographies of Global Change: Remapping the World*, ed. by R.J. Johnson, Peter J. Taylor, and Michael J. Watts (New York: Blackwell Publishers, 2002), 261.

⁴⁴ Ruth Wilson Gilmore has spoken about how our current state of racial war and incarceration produces present-day Age of Human Sacrifice.

As such, I refuse to incorporate incarcerated men by arguing they have politically matured, can become educated, or are political prisoners and note how these trends devalue the lives of a large portion of people who find themselves swallowed by the prison regime. I interrogate how we have learned to produce value onto peoples lives, leading to the dehumanization of those who have engaged in “criminal” acts and been labeled state property. Further, learning to listen, even to those who do not identify as political prisoners and may be perceived as un-repentant gang members, is central to dismantling the criminalizing and dehumanizing logics that justify and give life to this genocidal war that continuously attempts to destroy black and brown communities.

The struggle of Pelican Bay is not simply about modest gains, it is vexed and interconnected to larger global and national processes. Importantly, it encompasses a war waged at the level of ideology- against ideas that directly affect and are produced by the state and political economy. As Lisa Duggan argues, the rise of prisons and “law and order” have been part of the of an upward redistribution of resources, that came with the rise of neoliberalism which primarily concerned itself with concentrating power and wealth in the hands of a few elite.⁴⁵ Prisons saved and restructured capitalism as it expanded towards global markets. Prisons also served to handle a surplus of labor, ensuring bodies were made idle so that they did not rebel against deindustrialization- while they simultaneously continued the flow of capital and profits. Pamela Oliver also pushes us to acknowledge how prisons rose as away to contain the black communities

⁴⁵ Lisa Duggan, *The Twilight of Equality?: Neoliberalism, Cultural Politics, and the Attack on Democracy* (Boston, Massachusetts: Beacon Press Books, 2003).

potential for rebellion.⁴⁶ As the state cut its social spending, post- New Deal, Ruth Wilson Gilmore helps us understand how prisons were a way to exercise a surplus in state capacity and demonstrate the state was still providing for its citizens by protecting them from crime.⁴⁷ Ultimately, White reconstruction prevailed, as the rise of the prison came at the sacrifice and the social, political, and economic exclusion of predominately black and brown people.⁴⁸ Prisons are not as isolated as we think, neither is the Pelican Bay Struggle, it is connected to the local, global, cultural, political, economic processes that shape the way our lives are lived, understood, and structured.

Spirituality and Reform

During the organizing around Pelican Bay I witnessed a trend by activists (claiming to be for the people) dismissing family members and loved ones struggles through “reform” and/or religious spiritual practices. However, these trends are not unique to this movement. The debate of “revolution v. reform” and the presence of religion in social transformation has existed amongst various struggles.⁴⁹ The dismissive approach I speak to, negates the importance of religious spiritual models for transformation -considers them mediocre- and in effect deems the epistemologies of these

⁴⁶ Pamela E. Oliver, “Repression and Crime Control: Why Social Movement Scholars Should Pay Attention to Mass Incarceration as a Form of Repression,” *Mobilization: The International Quarterly* 13, 1 (2008): 1-24.

⁴⁷ Gilmore, *Golden Gulag*.

⁴⁸ Rodríguez, *Forced Passages*.

⁴⁹ Gustavo Gutierrez, *A Theology of Liberation: History, Politics, and Salvation*, trans. and eds. Sister Caridad Inda and John Eagleson (Maryknoll, NY: Orbis Books, 1988); Leonardo Boff and Clovis Boff, *Introducing Liberation Theology* (Maryknoll, NY: Orbis Books, 1987).

communities as stupid, at best silly, and truly, inferior. An exemplar of common every day folk's lack of intelligence and critical lens- a part of the colonizer- and failure to be "down." Attached to these repudiations within both debates, comes a call to educate the "ignorant" masses and bring them to political consciousness. These acts display a paternalism that presents family members and loved ones in need of saviors to enlighten and bring them to consciousness. However, I suggest that it is not the masses that need be brought into consciousness by revolutionary political activists, but rather revolutionary movements that must lend an ear and learn to listen.

Some may say the SHU prisoners' hunger strike demands were quite basic- they truly were. We could say, they were not asking for much. While some may have felt the demands were reformist and fell short of asking for true revolutionary change, I insist their demands only reflected the present limits within our carceral society. The representatives crafted a set of demands they felt was righteous and achievable- both legible and palatable. It would make no sense, and unfair to ask (in my humble opinion) to do otherwise if they were putting their life and health at risk. Also, considering the goal was to stop the ongoing torture and death of incarcerated people. Further, it is unfair to ask those caged to suffer in solitude while we wait for the exterior world to catch up and recognize how sickening it is to consent to this violence and not acknowledge prisoners are people. People in the SHU needed changes immediately just to simply ensure their survival.

There were men who had been held in those conditions for decades, others who felt abandoned with no contacts to the outside world. Further, if you read the public

commentary in news articles you soon realize that gaining support for the hunger strikes “5 core demands,” was already a difficult task and often an uphill battle. Given the climate around imprisonment and policing, the hunger strike did not initially have wide popular support, and CDC did not feel prisoners had any right to be making demands. In fact, some correctional officers mocked prisoners for believing their protest efforts against SHU confinement could become a powerful widespread movement.

To view the Pelican Bay California Prisoner Hunger Strike struggle as simplistic because of its very modest demands and efforts at prison reform would be an error. The hunger strikers did not formulate modest demands because they consent to the violence of the prison regime. With the knowledge prisoners had gained from previous strategies and their limitations, they produced a platform that would resonate with a wide array of participants and supporters. Their demands speak to the brutal realities of the SHU. It speaks to our societies’ unawareness and anesthetization to the punitive measures that exist within our carceral system. In part, we as a society have forced them into these limited options and choices. As we have continuously activated the violent process that rendered them illegible, we’ve made their abuse invisible and their lives disposable. Society’s love for tough-on-crime has made it impossible to ask for more. Our imaginations ability to be receptive of or produce alternatives to punitive measures that think outside the cage has grown limited after 35-years of policies and rhetoric for prison expansion.

At the same time that I promote we celebrate the organizing that has occurred through the Pelican Bay Hunger Strike movement, I do not want to romanticize.

Christianity has a very oppressive, violent, racist, and heteropatriarchial history – and present- as participants in this movement, and we as people, hold complex and contradictory positions. Moreover, many family members and loved ones organizing against the Pelican Bay SHU are or have become well aware of the CDCr’s history with reform, its limitations, and the influence they have had in Sacramento politics. They are not oblivious to the red tape and loopholes CDCr creates to preserve its power. They balance an understanding of history generated by their own first hand experiences and years of personal research.

I suspect that the dismissal of organizing efforts- labeled reformist and/or religious (spiritual)- of incarcerated men, mothers, and loved ones, is rooted in an infantilization and constant narration of poor working class communities as uneducated and unable to comprehensively provide solutions.⁵⁰ This nasty tendency to dismiss people/movements in struggle, by deeming them politically incorrect or lacking a thorough analysis of the current conjuncture reflects an arrogance that positions one as the abled insightful superior and the other as unintelligent, lacking the intellect to make an accurate and profound political analysis. These frameworks are not new- in fact they reflect strategies of domination and conquest that deemed indigenous people across the globe as savages, backwards, unintelligent, and in need of being saved and civilized.⁵¹

⁵⁰ Clyde Woods, *Development Arrested: The Blues and Plantation Power in the Mississippi Delta*, (New York: Verso, 1998).

⁵¹ Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition* (University of North Carolina Press, 1983 [2000]); Cedric J. Robinson, *The Terms of Order: Political Science and the Myth of Leadership* (SUNY Press, 1980); Reginald Horsman, “Scientific Racism and the American Indian in the Mid-Nineteenth Century,” *American Quarterly* 27, 2 (May 1975): 152-168. Reginald Horsman, *Race and Manifest*

The Historical Moment

Gramsci becomes useful to understand the significance of the Pelican Bay California Prisoner Hunger Strike, because he pushes us to pay attention to the historical specificity that this movement rises out of. It may seem simplistic and reformist in its demands, but not if we consider the historical moment and conjuncture.⁵² Additionally, to grasp the power the CDC had gained, we need an engagement with the superstructure and the ideological. The strikers strategies are coming after 30 years of the prison industrial complex and the creation of a “moral panic of the Mafioso.” Dolores Canales, explains the publics anesthetization to solitary confinement, and the prisoner’s refusal that it would now be accompanied with,

“Solitary Confinement has been a common practice for years on end right here in our prisons. And why has it been going on so long? Why have their been human beings held in captivity for 20 and 30 years with absolutely no human contact, and in some prisons, even sunlight has been denied for decades at a time.... because these are the people that no one cares about, that have already been judged and condemned because they are in prison. But on July 1, 2011 in

Destiny: Origins of American Racial Anglo-Saxonism (Cambridge, Mass: Harvard University Press, 1981); Audrey Smedley, “Science and the Idea of Race: A Brief History,” in *Race and Intelligence: Separating Science from Myth* eds. Jefferson M. Fish (Mahwah, NJ: Taylor & Francis, 2011); Miroslava Chavez- Garcia, *States of Delinquency: Race and Science in the Making of California’s Juvenile Justice System* (Los Angeles, CA: University of California Press, 2012); Miroslava Chávez- Garcia, “Intelligence Testing at Whittier School, 1890-1920,” *Pacific Historical Review* 76, 2 (May 2007): 193-228.

⁵² Antonio Gramsci, *Selections from the Prison Notebooks of Gramsci*, eds. Quintin Hoare and Geoffrey Nowell Smith (New York: International Publishers, 1989); Stuart Hall, “Chapter 20: Gramsci’s relevance for the study of race and ethnicity,” in *Critical Dialogues in Cultural Studies* (London and New York: Routledge, 1996); Stuart Hall, “Chapter 12: Race, Articulation and Societies Structured in Dominance,” in *Sociological Theories: Race and Colonialism*, ed. Marion O’Callaghan (Paris: UNESCO, 1980), 305-345.

California, prisoners could no longer remain silent! They realized as they have now grown old in solitary, some of these prisoners in their 60's and 70's, knew if something was not done, the next generation would come in to take their place and endure and suffer their living hell, and if the walls could talk. The walls of the SHU cells that have closed in on minds, crushed men's souls, driving men mad, driving men to suicide, the walls that cry out... NO ONE HEARS YOU AND YOU ARE ALL MINE! The walls that do not even have windows to allow in any ray of sunlight. But for the men that have endured... their courage and their strength and their unity made the voices heard past the windowless, cement cells of Pelican Bay by risking their own lives and going on a hunger strike. A hunger strike that immediately spread across the State of California, where thousands upon thousands of prisoners came together, joining across 13 prisons! And not because of the power of the men in Pelican Bay as CDCr has attempted to give blame, but the power of the message! The message that Solitary Confinement is a common practice and any one of those prisoners could be next! Right now there are thousands sitting in Administrative Segregation units (also Solitary Confinement) year after year, just waiting for a SHU cell to open up, just waiting for a transfer, in a purgatory type state, until the final destination, the very pit of hell."⁵³

After we understand the amount of years these men have been dehumanized and their torture justified, then we can understand how significant this uprising is and their call to listen. At the same time, it is important to note that hegemony is never complete. Even with the highest technology produced to surveil and control- break down prisoners spiritually- you had an uprising of 6,000-30,000 prisoners. Alas, this hunger strike has something important to tell us about the states and power blocs inability to fully dominate and control us.

The people on strike were highly organized, self educated, and had intricately crafted their demands in a way that spoke to the current historical moment. They knew what they needed and wanted because they faced repression every single day. They know the brutality of prison and the strategies used to legitimize it- their dehumanization and

⁵³ Dolores Canales, "Reassessing the Use of Solitary Confinement in America's Prisons," Statement read at the Washington Senate Committee Hearing, June 19, 2012.

invisibility does not let them forget. They know what dignity feels and looks like, because a place like the Pelican Bay SHU works to strip them of their dignity every single day. Their demands and strategies were not dictated by a limited “political analysis,” but rather by their lived realities. In the previous 20 years, there had been lawsuits and hunger strikes, and the majority of the public, politicians, CDC, and the courts had not wanted to listen.

The hunger strike was not just to improve conditions for the men inside, but also meant to impact the communities they come from, and the future generations whose cages were already in the planning. The hunger strikers saw the violence inflicted upon them extended to harm their loved ones on the outside. Additionally, this prisoner movement also called out the exploitation of working class communities to become the raw materials for the prison industrial complex. They articulated their criminalization as SHU prisoners as being central to the expansion of prisons. The fear induced by their criminalization secured jobs for the prison guards’ union and continued the flow of state money to punitive solutions as opposed to rehabilitative programs. Moreover, they insisted tough on crime measures do not create healthier and safer communities.

“Our goal remains: force the powers that be to end their torture policies and practices in which serious physical and psychological harm is inflicted on tens of thousands of prisoners as well as our loved ones outside. We also call for ending the related practices of using prisoners to promote the agenda of the police state by seeking to greatly expand the numbers of the working class poor warehoused in prisons, and particularly those of us held in solitary, based on psychological/social manipulation, and divisive tactics keeping prisoners fighting amongst each other. Those in power promote mass warehousing to justify more guards, more tax dollars for “security”, and spend mere pennies for rehabilitation — all of which demonstrates a failed penal system, high recidivism, and ultimately compromising public safety. The State of California’s \$9.1 billion annual CDCR budget is the epitome of a failed and fraudulent state agency that

diabolically and systemically deprives thousands of their human rights and dignity. Allowing this agency to act with impunity has to stop! And it will.”⁵⁴ Very importantly, as they theorized, what maintained this intact were CDC’s continuous efforts to keep them divided in conflict. They knew that they would not be successful unless they rearticulated their relationality and came together as a prisoner class with a common enemy. They believed in their capacity to stop the CDC from depriving them of their right to live with dignity, and they did not accept otherwise. As they stated,

“We can no longer allow CDCR to use us against each other for their benefit!! Because the reality is that collectively, we are an empowered, mighty force, that can positively change this entire corrupt system into a system that actually benefits prisoners, and thereby, the public as a whole... and we simply cannot allow CDCR/CCPOA – Prison Guard’s Union, IGI, ISU, OCS, and SSU, to continue to get away with their constant form of progressive oppression and warehousing of tens of thousands of prisoners, including the 14,000 (+) plus prisoners held in solitary confinement torture chambers [i.e. SHU/Ad-Seg Units] for decades!!!”⁵⁵

They wanted a criminal justice system that would help prisoners improve and grow as people. To bring positive changes for prisoners would ultimately be something positive for our communities. As much, as the logics of criminalization have made society want to distance themselves from prisoners, we are not separated. Incarcerated people are part of our communities. We are interconnected, and what we allow to happen to imprisoned people is an extension and reflection of us as a society.

Their message spread wide, and reached the hearts of legislators. Senator Tom Ammino expressed at a Legislative Hearing after the third hunger strike, “We know these

⁵⁴ Todd Ashker, Arturo Castellanos, Sitawa Natambu Jamaa, Antonio Guillen, and the Representatives Body, “Statement Suspending the Third Hunger Strike” *prisonerhungerstrikesolidarity* (blog) September 5, 2013, <https://prisonerhungerstrikesolidarity.wordpress.com/2013/09/05/statement-suspending-the-third-hunger-strike/>.

⁵⁵ Todd Ashker, Arturo Castellanos, Sitawa Naatambu Jamaa, and Antonio Guillen, “Agreement to End All Hostilities,” August 12, 2012, 1 leaf, In possession of author.

prisoners have committed crimes,” Ammiano said, “but I have to repeat: It does not justify the way the state is treating them in the name of all Californians. We want California to be a leader in effective and enlightened corrections and true rehabilitation.”⁵⁶ The Pelican Bay Hunger Strike inevitably held and necessitated a deep engagement with the state, working through and against it. As it is the state that oversees the CDC, and who provided the funding as well as garnered support for the building of Pelican Bay State Prison.

A lot of participants in the hunger strike did not identify as political prisoners and/or directly espouse an anti-capitalist and abolitionist perspective. Nonetheless, they still push us to dismantle the anesthetization that lies at the center of the reproduction of the daily human sacrifice of criminalized populations. The hunger strikes were partly an effort to push civil society to open their eyes to the lies society has been told about prisons and criminals in order to support the rise of the prison industrial complex. These men not only used their body to attain the 5 core demands but also sacrificed themselves to expose the corruption of the prison system and prevent a prison bed to be built for the generations to come.

⁵⁶ Prisoner Hunger Strike Solidarity, “Legislative Leaders Welcome End to Hunger Strike: Reaffirm Commitment to Public Hearings,” *prisonerhungerstrikesolidarity* (blog) September 5, 2013, <https://prisonerhungerstrikesolidarity.wordpress.com/2013/09/05/legislative-leaders-welcome-end-to-hunger-strike-reaffirm-commitment-to-public-hearings/>.

Chapter Summaries

Chapter 1, “I’d Rather Starve to Death,” documents the conditions and theorizing that led to the rise of the Pelican Bay California prisoner hunger strikes from the perspective of people incarcerated in the SHU and their families. I trace previous efforts by prisoners to contest their conditions of confinement and their refusal to concede to CDC’s limited options to exit the SHU: debrief, parole, or die.

Chapter 2, “The Worst of the Worst: The Rise of Pelican Bay State Prison and the Moral Panic of the *Mafioso*” provides a brief overview of the historical, political, and economic context for the building of Pelican Bay State Prison. I combine Dylan Rodriguez’ conceptualization of the prison regime with Ruth W. Gilmore’s explanation for the prison boom in California and borrow from the work of Stuart Hall and Stanley Cohen to explore how the rise of Pelican Bay State Prison and, what I term, a “moral panic of the *Mafioso*,” has informed the criminalization of Latinxs in a moment of white supremacist economic restructuring, the implementation of neoliberal policies to resolve capitalist crisis, and a surge of mass Latinx migration. Further, I discuss how CDC used the SHU to subdue prisoner rebellion, and has continuously attempted to delegitimize and contain prisoner uprisings by constructing SHU prisoners as the “worst of the worst.”

Chapter 3, “The 5 Core Demands and Pelican Bay’s Torture Chambers” uncovers the conditions of confinement in Security Housing Units and explains the intricacies and impact of the hunger strikes 5 core demands. Additionally, the chapter documents the responses to the hunger strikes and the aftermath of reforms. Chapter 4, “Unbroken

Spirit: SHU Prisoner Hunger Strikes and the Promise of Rebirth,” engages SHU prisoners resilient spirit and their refusal to be broken and treated like state property by CDC.

Chapter 5, *Hungry for Justice and Full of Spirit: California Families Against Solitary Confinement*,” details the uprising of family members and loved ones in response to the hunger strikes. I analyze how family members used pain, refusal, and prayer as resources to mobilize against the imprisonment, criminalization, and dehumanization of men in Pelican Bay. I argue that the spirit, love, and care displayed by mothers and family offer us a different way of building and provide alternative models for restructuring society and power. I engage their strategies and visions for social transformation to better inform our anti-prison organizing.

Chapter 6, “Sacred Connections: Social Transformation and the Reshaping of Life and Value Through Listening,” presents abolition as a verb, enacted as we learn to listen, recognize the sacredness of all life, and the impacts of our interconnectedness. I center spiritual theorizing, practices and epistemologies to teach us to live differently in relation to one another. As such, I discuss the impacts of science and Man2 in our organizing, and how Indigeneity, InLaKesh, and Hebrews 13:3 can inspire new theories for social transformation.

I conclude by using the concept “local is global” to delineate how the rise and maintenance of Pelican Bay State Prison is connected to global neoliberal processes. I further discuss abolition as a verb, rather than an endpoint, to think about untangling ourselves from the prison regime’s criminalizing logics through our daily practices and relationality as part of larger global movement that honors the sacredness of life.

In Closing

I advocate a serious engagement with the populations that have a closer proximity and are first-handily experiencing the violence of the SHU in order to disrupt and collectively think our way out of the current state of domestic war enacted through the rise of the prison industrial complex and its War on Drugs. While this is not the first time prisoners have come across racial lines to organize, as noted by the activism of black and Latino prisoners in Attica⁵⁷, this movement is vital to a better future for California and the redistribution of dignity and justice globally. However, we must acknowledge, this uprising is not Attica. It is now a different historical moment. The hunger strike representatives understood that this was not a feasible moment for the “war of manoeuvre”, they had to wage struggle in a different way.⁵⁸

The hunger strikers knew what they were up against, as many of their family members knew people were complex and held a “plurality of selves.” Their families prayed that they would be able to touch the hearts of people, especially prison administration and correctional officers who held the power to make decisions about the welfare of their loved ones. I contend that the love, care, and spirit demonstrated through the uprisings of incarcerated men in the SHU and their loved ones carry the promise of rebirth.

As a citizen of the world I hope to take on the responsibility of restoring balance in our communities through ensuring that my scholarly work produces light in places of

⁵⁷ Juanita Diaz-Cotto, *Gender, Ethnicity, and the State: Latina and Latino Prison Politics* (Albany, NY: State University of New York Press, 1996).

⁵⁸ Gramsci, *Prison Notebooks*.

darkness. Not only was my position here granted because people fought and pushed back against repression, but they were a major source of inspirations for me to pursue a formal education. I take seriously the duty to continue this struggle waged by previous incarcerated people, freedom fighters, organic intellectuals, everyday people, and those in the brown/indigenous/black radical tradition. As Vincent Harding beautifully articulates,

“when black scholars hear the call to equal opportunity in darkness, they must remember that they do not belong in the darkness of an American culture that refuses to move toward the light. They are not meant to be pilant captives and agents of institutions that deny light all over the world. No, they must speak the truth to themselves and to the community and to all who invite them into the new darkness. They must affirm the light, the light movement of their past, the light movement of their people. They must affirm their capacities to move forward toward new alternatives for light in America.”⁵⁹

It is my utmost desire that this dissertation provide a glimmer of hope in a world that some days only seems to be filled with suffering. However, in the midst of pain and human sacrifice there are people always creating and building. I have chosen to focus on this aspect in order to contribute to efforts that want to build and make healthy models that have positive outcomes in people’s lives so popular that they push out the violent frameworks of the current white supremacist heteropatriachal capitalist settler nation state. I hope this project reminds us of what Clyde Woods once stated, “Another world is not possible, it is already here.” I saw it in the strength and resilience of the Pelican Bay California prisoner hunger strikers and the hearts and spirits of their family and loved ones.

⁵⁹ Vincent Harding, "Responsibility of the Black Scholar to the Community,"; Robin Kelley, "Forward," in *Black Marxism: The Making of the Black Radical Tradition* by Cedric J. Robinson (Chapel Hill: The University of North Caroline Press, 2000), xi.

Note on the use of Hispanic, Latino, Chicano, Brown people

As I research the racialization and criminalization of brown bodies I mostly focus on the history of Mexicans, Mexican-Americans, and Chicanxs. I will also interchangeably use the term Hispanic. Very importantly, the battle against the word Hispanic has been with us since its rise in the 1980's. Arlene Dávila summarizes some of its critiques,

“the homogenization of all Latina subgroups into a common category, be it Hispanic or Latina, involves the depoliticization of the history of conquest and colonization that has affected particular Latina nationalities.... Some have criticized ‘Hispanic’ for its elitist evocations of Spain, its business connotations, and its imposed status,”⁶⁰

Aware of the violence behind this word, I use the word Hispanic because the CDCR categorizes brown bodies or people descended from various parts of Latin America- even in some instances American Indians- as Hispanic. I have no way to decipher how many of the men incarcerated are actually of Mexican descent, while a connection to Mexican national culture is heavily present in California prisons. Moreover, I also invoke the word Hispanic because I do not want to assume Mexicaness. However, common knowledge is that most “Hispanics” in prison are of Mexican descent, but not all. There are people from Guatemala, Salvador, Nicaragua, California natives, amongst other populations that are categorized as Hispanic.

Because of the violent homogenizing project of Hispanic, and the larger presence of Mexicans in the United States, a lot of communities from across Latin America get read as Mexican. Due to this homogenizing effect, brown bodies are also often assumed

⁶⁰ Arlene Dávila, *Latinos, Inc: The Marketing and Making of a People* (Berkeley: University of California Press, 2001), 40.

to be Mexican by the police, and the disciplining and racist logics desired for “Mexicans” get ascribed onto the brown bodies of people that are actually from other countries in Latin America. In other instances so does the anti-indianess that reverberates through Latin America and within Latino neighborhoods in California.

This matrix partially informed my decision to first attempt to understand Mexicans relationship to the prison system as I in very messy ways uncover and try to understand the violence generated because brown bodies are assumed to be Mexican and then ascribed the racist logics meant to subjugate Mexican populations. At the same time, we must acknowledge that the Mara Salvatrucha has gained enough recognition and begun to craft a space where it can be read as its own entity with a different history than Mexicans. Nonetheless, because MS-13 is believed to be aligned to Sureños, they also are targeted under attacks for the Mexican Mafia.

The criminalization of Latinxs in California has a long fetch of history whose remnants are still with us.⁶¹ Further, when people often think of Latino- they fail to

⁶¹ The criminalization of brown communities, or specifically those of Mexican descent in California, has a history rooted in Native displacement, slavery, anti-indian and black genocide, and the rise of prisons for indigenous and black unfreedom. The building of prisons and criminal laws in the state of California helped advance U.S. plans for Westward Expansion and Manifest Destiny. In their inception, prisons in California were built to contain those who threatened the conquest and inhabitation of western territory and resources by whites, this being primarily indigenous people and Mexicans. Just like the prison regime is rooted in a history of slavery, in the state of California, prisons also show a strong relation to a history of U.S. imperialism, indigenous genocide, displacement, and erasure. These tactics are still practiced and are demonstrated through the rise of prison expansion and mass criminalization in Latin America due to the neoliberal expansion of U.S. imperialism. Ruth W. Gilmore, “Race, Prisons, and War: Scenes from the History of US Violence.” *The Socialist Register* 45 (2009): 73-87; Laura E. Gomez, *Manifest Destinies: The Making of the Mexican American Race* (New York: New York University Press, 2007); Tomas Almaguer, *Racial Fault Lines: The Historical*

mention the diverse racial logics in every region. Latino is incorporative of people who are racialized as black, not only brown. To use Latino interchangeably with brown would be a mistake that erases the presence of blackness in Latin America. Moreover, when thinking specifically about the nation state of Mexico, it is important to note, as previously discussed, that not all Mexicans were created equal and not all Mexicans are brown. Nonetheless, brown people are often assumed to be Mexican, and there is a racial logic there, that is more than often tied to phenotype, but not always, and that other times its more about class. In other instances, you can be high class but your phenotype will never let you forget. Alas, my terms are as messy as this situation.

Chicanxs come in all shades. The term has also been reclaimed to expose a certain type of politics and to others it simply denotes a nationality. In addition, the shifting migration patterns of Mexicanxs, Salvadoreans, Guatemalans (and other Latin nationalities) due to U.S. Imperialism, neoliberalism, and the desire to strip Latin America of its resources, have impacted and shifted the way criminalization functions in California. So much to say that I have not been able to devote this topic the careful thinking it necessitates. This is where I begin and I hope that others will only build from what I managed to wrap my mind around, because it would take more than this study to justly make sense and incorporate an analysis of all the racializing logics that function to criminalize brown bodies. Lastly, even my preferred term of “brown” is in need of a deeper meditation.

Origins of White Supremacy in California (Berkeley: University of California Press, 1994).

Chapter 1

I'd Rather Starve to Death

"They'll never let me out. I'm going to die here, I know that. But I have a choice. I can slowly rot or I can fight. Fight to change things."⁶² – Todd Ashker

On July 1, 2011, incarcerated men at Pelican Bay and other California (CA) State Prisons initiated a hunger strike across racial lines to protest the conditions of confinement in Pelican Bay's Security Housing Units (PB-SHU). Over 6,600 prisoners went on hunger strike in Pelican Bay and across California penitentiaries to support those warehoused in Security Housing Units (SHU). The first strike went on for three weeks and was officially announced to be suspended July 21st, 2011. The hunger strike resumed September 26, 2011 with over 12,000 participants. Different from the first hunger strike, there was a wider acknowledgement of validated prisoners in administrative segregation (Ad-Seg) and other SHU facilities across CA (Corcoran, Tehachapi, and Folsom).⁶³ The second hunger strike ended October 13, 2011 at Pelican Bay State Prison (PBSP),

⁶² Rory Carroll, "California prison hunger strike leader: 'If necessary we'll resume. This is war'," *The Guardian*, September 27, 2013, <https://www.theguardian.com/world/2013/sep/27/california-prison-hunger-strike-todd-ashker>.

⁶³ In the California Prison Focus summer 2011 edition, Todd Ashker clarified, "The peaceful Hunger Strike (H.S.) protest is not limited to Pelican Bay Short Corridor as indicated in our Notice of Protest with Five Core Demands. This protest is a challenge to CDCR-SHU and Ad/Seg policies and practices statewide!" Todd Ashker, "Hunger Strike Clarification," *California Prison Focus* 37 (Summer 2011): 2.

followed by prisoners in Calipatria State Prison October 15, 2011.⁶⁴ After the hunger strike representatives felt there had been no substantive changes, a third hunger strike was launched July 8, 2013 with the contribution of 30,000 participants across 33 prisons who refused meals. The third hunger strike went on for 60 days, until hunger strike representatives reached an agreement with the California Department of Corrections (CDC) and Sacramento legislators. After much back and forth, on September 5, 2013 the final approximate 100 men decided to begin eating.⁶⁵

At the front of the hunger strike the Short Corridor Collective held 5 demands:

1. Eliminate group punishments and administrative abuse.
2. Abolish the debriefing policy and modify active/inactive gang status criteria.
3. Comply with the recommendations of the US Commission on Safety and Abuse in America's Prisons recommendations and end long-term solitary confinement.
4. Provide adequate and nutritious food.
5. Create and expand constructive programming.⁶⁶

⁶⁴ While there is no SHU in Calipatria the prisoners strongly supported the 5 core demands. According to the prison hunger strike solidarity group, "It is becoming apparent that Calipatria is basically used as a stepping stone to Pelican Bay or other California SHUs. A majority of the men held there have been validated as gang members and have effectively been given SHU status. Some spend as long as 4 years in solitary confinement, awaiting transfer. Calipatria has virtually no programming for prisoners, and prisoners frequently have nothing in their cells to enrich their days. The prison has prohibited radios and television, which violates CDCR policy. The hunger strikers have added these items to their demands." Prisoner Hunger Strike Solidarity, "Prisoners at Calipatria call off strike," *prisonhungerstrikesolidarity* (blog), October 15, 2011, <https://prisonerhungerstrikesolidarity.wordpress.com/2011/10/15/prisoners-at-calipatria-call-off-strike/>.

⁶⁵ Prisoner Hunger Strike Solidarity, "Statement Suspending the Third Hunger Strike," *prisonhungerstrikesolidarity* (blog), September 5, 2013, <https://prisonerhungerstrikesolidarity.wordpress.com/2013/09/05/statement-suspending-the-third-hunger-strike/>.

⁶⁶ Ashker, Todd, Danny Troxell, and many other Pelican Bay State Prison– SHU Short Corridor Inmates, *Formal Complaint to Governor Schwarzenegger and CDCR Secretary Cate*, February 5, 2010.

Before the launching of the hunger strike, in early January of 2011, Todd Ashker, Danny Troxwell, and other prisoners publicly released a formal complaint to Governor Jerry Brown presenting their 5 core demands. In the formal complaint, they demanded an end to their state sanctioned torture being held indefinitely within the SHU. They protested that their isolation was based solely on their refusal to debrief and their “status” as members or associates of prison gangs.⁶⁷ As Javier A. Zubate expresses, “For 16 years, I’ve been held in isolation solely because of who I am... I am a man being tortured, dehumanized and psychologically tormented but a human being nonetheless, praying that the world finally hears the cries of the tormented souls trapped inside the SHU.”⁶⁸ The hunger strikes were relying on gaining the public’s attention to gather the pressure to force CDC into making changes. They hoped the public would see them as people, beyond the label of “prison gang members” and the “worst of the worst.” The strike’s representatives were ready to dispel the myths of them as “the worst of the worst,” and expose how CDC had used this image as propaganda to justify the torture of prisoners and gain support for the continued expansion of SHU cells and prisons.

⁶⁷ Ibid. “This is a formal complaint and request for action to end 20+ years of state sanctioned torture in order to extract information from (or cause mental illness to) California inmates incarcerated indefinitely in punitive isolation at Pelican Bay State Prison- Security Housing Units (PBSP-SHU), based on arbitrary policies and practices re: ‘status’ of the inmates... (i.e., a CDCR gang affiliation classification, which in turn is based on allegations made by confidential inmate information seeking and receiving special treatment, etc.)... However, the true nature of such ‘status’ based indefinite SHU confinement is not clear. While the arbitrary nature of such policy/practice is crystal clear, demonstrated by the fact that CDCR claims all validated prison gang affiliates automatically ‘pose an immediate severe threat to the safety and security of all general population prison, other inmates and staff’ solely based on this ‘status.’”

⁶⁸ Center for Human Rights and Constitutional Law, “22 Main Petitioner Quotes for the United Nations,” Received March 20, 2012, 4 leafs.

Years prior, the *Castillo v. Alameida* settlement claimed it would revise the SHU validation procedure, but failed to bring any substantive changes to the conditions of confinement in the SHU. Those that went on hunger strike were tired of CDC circumventing around policy changes to not honor prisoner's basic humanity and needs. While CDC professed they enacted a just system, those incarcerated in the SHU felt and witnessed otherwise, as their only options outside of going insane continued to be: debrief, parole, or die.

While the 5 core demands seem simplistic, they would profoundly change the way the SHU was ran, and widely expose their conditions of confinement. (Chapter 3 for a more thorough discussion of the 5 core demands). They united, because they recognized that across racial lines, as SHU prisoners they were all being entombed in "psycho-social extermination cells." They also recognized that such technology of containment was initially developed to repress political prisoners spirit of rebellion, and was then widely launched as a form of restraint across the prisoner population. The representatives viewed the advancement of such technological suppression as part of larger efforts to subsume poor working class populations through incarceration. Further, they saw this suppression justified by the construction of them as the "worst of the worst" that continuously dehumanized SHU prisoners and painted them as deserving of torture. Prisoners construction as violent predators was accompanied by the purported need of this repressive confinement to ensure public safety. As the representatives expressed,

"In 2010 -2011, many long-term SHU prisoners housed in the PBSP SHU Short Corridor initiated our "collective human rights movement" based on our recognition that, regardless of color, we have all been condemned for decades, entombed in what are psycho-social extermination cells, based on prisoncrats'

fascist mentality. That mentality is centered upon the growing oppressive agenda of the suppressive control of the working class poor and related prison industrial complex's expansion of supermax solitary confinement units.

The pretext for that expansion is baseless claims that solitary confinement is necessary for the subhuman "worst of the worst" deemed deserving of a long slow death in hellish conditions. Supermax units were originally designed and perfected for the purpose of destroying political prisoners and now extend to a policy of mass incarceration."⁶⁹

The unjust and horrendous conditions within the SHU led prisoners to protest, and put their lives at risk. Some were determined to die trying rather than continue to live under the submission of CDC and their daily torture. As J. Angel Martinez expressed, "I'm ready to take this all the way... We are sick and tired of living like this and willing to die if that's what it takes."⁷⁰

In this chapter I will present what led to the hunger strike uprising grounded in the perspectives of incarcerated people and their families. I explore the culmination of events and theories around incarceration that became the impetus for prisoners to hunger strike and push for their release from the SHU. I will discuss their choice to starve to death over debriefing or continuing life in the SHU. Further, I present incarcerated peoples and their families' response to the construction of the men in the SHU as "the worst of the worst," and how they dispel the racial divisions and criminalizing logics that cohere prisons.

⁶⁹ Todd Ashker, Arturo Castellanos, and George Franco, "California prisoner representatives: all people have the right to humane treatment with dignity," *San Francisco Bay View*, October 2, 2014, <http://sfbayview.com/2014/10/california-prisoner-representatives-all-people-have-the-right-to-humane-treatment-with-dignity/>.

⁷⁰ Ian Lovett, "California Prison Hunger Strike Resumes as Sides Dig In," *New York Times*, October 7, 2011, <http://www.nytimes.com/2011/10/08/us/hunger-strike-resumes-in-california-prisons.html>.

Castillo V. Alameida

While *Madrid V. Gomez* was unsuccessful in shutting down the SHU and ultimately solidified its existence (See Chapter 2), Steve M. Castillo moved forward and filed *Castillo v. Alameida*, represented by Charles Carbone from the California Prison Focus non-profit, James Finberg, Joy A. Kruse, and Graham Noyes. *Castillo v. Alameida* challenged prison conditions, the length of SHU confinement, and SHU validation procedures that classified prisoners as “prison gang members” and “associates.” Castillo advanced the case by challenging his own validation as an “associate” that he claimed was retaliation for being a jailhouse lawyer.

The case was filed August 9, 1994 in the U.S. District Court within the Northern District of California and claimed the gang validation procedures used to put people in SHU were unconstitutional. SHU confinement violated the 1st amendment because it was retaliation for their legal activism. Moreover, their inability to contest or present opposing evidence, prior to validation for SHU placement, violated their right to due process guaranteed under the Fourteenth Amendment. Castillo also argued the conditions of confinement and psychological tortures of Security Housing Units were cruel and unusual punishment and a violation of the Eight Amendment. Moreover, required debriefing as prerequisite to be released from the SHU violated the 5th amendment and its protection against self-incrimination. Being forced to debrief also went against the Religious Freedom Restoration Act, because it did not honor that it was against Castillo’s

religious Catholic beliefs to snitch.⁷¹ Additionally, the 270% presence of “Hispanics” in comparison to their general population rate proved the practice of racial discrimination in PBSP-SHU.⁷² This court case would not reach a settlement until September of 2004, over 10 years later, in the meantime CDC attempted to discredit efforts to expose and combat the SHU through their construction of SHU prisoners as the “worst of the worst.” (See Chapter 2)

The hunger strikes of 2011 were not the first revolts against SHU confinement and their validation procedures. On July 1, 2001, Steve Castillo led a hunger strike with the participation of over 700 men in PBSP-SHU and another 300 in Corcoran.⁷³ He and other prisoners grew agitated that the *Castillo V. Alameida* lawsuit had been tied up in the courts for over six years. Castillo saw no other recourse but to protest. In his press release Castillo announced the basis for their protest,

“CDC refuses to implement clear, fair, and uniform standards for accurately determining whether (or not) a prisoner is truly a gang affiliate or found unsuitable for SHU release based on false, unreliable, or out-right ridiculous information. For instance, we have been labeled as gang affiliate or found unsuitable for SHU release for merely talking to other prisoners labeled as gang affiliates. And it doesn’t even matter if the alleged gang affiliate is a relative, or, if a prisoner knows of another’s affiliation- or if that CDC affiliation label is true. Other examples are: signing a card for a dying prisoner, prisoners assisting each

⁷¹ They cite the New American Bible as they state the book of Leviticus 19:16 commands, “Thou shalt not go up and down as a tale bearer among the people.” They then reference then the Book of Daniel where it states that an informant is “one who eats the flesh of another.” I quote their footnote “Under Jewish law penalties for being an informer included flogging, imprisonment, branding and death. Orthodox Jews condemn the informer thrice daily in their prayers. In Christianity, the informer is personified by Judas who betrayed Jesus for thirty pieces of silver, repented and hanged himself. Matthews 26:15, 27:3-5”

⁷² Steve Castillo and Graham Noyes, “Challenging the Indeterminate SHU Term,” 1996, 2 leafs.

⁷³ “Support the SHU Hunger Strikers!” *California Prison Focus* 16 (Summer 2001): 31.

other with legal work, or an issue of speech and an association that has absolutely nothing to do with gang affiliation or gang related matters. Even some of our family members and friends have been labeled by CDC as gang affiliates and denied visits with us.”⁷⁴

This 2001 hunger strike held 4 demands:

1. Fair rules of evidence in classification hearings
2. No SHU terms given for mere alleged association with a gang unless criminal activity is shown
3. Release of inactive gang members after one year in SHU
4. The re-establishment and maintenance of dialogue between prisoners and staff in order to bring about conflict resolution.⁷⁵

The strike was suspended after 10 days when Senator Richard Polanco called for CDC to go into negotiations with prisoners at Pelican Bay.⁷⁶ Senator Polanco held meetings in Sacramento with CDC officials, representatives of the Prison Law Office, the Archdiocese of Los Angeles, and the Mexican Consulate, but according to reports in *California Prison Focus*, not much seemed to come out of these congregations.⁷⁷ The *Castillo v. Alameida* court case did not reach a settlement until September of 2004, over 3 years after the 2001 hunger strike.

As part of the settlement, CDC could no longer rely on a debriefer’s testimony if it was simply hearsay. Informants had to detail explicit evidence that linked prisoners to prison gang activity. Further, a “single-source” could no longer be the only basis for validation, even if it came from multiple sources, and would now only count as one source of evidence. Given the SHU’s history with validation and indefinite confinement,

⁷⁴ Steve Castillo, “Press Release From Pelican Bay State Prison Inmates: We Merely Seek to Be Treated Humanely and Fairly,” *La Verdad Publications*, 2001, <http://uniondelbarrio.org/cmpp/articles/pelicanbayhungerstrike.html>.

⁷⁵ “Support the SHU Hunger Strikers!”

⁷⁶ “Prisoners in Pelican Bay, California Suspend a Hunger Strike After a State Senator Calls for Negotiations with Prison Management,” *Democracy Now!* July 17, 2001, http://www.democracynow.org/2001/7/17/prisoners_in_pelican_bay_california_suspend.

⁷⁷ “Support the SHU Hunger Strikers!”

the settlement agreements were perceived as “major changes to prison management policies and the use of security housing units.” As Charles Carbone further described,

“Most super-max prisoners are housed in the SHU based upon prison officials labeling or "validating" prisoners as members or associates of prison gangs. The label or validation of a prisoner as a prison gang member is often based on innocuous evidence that a prisoner conversed or associated with a prison gang member regardless of the content or reason for the association. In fact, California routinely placed prisoners in solitary confinement in the SHU's based on such things as inmates sending "get-well" greeting cards, prisoners exercising together, drawings of Chicano art, or an address found in prisoner address books. While such acts were neither criminal nor unlawful, California prison officials relied on such evidence to label prisoners as prison gang members resulting in long-term, indeterminate confinement in the SHU's”⁷⁸

Carbone, Castillo’s pro-bono lawyer, expected the settlement’s changes would prevent hundreds from being in the SHU. However, the setback was CDC would monitor and control themselves.

The settlement presented itself as proactive by demanding an “articulable basis” and disclosure of concrete evidence that linked men to illegal prison gang activity- rather than mere hearsay. Other settlement agreements stated pictures used as validation evidence could not be more than 6 years old. Additionally, and any validated member in the picture needed to have been validated within six months of its taking. Nonetheless, talking to other SHU prisoners in the Law Library could be used as evidence if IGI could find a basis to determine communication as gang activity. Any tattoo or symbol could be used as evidence if staff could articulate a specific association to a prison gang. Written material and communication, such as greeting and birthday cards, could be used as

⁷⁸ Charles F.A. Carbone, Esq., “California Changes policies for prison gangs and security housing units,” *Prison Legal News*, September 15, 2004, <https://www.prisonlegalnews.org/news/2004/sep/15/california-changes-policies-for-prison-gangs-and-security-housing-units/>.

evidence if staff articulates how explicit or coded messages are related to gang membership or association. Moreover, disciplinary offenses, legal correspondence, address books, visitors could be used as evidence for validation if staff had an “articulate basis” for why it was gang-related. Needless to say, it did not take much for CDC to rationalize their behavior, especially considering there was no external oversight of their management.⁷⁹

Different from Judge Thelton Henderson orders in the previous *Madrid V. Gomez* settlement, there would be no ongoing monitoring of the settlement agreement. If plaintiffs were dissatisfied with the exercise of the settlement and felt CDC was not complying, they had to mail their grievances to CDC and sit down to talk with them before asking the courts to intervene. Moreover, the opportunity to seek the courts expired once CDC implemented the settlement’s proposed policy changes. In the end, CDC agreed to write down prisoner’s opinions and forward them to the Law Enforcement and Investigation Units to decide on their validation. CDC also agreed to provide prisoners a personal copy of their grievance within 14 days. Yet, given CDC was policing themselves, the chances of SHU grievances being taken seriously was slim to none.

⁷⁹ *Castillo v. Alameida, Jr.*, No. 94-2874 (N.D. Cal. 1994); University of Michigan Law School, “Castillo V. Alameida: Civil Rights Litigation,” <http://www.clearinghouse.net/detail.php?id=11159>.

CDCR Always Comes up with a Way

Appeal processes and internal litigation of CDC are popularly understood as a joke. Ultimately by July 1, 2011, CDC, and particularly PBSP-SHU had managed to continue caging people indefinitely in the SHU based on mere hearsay and association. This was evident when Dolores Canales shared testimony at a 2011 Sacramento Hearing that came after hunger strike organizers garnered the attention of the Public Safety Committee,

“as they were mentioning the prisoners’ rights to the appeal process: They are only allowed to file one appeal every 14 days. And it is within a hierarchy that it’s heard at different levels. So they’re appealing to the same people who are writing them up. The only way to get out of that, after they’ve exhausted all appeal processes from within the system, then it could enter into the courts in litigation, which many prisoners do, but there’s many prisoners that do not know how to follow this process through. There’s many family members who don’t know how to follow this process through. I’ve had *my* mail returned for promotion of gang activity; it has immediately been rectified, as I’ve called, complained, written letters, filed appeals myself. But if I did not know that, that would be in my son’s file. And so I just also want to let you know, with the 602 process, when it does reach court litigation, even after court rulings as in the Combrera case where they documented about drawings not being allowed as source items [for gang validation], I have documentation here showing Aztec culture, political forms of expression, are still being used. It’s not the violent behavior that CDC continues to portray and proclaim.”⁸⁰

Very importantly, Canales speaks about how the procedures to appeal and file grievances against CDC are not designed to ensure accountability. The procedures are first internally reviewed by CDC, and after an exhaustive internal appeal process that requires several steps, the grievance is then forwarded to the courts. Nonetheless, before grievances can be litigated by the courts, several roadblocks need to be surpassed that are hard to

⁸⁰ *California. Legislature. Senate. Rules Committee.* Sacramento, CA. October 9, 2013. Beth Witrogen, “Transcript of Sacramento Hearing,” October 9, 2013. In possession of Author. Thank you to Beth Witrogen for typing and sharing these transcripts.

maneuver by incarcerated people and families who are illiterate or not informed in the law and CDC policy. Nonetheless, as Dolores exposes, even when court rulings result in favor of prisoners, CDC still malpractices, because they take advantage of prisoners' limited ability to defend themselves against their abuse. While CDC continuously invests in creating a hyperviolent image of men in the SHU, their validation and write-ups are often for basic human reactions and behaviors. As Gabriel A. Huerta explains,

“A book was found in my cell on December 8, 2008, that my neighbor had let me read. It had his name and number on the book cover. This same neighbor also shared with me some pages from a *Readers Digest* magazine someone had sent him—the jokes section. These pages also had his name and number written on them. It was concluded by staff that ‘a friendship with a validated gang members [is] proved through this lending and borrowing personal property [and] solidifies the association with the gang itself.’ My next review will not be 2014.”⁸¹

While CDC now reviewed their validation every six years, it was not seen as a viable way to acquire release from the SHU, because one way or another CDC would acquire a reason to not release a prisoner from the SHU.

Steve Castillo speculated the settlement would have major shortcomings back in 2001, which was partly why they went on hunger strike,

“For years we have been denied SHU release or parole because we refuse to ‘debrief’ (snitch); only to learn that in 1999, a court of law found that requirement to be an illegal CDC regulation. Now, CDC claims we can be released from the SHU if we remain six years clean from “gang activity.” Problem is, CDC refuses to give a clear definition as to what constitutes “gang activity.”⁸²

Once again, CDC circumvented court rulings. As soon as it was deemed illegal for CDC to withhold someone for refusing to debrief, they rewrote their policy to state they must remain six years free of “gang activity.” The definition and proof of “gang activity”

⁸¹ Gabriel A. Huerta, “Torture in Pelican Bay State Prison SHU,” *California Prison Focus* 37 (Summer 2011): 25.

⁸² Castillo, “Press Release From Pelican Bay State Prison Inmates.”

remained as arbitrary as their SHU validation. An anonymous SHU prisoner shares how little changed after their efforts to change validation procedures,

“As for the 2002 hunger strike and the results of the final outcome, and what was accomplished by the strikers, I'm not aware of anything that truly changed for the better for us SHU indeterminate guys. The 2002 strike only lasted a few days, and the morale of the prisoners involved in that strike was very low. In fact, this place kept taking and taking more from us in here... I heard the hunger strike did set new policies to where the CDCR had to reevaluate each prisoner's file and come up with more evidence than just someone's word to be able to keep you in SHU. But the CDCR always comes up with a way to slip around any new rules to be able to claim someone is a true threat to the safety and security of the CDCR if allowed to be released out of SHU.”⁸³

Alfred Sandoval noted they had gone on hunger strike in 2001, “to change debriefing process as it was not legal! Promises were made, Castillo settled and reworded to be used against prisoners.”⁸⁴ After the 2001 hunger strike occurred, Castillo debriefed and settled in court bringing little improvement to those who remained captive in the SHU. By 2011, 7 years after the lawsuit settlement, the conditions in the SHU remained stagnant, if not worse. Derek Carbajal shares part of this frustration,

“After 8 years, you realize after doing everything they ask you to do, staying out of trouble and minding your own business was not enough. They (CDCR) want to take away your humanity. There is nothing more dreadful in the world than waking up in the middle of the night and feeling like you're in a mortuary. Even sleep cannot spare me from this hellhole I'm in. Hope has been gone for many years.”⁸⁵

⁸³ Anonymous, “Torturing Citizens Who Won't Turn Snitch: A Letter from Pelican Bay,” *truthout*, October, 21, 2011, <http://www.truth-out.org/news/item/17645-torturing-citizens-who-wont-turn-snitch-a-letter-from-pelican-bay>.

⁸⁴ Alfred Sandoval, “Hunger Strikers Respond to Corrections Secretary Beard Op-Ed Demonizing Hunger Strikers,” *San Francisco Bay View*, August 12, 2013, <http://sfbayview.com/2013/08/hunger-striker-responds-to-corrections-secretary-beards-op-ed-demonizing-hunger-strikers/>

⁸⁵ Center for Human Rights and Constitutional Law, “22 Main Petitioner Quotes for the United Nations” Received March 20, 2012. 4 leafs.

When the strikers decided to initiate the hunger strike in 2011 not all were optimistic about the possibility of changes. Some were quite pessimistic about the possibility of ever exiting the SHU alive. This disillusionment did not arrive out of nowhere. It held a history of multiple resistance efforts, unsuccessful lawsuits, previous hunger strikes, and countless grievances. Many had witnessed people go insane, commit suicide, or die of medical neglect inside Security Housing Units. Nonetheless, some did carry optimism, and others participated ready to die starving under their own terms.

Rethinking Strategies

After the legal challenges of previous lawsuits, such as *Alameida V. Castillo*, failed to bring substantive changes to SHU confinement prisoners came to rethink their strategies. Todd Ashker, a jailhouse lawyer himself, shares his arrival to the hunger strike,

“when it comes to the core issue of long-term solitary confinement, none of us have had success. Therefore, beginning in 2009, a group of us in the same pod together began considering our litigation strategies and how the challenge to long-term solitary confinement had not been successful. And over the next two years we all came to the conclusion that we needed to evolve our process of resistance and forcing change to the system. And during that process of dialogue with these individuals and the material that I was reading, including material about the IRA struggle and Bobby Sands, the Irish hunger striker who united the nation, Che Guevara, Howard Zinn, Naomi Wolf and other—Thomas Paine and other activists and revolutionaries, I became more class-conscious of the prisoner class as a microcosm of the working- class poor in this country, and that it was in our best interest to evolve our strategies and come together and utilize peaceful civil disobedience-type of actions, in tandem with litigation, to try to force the changes that were long overdue. And that is how we came to the point of creating our

formal complaint and then moving from there to the peaceful hunger-strike protest as a collective body.”⁸⁶

Prisoners saw their strategy evolve as they recognized themselves as a prisoner class that was a microcosm of a larger suppressed poor population in this country. They saw a need to break with the racial divisions inside prisons to be able to acknowledge the commonality that banded them together. They were being suppressed by a prison administration and industry that for so many years benefitted from their invisibility and silence. Specifically, their portrayal as violent, which made their use of nonviolent tactics all that more important. However, their coming together was not immediate.

The hunger strike came after a year of debates and conversations amongst prisoners in the short corridor of Pelican Bay SHU. Not everyone in the SHU supported the hunger strike or believed it would be taken seriously by CDC administrators and staff. Some thought to join the hunger strike would be humiliating, as they foresaw themselves starving in front of correctional officers and being largely ignored by the outside public. As even Ashker admits, “‘At first I was against the idea of damaging myself. These’ – he indicates hovering guards – ‘are my enemies. They’ll celebrate when I die.’ The idea grew on him, however, and it intrigued the rest of the collective.”⁸⁷ In its initial stages, the hunger strike representatives only counted on a solid 50 prisoners in short corridor to launch the hunger strike July 1, 2011. They predicted approximately 30 prisoners from

⁸⁶ “Exclusive Audio: CA Prisoner Todd Ashker on His Evolution from Violence to Peaceful Hunger Strike,” *Democracy Now!* August 23, 2013, http://www.democracynow.org/2013/8/23/exclusive_audio_california_prisoner_on_hunger_strike_and_how_he

⁸⁷ Rory Carrol, “California Prison hunger strike leader: ‘If necessary we’ll resume. This is war,’” *The Guardian*, September 27, 2013, <https://www.theguardian.com/world/2013/sep/27/california-prison-hunger-strike-todd-ashker>.

each SHU unit would join in by July 20, 2011. While they had heard others would join in support, they only held the commitment of 25-30 prisoners that would continue the hunger strike indefinitely. Other prisoners expressed support but were unable to participate due to age and medical problems. Nonetheless, they maintained their predictions low, given the high restrictions in communication amongst SHU facilities.⁸⁸

While not all prisoners backed the hunger strike initially, those that participated treated it with much seriousness.

“This peaceful H.S. protest is not ‘led’ by any individual or group; it was deemed necessary only after more than a year of discussion and thought amongst many PBSP-SHU prisoners, from all races. And it was never taken lightly by anyone—actually the opposite is the case, because no one wants to put their health/life on the line, and all understand that there’s a good chance some will die before this is over, due to the mindset of the governor, legislators, CDCR administration and many member of the CCPOA. However, many of us are also lifers with 20 to 45 year in, and we recognize the illegal policies and practices (summarized in the Formal Complaint) continue unabated in spite of thousands of prisoner grievances and hundreds of court challenges... We have nothing to lose.”⁸⁹

Some participants felt the possibility of change outweighed the consequences, even after considering a part of the prisoners would face death or continuous pain due to repeated force feeding. As expressed, they had nothing to lose. Given their current conditions in the SHU, the hunger strike could not be more damaging and destructive. Many of those committed to the hunger strike already had spent 20 to 45 years incarcerated and were sentenced to die inside prison. They had already accepted that one way or another they would die in the SHU. It was a matter of how. If they did not die, then they waged a fight to change how they lived. For Todd Ashker their home and existence was prison, Rory

⁸⁸ Todd Ashker, “Hunger Strike Clarification,”; Arturo Castellanos, “HS Thoughts,” *California Prison Focus* 37 (Summer 2011): 2.

⁸⁹ Todd Ashker, “Hunger Strike Clarification,” 2.

Carroll shares, “When I ask Ashker if he envisages an existence beyond the razor wire, if he yearns, for instance, to gaze at the stars or stroll down a street, he looks puzzled. ‘I’m not getting out. My struggle is here.’”⁹⁰

It was through a process of dialogue that SHU prisoners came together across races. Very importantly, along with dialogue was literacy. They entered in conversation partly inspired by what they were reading. Todd Ashker specifically was highly inspired by the prisoner hunger strikes in Ireland. In 2009 he had read *Nothing But an Unfinished Song* about Irish prison hunger striker, Bobby Sands. While Sands died (along with 9 others) after 66 days of starving himself in protest at Maze prison, he deeply inspired IRA and INLA efforts to overthrow British domination in Northern Ireland. Simultaneous to the history of the Irish prison hunger strike, Ashker was also influenced by anti-capitalist and anti-racist struggles. As Rory Carroll documents in an interview with Todd Ashker, “The writings of Thomas Paine and Howard Zinn’s *A People’s History of the United States* planted the idea that instead of race rivals they were a ‘prisoner class’ with the penal system as a common foe.”⁹¹ Further, it was also the extensive engagement with the history of the Mexican Revolution, indigenous revolts and epistemologies within prison that influenced these large uprisings. As Ashker shared that the rise of the Arab Spring in 2011 and the Mayan calendar’s mark of 2012 as the start of new historical cycle had convinced him and the rest of the collective that it was time to act.⁹² Nonetheless,

⁹⁰ Rory Carroll, “This is war.”

⁹¹ Ibid.

⁹² Ibid.

while some were inevitably inspired by their lived experiences and connections to what they were reading, it was clear they perceived this movement to be unique:

“Please understand that this must be viewed as a unique historical event in California prison history. Thus, this H.S. cannot and should not be tied to, or dedicated to, any historical figure. This H.S. involves all three races, and singling out just one or two of those races by tying this H.S. to any persons—for example: to George Jackson, Cesar Chavez/Zapata, or to any white historical revolutionary— will only succeed where CDCR has so far failed to accomplish, that is, it will destroy our three-race unity on this H.S. I cannot be any clearer than that.

And by now, I’m sure you have also received a ‘similar’ note/concerns from the African hunger strikers here. Thus, this must be guarded and kept a unique and separate historical event. So please heed our warnings and wishes and do not tie it to anything or to anyone else. Thank you very much.”

While many were inspired by literature and previous/current uprisings, this historical protest was not attributed to one historical figure, organization, or event. It was not led by an instituted revolutionary organization. The hunger strikes rose from the collective work and strategizing of men incarcerated within SHU units and was informed by their personal experiences with CDC, their own previous resistance efforts, the courts, and numerous collective discussions and debates about that political moment. Through the process of dialogues, members of various racial groups discussed their commonalities, differences, and possibilities as caged people. They thought deeply about the failures of previous legal strategies. Ashker further explains,

“Many of us housed in short corridor have been subject to PBSP SHU solitary confinement torture since it opened in 1989, 1990, wherein we’ve been housed together in an eight-cell pod. Many of us have taught ourselves and each other about the law in order to utilize the legal system to challenge those conditions. We’ve come to know, and in large part respect, one another as individuals with the common interest of bringing change to our conditions in ways beneficial with for all concerned. This common experience together, with the group of us being housed together in adjacent cells, wherein we engaged in dialogue about our common experience, legal challenges, politics and the worsening conditions, enabled us to put aside any disputes we may have harbored against each other and unite as a collective group – a prisoner class – with the common goal of using

nonviolent, peaceful means to force meaningful, long-overdue prison reform to happen now.”⁹³

It was through much reflection of their previous strategies that the men on hunger strike felt their best option was to simultaneously use non-violent means and the law. Even in recognition of a history of turmoil amongst various races, dialogue helped them reflect on their current state of captivity and recognize their limitations and capacities. While disenfranchised as prisoners, they recognized their creative abilities that once led many to become self-taught jailhouse lawyers and wage battle against CDC policies. Now they were committed to an alternative cosmic reality that adamantly professed otherwise was possible and that they could rupture through the power of CDC. They enacted a non-violent strategy that risked their lives, because they knew they were asking for something that was just and overdue. If they were ever going to push for change, the time would be now.

In the past, they had responded with violence, and now concluded it had largely negatively impacted them because their violent resistance was used to justify their subjection to more drastic forms of confinement,

“You know, when I first came into the prison system as a young 19-year-old man, I was basically stuck on stupid. And over time, being subjected to the SHU and all the abuses therein, and back then, in the early and middle '80s, the way I knew—the only way I knew of how to deal with being abused was response in violence. And beginning in 1987, there was a group of us who were subjected to a unit called Bedrock, where in we did not have anything. We were in stripped cells. We didn't have any property, no canteen, no appliances. And we were regularly beat down. We were given short issues of food, and we were just treated less than human. And when we would respond to that in violence, that's what they used to justify placing us in that unit. And we all talked about how we were coming up short, how the staff were manipulating us and then using it, our response of violence, to crack down on us even more and give us more time in prison, and it

⁹³ Democracy Now!, “Exclusive Audio: CA Prisoner Todd Ashker on His Evolution.”

was just a no-win situation for us. So we had a dialogue amongst ourselves, and we said, ‘Look, the law applies to the prison guards and the administration the same way it applies to us. We’re expected to follow it; so are they. Let’s learn about the law and then use the legal system to challenge these abuses.’⁹⁴

Their resort to violence was also used by prison staff to ferment issues amongst the prisoner population that would lead to further isolating conditions and added prison terms. Their transition to law from physical resistance, came as a new form of self-defense. They came to the law, after years of abuse. Finally, after they saw the limited success of lawsuits they reconvened to make final attempts to gather public support to change SHU confinement. It was then they decided to combine non-violent protest with legal means.

It was their daily brutal reality that led them to strike, as an Anonymous SHU prisoner describes,

“It's like living in your bathroom out there for years and years and only having things taken from you. They put guys in pods that they know the person will have a bad time in...I got here in January 1990, just a couple weeks after PBSP-SHU opened, so I've got a lot of experience in this place. This past decade, they have come up with some way-out B.S. to justify keeping me in here, and they do it to everybody. If a guy doesn't debrief, his word is useless, no good; he's a liar; he's an insane killer, etc. If the same guy debriefs, he's suddenly a saint, and anything that comes out of his mouth is considered 100 percent true and used to keep other guys in SHU. Sadly, too many guys have broken down and have said whatever the cops want them to say so they can get special privileges and favors.”⁹⁵

Before the hunger strike, the only possibility for release from the SHU was to, “parole, snitch, or die.” As explained by Gabriel A. Huerta, “I was told that if I wanted out of SHU I would have to confess to all the illegal activities I had ever been involved in during the course of my life, and I would also have to inform on and incriminate others.

⁹⁴ Ibid.

⁹⁵ Anonymous, “Torturing Citizens Who Won’t turn Snitch: A Letter from a Letter from Pelican Bay,” *truthout*, July 18, 2013, <http://www.truth-out.org/opinion/item/17645-torturing-citizens-who-wont-turn-snitch-a-letter-from-pelican-bay>.

This is called ‘debriefing.’”⁹⁶ Numerous prisoners did not have an out date, and would rather die than debrief. The hunger strike was a way to die, just as it was a method to use their bodily power to demand a right to live in a way that respected and honored their existence as people.

Debriefing and the Right to Due Process

Debriefing has been understood and lived in a multitude of ways. One of the more common understandings of debriefing in prison is that becoming an informant will lead to serious retaliatory consequences for the debriefer and their families. Such violent retaliation for debriefing is often perceived as a coercive measure of prison gangs to ensure silence and commit serious crimes without penalty. While in certain instances this perception can stand to be true, I offer a different perspective of why some prisoners stand strongly behind their refusal to debrief.

At times debriefers are used to create conflict. They are placed amongst the prison population to create disputes and divisions that lead to violent ruptures within and across racial groups. These scenarios allow CDC to have stories/spectacles that paint prisoners as violent predators and justify their coercive restraint. Disputes that call for harsher restrictions often lead to the dismantling of constructive programming for the prisoner population. As expressed in point 3 of the End All Hostilities Agreement produced by the hunger strike representatives,

“We also want to warn those in the General Population that IGI will continue to plant undercover Sensitive Needs Yard (SNY) debriefer “inmates” amongst the solid GP prisoners with orders from IGI to be informers, snitches, rats, and

⁹⁶ Gabriel Huerta, “Torture in Pelican Bay State Prison SHU.”

obstructionists, in order to attempt to disrupt and undermine our collective groups' mutual understanding on issues intended for our mutual causes [i.e., forcing CDCR to open up all GP main lines, and return to a rehabilitative-type system of meaningful programs/privileges, including lifer conjugal visits, etc. via peaceful protest activity/noncooperation e.g., hunger strike, no labor, etc. etc.]. People need to be aware and vigilant to such tactics, and refuse to allow such IGI inmate snitches to create chaos and reignite hostilities amongst our racial groups. We can no longer play into IGI, ISU, OCS, and SSU's old manipulative divide and conquer tactics!!!"⁹⁷

Debriefers are used to disrupt the collective power and capacity of prisoners to organize against prison officials' control of penal institutions. CDC gains their power from debriefers and relies on them to do their investigative work. Through the testimonies of debriefers, CDC attempts to learn the intricacies of prison organizing in order to outwit prisoners' creative capacities.

Debriefers assist CDC in their efforts to attain the full submission and coercion of prisoners. In other words, debriefers aid prison administrators in coercing prisoners to accept being state property. CDC necessitate of this concession so that they do not have to combat or negotiate with prisoners. CDC would be nothing without the information of debriefers. Their ability to keep the prisoner population subsumed and racially divided in conflict would be much more difficult.

In this way, a place like the SHU becomes of utter importance to prison administrators. The SHU is meant to forcibly extract information from prisoners who would not succumb and agree to become informants in general population (men already in the SHU at times get moved to Short-Corridor SHU). They submit them to psychological technologically advanced forms of torture, exploit their vulnerabilities, and hope prisoners will break under pressure to give staff what they assume to be valuable

⁹⁷ Hunger Strike Representatives, "Agreement to End Hostilities."

information (i.e. information that will allow them to more thoroughly coerce other prisoners). As Paul Jones explains,

“They tried to keep me in SHU until I debrief, parole or die. The goal of ITI is to torture us by filling our mental and emotional space with fear, rage, powerlessness and despair. To cut us off from sources of life and hope. That is why they came up with the short corridor, an even more restricted area of the SHU which consists of four buildings in this facility where everything we do is given more scrutiny and used against us and once we get chronos to keep us there permanently, such as talking to another prisoner in the pod next to yours. No matter what they do in attempt to shut me off from the outside I refuse to debrief and become an informant on anyone for any reason.”⁹⁸

Prison management necessitates information from prisoners to advance their investigations and subsequently their profession as gang investigators, detectives, lieutenants, etc. In essence, prison staff torture prisoners for their own individual personal gain as they advance their own career and job opportunities. However, their careers are not always the impetus. Some officers and administrators have developed a psychological investment in asserting power, value, control and domination over prisoners.

Prison administrators resorted to take the most sacred things from prisoners: consistent family communication through phone, physical touch, human conversation and exchange, nature, fresh air, sunlight. As time has passed, and men inside SHU units have resisted the pressure to debrief, the conditions have only worsened. An anonymous prisoner who has been isolated since 1987 describes his journey in the SHU,

“I've been in the SHU since 1987 and, boy, has SHU changed since 1987. In 1987, I had a TV and radio in my cell. I had a wristwatch, boxers, T-shirts and socks from the streets, photo albums, subscriptions to magazines we can't have anymore. We had group yard and could play handball and basketball out on the yard. We could have a whole lot more. The authorities figured if they made our

⁹⁸ Paul Jones, “Statement,” *prisonhungerstrikesolidarity* (blog), June 2011, <https://prisonerhungerstrikesolidarity.files.wordpress.com/2011/06/paul-jones-pbsp-statement.pdf>.

stay in SHU a lot rougher, a lot of guys would debrief. A lot of guys have debriefed over the years (unfortunately), and the cops are proud of torturing the weaker guys until they break.”⁹⁹

CDC does not do prisoners a favor by posing debriefing as a SHU exit strategy. It is CDC’s leverage to advance their coercive power. By placing prisoners in the SHU, CDC attempts to induce psychosis and deteriorate prisoners mental and physical health to the point that they agree to be informants. Meanwhile CDC creates the illusion of choice, while they erase themselves as captors and abusers. This strategy has led to the medical neglect of prisoner’s until they agree to debrief. As testimony of George Ruiz,

“Recently, the Pelican Bay medical staff determined that due to my diabetes and kidney failure, I am a high-risk patient whose medical needs cannot be adequately attended to at the SHU, and that I should be transferred. However, that recommendation was reversed by the Institutional Gang Investigations (IGI) and then chief medical officer Michael Sayre. I have been informed by the doctor that the only way to receive better medical treatment for my diabetes and kidney failure is to debrief and return to the mainline.”¹⁰⁰

For those who refuse to debrief, the narrative claims they were “given an option” and declined it. CDC present themselves as saviors, doing men a favor by providing them an “outlet” through debriefing. SHU placement is then presented as a matter of prisoner’s personal choice. In this way, the prisoner is held responsible for the pain they and their families endure as opposed to the perpetrator- CDC. Nonetheless, CDC attempts to erase they are the ones who created and have facilitated the prisoners’ brutal captivity, as they induce suffering to push them to debrief.

Gabriel Reyes also explains how guards use debriefing as leverage and exploit the delicate position of prisoners to get them to debrief,

⁹⁹ Anonymous, “Torturing Citizens Who Won’t turn Snitch.”

¹⁰⁰ George Ruiz, “Op-Ed Pelican Bay Prison Hunger-Strikers: George Ruiz,” *Truthout* July 11, 2013, <http://www.truth-out.org/opinion/item/17524-pelican-bay-profiles-george-ruiz>

“The guards use this tactic as leverage in exchange for medical care, food, amenities and even, theoretically, removal from the SHU. Debrief sessions are held in complete secrecy. When another prisoner is the subject of a debrief, he is not informed of the content, so he is punished with no means to challenge the accusations.”¹⁰¹

Prisoners are denied due process when CDC claims they are being held captive in the SHU due to allegations by debriefers. Prior to the hunger strike there was no proper court proceedings that allow prisoners to examine and contest the evidence used against them. CDC is not obligated to provide the validated prisoner substantive evidence that prove debriefers’ testimonies are true. For years, mere hearsay was accepted as fact and evidence to withhold someone in the SHU. As Ron Dewberry a.k.a. Sitawa Nantambu Jamaa explains,

“You go there and they tell you essentially the same thing. ‘Debrief or you’re going to be stuck here.’ Simple. Anybody that go to the hearing going to get the same thing. Then they ask you, ‘Do you have anything else you want to talk about?’ What is there more important to talk about than me getting out of the SHU and you’re holding me in here for allegations, but not a—a particular act that I supposed to have committed.”¹⁰²

The retention of people in the SHU is not always behavior based. Which means, that a lot of people in the SHU are withheld because of who they are believed to be or have associated with, and not for an act they committed. The representatives explain in more detail,

“CDCR is explicit in that thousands of us are in indefinite solitary because of who we are seen to be by them, not because we have done anything wrong. They still

¹⁰¹ Gabriel Reyes, “The crime of punishment at Pelican Bay State Prison,” *San Francisco Chronicle*, May 31, 2012, <http://www.truth-out.org/opinion/item/17451-pelican-bay-prison-hunger-strikers-stories-gabriel-reyes>

¹⁰² Center For Constitutional Rights, “Sitawa Nantambu Jamaa, 25 years in solitary confinement,” Filmed [January 30, 2014], Pelican Bay Deposition Excerpts, 12:26, Posted [2015], <https://vimeopro.com/ccrmedia/pelican-bay/video/136335629>

decide this by our art, our photographs, birthdays and confidential informants who get out of solitary by accusing the rest of us¹⁰³. One wife shared how her husband had been withheld in the SHU because he had mailed a Christmas card to a friend, and CDC used that as evidence of gang activity. He spent over 20 years in the SHU. Dolores, a mother, expressed her frustration at a Sacramento Hearing,

“Since the July 1st 2011 hunger strike I have done extensive research as to how one ends up in solitary, and contrary to popular belief, there are thousands that spend decades in administrative segregation and SHU because of other prisoners’ statements, and they receive rules violations reports simply on another prisoner’s statement. I brought one example, if anybody would want a folder, I made up folders for examples.

They are being written, Serious Rules Violations Report 115s, for the “promotion of gang activity” with no other source evidence to corroborate with these statements. And what is troubling is that CDC claims these prisoners are housed in SHU because they are “the worst of the worst”; but why is it then, the minute that another prisoner begins making statements and allegations against another prisoner, then he is all of a sudden, credible and to be believed?”¹⁰⁴

Dolores questions the immense credibility given to those who debrief, when only days prior they were considered to be the “worst of the worst.” Ironically, as soon as prisoners follow the narratives CDC is invested in reproducing about SHU prisoners their words are legitimized. Nonetheless, as a wife expresses, there are a multitude of reasons testimonies can be falsified, meanwhile men are made susceptible to extreme forms of captivity and psychological torture,

“That’s terrible! What the California prison system has done to human beings. And for accusations made by others that they’re not even allowed to know who made them. If I was mad at you I could say you were a gang member, and they would snatch you up! And not tell you who said it! Does that sound fair, you

¹⁰³ Todd Ashker, Arturo Castellanos, and George Franco, “California prisoner representatives: all people have the right to humane treatment with dignity,” *San Francisco Bay View*, October 2, 2014, <http://sfbayview.com/2014/10/california-prisoner-representatives-all-people-have-the-right-to-humane-treatment-with-dignity/>.

¹⁰⁴ Beth Witrogen “Transcript of Sacramento Hearing October 9, 2013.”

know? ... I was a law abiding citizen, and I thought the law worked to protect everybody when I met my husband. And when he told me these horror stories, it was hard for me to believe that that was going on.”

Alas, central to their demands was the right to due process and the abolishment of the debriefing policy. As Sitawa explains when asked about the Madrid legal case,

“It was actually to bring about something that we’re trying right now today. Due process, equal protection. Placing people in SHU and not giving them a right to a hearing or proceeding, going through a 114-D hearing. Because so many people have been filing litigation throughout the system, fighting this one central issue, and that central issue was we are unjustly being placed in the hole on affiliation and being placed in the hole on what I would describe as a debriefer. Whatever other terms, rat, turncoat, snitch. You know what I mean? These are things that people have been placed in the hole with no factual evidence or supporting evidence for the crimes that they said are our activities, placed in the hole.”¹⁰⁵

For years prisoner’s had been stripped of basic rights with a simple testimony from an informant. They were placed in the SHU for who they were believed to be, and not something they did. Prior to the hunger strike this had been happening for years, with no substantive changes. Even after lawsuits and hunger strikes. Many were in the SHU because their name was mentioned by a debriefer and not necessarily behavior violations popularly believed to be murders or stabbings. Others have been eligible for parole, but are continuously denied, because of their SHU classification,

I have been eligible for parole since August 18, 1976. That is 35 years of being in limbo. I came to prison with a sentence of seven years to life, which means that after serving seven years I was eligible to be released from prison on parole. At this time being in PBSP SHU short corridor with an indeterminate status has changed my seven-to-life sentence to a life without possibility of parole without my having committed a crime to even warrant such a new sentence, which amounts to a civil death sentence without benefit of a judge, jury or trial.¹⁰⁶

¹⁰⁵ Center For Constitutional Rights, “Sitawa Nantambu Jamaa, 25 years in solitary confinement,” Filmed [January 30, 2014], Pelican Bay Deposition Excerpts, 12:26, Posted [2015], <https://vimeopro.com/ccrmedia/pelican-bay/video/136335629>.

¹⁰⁶ Paul Jones, “Statement.”

Prior to the gains of the hunger strike it was popularly acknowledged amongst prisoners that men classified as SHU would not be eligible for parole. Even if they did not have behavior violations that warranted a new charge. The set of assumptions attached to being validated in the SHU was enough to deny someone parole. Those with “to life” sentences were forced to think of themselves as “LWOP” (Life Without the Possibility of Parole)-stuck indefinitely in the SHU.

For so long CDC got away with holding men in SHU indefinitely due to the popular belief that this form of confinement was necessary for public safety. As Jeffrey Beard, head of CDC during the 2013 hunger strike, remarked, "Restricting the gangs' communication has limited their ability to engage in organized criminal activity and has saved lives both inside and outside prison walls."¹⁰⁷ CDC proclaimed to enact this form of violence to protect the public and general population from violent inmates. Nonetheless, CDC never acknowledged the daily human sacrifice of and violence it ferments against the prisoner population. It refused to recognize brutality was not the nature of incarcerated people, but the nature of the prison. Instead, they dehumanized and launched a war on people in the SHU claiming it was on our behalf. The perception of men as the “worst of the worst,” granted CDC no judicial oversight of SHU classification and retention.

The hunger strike was an alternative to cede into debriefing. Rather than collaborate with authorities they decided to collaborate with one another. They came

¹⁰⁷ Jeffrey Beard, “Op-Ed: Hunger strike in California prisons is a gang power play,” *Los Angeles Times*, August 6, 2013. <http://articles.latimes.com/2013/aug/06/opinion/la-oe-beard-prison-hunger-strike-20130806>.

together against an administration and institution that had continuously launched tactics to psychologically and physically degrade them and strip them of their humanity. They recognized themselves as an oppressed population that united held the power to expose their unjust and brutal confinement.

Some prisoners ultimately refuse to debrief because they refuse to collaborate with their abusers and oppressors. They see debriefing as the ultimate form of degradation and humiliation, because it is a sign of CDC, their longtime abuser, attaining what they wanted. They refuse to be broken down, and allow CDC to achieve their goal. To not debrief, even when they are being physically tortured, is refusing to give CDC that treasure they set to conquer and attain. Prisoners understand the value of their knowledge, and refuse to cede it to someone who has made their life a living hell. Most especially, an institution that is unethical and hypocritical. As it accused them of being violent predator criminals it exerted excessive grotesque acts of violence upon them that exceeded what many were convicted of.

The torturous conditions of the SHU were also developed, because CDC was desperate to break down and turn on each other the most resilient prisoners by having them inform on one another. It was a strategy to break the trust and camaraderie amongst the “prisoner class” and prison organizations. On another end, some prisoners refuse to contribute to another person’s suffering. To provide information that would lead to another’s captivity in the SHU. It is also a sense of responsibility to own up to the consequences of being an adversary to CDC. To not use one’s proximity to other prisoners to release or fabricate information that will pin someone else because you were

not strong enough to endure the consequences of how you choose to live your time in prison.

Some simply do not debrief, because they have nothing to debrief. They do not know the information that CDC claims they have insight into. They would have to fabricate information that would falsely implicate someone else, as they have been. As explained, “Being in the SHU is designed to break you, to make you submit, but it is not clear to what. The only ways to get out alive is to inform on other prisoners—even if you have no information to provide, even if you risk violence by doing so, even if doing so puts your family in danger.”¹⁰⁸ Moreover, some do not want to endanger their loved ones and put them in harms way. So they endure. Nonetheless, it is not the duty of the prisoner to release information about other prisoner activities. Their convictions held them accountable by sentencing them to do time- not debrief. In fact, during their trial some chose incarceration over debriefing, which is why they are now doing time.

Debriefing is a vexed issue. There is no denying that the pressure to remain silent and withhold information about serious violent events has prevented us from holding people that committed harmful acts accountable. It has also led to the false imprisonment of people who simply refused to reveal evidence that incriminated others. Some are also coerced into silence, or trapped into abusive domestic relationships. On the other end of the spectrum, police and investigators also pressure civilians to incriminate people or intimidate them to falsify information in court. Either ends, prevent an honest

¹⁰⁸ Center For Constitutional Rights, “Jeffrey Franklin, 23 years in solitary confinement,” Filmed [February 27, 2014], Pelican Bay Deposition Excerpts, 10:58, Posted [2015], <https://vimeo.com/ccrmedia/pelican-bay/video/136318898>

conversation about the produced harm or what needs to be done to truly seek justice. That cannot be denied. Just like we can no longer deny that the current prison system does not help us achieve justice, accountability, and healthier communities. If at all, it has in the name of public safety, created a disaster. One that fosters more harm and violence for those held captive, and consequently their captors. Nonetheless, what is clear is that there are deeper and more meaningful meanings than apparent to the refusal to debrief. As adamantly stated by a veteran of the SHU, “The CDCR knows I am not a gang member and I'm here because I keep my trap shut. They have tried and tried to get me to break, but I'll die before I turn into an informant for these torturers. I'm 58 and hanging in there and proud of it.”¹⁰⁹

Public Anesthesia

The hunger strike was also meant to expose the lies CDC had told the public about prisons and criminals. Tough on crime rhetoric has heavily influenced our perception of incarcerated people and garnered support for the continuous expansion of prisons, especially Security Housing Units. Paul Jones shares how he thinks people perceive prisoners,

“When most people hear the word prisoner, they are likely to have a variety of responses. If you think people take a free association of prison you are likely to get dirty, scary, bad, bars, rape and other images that reflect what people think about conditions in prison. Criminals, punishment and other common responses underscore the mainstream understanding that most citizenry are used to thinking of prisons as a social response to crime. Not many people have an accurate or

¹⁰⁹ Anonymous, “Torturing Citizens Who Won’t turn Snitch.”

well-thought-out idea of what it truly means for prisoners, and what it means for society at large.”¹¹⁰

Punitive approaches are often deemed appropriate as a reprimand for people that have induced various forms of harm. However, we usually don't think of the repercussions this has for our communities, prisoners, and their captors. As a family member shared, it becomes simple to think, “If someone is in prison, they are the lowest of the low,” and therefore deserving of maltreatment. This degradation of prisoners leads us to anesthetize ourselves to the brutalities of solitary confinement and the widespread use of Security Housing Units in prisons.

In the formal complaint announcing the hunger strike, prisoners critiqued the justification for the existence of PBSP-SHU. They noted that CDC's and the prison guards' union has an immense investment in their construction as the “worst of the worst,”

“A. In December 1989, CDCD opened PBSP-SHU, bragging that it was meant to contain and isolate the prison system's ‘1% worst of the worst inmates’; and this would make the system safer and easier to manage (This has proven to be false-see section ‘C Miscellaneous’.)

B. There has been a lot of CDCR-PBSP (and guard union CCPOA) propaganda generated about these ‘worst of the worst’ ever since 1989 and it has been perpetrated by the corporate media via television, dramas and movies. Yet a review of these so-called demonized ‘worst of the worst’ PBSP-SHU inmates, who are party to this complaint, will reveal they are actually free of being guilty of serious rule violations for many years and zero illegal gang-related acts in prison. Many have paroled and discharged parole- staying out of prison 5-10+ years- but as soon as they returned to CDCR they were placed back into PBSP-SHU indefinitely.

C. Many of these inmates are those who utilize the legal system to challenge illegal CDCR policies and practices, and encourage others to do the same.”¹¹¹

¹¹⁰ Paul Jones, “Statement.”

¹¹¹ Ashker, “Formal Complaint.”

By painting the men in the SHU as the “worst of the worst” CDC masks that they use the SHU to torture, subsume and contain prison rebels. Instead they profess a need for the SHU to ensure the safety of management and public. While SHU cells continued to be filled, there continues to be a demand for prison guard labor in Pelican Bay and other SHU facilities.

The media and news become important sources to spread the conception of prisoners as the “worst of the worst” and underserving of consideration. During an interview a mother theorized how the media paint men in the SHU as the worst, and this creates a divide amongst the exterior public and the incarcerated,

“Become so used to referring to prisoners as outkast..... as worst’s of the worst this way it causes a separation, where we don’t become familiar with looking at them as human beings. So its been kind of like a whole propaganda and I get how easily it is accepted when you start seeing the most heinous crimes showed on the news over and over again, even where they are doing documentaries, and people are seriously hurt, and there's some really sick stuff going on.... When people hear worst of the worst they picture that happening...”¹¹²

Because this mother witnessed the horrendous portrayal of prisoners, she also understands why people carry a fear that creates a divide between our humanity and that of men in the SHU. She states, “They give prisoners this whole group label and its guided the mind set of society, because of what media portrays.” Nonetheless, these perceptions condone violence upon incarcerated people and allow CDC to surpass any questioning.

When asked, Gabriel Reyes expressed how he felt they were not treated like human beings,

¹¹² Anonymous, Interview by Author. I do not cite my interviews because identity and information must remain Anonymous.

“Well, from the deprivation of keeping us from our families and our loved ones, harassing our mails. You know, everything. The severe isolation, lack of stimulation, lack of education opportunities, rehabilitative opportunities. Lack of decent food. Lack of proper medical treatment. You know, lack of just human dignity. Being treated like a human being instead of an animal.”¹¹³

Reyes expressed the negligent conditions within SHU that lead other beings to relate to them as equal or less than an animal. In fact, mother Dolores Canales, often rallied around the fact that the caging of chickens was more restricted and regulated than that of people in the SHU. Nonetheless, in the name of the safety and security CDC continuously went unregulated and made the conditions in the SHU increasingly harder to subsist. As Arturo Castellanos exclaimed, “this Administration will not stop using safety and security as an excuse to take everything else from us who absolutely refuse to be their debriefing-snitches.”¹¹⁴

The words of Paul Jones provide a deeper reflection of the negative impacts harsh punishment has on our society. The fear of criminalized populations creates a barrier that desensitizes us to the pain induced by prisoners and leaves them vulnerable to abuse.

Jones expresses,

“The only prisoners who receive attention are the ones whose stories would influence people’s support of harsher punishment. Even though the public is not getting the information they need to understand how harsh punishments are, prisoners are never given a human face. By dehumanizing prisoners and glorifying those who are their keepers, by spreading fear of prisoners without trying to understand them, by creating the demand for punishment without reviewing the actual effect of that punishment, they have created a climate in which a great many prisoners become vulnerable to abuse. Looking at the stories that have come out of the California prison system concerning the physical torture

¹¹³ Center For Constitutional Rights, “Gabriel Reyes, 17 years in solitary confinement,” Filmed [January 23, 2014], Pelican Bay Deposition Excerpts, 14:48, Posted [2015], <https://vimeopro.com/ccrmedia/pelican-bay/video/136318719>.

¹¹⁴ Arturo Castellanos, “Mail Restriction,” *California Prison Focus* 37 (Summer 2011): 2.

of prisoners, we find that prisoners in PBSP SHU have had their skin peeled from their body by guards scalding water... ribs arms broken, while prisoners were strapped to gurneys by sadistic guards.”¹¹⁵

Very importantly, Paul Jones is asking us to recognize how this form of captivity is not only abusive towards prisoners, but also unleashes a ruthless barbarity amongst those that work and administer the prison. Tough on crime policies also widely affect our society beyond prison walls. As we blindly consent to these forms of punishment and captivity, a perverted anesthetization to violence spreads amongst the psyches of the public.

The Political Prisoner

I am not interested in arguing and qualifying the men on hunger strike as political prisoners or heroes. I choose to steer away from making the argument that these men are political prisoners, because I suspect that debate is often made to convince ourselves that the lives of incarcerated people matter. Painting them as political actors is a way for us to be able to ascribe value on to their lives and find them worthy of being listened to, or taken into consideration. I propose we look beyond “qualifications” and learn to honor, engage, and listen to the knowledge/s they carry, because their mere existence is enough. They should not need a set a predisposed politics for their lives to be deemed valuable and sacred.

In her very important text *If They Come in the Morning* Angela Davis discusses how the law has been historically used to discredit liberation efforts by labeling freedom fighters as “criminal.” Such process demonstrates how a person is devalued and

¹¹⁵ Paul Jones, “Statement.”

dismissed when imprisoned and deemed “criminal.” Angela Davis notes how the judicial system and its laws are key state weapons used to preserve racist class domination. In addition, she underlies the prison as a coercive state apparatus meant for social control, obedience, and class domination.¹¹⁶ Moreover, Davis also highlights distinctions between political prisoners and criminals. For Davis,

“There is a distinct and qualitative difference between one breaking a law for one’s own individual self-interest and violating it in the interests of a class or a people whose oppression is expressed either directly or indirectly through that particular law. The former might be called a criminal (though in many instances he is a victim), but the latter, as a reformist or revolutionary, is interested in universal change. Captured, he or she is a political prisoner.”¹¹⁷

Davis notes the offenses of a political prisoner are often attempts to overthrow oppressive institutions or constant challenges to the social wrongs committed by the U.S. racist state. Nonetheless, for Davis “the occurrence of a crime is inevitable in a society in which wealth is unequally distributed.”¹¹⁸ Within property crimes she sees suppressed social needs that manifest as a protest and a desire to be part of capitalist exploitation. However, for Davis, while these crimes may challenge the symptoms of capitalism, they do not challenge its essence.¹¹⁹ Some participants of hunger strike could possibly inhabit both categories, but yet again, I find no interest or purpose in categorizing the hunger strikers and making them legible as either political prisoners or criminals. In addition, I do not

¹¹⁶ Angela Davis, “Political Prisoners, Prisons, and Black Liberation,” in *If They Come in The Morning: Voices Of Resistance* (Chicago: Signet, 1971): 34.

¹¹⁷ Davis, “Political Prisoners, Prisons, and Black Liberation,” 29-30.

¹¹⁸ *Ibid.*, 35.

¹¹⁹ *Ibid.*; Nonetheless, Davis disagrees with Marxists who dismiss “criminals” and the lumpenproletariat as unable to develop the necessary discipline and commitment to struggle, and argues that they must be given serious thought as they often miss that Marx also notes the lumpen’s historic participation in some of the most heroic deeds and exalted sacrifices.

intend to, and will not, apologize for the crimes these men have or have not committed—nor is that part of their requests. For choosing to listen, although you acknowledge they do in some ways measure up to the standards of illegibility, is part of the transformative act. It is part of recognizing their person is not solely defined by a prison or an act they committed

In her introduction to *Imprisoned Intellectuals*, Joy James differentiates between political prisoners and political economic prisoners.

“A political prisoner can be someone who was put in prison for nonpolitical reasons but who became politicized in his or her thought and action while incarcerated. Incarceration is inherently political, but ideology plays a role. If everyone is a political prisoner, then no one is. Although the meaning of who is a political prisoner appears to be expanding to include more of structural critiques of the state at large, I reserve the use of (a somewhat awkward term) “political-econ” prisoners for those convicted of social crimes tied to property and drug-related crimes and whose disproportionate sentencing to prison rather than rehabilitation or community service is shaped by the political economy of racial and economic privilege and disenfranchisement. As a caste, political-econ prisoners can and do develop and refine their political critiques while incarcerated. (For example, of the contributors to this volume, Malcolm X, George Jackson, and Standing Deer were incarcerated for social crimes against property or people, and politicized as radicals within the penal site; also, paradoxically, youths who renounced their gang memberships and social crime, in order to bring about social change through the Black Panther Party, would find themselves later targeted and imprisoned for their political affiliations.) Those whose thoughts of social justice lead to commitments and acts in political confrontation with oppression acquire the standing of political prisoners. For those who (continue to) prey on others in physical and sexual assaults on children, women, and men, “political prisoners” would be an obscene register; for they do not manifest as liberatory agents but exist as merely one of many sources of danger to be confronted and quelled in a violent culture.”¹²⁰

Like Davis, Joy James also clearly differentiates who is classified as a political prisoner and qualify to be considered a liberatory agent. While Joy James notes that radical

¹²⁰ Joy James, *Imprisoned Intellectuals: America’s Political Prisoners Write on Life, Liberation, and Rebellion* (Lanham, Maryland: Rowman & Littlefield Publishers, 2003), 11.

philosophers have argued about the political potential of street and prison gangs, I am also not interested in arguing that street gangs have liberatory potential. Not because I do not believe they have the capacity to be transformative, but because I am not interested in categories that make presuppositions and devalue peoples' lives. People are more complex than binaries- the sacredness of their life does not diminish because they do not espouse our life perceptions of worthy.

I, like Avery Gordon, push us to acknowledge peoples' contradictions and complexity as we accept that life is complicated. Gordon reminds us that, "Power relations that characterize any historically embedded society are never as transparently clear as the names we give to them imply."¹²¹ She further states, as she reminds us how we often withhold from people their right to complexity, "even those who live in the most dire circumstances possess a complex and oftentimes contradictory humanity and subjectivity that is never adequately glimpsed by viewing them as victims or, on the other hand, as superhuman agents..."¹²²

In his book *The Rise and Fall of California's Radical Prison Movement* Eric Cummins strives to provide a reality check for the Radical Left that he claims naively categorized prisoners as potential leaders and presented "street criminals" as "revolutionary heroes." He warns us that it would be a fatal mistake to revere "ordinary street criminals" because he argues this is what caused the end of 1970's radical politics

¹²¹ Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 2004), 1

¹²² *Ibid.*, 4

in California.¹²³ In other words, this naïve faith in prisoners being revolutionaries, or that leadership would emerge out of prison, is what killed radical politics. Not vanguardist heteropatriarchal politics, not neoliberal capitalism, not even the rise of the prison regime. He does not question his conception of leadership, or what he preconceives revolution to be and look like. Cummings continues to fall into the trend of calling for an ideal pure subject that fits *his* preconceived models of activism to deem them worthy of being brought into the conversation or considered actors in social transformation.

I wonder if the insistence on pure perfection is a modern industrial obsession. I wonder who rises as the organic intellectual caste, and how have our vanguardist politics, not only in practice but thought, determine whose voices get highlighted to articulate and analyze the interior/exterior brutality of the prison system. While Joy James helps us note that the “public intellectual” often leaves out the “imprisoned intellectual,” I note that the popular conception of “imprisoned intellectuals” often leaves out the theorizing of those who do not identify as political prisoners or revolutionaries (that I would dare say are the larger portion of those caged in California prisons).¹²⁴ Not that some people that are incarcerated, aren’t completely selfish annoying people that you simply do not want to spend your day around, but that is true some days of people participating in activist circles and even people we love in our families.¹²⁵ Moreover, like Ruth Wilson Gilmore,

¹²³ Eric Cummins, *The Rise and Fall of California’s Radical Prison Movement* (Stanford, CA: Stanford University Press, 1994).

¹²⁴ Joy James, *Imprisoned Intellectuals*.

¹²⁵ In the literature on political prisoners, I continuously saw statements that political prisoners do not commit “crimes” for personal gain, but I wonder what these writers mean? What is personal gain anyways? Feeding an addiction, self-destruction, feeling worthy of enjoying yourself, providing jobs and income, buying comfortable shoes for

I remind us, “the bottom line is this: if the twentieth century was the age of genocide on a planetary scale, then in order to avoid repeating history, we ought to prioritize coming to grips with dehumanization.”

The anthology *Let Freedom Ring!* holds a collection of essays and chapters that document the freedom struggles of various political prisoners and the actions that led to their criminalization and incarceration. This book highlights how the United States has people incarcerated for their political beliefs and actions, while presenting itself as a free democratic country. Additionally, the U.S. masks their human rights violations by labeling political prisoners criminals. This comprehensive book also documents the complications freedom fighters face in their attempts to be recognized and labeled political prisoners by organizations such as Amnesty International and the United Nations. While some acknowledge the limits of these organizations, their recognition can be of great importance for their release and ability to rejoin their communities. Very importantly, this anthology notes the power behind being labeled a political prisoner and the importance of their release in the struggle against U.S. imperialist domination.¹²⁶

I understand the need and value to be recognized as a political prisoner- especially for achieving release. The differentiation also helps us note how various freedom fighters

your loved ones, not wanting to worry about bills, looking fresh, throwing parties, getting some savings, paying for everyone’s drink, ensuring you have permanent shelter, having yourself some fun and pleasure, things over people, not having to worry about food, a matter of process, gainz, what do you mean personal gain? I mean, considering we are talking about personal gain, sitting somewhere real comfortable sipping on some very fancy coffee or hot cocoa. I guess only certain people are allowed to eat well, feel good, and treat themselves to nice things. Personal gain.

¹²⁶ Matt Meyer, ed. *Let Freedom Ring: A Collection of Documents from the Movements to Free U.S. Political Prisoners* (Oakland, CA: PM Press, 2008).

have been brutalized because of their political beliefs. Nonetheless, to differentiate is different than privileging.¹²⁷ Joy James categorization juxtaposes all those who have not been “politicized” as automatically in a category of physical and sexual predators. An interesting polarization, given how much sexism and abuse exists amongst “liberatory agents” themselves. It seems to me that men involved in gangs, or who do not identify as revolutionary, are then perceived as social ills- predators- that need to be eliminated, denying incarcerated people complexity.¹²⁸ Very importantly, this act is not unique to Joy James, rather it is part of a larger trend. I suspect this trend occurs because political prisoners are the category of prisoners largely frequented and engaged in the academy, or perceived to possess an analysis worthy of being listened to.

This trend to legitimize people as political subjects often turns out to be for us. In order for us to engage people in struggle, we often subconsciously, or very consciously, demand it be on our own terms. I suspect that we paint people as revolutionary so that we

¹²⁷ In regards to the act of privileging political prisoners over other incarcerated people, I have thoughts that can only come to life through questions that I do not intend to easily find answers to in this chapter- or in this lifetime. Perhaps, I’m not asking the right questions, I’m open to that. So instead, I ask to incite dialogues, conversations that tread along my journey of ideas and main arguments. I wonder what constitutes violence or is imagined as violent? What violence counts, and does violence only matter when it happens to certain people? Who are these people? Is the violence that happens to one, a violence that is imagined as separate from others, from us? What then of entanglement, interconnectedness, *In LaKesh*? Is the strong drive- the endless hours debating in conference rooms, articles, books, living rooms- to differentiate who is and is not a political prisoner really about a process that justifies the brutal killing and violence upon poor black and brown communities? Must people renounce gang membership to be deemed worthy of having a word? If so, why? Why do only the words of radicals seem to be deemed worthy of being listened to? Why are they more worthy of being campaigned for?

¹²⁸ For those who claim that to distinguish a separate category of “political prisoner” is to create an iconic prisoner, Joy James asserts there is a need to differentiate between types of prisoners.

can allow ourselves to listen to what they have to say. So that we can convince ourselves that these men are human and render them legible. The men at Pelican Bay State Prison are not necessarily revolutionaries, although some do embrace that term. Nonetheless, you do not have to be an “activist” or “revolutionary” to generate social transformation and help improve the lives of marginalized communities. I opt out of claiming the hunger strikers are political prisoners, because whether their actions were part of a revolutionary plan is insignificant and unnecessary to acknowledge that the struggle waged by those in Pelican Bay SHU is important.

Lisa Marie Cacho helps us understand how human life is rendered intelligible for those who are marked as criminal through the process of criminalization.¹²⁹ The production of value and devaluation through criminalization generates our consent to mass incarceration. The violence of criminalization can also re-emanate through the concepts we deploy to make those who have “committed crimes” legible. As I argue, would be the case if I tried to frame the men that participated in the hunger strike as political prisoners when they did not explicitly identify as such.

Antonio Guillen expressed in a letter accepting an award from the San Francisco /Bay Area National Lawyers Guild in behalf of the California Prison Hunger Strikers,

“I chose to become part of the Human Rights Movement not because I consider myself to be a revolutionist or political prisoner. Neither can I claim to be a progressive thinker or a person of conscience. I have not yet earned the right to wear any such badge of honor. Rather, I am simply a man, and fellow human being, who got tired of the continuous abuses and horrific conditions that seem to fester in the dark corners of this world that is solitary confinement! I am but one

¹²⁹ Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012), 3.

of many who felt it necessary, and morally right, to take a stand and participate in each evolution of the hunger strike.”¹³⁰ It was knowledge of their lived experiences that pushed Antonio Guillen to action. The hunger strike was premised on their own experiences with the criminal justice system and CDC. It was not a set of politically correct standards, but rather a concept of basic human principles and ethics.

To be clear, abolition is also not part of the hunger strike’s platform. Again, nor should it have to be for us to seriously engage this movement. Some men in the SHU have expressed that they felt they have a debt to society, and that they are not asking to be absolved from that responsibility, but are contesting their form of confinement. The question of completely absolving incarceration as a vehicle to hold people accountable for their careless and at times harmful actions- or whether they were wrongfully convicted- is a conversation that is not the proposed focus of the hunger strike. Nonetheless, there are always unintended consequences that leave the door open for an infinite amount of fruitful conversations and possibilities.

In fact, many of the family members and loved ones have gotten involved with campaigns to stop jail expansion in California, prevent the implementation of gang injunctions, impede gentrification in Los Angeles, and change tough on crime sentencing laws for youth. They are very much interested in organizing against the hegemonic power of policing and the CDC generally. Particularly CFASC, California Families Against Solitary Confinement, identifies various roots to the pain and suffering that is inflicted on

¹³⁰ Antonio Guillen, “California Prison Hunger Strikers & The California Prison Hunger Strike Solidarity Coalition” in *National Lawyers Guild San Francisco Bay Area’s Chapter’s Testimonial Dinner Program*, April 5, 2014, 26.

families by prisons. They see their struggles as families of the incarcerated connected to numerous issues that gave rise to the prison industry in California.

Conclusion

The men in Pelican Bay SHU chose to strike rather than die forgotten in isolation. If they were to die it would be fighting for a cause they believed in- all the while disrupting CDC's business as usual. James Crawford marks the importance of such historical event. For the hunger strike prisoners from all races put differences aside and came together because they realized,

“we are silently being murdered... we have decided to put our fate in our own hands. Some of us have already suffered a slow, agonizing death in which the state has shown no compassion toward these dying prisoners. Rather than compassion they turn up their ruthlessness. No one wants to die. Yet under this current system of what amounts to intense torture, what choice do we have? If one is to die, it will be on our own terms.”¹³¹

Different from the previous hunger strike in 2001, some of the protesters were willing to fast until death. Especially, for the 3rd strike in 2013. A number of participants had asked their family members to prepare plans for their passing, because they had no intention to resume eating. Even days after representatives agreed to suspend the strike, Todd Ashker exclaimed, “But the strike is not over. We have suspended it. If necessary we'll resume and go all the way, starve to death. This is a war.”¹³²

A family member shared their husband had brought up the type of funeral services he wanted her to prepare for him. Given he had spent over 2 decades in the

¹³¹ James Crawford (c/n) Mutop DuGuya, “Pelican Bay State Prison Security Housing Units Peaceful Protest Hunger Strike Starting July 1, 2011,” In e-mail message to author, June 29, 2011.

¹³² Rory Carroll, “This is war’.”

SHU, he requested they cremate him and spread his ashes. He felt he had already spent most of his life buried in a coffin. He like many others were ready to die taking a stand against CDC. He had already made peace with death, and knew that if changes did not come about through their protest, death inside the SHU awaited him. He preferred to die in resistance to his indefinite confinement than alone and neglected in a cold SHU cell.

For some to die in protest was a way to reclaim their state induced death. They would go out in disruption of business as usual for their captors- the California Department of Corrections. Additionally, they would use their death to expose the maltreatment, hypocrisy, and injustice present within prisons. Rather than allow CDC to be the full determinants of their death, they exercised what little control they had over their lives to choose how to die. A hunger striker in Calipatria shared, “Men have...placed their lives on the line in order to put a stoppage to all these injustices we are subjected to day in and day out. People would rather die than continue living under their current conditions.”¹³³

Not only did they choose how and what to die for, but they departed fully refusing to collaborate with CDC. They would take with them their secrets. They would die never broken down, refusing to provide CDC any information that would serve as ammunition against the prisoner class. They chose death over debriefing. As a family member

¹³³ Prison Hunger Strike Solidarity, “Hunger Strikers at Pelican Bay End Strike After Nearly 3 Weeks Strike Continues at Other Prisons,” *prisonhungerstrikesolidarity* (blog), October 13, 2011, <https://prisonerhungerstrikesolidarity.wordpress.com/2011/10/13/hunger-strikers-at-pelican-bay-end-strike-after-nearly-3-weeks-strike-continues-at-other-prisons/>. According to this blogpost: “Hundreds of prisoners who have been validated at Calipatria have been held in Administrative Segregation (Ad-Seg) for as long as four years, awaiting transfer to Pelican Bay.”

expressed their loved one insisted, “All I have is my word.” That was the one thing CDC had not been able to take from him.

While some were ready to sacrifice their lives, and die under their own terms, that was not the ultimate goal. The hunger strike representatives clarified when they suspended the third hunger strike,

“The core group of prisoners has been, and remains 100% committed to seeing this protracted struggle for real reform through to a complete victory, even if it requires us to make the ultimate sacrifice. With that said, we clarify this point by stating prisoner deaths are not the objective, we recognize such sacrifice is at times the only means to an end of fascist oppression.”¹³⁴

The goal was to bring changes to the conditions of confinement. However, they were not certain they would live to see them.

The hunger strikers used their bodies as a source of power and political tool to not only transform the conditions of living for themselves, as Arturo Castellanos shares,

“we are not only doing this for ourselves, it is also for all the youngsters just coming into the prison system who could easily end up in here. As well as for all other SHU prisoners, including all the women housed throughout California’s women prisons with Indeterminate-SHU terms, who also presently suffer a similar fate as us.”¹³⁵

As noted by Castellanos, prisoners in Pelican Bay were not the only ones facing horrendous conditions. In California, there were also women and gender nonconforming people in the SHU- along with thousands in administrative segregation throughout the state. The strike also had in mind the other 3 SHU facilities and future generations whose

¹³⁴ Prison Hunger Strike Solidarity, “Statement Suspending the Third hunger Strike,” *prisonhungerstrikesolidarity* (blog), September 5, 2013, <https://prisonerhungerstrikesolidarity.wordpress.com/2013/09/05/statement-suspending-the-third-hunger-strike/>.

¹³⁵ Arturo Castellanos, “HS Thoughts.”

supermax cages were already in the planning. Future generations whose resources for a better future were robbed to build and support the prison industrial complex.

Ruth Gilmore alert us in *Golden Gulag*, of California's ongoing trend to disinvest in the social wage, while state funds are reallocated and funneled towards the expanding and booming prison industry. In 2010, CDCr estimated that by 2015 the capacity of the SHU would need to expand to cage 5, 220 inmates.¹³⁶ That is a 5 time increase within the time span of 5 years. In 2011, Pelican Bay's budget exceeded 180 million alone.¹³⁷ This is not even taking into consideration the other 32 prisons in the state of California or any of its juvenile facilities. The hunger strike representatives were aware of the state's trend to expand. As Todd Ashker explains, "while other states have closed down and have modified their long term SHU policies and practices during the past few years, California has done the opposite—expanding upon and making them more punitive—all part of CDCR informant procurement"¹³⁸ When the hunger strike took off there were definitely no plans to reduce the use of Security Housing Units, but rather expand them. In a moment when education was being slashed, medical and social services discontinued, plans for the expansion of supermax facilities were being developed.

Coincidentally, the hunger strike came at the heels of a U.S. Supreme Court ruling that recognized California's prison system as tantamount to "cruel and unusual punishment," exposing California's long standing project of mass incarceration and

¹³⁶ California Department of Corrections and Rehabilitation, *Fall 2010 Adult Population Projections*, 2010 (California: Population Projections Unit, 2010), 30.

¹³⁷ California Department of Correction and Rehabilitation, "CDCR- Pelican Bay State Prison (PBSP) – Home Page/Mission Statement," accessed March 23, 2012. http://www.CDCr.ca.gov/Facilities_Locator/PBSP.html

¹³⁸ Todd Ashker, "Hunger Strike Clarification."

prison building, while state and national austerity efforts to eviscerate health and social services gained momentum. The correlation of these struggles helped the hunger strike gain the national and international attention they lacked in previous efforts. Additionally, pivotal to the success of this movement was the involvement of family members and organizations who helped spread the message of the hunger strike. Wives and families of the hunger strike representatives helped make copies of the formal complaint and mailed it to various prison organizations. With their personal stories, they gathered media attention, touched the hearts of many, and acquired the support of criminalized populations across California. As Dolores Canales stated, “It was not the power of the men, but the power of the message.”

Given SHU prisoners’ history contesting CDC, when the hunger strike took off the odds did not look in their favor. They had already launched previous hunger strikes and it had been brushed over- almost disappeared from the historical record. Nonetheless, they could not remain idle. As a wife recounts, “when the CFASC group was forming I was ready to join, because I did want to do something to help them. I couldn’t go to sleep thinking of him in there. Not only him, all the rest of them, and me out here having all this freedom. I just had to do something, even though we felt we were David and Goliath.” Even though there was much room for fear and pessimism, their only other option was to rise in protest. To accept that way of living was not an option. A mother recounts the beginning of the hunger strike and the conditions this uprising came out of,

“In 2011 there had been no changes. With settlements and lawsuits things just remained the same. Stagnant, no movement, no changing. For decades. There is nobody above this system. Even people utilizing their appeal process, there was no recourse anywhere. After the hunger strike sparked so much attention, people

couldn't just ignore it anymore. It started making CDC have to answer some questions. At the assembly hearing there was questions asked. Things they couldn't answer. Their response is just to say these are the worst of the worst.” For this mother, the hunger strike marked a new beginning. It brought attention to the unregulated power of the CDC and its resulted monstrosity. During assembly hearings in Sacramento members of the Public Safety Committee came to find out that CDC were the only ones regulating themselves. Some senators realized prisoner appeals and grievances- the 602 process- were considered a joke, because they go through an extensive internal process before they can be reviewed by county/state courts, resulting an immense lack of accountability within CDC. After the countless testimonies of family members and CDC's inability to adequately answer the Public Safety Committee's questions, the abusive tactics of the SHU validation process were exposed.

The hunger strike representatives widely recognized that they would not have been able to gather all the attention and bring about changes if it were not for the tireless work and support of family members, legislators, and outside organizations. In a letter they expressed their gratitude, “If it was not for your support, we would have died in 2011. Thank you everyone. We are confident we will prevail.”¹³⁹ A mother responded to CDC's allegation that the hunger strike was orchestrated by violent organized criminals, “then why go on hunger strike, and not hurt anybody else, but themselves ... they were right... so they stood and sacrificed in what they believed.” Even in consideration of the damage starvation could have on their organs and the limited food supply they would

¹³⁹ Castellanos, Arturo, Todd Ashker, Sitawa Nantambu Jamaa, Antonio Guillen, “Greetings to our supporters and all people of conscience,” *prisonhungerstrikesolidarity* (blog), July 10, 2013, <https://prisonhungerstrikesolidarity.wordpress.com/2013/07/10/greetings-to-our-supporters-and-all-people-of-conscience/>.

have to replenish their bodies afterwards, they moved forward with a hunger strike. They felt their cause was worthy of being listened to and rallied for. A prisoner at Calipatria wrote a letter expressing his support, “It is a privilege, an honor to be a part of the struggle, to be a part of history for the betterment of all those inside these cement walls... I will go as far as my body allows me to go.”¹⁴⁰

Perhaps the demands were simple, but given the historical moment, the ruptures and unveiling it caused were not. Neither are the lessons these historical hunger strikes have shared with us. The men in the SHU face brutal state repression every single day at the hands of some of the highest developed mechanisms of discipline, surveillance, and social control. Nonetheless, four years later, they still upheld this battle and disrupted CDCr’s power- having completed a 3rd hunger strike in 2013 and continuing with a class action lawsuit, *Ashker V. Brown* that reached a monumental settlement on September 1st, 2015. The incarcerated men who organized and participated in this hunger strike have a lot to teach, share and contribute to the theorization and organizing around the current domestic war waged through the carceral state. At the same time, they are not perfect pure revolutionary subjects that are free from reproducing the multiple systems of oppression and domination. As much as they have to contribute, they continue to have faults and contradictions. They have failed to escape the “paradoxes of complex personhood.” *Will you listen?*

¹⁴⁰ Prison Hunger Strike Solidarity, “Hunger Strikers at Pelican Bay End Strike After Nearly 3 Weeks Strike Continues at other prisons,” *prisonhungerstrikesolidarity* (blog), October 13, 2011, <https://prisonhungerstrikesolidarity.wordpress.com/2011/10/13/hunger-strikers-at-pelican-bay-end-strike-after-nearly-3-weeks-strike-continues-at-other-prisons/>.

Chapter 2

The Worst of the Worst: Pelican Bay State Prison and the Moral Panic of the Mafioso

I knew they were reading and watching our mail, but I figured if a formal complaint had been released publicly it was not a secret. So I wrote and asked him, slipped amongst other conversations, but I wanted to know. “Will you be participating in this hunger strike that’s supposed to start July 1st?” His response was brief and I could tell he avoided the subject matter in silent recognition of the wide mail surveillance.

However, given the stories he had shared with me about life in the SHU, I read between the lines. In all the evasiveness, he never said no, which I took as a yes. Nonetheless, in the midst of trying to understand and survive gradschool, I pledged not to get involved with any organizing or advocacy around the hunger strike. But the days passed and there was no response from the governor. I wondered, *what would be of my friend? Would he go until he dropped or have serious organ damage? Will he be beaten, force fed, or will they let him die in solitude?*

On the 5th day, after I had seen an online announcement for a press conference in LA (Los Angeles), I made my way to the downtown Ronald Raegan Building in support. There I heard about a rally that would take place at the Twin Towers Los Angeles County Jail that upcoming weekend. From then on I began to get involved planning rallies and a series of events, ultimately connecting with numerous family members and loved ones

who also felt an urgent need to organize to bring attention to the hunger strike. My summer soon became inundated with press conferences, candle light vigils, and protests.

My heart shattered as I came home to the public commentary within the online coverage we had managed to garner. I saw people express they wished the prisoners would die of hunger and save us tax dollars. Others declared SHU prisoners should stop whining because they actually deserved worse treatment. When we protested in the streets, some would decline our pamphlets as we told them it was for prisoners. Especially when they realized this was a movement for men allegedly connected to prison gangs and/or the Mexican Mafia. I'm sure some simply ignored our protest because they were extremely busy trying to survive and subsist themselves. Nonetheless, there were those who greatly advocated the use of torture for prisoners.

I wanted to understand *how the state and CDC (California Department of Corrections) managed to garner consent to this inhumane prison for over 20 years? How did people become anesthetized to the brutality of the SHU?* As I tried to piece an answer together I turned to CDC's construction of SHU prisoners as "the worst of the worst." This ultimately led me to study and articulate the racialized criminalization of Latino men in the 1990s through what I term the "moral panic of the *mafioso*."¹⁴¹

¹⁴¹ "Mafioso" is a Spanish term for someone involved in the Mafia, similar to the English term "mobster." I use the term Mafioso for people perceived to be part of the drug trade or specifically the Mexican Mafia.

Similar to Stuart Hall's study of mugging, I am interested in the *Mafioso* and Mexican Mafia as a social phenomenon rather than a peculiar object of study.¹⁴² Through the exploration of the *Mafioso*¹⁴³ as a social phenomenon, I add to R.W. Gilmore's scholarship by more specifically detailing the racialized criminalization that emerged from produced hysterias over crime used to create support for tough-on-crime and prison expansion.¹⁴⁴ I argue that the "moral panic of the Mafioso" was pivotal to legitimizing Pelican Bay Security Housing Units (SHU) existence, subduing prisoner organizing, and advancing the expansion of the prison industrial complex. Lastly, the "moral panic of the Mafioso" also simultaneously served as ammunition to criminalize and launch a domestic war against Mexicanxs/Chicanxs/Latinxs¹⁴⁵ who were perceived to be a national threat.¹⁴⁶ Building on Dylan Rodriguez, I argue that throughout the 1980s and 90s there was a period of "White Reconstruction" launched to preserve a capitalist white supremacist heteropatriarchal national structure that merged anti-black and indian criminalizing

¹⁴² Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts, *Policing the Crisis: Mugging, the State, and Law and Order* (London: The MacMillan Press LTD, 1978).

¹⁴³ Ruth W. Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007).

¹⁴⁴ Ibid.

¹⁴⁵ I use "Latinxs/Chicanxs/Mexicans because I find it more inclusive of genders often invisible within the popular term Latino and Chicano. I will employ the use of the term Latino, Mexicano, Chicano when I am referring to "men." Moreover, there are very great distinctions between, Mexicanxs, Chicanxs, and Latinxs, as also within the constructed categories. Although often they are categorized and profiled as one.

¹⁴⁶ Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime* (Minneapolis: University of Minnesota Press, 2006); Gilmore, *Golden Gulag*; Stanley Cohen, *Folk Devils and Moral Panics* (New York, NY: Routledge, 1972); Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts, *Policing the Crisis*; Leo R. Chavez, *The Latino Threat: Constructing Immigrants, Citizens, and the Nation* (Stanford, CA:Stanford University Press, 2008).

efforts of the prison regime with the perceived “Latino Threat” and takeover.¹⁴⁷ Further, seeing the rise of the prison industrial complex as a result of racial capitalism greatly affecting brown communities, I argue the “moral panic of the Mafioso” was partly produced to mask the need and process to re-cohere the imperialist nation state, save capitalism, and advance White Reconstruction.¹⁴⁸ In this way, I position prisons (and PBSP-SHU) as necessary to cohere the nation state and its white supremacist project of colonialism/civilization.¹⁴⁹

In the subsequent section I define the “moral panic of the Mafioso.” I then trace the rise of the prison industrial complex into the 1990s as I offer a historical genealogy of national moral panics that led to the production of the carceral state. To situate the production of the “moral panic of the mafioso” and the construction of SHU prisoners as the “worst of the worst”, I provide a brief overview of the historical, political, and economic context for the justification and building of Pelican Bay State Prison (PBSP).

¹⁴⁷ Rodríguez, *Forced Passages*; Chavez, *The Latino Threat*; Otto Santa Ana, *Brown Tide Rising: Metaphors of Latinos in Contemporary American Public Discourse* (Austin, TX: University of Texas Press, 2002).

¹⁴⁸ Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition*, (University of North Carolina Press, 1983 [2000]); Rodríguez, *Forced Passages*; Gilmore, *Golden Gulag*.

¹⁴⁹ Aimé Césaire, *Discourse on Colonialism*, trans. Joan Pinkham (New York: Monthly Review Press, 1972). In explaining colonialism and civilization Aime Cesaire states, “no one colonizes innocently, that no one colonizes with impunity either; that a nation which colonizes, that a civilization which justifies colonization—and therefore force—is already a sick civilization, a civilization which is morally diseased, which irresistibly, progressing from one consequence to another, one denial to another, calls for its Hitler, I mean its punishment.” (39) Further, “colonization, I repeat, dehumanizes even the most civilized man; the colonial activity, colonial enterprise, colonial conquest, which is based on contempt for the native and justified by that contempt, inevitably tends to change him who undertakes it; that the colonizer, who in order to ease his conscience gets into the habit of seeing the other as an animal, accustoms himself to treating him like an animal, and tends objectively to transform *himself* into an animal.” (41)

Furthermore, I highlight instances prisoners resisted the dehumanizing nature of Pelican Bay SHU's imprisonment as I demonstrate how CDC has continuously attempted to delegitimize and contain prisoner uprisings by constructing SHU prisoners as the "worst of the worst" and activating the "Moral panic of the Mafioso." Moreover, I discuss how CDC mobilizes the "moral panic of the *Mafioso*" to ensure California's prison system functions, expands, and provides job security for the prisoner guards union. I conclude by discussing how the "moral panic of the Mafioso" intimately impacts the Latinx community.

Moral Panic of the Mafioso

As Stuart Hall and others investigate mugging as a social phenomenon, they demonstrate that although there was a rise of a moral panic over mugging, there was no rise in crime. Mugging was in fact not a new form of crime and its had largely dissipated over time. Nonetheless they discovered there were actors in the construction of this moral panic of which the judiciary, the police, and, implicitly the media were quite active and preemptive. Truly, the moral panic over mugging was the condensation of much broader historical developments largely impacted by racism and revolts.

According to Stanley Cohen, moral panics arrive in moments of crisis. Moral panics create a folk devil/scapegoat to be blamed for social problems. The scapegoat is presented as the central threat to society that needs to be contained.¹⁵⁰ In *Policing the Crisis* Stuart Hall and others demonstrate how the state intervenes and proposes to resolve crisis by policing the scapegoat, individualizing the problem, rather than pointing

¹⁵⁰ Cohen, *Folk Devils*.

to structural foundations. This happens to distract the public from the root causes producing crisis. As previously stated, there is usually an established network of people shaping the articulation to manage the representation of the crisis and moral panic.¹⁵¹

Moral panics serve to reinforce hegemony by resolving the state's set of crisis through law and order and the restructuring of society. While the new "public enemy distracts civil society," power blocs use this moment as political opportunity to reorganize and create shifts in the social, political, and economic structure. They have a set of policy prescriptions ready to be proposed and enacted. This can be a moment of the redistribution of wealth and resources and/or the restructuring of racial regimes that privilege whiteness, as exemplified by what Dylan Rodriguez terms "White Reconstruction." Scapegoats are used to justify the implementation of changes.¹⁵² Nonetheless, even though the crisis is largely individualized, the implemented solutions are structural.

The construction of the "moral panic of the *Mafioso*" portrays men involved in the Mexican Mafia and/or prison gangs as:

- the central threat to society
- social ills
- pumping drugs into our communities
- a bad influence- promoting the use of violence amongst youth
- taking youth into the wrong path
- ruining the lives of youth
- seducing youth to join gangs
- preventing youth and children from having a bright future
- large proponents of violence
- heavily involved in extortion, murder

¹⁵¹ Hall, *Policing the Crisis*.

¹⁵² Cohen, *Folk Devils*.

- cold blooded killers
- super predators

This popular portrayal of men involved in the Mexican Mafia/prison gangs is evident in films such as *American Me*.¹⁵³ Such popular constructions denote that men presumed to be *mafiosos* need to be eliminated to ensure the safety and security of our communities. I contend that their construction as social ills- responsible for the current deteriorating conditions in Mexican/Latin American communities- is deceiving. To paint mafiosos as the central threat within our communities, fails to engage how state abandonment, heteropatriarchy, the rise of neoliberalism, and attempts to resolve capitalist crisis for a “White Reconstruction” have negatively impacted our communities. Moreover, how the prison system and the criminalization it propels has maintained society racially organized, while it simultaneously reproduces neoliberal labor relations that generate access to more black and brown bodies as exploitable labor. In this way, the prison industrial complex does not only manage surplus labor, but it helps produce a surplus of cheap labor.

Ruth Wilson Gilmore explains that the rise of the prison industrial complex relieved the state of California of an economic and social crisis, “the expansion of prison constitutes a geographical solution to socioeconomic problems, politically organized by the state which is itself in the process of radical restructuring.”¹⁵⁴ Further, in her book *Golden Gulag* Ruth Wilson Gilmore argues that in California prisons rose as a way to

¹⁵³ *American Me*, directed by Edward James Olmos (1992, Universal City, CA: Universal Studios), DVD.

¹⁵⁴ Ruth W. Gilmore, “Globalisation and the US Prison Growth: From Military Keynesianism to Post- Keynesian Militarism,” *Race and Class* 40, no. 2/3 (1998-99): 171-87, 174.

resolve a set of crisis produced by a surplus in land, labor, finance capital, and state capacity.¹⁵⁵ Central to garnering support for the largest prison expansion project in the world, came a produced moral panic around crime, when crime was in fact on the decline. As Gilmore explains, “crime went up; crime came down; we cracked down.”¹⁵⁶ Rather than the dominant explanation for prison growth, which states: “crime went up; we cracked down; crime came down.”¹⁵⁷ As the War on Drugs launched punitive measures for drug users and dealers, drug-use was at an all-time low.¹⁵⁸ However, the production of fear was central to resolving social, political, and economic crisis. For Eduardo Galeano, “Fear is the raw material that sustains the flourishing industries of private security and social control, and its in steady supply. Demand in these industries is growing as fast or faster than the crime rate that drives it, and experts predict that it is going to keep climbing.”¹⁵⁹ Fear has led poor black and brown people to consent to policing as a way to address panics rooted in honest concerns over public safety and crime. The increase in policing ultimately has led to a militarization of barrios and public schools, escalated incarceration of black and brown people, state snatching of economic funds through increased ticketing and court fees, cuts in welfare and social services, violent separation of families, and the easier repression and containment of rebellion.

The “moral panic of the mafioso” creates an assumption that danger is coming from the outside, and not in the ways our everyday lives are structured by the state and

¹⁵⁵ Gilmore, *Golden Gulag*.

¹⁵⁶ *Ibid.*, 20.

¹⁵⁷ *Ibid.*, 17.

¹⁵⁸ *Ibid.*

¹⁵⁹ Eduardo Galeano, *Upside Down: A Primer for the Looking- Glass World* (New York: Metropolitan Books, 1998), 101.

violent hegemonic ideologies. The U.S. government deflected attention away from the violence they perpetrated at home and in Latin America by constructing the mafioso drug dealer as a violent aggressor and major threat to our communities. While the War on Drugs focused its rhetoric on the “enemy inside” the U.S. facilitated more military presence in foreign countries, such as Mexico, that helped advance U.S. global hegemony and domination.¹⁶⁰ As Martha Escobar points out, “The production of criminality is thus central to global neoliberal governance.”¹⁶¹

Very importantly, as Curtis Marez reminds us, drug wars are also cultural wars.¹⁶² Wars that have historically shaped the cultural imaginary of America and lead the public to think we can solve our complex problems with punitive approaches that put people in cages.¹⁶³ Moreover, as these cultural wars attempt to build support for the criminalization of drugs and punitive measures that incarcerate, they also build our conception of who is a “criminal.” As a family member expressed in an interview,

As time has gone by, California started building more prisons. Building them left and right, and then they built Pelican Bay, California turned into a prison state and it was becoming less acceptable to have a family member in prison... and it became more of a secret. And as time has gone by, it became very difficult to tell other people that I have a family member in prison. I would feel more uncomfortable to share that I had one. Because it became less acceptable to

¹⁶⁰ Special thanks to Juanita Diaz-Cotto for pushing me to think about how the term prison industrial complex can be very U.S. centric and not account for its global impact, as she proposes through her term Prison-Industrial-Military Complex. Juanita Diaz-Cotto. *Chicana Lives and Criminal Justice: Voices from El Barrio* (Austin, TX: University of Texas Press, 2006).

¹⁶¹ Martha Escobar, “Understanding the Roots of Latina Migrants’ Captivity,” *Social Justice* 36, 2 (2009-1010): 17.

¹⁶² Curtis Marez, *Drug Wars: The Political Economy of Narcotics* (Minneapolis, MN: University of Minnesota Press, 2004).

¹⁶³ Jeffrey Reiman, *The Rich Get Richer and the Poor Get Prison: Ideology, Class, and the Criminal Justice*, 8th Ed. (Boston: Allyn and Bacon, 2007).

society, because everyone was so gun-ho about building prisons and locking them up and throwing the key away.

During an interview a mother theorized how media paints men in the SHU as the worst, and this creates a divide amongst the general public and the incarcerated,

“Become so used to referring to prisoners as outkast... as worst’s of the worst this way it causes a separation, where we don’t become familiar with looking at them as human beings. So its been kind of like a whole propaganda and I get how easily it is accepted when you start seeing the most heinous crimes showed on the news over and over again, even where they are doing documentaries, and people are seriously hurt, and there's some really sick stuff going on.... When people hear worst of the worst they picture that happening...”

Because this mother has witnessed the horrendous portrayal of men in prison she understands why people carry this fear that ultimately creates a divide between our humanity and the lives of men incarcerated in the SHU. She states, “They give prisoners this whole group label and its guided the mind set of society, because of what media portrays.”

The “moral panic of the Mafioso” teaches us to generate our self-value through the devaluing of others’ lives. We build the proper citizen subject, off the dehumanization of the unfit predator criminal perceived to be the Mafioso.¹⁶⁴ Further, this moral panic distracts the larger public from meditating about the various ways prison enacts violence not just on those incarcerated, but the exterior communities that prisoners are connected to. This is not to say that *mafiosos* do not engage in violent acts that are also harmful to our communities, but rather to argue that punitive approaches to crime advocated through a moral panic of the Mafioso, have prevented us from truly thinking collectively about how to create healthier societies. To think deeply about strategies that will remind

¹⁶⁴ Lisa Marie-Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012).

mafiosos and ourselves of the sacredness within all that is living. As opposed to a prison system that helps to foster more violence and brutality for those imprisoned, their communities, and workers within these institutions. My concern is that the embedding of the prison regime into our everyday lives and imaginations has made it difficult to produce a sociality that can facilitate a new humanity.¹⁶⁵

¹⁶⁵ Here I refer to Sylvia Wynter's concept of a new humanism. Nonetheless, I am still unsure if I am speaking about a new humanity, or advocating going back to old conceptions of life and humans that have been in existence for centuries. That have been the foundation of many indigenous societies, and persisted besides the continuous violent imposition of western conceptions of man and life. In this sense, we are not necessarily inventing something new, we are engaging with ways of knowing and being that have existed and persisted for centuries. As Clyde Woods once exclaimed, "Another world is not possible. Another world is already here." Sylvia Wynter, like Aime Cesaire, discuss how we can never go back or recreate the past. The legacies of conquest and colonization, such as slavery, are with us in the present moment and we cannot not acknowledge how they are shaping today. We move forward in building a new human with an understanding of how we arrived to the present. As Wynter explains,

"Western bourgeois form of humanism, whose truth-for at the level of social reality, while a truth-for Man, cannot be one for the human.

DS: There is Sylvia, a demand for a hope for, a search for, a new universalism?

SW: Yes. One whose truth-for will coincide with the empirical reality in which we now find ourselves, the single integrated history we now live. You see, the problems that we confront- that of the scandalous inequality between the rich and the poor countries, of global warming and the disastrous effects of climate change, of large-scale epidemics such as AIDS- can be solved only if we can, for the first time, *experience* ourselves, not only as we do now, as this or that genre of the human, but also as human. A new mode of experiencing ourselves in which every mode of being human, every form of life that has ever been ever enacted, is a part of us, we a part of them." (196-197)

The connection we hold with one another in relations to how we understand our life and being across history is partly what I discuss in more depth during Chapter 6.

Sylvia Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation- An argument." *CR: The New Centennial Review* 3, 3 (Fall 2003): 257-337; David Scott, "The Re-enchantment of Humanism: An Interview with Sylvia Wynter," *Small Axe* (September 2000): 119-207.

Moral Panics and Saving the Nation

In *Policing the Crisis*, Stuart Hall and others trace the historical genealogies of ideological elements that inform moral panics, because moral panics are not new—the people associated with them are. As argued in the book, mugging was part of a long-standing crisis, rather than the initiation of one. The ideological constructions that feed moral panics are not sporadic or produced in isolation. They have a history in theoretical elaborations that over time become common sense and resonate with public anxieties and concerns.

Pelican Bay State Prison and the “moral panic of the Mafioso” did not emerge in a historical vacuum. A much deeper and longer legacy is implicated in the incarceration and moral panics of the 1990s. Policing mechanisms previous to a more formal federally backed and nationally organized institutionalization of policing were motivated in California by desires to solidify claims over conquered territory, contain migration, and strengthen the U.S. border.¹⁶⁶ In the building of a national identity, multiple wars waged on migrants, drugs, loose women, juvenile delinquents, and communism were common place and normalized.¹⁶⁷ While these social and political attacks were launched

¹⁶⁶ Luana Ross, *Inventing the Savage: The Social Construction of Native American Criminality* (Austin: University of Texas Press, 1998); Kelly Lytle Hernandez, *Migra!: A History of the U.S. Border Patrol* (Berkeley: University of California Press, 2010); Catherine S. Ramirez, *The Woman in the Zoot Suit: Gender, Nationalism, and the Cultural Politics of Memory* (Durham: Duke University Press, 2009); Edward J. Escobar, *Race, Police, and the Making of a Political Identity: Mexican Americans and the Los Angeles Police Department, 1900-1945* (Berkeley: University of California Press, 1999); Curtis Marez, *Drug Wars*.

¹⁶⁷ *People V. Modesta Avila*, No. 6 (O.C. Cal. 1889); Edward Duran Ayres, "Ayres Report" in *The Government Riots of Los Angeles, June, 1943*, edited by Solomon James Jones (San Francisco: R and E Publications, 1973); Lisbeth Has, *Conquests and*

separately, they often correlated to cohere social order and ‘save the nation’ from internal and external threats. These efforts were evident through the Palmer Raids that purged undesirables, combated communism, contained union organizing and dispelled foreign-born political dissidents. The state combined an emergent Red Scare’s campaign against communism with an early iteration of drug wars and border securitization. Early drug wars prevented the further entrance of any migrant foreign rebels by securitizing the border through prohibition and advancing panics about moral degeneracy and marijuana use.¹⁶⁸

1900s policies and strategies for policing in California, heavily targeted Mexican people who migrated to the U.S. due to the Mexican Revolution, pachuc@s perceived as unpatriotic and immoral, and Californios (often original native peoples) who were already established here before these territories were usurped by the United States. The collateral consequences of this border-oriented drug war against Mexicans during the 1920s and 30s produced vulnerable migrants that can be exploited for cheap labor.¹⁶⁹ Borders also sustained the nation state’s claims to territory as indigenous peoples claims to lands were erased. Nonetheless, the solidification of U.S. territories came through the invention of private property and people’s entitlement to possess and control (and protect) private individualized sets of land, a practice that left land void of life and

Historical Identities in California 1769-1936 (Berkeley: University of California Press, 1995); Ben V. Olguín, *La Pinta: Chican/o Prisoner Literature, Culture, and Politics* (Austin: University of Texas Press, 2010); J. Harold Williams, *Psychological Survey of the Whittier State School* (Palo Alto, CA: Stanford University Press, 1914).

¹⁶⁸ Curtis Marez, *Drug Wars*.

¹⁶⁹ Martha D. Escobar, *Captivity Beyond Prisons: Criminalization Experiences of Latina (Im)Migrants* (Austin, TX: University of Texas Press, 2016).

sacredness, and that was later transposed onto incarcerated people as state property. For decades, policing and “law and order” has been entrenched in efforts to solidify itself as a nation, the attempted destruction of alternative epistemologies and cultures threatening racial capitalism, containment of black and brown rebellion, preventing the entrance of “undesirables,” and preservation of American values of morality shaped by white supremacist capitalist heteropatriarchy.

During Goldwater’s unsuccessful presidential campaign in 1964, his call for Law and Order came in response to widespread rebellion and social movements of the 1960’s. From recreational drug use, to communism, desegregation efforts, and especially black urban uprisings in Harlem then later Los Angeles.¹⁷⁰ While Goldwater did not secure the presidential seat his “Law and Order” rhetoric and growing panic over revolts and organized crime have greatly persisted. Lyndon B. Johnson and Richard Nixon adopted this framework in response to Free Love, Anti-War, third world liberation, native claims to land and religious freedom, high school blowouts, and especially black power movements. The public support for “Law and Order” influenced political administrators and the American public to pressure Lyndon B. Johnson’s administration to attend to the rising problem of crime. This popularization and panic around crime in inner-city America laid the foundation for the War on Drugs prompted under Nixon’s presidency and later internationally by Ronald Reagan.¹⁷¹

¹⁷⁰ Michael W. Flamm, *In the Heat of the Summer: The New York Riots of 1964 and the War on Crime* (Philadelphia, PA: University of Pennsylvania Press, 2016).

¹⁷¹ Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, Ma: Harvard University Press, 2016); Elizabeth Hinton, “A War Within Our Own Boundaries: Lyndon Johnson’s Great Society and the

As Lyndon B. Johnson launched the much-celebrated War on Poverty, he also simultaneously launched the War on Crime that delivered the Law Enforcement Assistance Act of 1965.¹⁷² The act provided funding to institutionalize and strengthen state and local police forces and create a stronger national network to prevent crime. The rise of this funding came through federal laws, such as the Omnibus Crime Control and Safe Streets Act, that were justified as efforts to combat organized crime—specifically the Italian mob. Nonetheless, this law also increased the FBI’s budget 10% to improve its capacities for riot control. Indeed, the use of moral panics around *mafiosos* and drugs to contain political uprisings is not new.

Under the 1980s California governorship of George Deukmejian and presidency of Ronald Reagan, the California prison population tripled.¹⁷³ In California, the early 1980s were instrumental in launching a massive prison-building project that would use prisons to solve a specific set of crises largely induced by racial capitalism, posing prisons as a solution to very complex problems.¹⁷⁴ Ruth Wilson Gilmore details how California prisons were connected to the larger processes of neoliberal globalization and

Rise of the Carceral State,” *The Journal of American History* 102, 1 (June 2015): 100-112.

¹⁷² Ibid.

¹⁷³ On June 30 1975 prison population was 23,998 and by February 24, it reached 43, 927. (84% increase in approx 10 years). This increase was expected to continue projecting 58,135 inmates by 1990. In reality there was a 93,683 population within CDC institutions and camps by December 31, 1990 and a total of 184,641 people under CDC supervision. Department of Corrections, *California Prisoners & Parolees 1990*, (Sacramento, CA: Data Analysis Unit, 1991); California Department of Corrections, *The Department of Correction 1985-1990 Facilities Plan Volume 1: Five Year Plan*, April 18, 1985; Department of Corrections, *Report to Legislature: Increased Security Measured and Improved Casework/Record Management*, November 28, 1983.

¹⁷⁴ Gilmore, *Golden Gulag*

rose as a way to resolve a set of crisis produced by a surplus in land, labor, finance capital, and state capacity.¹⁷⁵ Moreover, Dylan Rodriguez argues the United States' founding white supremacist structure recohered itself after the 60s and 70s through "the prison regime" and the rise of neoliberal policies that birthed the prison industrial complex to resolve crisis (as explained by Gilmore).¹⁷⁶ Rodriguez articulates how the rise in prison expansion was a moment of "White Reconstruction" that would allow white supremacy to restructure itself and prevail through a rhetoric of law and order.¹⁷⁷ It was a response to a moment of crisis in this nation's white supremacist social order caused by third world liberation movements of the 1960's and deindustrialization. The prison regime was launched to manage the various set of crisis that threatened the coherence of the nation state. Policing and prisons were central methods.

As discussed by Dylan Rodriguez, prisons are a regime, and an organizing logic that produce a mode of social organization that impacts the structure of our daily lives.¹⁷⁸ Prisons cohere the way we understand the world and our being. They shape our

¹⁷⁵ Ibid.

¹⁷⁶ Rodríguez, *Forced Passages*, 21.

¹⁷⁷ For Dylan Rodríguez, white supremacy is inherently gendered. Further he states, white supremacy is "a logic of social organization that produces regimented, institutionalized, and militarized conceptions of hierarchized human difference." (*Forced Passages*, 11) White supremacy functions to hierarchically organize our lives at a structural level, as opposed to being understood as simply an extremist or marginal political ideology. White supremacy mobilizes racism to universalize the white- and make white life a common sense (i.e. civilization, the subject, rationality). This leads to the biological extermination and neutralization of the non-white- of that which threatens white life's existence. It impacts who gets to live and who gets to die, and what visions, theories, and knowledges for a new society will be allowed to survive. Nonetheless, I would like to note that simply because ways of living, being, and perceiving are not accepted or legitimized by dominant structures this does not mean they do not thrive. In fact, it is their success and popularity that often animates state sanctioned violent repressive responses.

¹⁷⁸ Rodriguez, *Forced Passages*.

conceptualization of freedom, order, the subject-citizen, and create an illusion of peace and safety for democracy and freedom. As Rodríguez states, “carceral technologies of human immobilization and bodily disintegration- provides the institutional form, cultural discourse, and ethical basis of social coherence, safety, and civic peace.”¹⁷⁹ Prisons are not isolated institutions we can detach ourselves from, they materialize through popular support for police, the racialization of crime, consent to tough on crime punishment that predominately targets black and brown youth, and the normalization of torture and human subjection as punishment.

By 1989, CDC had established 19 institutions and had 6 more in the planning, with a fiscal budget of 1.4 billion for 1987-88 that was projected to double over the next five years.¹⁸⁰ Further, wide surveillance technology was also developed throughout the 1980s, which included the criminalization of gang membership and gave birth to gang databases through the STEP Act.¹⁸¹ Moreover, a war on streets gangs coalesced with the War on Drugs, as gang members were popularly perceived to be the prominent movers and users of drugs. Nationally and internationally, the Reagan administration in the 1980s aggressively pursued a War against Communism simultaneous to the War on Drugs. Reagan’s former Vice President George H. W. Bush succeeded his presidency and continued the War on Drugs by advancing more punitive measures for drug users. When Bill Clinton entered the presidency in 1993 he raised moral panics over new teenage

¹⁷⁹ Ibid., 14-15.

¹⁸⁰ California Department of Corrections, *Inside Corrections: Employee Information*, 1988.

¹⁸¹ Youth Justice Coalition, “Tracked and Trapped: Youth of Color Gang Databases and Gang Injunction,” (Los Angeles, CA: RealSearch Action Research Center, December 2012).

super predators, and passed the “Violent Crime Control and Law Enforcement Act,” “Personal Responsibility and Work Opportunity Reconciliation Act,” and refused to overturn mandatory minimums. Panics over teenage degeneracy and pregnancy, welfare queens, and drug use were as prevalent from the Democratic Presidency as the 1990s Neo-conservative anti-immigrant California Governor Pete Wilson’s governorship.

The Rise of Pelican Bay SHU

In 1989, Pelican Bay State Prison (PBSP) finalized its construction and opened its doors claiming to house the “worst of the worst”—America’s hardest criminals. Over time, Pelican Bay SHU became popularly known for allegedly housing prison gang leaders, especially the Mexican Mafia after a RICO indictment in 1995. Pelican Bay SHU formed part of the new rising super-maximum security prisons at the time, whose technology was dedicated completely to the task of social control, specializing in surveillance and performing it more efficiently than ever before. Kevin Leary from the San Francisco Chronicle categorized it as, “the most modernistic and secure penal facility in the nation built to isolate and punish the states most troublesome convicts.”¹⁸²

Pelican Bay was only the second of its kind, after the establishment of the first super maximum facility in 1986 in the state of Arizona.¹⁸³ When built, it was done with little oversight from Sacramento’s Public Safety Committee. They acquired funding for Pelican Bay between 1986-1987 and after the passing of Senate Bill 1685 in 1988, it was

¹⁸² Kevin Leary, “Prison Unit Houses Most Incurable: Worst Inmates Spend 22 1/2 Hours a Day Locked in Solitary Confinement,” *San Francisco Chronicle*, June 1991.

¹⁸³ Mona Pauline-Lynch, *Sunbelt Justice: Arizona and the Transformation of American Punishment* (Stanford University Press, 2009).

left in the hands of the California Department of Corrections to plan and build.¹⁸⁴ As explained by Keramet Reiter, “The actual physical structure of the place, along with its day-to-day management, was left to the experts – correctional bureaucrats, prison wardens, and the ‘justice architects’ with whom they contracted to design and build prisons.”¹⁸⁵

Pelican Bay State Prison, like many other prisons, was built in a remote area (approximately 6 hours north of San Francisco, surrounding the redwoods and bordering Oregon) and welcomed as a project that promised to restore the area’s economy. Crescent City, CA found itself in a crisis after the timber and fishing industries declined, and the building of Pelican Bay promised Del Norte County the necessary boost to restore its economy as it brought 4,000 new residents, 1,325 new jobs, a \$50 million in pay roll, and boosted Crescent City’s population from 3,500 to 4,300. The building of Pelican Bay did in fact deliver an increase in property value from \$501 million to \$685 million, and temporarily celebrated the arrival of new chain businesses such as McDonalds and Wal-Mart, as well as the construction of a new Hospital. By 1991, the gained county taxes went from \$86 million in 1987 to \$140 million in 1991.¹⁸⁶

While the city grew, many of the well-paid jobs offered by the prison were filled by outside residents who relocated to the area. The chain businesses that have formed

¹⁸⁴ Keramet A. Reiter, “Parole, Snitch, or Die: California’s Supermax Prisons and Prisoners, 1997-2007,” *Punishment and Society* 14, 5 (2012): 530-563.

¹⁸⁵ Keramet A Reiter, “The Most Restrictive Alternative: The Origins, Functions, Control, and Ethical Implications of the Supermax Prison, 1976 – 2010” (PhD diss., University of California Berkeley, 2012), 1.

¹⁸⁶ Kevin Leary, “Prison Stimulated Area’s Economy/ Del Norte County had lost jobs in logging, fishing industries,” *San Francisco Chronicle*, July 5, 1991. A9.

part of the city's development mostly offer low and minimum wage jobs. Further, state investments could have also helped foster the area's economy by investing in non-punitive institutions/measures. Presently, Crescent City heavily sustains itself from tourism. Especially after increased efforts to preserve redwood forests from the timber industry and renovations to the U.S. 101 Highway that improved access to once very isolated towns.

Karamet Reiter argues that Pelican Bay was built with the best intentions at inception; nonetheless, centering the perspectives of men in the SHU, their families, and piecing together carceral history, I reach different conclusions.¹⁸⁷ When Pelican Bay was in its envisioning stages, CDC had been dealing with an internal crisis. The rise of tough-on crime laws resulted in a tripled prison population that also led to a rapid expansion.¹⁸⁸ There was the building of 8 new prison facilities between 1984-88, and very importantly, the hiring of completely newly trained staff to work in the fast expanding prison system. CDC welcomed thousands of newly trained correctional officers. For example, Centinela State Prison in 1993 was staffed with ¾ of officers coming fresh from the academy.¹⁸⁹ As the Department of Corrections rapidly welcomed new inexperienced staff – prison administration became greatly concerned about their ability to maintain control over such massive and rapidly expanding prison population. They used violent methods to attempt to preserve dominium over the prison population.

¹⁸⁷ Reiter, “parole, snitch, or die.”

¹⁸⁸ See footnote 173

¹⁸⁹ John Hurst and Dan Moran, “PRISONS: Dangerous, Overcrowded,” “PRISONS: Violence, Bitterness,” *Los Angeles Times*, October 17, 1994.

CDC's anxieties were evident as later in the 1990's they faced a lawsuit for massive slaying of prisoners by guards. While federal and New York State Prisons had zero slaying between 1985-1994, California state prisons had 7 in 1987 alone. Pelican Bay reported 177 shots in 129 separate incidents between its opening in December 1989 to September 1993. CDC representatives stated they shoot to protect people and help deter violence. According to officer Chuck Alexander, then head of the officers' union local at Pelican Bay, "If the gun is not there, homicides will increase tenfold... The inmate can stand there and stab the guy, and know they can kill him because they know they won't get shot. The guns are a benefit to the inmates."¹⁹⁰

When defending the existence of Pelican Bay SHU after the famous Madrid Case, the new warden exclaimed the importance of preserving the SHU. He recalled his days as a correctional officer in the 1970s at San Quentin where he claimed prison gangs ran the prison and were violent.¹⁹¹ When Keramet Reiter, interviewed Carl Larson, Director of Finance for the CDC during the 1980's prison boom, he referenced the 11 murdered and 54 CDC stabbed staff members in the 1970's. In addition, he stressed the need to read Chris Blatchford's *The Black Hand: The Story of Rene "Boxer" Enriquez and His Life in the Mexican Mafia* in order to understand the need for Pelican Bay SHU.¹⁹² The infamous book of an ex-Mexican Mafia member who became an informant to buy his way out of Pelican Bay's SHU. Peter Sigging, then deputy attorney general in charge of defending

¹⁹⁰ Dan Morain and John Hurst, "Guards Slaying of Prisoner in State are High," *Los Angeles Times*, September 16, 1994, A1.

¹⁹¹ *California, Legislature, Senate, Rules Committee*. Sacramento, CA. March 4, 1996.

¹⁹² Reiter, "Restrictive Alternative," 2; Chris Blatchford, *The Black Hand: The Story of Rene 'Boxer' Enriquez and His Life in the Mexican Mafia* (New York: Harper Collins, 2008).

correctional officers in trials that challenged state correctional policies, argued Pelican Bay was a necessary last resort for dealing with the worst inmates. He claimed isolation was working and necessary for the protection of the inmate population, prison staff, and the public.¹⁹³ Some prison staff wanted prisoners to know that administration was in control and not “inmates.”

Pelican Bay came at an important moment, playing the role of a prison within the prison, and letting incarcerated people know that there would be serious consequences if they dared to question prison authorities or contest their subordinate roles as “state property.” While Pelican Bay was sold as a way out of an economic crisis for a city facing serious instability, it also served as a mechanism of social control that would help contain prisoners’ capacity to organize themselves and contest prison authorities. As prisoner attorney for the Madrid case, Susan Creighton claimed, Pelican Bay opened in 1989 as a sterile laboratory meant to “inspire terror, intimidation, and dread” throughout the prisoner population.¹⁹⁴ In order for prison staff to maintain this warped and manufactured sense of complete control, they turned to ruthless and highly developed forms of mental and physical violence. CDC necessitates of Pelican Bay to socially control, discipline, intimidate, and suppress prisoner rebellions. As stated, “Officials here believe Pelican Bay’s existence helps make the other 26 prisons work as they should.

¹⁹³ McClatchy News Service, “Futuristic, High-Tech Prison Goes on Trial,” *The Orange County Register*, September 18, 1993;

¹⁹⁴ McClatchy News Service, “Futuristic, High-Tech Prison Goes on Trial.”

And prisoners are getting the message that if they mess with the system too much, this is where they'll end up."¹⁹⁵

The SHU was designed to master and fully achieve, what Ruth Wilson Gilmore terms, incapacitation. If incapacitation failed the alternative was to render men insane to the point of self-destruction.¹⁹⁶ As Alfred Sandoval shares in a public letter,

"I happened across a confidential memorandum that had somehow got mixed in with my legal materials. The title read, 'The Function of the Control SHU units' and went on to outline a plan of attack for prison administrators and 'Investigation' units. ISU, IGI, LEIU to follow. Cited was 'the function is to reduce prisoners to the state of submission essential for their ideological conversion... that failing, the next step is to reduce them to a state of psychological incompetence sufficient to neutralize them as efficient self-directed antagonists... That failing, the only alternative is to destroy them. Preferably by making them desperate enough to destroy themselves."¹⁹⁷

The SHU aspired to eradicate dissent within those who refused to be docile subjects at the mercy of prison administration. The goal was an ideological conversion into submission and psychological incompetence. Alternatively, if they wanted to escape this violence, their option was to debrief- become state informants and collaborate with prison authorities.

A central tool the state has mobilized to present the men as the "worst of the worst" have been informants. Testimony from informants has been used as evidence to validate men into the SHU and create a "moral panic of the mafioso" by portraying them

¹⁹⁵ John Enders, "California's Toughest Prison is Under Attack," *The Orange County Register*, October 11, 1993

¹⁹⁶ It is within this context that we can then understand the significance of men having orchestrated such an immense hunger strike, or the resilience behind their self-organization into daily routines of meditation, self-education, and exercise.

¹⁹⁷ Sal Rodriguez, "Voices From Solitary: Hunger Strike was 'the Only Way to Get the Word Out' About Prison Abuses" *Solitary Watch*, September 6, 2011, <http://solitarywatch.com/2011/09/06/voices-from-solitary-pelican-bay-hunger-strike-was-the-only-way-to-get-the-word-out-about-prison-abuses/>.

as predatory and manipulative in books and television interviews. The state mobilized snitching to better understand prisoners' ability to organize and influence. Additionally, snitching was mobilized to break the strong camaraderie that greatly threatens prison administrations ability to control and have power over the prison population. The SHU made prisons easier to manage by isolating and attempting to turn on one another those that did not fear them.

Informant narrations of prison gangs have become popular information through the dissemination of interviews on news and popular TV shows such as *Locked Up* and now YouTube.com. As well as the production of books such as, *The Black Hand* with Enrique Boxer Ramirez. During a Senate Hearing, a mother, Dolores Canales, contested the mobilization and use of informants to validate men and construct a negative image of SHU prisoners without letting prisoners speak back,

“Because CDC is in severe contradiction when we were trying to put forth the media ban bill, they said they didn't want any prisoners rising to fame and notoriety. But yet, a very well ... debriefer has risen to fame and notoriety at the hands of CDC. Being allowed to write books. Being allowed to publish YouTube videos while serving a life sentence. Being allowed not only to slander the prisoners, but the family members, referring to females as “hood rats” and he is in state custody and these are YouTube videos. And we have to watch that. People read these books, where they're published, pictures of our loved ones with no shirt, because this is how he's reaching *his* fame and notoriety. He's allowed to travel the country to teach IGI (Investigative Gang Unit), to give them information, and he's reached fame and notoriety – and that is in contradiction to why CDC did not want to put forth the media [access] bill [which Gov. Brown vetoed in 2012].”¹⁹⁸

Dolores, was critiquing the ban of media outlets in Security Housing Units, and their ability to interview men who found themselves in the SHU. When media sources sought

¹⁹⁸ *California, Legislature, Senate, Rules Committee*. Sacramento, CA. October 9, 2013.

information about the conditions of confinement in Pelican Bay they were often set up to speak only to informants. By the 2011 hunger strike men in the SHU were already deeply aware of the criminalizing strategies CDC enacted to ensure their survival and justify Pelican Bay SHU's existence. They recognized how CDC displaced a concentration on their use of violent torture by constructing prisoners as the "worst of the worst." These men also understood the purpose of the SHU, because many had already spent years, decades living in struggle and defiance of CDCs desire to break their spirit. Of CDC's efforts to get them to relinquish their love and camaraderie with other men professed to be social ills. As Sandoval expressed, "Personally I expect all kinds of harassment during and before the planned hunger strike, as the department does not want the exposure and bad press. But it's the only way to get the word out and expose the filth that is the administration of Pelican Bay State Prison."¹⁹⁹

Rethinking the War on Drugs and the Moral Panic of the Mafioso

The War on Drugs rhetoric that portrays drug users and dealers as predators was reflected within the construction of men in the SHU as the most violent hardcore prison gang members. It was through the rhetoric of the War on Drugs that the criminalization of men who involved themselves in the Mexican Mafia could gain momentum and potency. Prior to the building of Pelican Bay, it had already been 7 years since Reagan had declared illicit drugs a threat to national security. The War on Drugs succeeded in creating the drug dealer and trafficker as the ultimate boogeyman, and distanced many

¹⁹⁹ Rodriguez, "Voices from Solitary."

from asking whether punitive approaches to the drug trade and trafficking would truly create less addiction, violence, and/or healthier communities.

Punitive approaches to drug addiction, such as incarceration, became normative methods of prevention. The understanding and treatment of drug addiction as a disease and public health issue- or a result of the pressures from the exterior world we have co-created- became less popular. Very importantly, Gretel Vera-Rosas argues that marginalized communities often break the law and/or involve themselves in illicit economies to ensure their survival.²⁰⁰ As Galeano expressed, “Justice blindfolds herself to keep from seeing where a criminal comes from or why he committed a crime.”²⁰¹ Nonetheless, despite the prisons inability to reduce drug use and violence the state of California continued to heavily invest in its expansion.

The punitive approaches inspired by the War on Drugs not only fabricate, but also produce the problem proclaimed to exist. The prison corrals people who use or frequent drugs into one location as prison administrators increasingly cut programming. Organized individuals then develop ways to thrive off a high demand for drugs in such an idle and depressing place, while prison guards act surprised by producing hysteria over the rise of prison gangs and organized crime within penitentiaries.²⁰² These hysterias ferment public support for prisons and sustain their demand, even though it is the institutions that

²⁰⁰ Gretel H. Vera-Rosas, “The Breaking and Remaking of Everyday Life: Illegality, Maternity, and Displacement in the Americas” (PhD diss., University of Southern California, 2013).

²⁰¹ Eduardo Galeano, *Upside Down*, 106.

²⁰² We insist on imprisoning people who consume or are addicted to drugs and congregate them all in one place. Then expect no one to capitalize off a high demand for drugs in one location that has little to no programming (i.e. prison).

ferment the problems it proclaims to need to contain. Organized individuals are only responding and trying to survive within a situation that was dealt for them. Brutality is the nature of the prison, not the people within it. Dolores Canales, a mother, asked some important questions at a Sacramento Hearing,

“if these prisoners before entering the prison, they had a drug problem, maybe they go in for a carjacking or burglary or whatever theft charges, and they enter our prison system. And then the prison system says these are gang affiliates, gang members involved in gang activity and this is all going within the prison. Isn’t it time to start asking ourselves – are so many jails and prisons really the solution if this all seems to be taking place within the prison system?”

Nonetheless, individuals who engage in drug use or trade are narrated as the problem as opposed to suggesting a rethinking of our proposed solutions.

State sponsored programs, such as *Just Say No!* and *D.A.R.E.*, demonized drug users as well as those who chose to enter the business of moving and selling drugs. The War on Drugs encoded drug users and dealers as an imminent threat, and led to public support for their annihilation.²⁰³ As expressed by Eduardo Galeano,

“To say ‘drugs’ is like saying ‘the plague’ in another epoch: it evokes the same terror, the same sense of impotence, of a mysterious curse from the Devil incarnate, who tempts his victim and carries them off. Like all misfortune, it comes from the outside. Not much is said anymore about marijuana, once the “killer weed,” and perhaps that has something to do with the way it has become a successful part of local agriculture in eleven states of the Union. In contrast, heroin and cocaine, produced in foreign countries, have been elevated to the category of enemies that erode the very foundations of the nation.”²⁰⁴

Galeano pushes us to think critically about how select drugs are decriminalized and destigmatized when they serve the larger purpose of sustaining the U.S. capitalist economy and national structure. Moreover, the importance of illicit economies to the

²⁰³ Stuart Hall, “Encoding/Decoding,” in *Culture, Media, and Language*, eds. Stuart Hall, Dorothy Hobson, Andrew Lowe, and Paul Willis (London: Hutchinson, 1980).

²⁰⁴ Eduardo Galeano, *Upside Down*, 122.

success of developing international economic infrastructures has been largely unacknowledged, as U.S. intervention is justified under the moral banner of the War on Drugs. This destroys thriving domestic drug economies as it opens opportunities for foreign U.S. capitalist investments. Perhaps, the War on Drugs is truly a war on international economies that are independent or generating wealth that will allow them to not be at the mercy of the U.S. and World Bank for their growth and development.²⁰⁵

For Dawn Paley, the War on Drugs was never about drugs, but rather about counter insurgency.²⁰⁶ Paley argues the War on Drugs in Mexico and Latin America provided governments the military warfare and infrastructure to criminalize and contain rebellion to advance free trade and neoliberal national development. As Juanita Diaz-Cotto alerted us, the War on Drugs opened whole new markets for the Military Industrial Complex as U.S. pushed other countries to militarize and wage a war against the trafficking of drugs and weapons. This resulted in a stronger military force that waged a

²⁰⁵ Perhaps what truly infuriated governing elites was the possible rise of a new wealthy front. At the front was a new man that rose and overpowered their wealth and influence, Pablo Escobar. A man who had no respect for the imperialistic U.S. nation state and who did not fear the governing powers of the United States or Colombia. A man who had so much wealth he could afford and did wage war against Colombia and the U.S. policing agencies, courts, and politicians. Escobar allied himself with Communist countries to advance his drug business while simultaneously bringing them into a partnership. The collaboration enabled these countries to generate capital and build an economic infrastructure. Nonetheless, the success of communist countries conflicted with U.S. and Reagan's Cold War. Reagan's administration could not permit communist countries to thrive, as his administration was committed to advance global elite's visions of neoliberal globalization. Or what the Zapatistas would describe as, "a war of conquest of the entire world, a world war, a war being waged by capitalism for global domination." To "end the destruction caused by drugs" (or shall we say, put an end to the rise of a new wealthy front) the U.S. government sponsored efforts to spray DDT pesticides and bomb rural areas in Columbia. Zapatista National Liberation Army, "Sixth Declaration of the Selva Lacandona," June 2005, <http://enlacezapatista.ezln.org.mx/sdsl-en/>.

²⁰⁶ Dawn Paley, *Drug War Capitalism* (Oakland: AK Press, 2014).

war against liberation movements and helped contain political dissent in Latin America.²⁰⁷ Further, efforts to prevent drug trafficking led to stronger securitization of the Mexican border and police, and caused more migrant deaths as *coyotes* had to develop new routes that are more strenuous, long and dangerous.²⁰⁸

For scholars like Dylan Rodriguez, The War on Drugs is not a failed project; it accomplished exactly what it set out to do. The War of Drugs aided White Reconstruction and was not primarily concerned with ending a crack epidemic or the creation of healthier and safer communities for black and brown people. It did however create a sense of safety for more white affluent neighborhoods through the advancement of coercive policing apparatus that militarized barrios and national borders. The War on Drugs was truly a domestic war waged on black, brown, native, and poor white people. Moreover, it would not be a stretch to say that the War on Drugs has caused more death and destruction than the actual fatalities induced by drug consumption and addiction.

²⁰⁷ Juanita Diaz-Cotto argues that the War on Drugs was part of an effort to re-establish order, as such it launched an attack on social movements, while the United States government diverted attention from the crimes it was committing at home and abroad. By framing “narco-trafficking” done by “narco-guerrillas” and “narco-terrorists” the United States was able to instill U.S. advisors, weapons, and funding in Latin America in order to intervene and put an end to illegal drug trade and revolutionary movements. Juanita Díaz-Cotto, *Chicana Lives and Criminal Justice*, 12-13, 29.

²⁰⁸ Tony Payan, “The Drug War and the U.S.- Mexico Border: The State of Affairs,” *South Atlantic Quarterly* 105, 4 (Fall 2006): 863-880; Jorge Chabat, “Mexico’s War on Drugs: No Margins for Maneuver,” *Annals of the American Academy of Political Science* 582 (2002): 134-148.

Using the Law to Contest the SHU: Madrid V. Gomez

On October 26, 1990 prisoners at Pelican Bay, represented by the Prison Law Office, filed a suit against the California Department of Corrections, *Madrid V. Gomez*.²⁰⁹ Led by Alejandro Madrid against James Gomez then Director of California Department of Corrections, the case was brought forward as a class-action suit on behalf of the 3, 594 incarcerated men in Security Housing Units.²¹⁰ Three years later, on September 17, 1993 the lawsuit went to trial and sought to address five areas of concern:

- Alleged guard brutality
- Proper medical and mental health care
- General confinement conditions and their effect on inmates' mental and physical condition
- Inmate-on-inmate violence.
- Adequate access to courts²¹¹

This was the first lawsuit to contest the conditions of confinement in Pelican Bay SHU.

Madrid V. Gomez was given life in the courtroom because Judges had become alarmed with the large volume of complaints they were receiving from men in the SHU. The trial was expected to run 11 weeks before Judge Thelton Henderson, chief judge of the federal district courts for Northern District of California.²¹² However, the trial lasted 29 days with testimonies from 67 witnesses and a trip by the judge to Pelican Bay SHU.²¹³ Louis Lopez, the plaintiffs lead witness, described Pelican Bay as “a living

²⁰⁹ *Madrid v. Gomez*, 889 F. Supp. 1146, 1168, 1213 (N.D. Cal. 1995); University of Michigan Law School, “Madrid v. Gomez | Civil Rights Litigation Clearinghouse Case Profile,” <http://www.clearinghouse.net/detail.php?id=588>.

²¹⁰ Seth Rosenfeld, “State’s top prison too cruel, judge says,” *SF Gate*, January 11, 1995, <http://www.sfgate.com/news/article/State-s-top-prison-too-cruel-judge-says-3160715.php>

²¹¹ Enders, “California’s Toughest Prison is Under Attack”; University of Michigan, “Madrid v. Gomez.”

²¹² McClatchy News Service. “Futuristic, High-Tech Prison Goes on Trial.”

²¹³ Rosenfeld, “State tops prison too cruel”

nightmare... a space capsule where one is shot into space and left in isolation... something out of a science-fiction horror movie that became a reality.” He shared that he was no longer able to concentrate well enough to read or to keep his place in a conversation. Another PB-SHU captive, Arturo Castillo, shared that in January of 1991 he had been shot with an electric “stun gun” and a wooden- pellet gun until unconscious. He was then handcuffed and dragged face down with his head bumping the floor, because he refused to return a meal tray.²¹⁴ Arturo Castillo had refused to give back the food tray in protest of a guard’s reference to prisoners as “wetbacks” and “punks.”²¹⁵ Most articles that included Castillo’s testimony dismissed him, and omitted that he had not given back the food tray in protest to racism from guards.

Lawsuit allegations exposed the use of excessive force by “cell extraction teams,” which are groups of four guards that forcibly remove prisoners from cells when they refuse to leave and are deemed a threat to themselves and others. Extractions were described as often being quick and violent. “Four guards rush the prisoner. The first pins him against a wall. A second disarms the prisoner if he has a weapon. The third handcuffs him and the fourth puts on leg shackles.”²¹⁶ Lieutenant Al Deines claimed that, “The technique is very effective.” As he states, “Once you get him out and in restraints, the fight’s gone out of him.”²¹⁷

The *Madrid V. Gomez* trial also exposed that in April 1992 (the same month of the Los Angeles uprisings) Vaughn Dortch was given a bath in extremely hot water to the

²¹⁴ McClatchy News Service, “Futuristic, High-Tech Prison Goes on Trial,”

²¹⁵ Enders, “California’s Toughest Prison is Under Attack.”

²¹⁶ Ibid.

²¹⁷ Ibid.

point of being scalded, after he had repeatedly spread himself with feces. Dortch had laid in his own waste for 10 days. The prison guards were quoted by a nurse saying, “Looks like we’re going to have a white boy before this is through. . . His skin is so rotten and dirty, it’s all fallen off.”²¹⁸ Prison guards shared that the most unmanageable of the inmates often spit, kick, hit or throw urine and feces at them. Nonetheless, much of this behavior is symptomatic of their confinement as opposed to them being inherently unmanageable. Dortch sued and won a settlement of \$972,000 in 1993. McMillan was fired, but later sued to reclaim his job, with the backing of the prison guards union.²¹⁹

Madrid V. Gomez also claimed that prison guards continuously launched a campaign of terror against SHU prisoners, “shackling some in fetal positions for hours on end chaining others to toilets or placing them naked in outdoor cages.”²²⁰ This form of fetal restraint, “hog tying,” involved “handcuffing a prisoner’s wrists, putting him in leg irons, and drawing a chain between the handcuffs and leg irons until only a few inches remain between the bound wrists and ankles.” According to court testimony, most men were restrained for three to six hours, or could range from a few minutes to 24 hours. In numerous

²¹⁸ Rosenfeld, “State tops prison too cruel”

²¹⁹ Hurst and Moran. “PRISONS: Dangerous, Overcrowded,” “PRISONS: Violence, Bitterness.”

²²⁰ Marc Lifsher and Kim Christensen, “State restricts use of deadly force in prisons,” *Orange County Register* January 20, 1995.

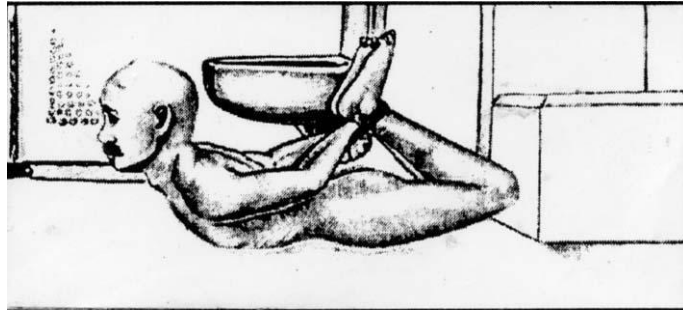


Figure 1. Picture of Pelican Bay SHU prisoner hogtied
(source: *Pelican Bay Express*, drawn by prisoner)
instances guards hog tied men in the SHU who kicked their cell doors or back talked.²²¹

Other testimonies revealed, “guards punished inmates by placing them naked, in bad weather, in outdoor cages the size of a telephone booth”²²² Nonetheless, this legal case was not the only event exposing the brutality of prison guards, simultaneous to the *Madrid V. Gomez*, CDC was amidst another scandal.

Within 1994 and early 1995, CDC was under fire for misuse of deadly force as they continuously shot prisoners to death. Between 1989- 1993 CDC reported having fatally shot 27 prisoners, as the nation, state, and federal prisons combined had a total of 8 shootings within those 4 years.²²³ By January of 1995, at least 20 prisoners at Pelican Bay were killed or wounded.²²⁴ Judge Henderson proclaimed that sometimes weapons had been unnecessary and were used recklessly, “Staff have resorted to firearms too quickly- before any life-threatening situation has developed- rather than reserving such

²²¹ “Pelican Bay Ruling Issued,” *Prison Legal News* August 15, 1995.

<https://www.prisonlegalnews.org/news/1995/aug/15/pelican-bay-ruling-issued/>

²²² Rosenfeld, “State’s top prison too cruel.”

²²³ Lifsher and Christensen, “State restricts use of deadly force in prisons.”

²²⁴ *Ibid.*

lethal force as ‘the force of last resort.’” Moreover, he declared the shooting review process “a mockery.”²²⁵

Two years after the initial trial, on September 21, 1995 Judge Thelton Henderson ruled Pelican Bay violated the 8th amendment ban against cruel and unusual punishment for mentally ill prisoners. He deemed Pelican Bay’s delivery of medical and mental health services inadequate- particularly mental health within SHU. He brought a victory demanding mentally ill prisoners be removed from the SHU, and stated prison officials "have permitted and condoned a pattern of using excessive force."²²⁶ Henderson forced CDC to install an inspector general to oversee any staff wrongdoing. In addition, he claimed some validation procedures to place men in the SHU violated due process.

While there were major victories, Judge Henderson did not outlaw the use of California’s Security Housing Units. Guards could still hog tie men in the SHU for up to 12 hours without warden approval. Prisoners reported that cell extractions occurred at the same rate of 1-3 times a week- often for trivial reasons like making noise or withholding their food tray. In October of 1994, there were twenty cell extractions performed to undermine a unified protest to staff’s racist abuses of Chicano prisoners. Although guards were no longer allowed taser guns and rubber bullets for cell-extractions, they were equipped with pepper spray. Prisoners shared,

“guards thrill in the distress of the prisoner who, having been sprayed repeatedly in the face, falls to the floor coughing and choking, barely able to breathe, with tears streaming from his eyes and saliva dripping from his mouth. Prisoners

²²⁵ Ibid.

²²⁶ Seth Rosenfeld, “State’s top prison too cruel.”

continue to be beaten after restraint, hogtied in chains as punishment, and picked up by chains and carried in suitcase.”²²⁷ Nonetheless, lawyers celebrated the ruling could force over 20 states to reconsider building prisons like Pelican Bay. At the same time, Director of CDC, James Gomez, saw trial results as a victory, “because it didn't completely close the security unit and allows gang members to be isolated there.”²²⁸ California Attorney General, Peter Siggins, claimed that “corrections is an ‘art’ and that the ‘simple truth about Pelican Bay is that it is working.”²²⁹ However, after this trial the SHU would no longer go unquestioned. The following year, 1996, Pelican Bay’s new warden was questioned by the California Senate Committee about the conditions of confinement in Pelican Bay’s SHU. The warden claimed to be making extensive changes abiding with the court ruling, while also being conscious of the SHU’s necessity given his wisdom as a correctional officer in San Quentin. He announced changes were made in the SHU as they moved mentally ill prisoners into the Psych Services Unit.²³⁰

Law Enforcement’s Response to Madrid V. Gomez & Castillo V. Alameida

Because the Madrid case garnered public attention, law enforcement more actively sought to publicly represent SHU prisoners as heartless mobster killers. In September 26, 1993- 9 days into the *Madrid* trial- the Los Angeles Times wrote an article

²²⁷ “Torturas Continua: PBIP Report Back from Pelican Bay State Prison” *Pelican Bay Express* (July 1995): 4.

http://www.freedomarchives.org/Documents/Finder/DOC510_scans/Prison_Conditions/510.pelican.bay.express.July1995.pdf

²²⁸ Rosenfeld, “State’s top prison too cruel, judge says.”

²²⁹ *Ibid.*

²³⁰ *CA Senate Rules Committee Hearing*, March 4, 1996.

that expanded over 3 pages titled, “Mexican Mafia tells gangs to halt drive-bys.” The article was starred on the front page, moved on to take a large portion of A40 and took half the top of A41. It discussed a massive summit gathering, September 18, at Elysian Park (near Dodgers stadium), where the Mexican Mafia allegedly gathered an estimated 1,000 youth to order the stop of violent drive-bys. The concluding remarks mentioned much of EME’s leadership ended up in Pelican Bay “where a group of inmates filed a lawsuit alleging that the lack of human interaction violates their constitutional rights.” This linked events and the Mexican Mafia to the ongoing *Madrid V. Gomez* court case.²³¹

The article framed the Elysian park gathering as a huge move for organized crime as the Mexican Mafia purportedly aimed to increase their influence over street gangs. Additionally, authors played on black and brown tensions declaring the call to stop drive-bys was in resentment of the black communities’ popularity after they successfully organized a Bloods and Crips gang truce.²³² Authors pit black and brown communities against each other as they credited the Mexican Mafia in decelerating one of the bloodiest cycles in the history of Mexican- American Gangs. Nonetheless, they claimed this was achievable through terror and control of neighborhood rivalries that had become deranged. In doing so, they raised concerns about Mafia influence on street gangs for the expansion of criminal industries and narcotics trade. According to Lt. Sergio Robledo, this gathering and Mexican gang truce was the beginning of organized crime. He did not believe that “a pact between people who are rapists, murderers and robbers should be

²³¹ Robert J. Lopez and Jesse Katz, “Mexican Mafia Tells Gangs to Halt Drive-Bys,” *Los Angeles Times*, September 26, 1993, A1.

²³² *Ibid.*

hailed with accolades of peace.”²³³ They turned a moment of violence reduction into a competition between black and brown communities and a plot for the Mafia to spread its influence.

Another scandal that also raised great alerts over the Mexican Mafia was the popular Chicano film *American Me* as the Mexican Mafia was rumored to have called a hit on film director, Edward James Olmos. The article’s conclusion links the summit gathering and drive-by halt to the then recently released film *American Me*, insinuating efforts might have received a special push by the “anti-gang movie,” because the film renewed youth interest’s in the Mafia and younger Eme members wanted to cease the opportunity to recruit new “foot soldiers.” However, Los Angeles Times claimed this occurred while the film had also greatly angered the Mexican Mafia because they perceived it disrespectful- and ultimately called “a hit” on film actors and Olmos.²³⁴

The rhetoric within this article clearly demonstrates efforts to ferment black and brown competition and divisiveness after the emergence of LA uprisings and community organizing efforts to reduce violence. In addition, the linking of youth to the Mexican Mafia later formed part of Pete Wilson’s efforts to deem Latino youth “new super predators” and advance gang enhancements and adult sentencing for youth within

²³³ According the newspaper article, Latino gang killings were down 15% so far that year in areas patrolled by the LA Sheriffs Department. Other areas that once averaged a gang killing a week only had one reported in the last two months (since the writing of the article). The article had no type of positive commemoration for the drop in violence; however, community members expressed they did not care the source and were simply happy the violence had diminished- they thought that was very positive.

²³⁴ Lopez and Katz, “Mexican Mafia Tells Gangs to Halt Drive-Bys.”

Proposition 21.²³⁵ Further, the *American Me-* Edward James Olmos scandal became so popular that federal courts tried to bring it forth as part of the charges to indict men in Pelican Bay under RICO.

In May 1995, five months before Judge Thelton Henderson's announced his court ruling of the Madrid case and nine months after *Castillo V. Alameida* was filed, 22 suspected Mexican Mafia members were indicted under RICO, a law initially promoted to target huge and wealthy drug kingpins. Prosecutors sought to keep a mere \$10,000 to \$12,000 as part of the seized assets along with a 1992 Honda Civic and 1988 Cadillac.²³⁶ After the Mexican Mafia's indictment under RICO, law enforcement has been able to perform huge gang sweeps accusing street gangs of executing crimes in behalf of a criminal organization.²³⁷

1995 was also the year CDC performed "Operation Pelican Drop," and transported 9 men from Pelican Bay to Los Angeles to partake in Vincent Bruce's trial. Fox News aired a week-long special on this trial starring Chris Blatchford- future co-

²³⁵ Victor Rios, "The Racial Politics of Youth Crime," *Latino Studies* 6, 1-2 (2008): 97-115.

²³⁶ George Ramos and Robert J. Lopez, "12 Mexican Mafia Members Guilty in Racketeering Case," *Los Angeles Times*, May 5, 1997.

²³⁷ Joseph Serna, Richard Winton, and Veronica Rocha, "25 Arrested in Sweeping Indictment of L.A. gang tied to Mexican Mafia," *Los Angeles Times*, December 10, 2014, <http://www.latimes.com/local/lanow/la-me-ln-east-la-gang-sweep-20141210-story.html>; Steve Chawkins, "27 indicted in Mexican Mafia Drug Case in Ventura County," *Los Angeles Times*, November, 28, 2012, <http://articles.latimes.com/2012/nov/28/local/la-me-mexican-mafia-indict-20121128>; Alexia Fernandez, "Corona gang sweep nets 52 arrests and \$1.6 million in drugs, authorities say," *Los Angeles Times*, June 10, 2016, <http://www.latimes.com/local/lanow/la-me-ln-gang-raid-20160610-snap-story.html>; Salvador Hernandez, "100 arrested in gang, Mexican Mafia crackdown," *The Orange County Register*, July 13, 2011, <http://www.ocregister.com/articles/gangs-308101-mexican-officials.html>.

author of *The Black Hand*. Law enforcement and gang experts speculated different explanations for this event. One was that Vincent Bruce was head Crip gang member in county jail (per deputy sheriffs and denied by Bruce) doing a favor for the Mexican Mafia. He was allegedly using his pro-per subpoena privilege to bring together “mafia kingpins for a meeting to discuss recent federal indictment that had crippled their organization.”²³⁸ Other theories claimed: they had plans to do hits, Crip kingpins came to discuss drug business with the Mexican Mafia, or lastly, that there were plans to unite Crips against prison guards.

The first narration is rather interesting considering the popular portrayal of white, black and brown prison gangs as mortal enemies. As in the bus going down to Vincent Bruce’s trial were alleged Mexican Mafia and Aryan Brotherhood associates. The reality is that these racial divisions have never been as permanent and demarcated as we have been popularly led to believe. A family member shared with me that all these guys were friends because they were celled up in the same high-power units and spent a lot of time together in county jail- Vincent Bruce had been in county jail for about 7 years awaiting his conviction. Similarly in the SHU, friendships exist across racial lines. Perhaps they do not trust each other, but that sense of distrust also occurs within their own racial groups, as do unspoken alliances across people of different races. The image of a strong and rigid racial division amongst incarcerated people is often mobilized to present men in prison gangs, especially men in the Mexican Mafia, as racist violent predators. Just as easily, these assumed racial divisions are disfigured to present prison gangs in alliance to

²³⁸ Fox News Video, Personal family archive, Copy in possession of author.

advance organized crime and call for policing. In the case of Vincent Bruce, there was a call to dismantle prisoners' right to a fair trial and the power to subpoena witnesses. Not surprisingly, law enforcement seized this opportunity to create a public spectacle and placed the men from PB-SHU blindfolded in private helicopters from Kern to Los Angeles.

Figure 2. To the right, still images of Operation Pelican Drop from Fox News Special Drop from Fox News Special video acquired from family member archive.



Operation Pelican Drop

Fox News covered CDC's "extraordinary security mission," which Blatchford informally titled "Operation Pelican Drop." Vincent Bruce had decided to appeal his death penalty decision and subpoenaed 9 men from PBSP-SHU to testify on his behalf. The men were bused out from Pelican Bay to Folsom State Prison, then to Wasco Prison near Bakersfield. In Wasco they loaded the men into 2 Los Angeles County Sheriff's helicopters- 5 in one and 4 in the other. They escorted the men handcuffed and chained to their waist into helicopters. Then authorities proceeded to blindfold them, "so they don't know where they were and can't see to attack."²³⁹ Chris Blatchford also described this event in *Black Hand*,

"Boxer's body continued to ache from the pain of the restraints. From the van he could only see each inmate disappear inside the helicopter door. Then there was a tug on his arm. His turn was next. At the door of the helicopter, a deputy turned

²³⁹ Ibid.

him and slowly backed him into a row of seats inside. Once seated, the deputies put pads over each eye and used tape to hold them in place. A blindfold was placed over that so that the inmate couldn't see enough to launch an attack on anyone. Additional plastic flex cuffs were tied around the knees and ankles. A strap was added that reached from the chest chain to an anchor on the floor, forcing the inmate into a slightly forward-bending position."²⁴⁰



Figure 3. To the left, still image of helicopter ride from Kern to Los Angeles.

After the men boarded the helicopter, CDC shackled and chained them to the floor and loaded 3 heavily armed SWAT officers in

each helicopter to guard the ride. They also flew 2 smaller helicopters behind each main aircraft a total of

6 helicopters to fly 9 men.

Curiously, and perhaps

unnoticed, was that CDC invested thousands of dollars to only fly

Figure 4. To the right, image of men blindfolded and restrained in helicopter.



²⁴⁰ Chris Blatchford, *The Black Hand*, 144-45.

the men the last 100 miles of an over 1,000 mile trip. With produced artist renditions and a weeklong Fox News special, Cultural Studies pushes us to think about the spectacle this blindfolded helicopter produced for CDC. Leaning on Stuart Hall we can understand that this event not only responded to a panic, but also helped produce one.

The use of blindfolds infers the men to be so dangerous they cannot be granted the capacity to see or have any sense of their surroundings. But did blindfolds make a difference when these men were already completely restrained and shackled? How much or what could they possibly verbally communicate inside an extremely noisy helicopter ride, with 3 heavily armed SWAT officers by their side? Especially considering that if they had something to say to each other they would have probably done so during the countless hours they spent together on the trip from Crescent City to Kern County. Fox News claimed these high security measures were inspired by red flags that rose when 9 men in Pelican Bay, “where the worst of the worst are warehoused,” were subpoenaed at the same time.

Upon their arrival, the men were loaded off one at a time into the new century jail in south L. A.

“Inside, the nine inmates were rolled down a long corridor in wheelchairs to speed up the operation- the ankle irons slowed everyone down when they were on foot. Each prisoner was placed in a single cell on module 1600, separated from all the other inmates during their entire thirteen-day stay. It seemed like hours before their cuffs were removed. Their arms, hands, and ankles were swollen from lack of circulation.”²⁴¹

When the men were transported to trial they had a CDC bus per individual. Each bus was followed by at least 3 security vehicles for a minimum total of 27 cars and the manpower

²⁴¹ Ibid., 145

of over 15,000 deputies over the time span of 13 days. The total cost of this spectacle exceeded \$100,000. Absurdly, they took all 9 men back to Pelican Bay in an 18-wheeler truck with built in cells- where they all traveled together.²⁴² Fox news reported that throughout this entire trip there were no assaults on deputies or prisoners.

CDC's Orchestration of Race Riots

Prison administrators' fomentation of racial divisions proved a useful strategy for CDC's construction of prison gang members as the "worst of the worst." Todd Ashker explains,

"As young men full of testosterone, the powers that be would regularly apply psychosocial tactics to provoke us and pit us against each other for riots and gladiator fights, while employing a no-warning shot policy in response to any form of physical altercation. Between 1987 and 1995, the above factors were responsible for guards murdering 39 prisoners and severe permanent damage to hundreds more. We all lived this; we all had close friends maimed and murdered. Some of us were set up and shot, resulting in permanent disabilities... Over the last three decades, we recognize the manner of which we were being pitted against each other for the purpose of statistical violence to be used in support of the agenda of the fascist prison-industrial complex—e.g. expansion in high-security cells, numbers of staff and money. Notably, in the early 1980s the California prison system received an annual budget of \$40 million. Today that annual budget is \$10 billion."²⁴³

Todd Ashker links the massive slaying of prisoners through guard shootings as a result of fights guards themselves would orchestrate. Some of these fights would lead to gladiator fights or full-blown riots. As a grown man, he now recognizes this violence was

²⁴²Family Member, Private interview with author. Transcript and notes in possession of author.

²⁴³ "Exclusive Audio: CA Prisoner Todd Ashker on His Evolution from Violence to Peaceful Hunger Strike," *Democracy Now!* August 23, 2013

produced to gain support for the business of incarceration, specifically high security cells, funding, and more jobs for CDC.

In 2000, a massive riot broke out in Pelican Bay and 1 prisoner was shot to death by guards, after prison guards had been successfully charged for violating civil rights. This riot came years after CDC guards had been under heat for carelessly shooting prisoners to death. The timing of the riot raised great suspicion, given the riot was the same day two former guards had been charged and the previous week another guard had been convicted for shooting a prisoner after a fight had broken out in 1994. Amy Goodman reported,

“Meanwhile, two former guards have been charged with violating the civil rights of Pelican Bay inmates. A federal grand jury indictment made public yesterday accused the men of conspiring to arrange assaults on prisoners, one of them fatal, over a nearly three-year period. Another former Pelican Bay guard, David Lewis, was convicted of civil rights charges February 14th, for shooting a prisoner after a fight in 1994.”²⁴⁴

During the riot, 16 were wounded, 1 killed, and 28 were sent to the hospital, while 32 suffered stabbing and slash wounds.

Guards also orchestrated violence to try to sway the opinion of Judge Thelton Henderson when he visited Pelican Bay as part of his investigations for *Madrid V. Gomez*. This information was revealed after two prison guards were charged with depriving inmates of the right to be free of cruel and unusual punishment, because they would set up sex offenders, and other prisoners they disliked, to be assaulted. Witnesses during this trial exposed,

²⁴⁴ “Pelican Bay on lockdown after Riot where guards opened fire on inmates,” *Democracy Now!* February 24, 2000. http://www.democracynow.org/2000/2/24/headlines/pelican_bay_on_lockdown_after_riot_where_guardes_opened_fire_on_inmates

“that the defendants knew in advance that a group of inmates had stabbing weapons and were planning a large-scale incident at the prison. Instead of preventing the violence, the defendants allowed the inmates on the yard to have weapons, and then staged a dramatic take down, with shots fired, while Judge Henderson was approaching the yard observation tower. Members of Judge Henderson's staff remained on the yard itself, and had to lay down on the ground along with the inmates as the incident was brought under control. Soon thereafter, Judge Henderson was ushered into a conference room and shown 26 weapons that had just been taken off the yard. Prosecutors argued that the event was staged to show Judge Henderson that Pelican Bay is a dangerous place, and that he should not interfere with the guards in running the prison.”²⁴⁵

This trial also exposed the existence of a “code of silence” amongst guards, as an officer testified this internal code was the reason he had not come forward for years to report these incidents. It was not until the Internal Affairs Investigator confronted him that he decided to expose the abuse of prisoners he had witnessed as an officer. Nonetheless, drastically different from the tough on crime punishment men in Pelican Bay SHU had been held captive under, the violation of Section 241 only carried the maximum statutory penalty of 10 years in prison and a \$250, 000 fine. Further, their sentence was up to the discretion of the court and “dictated by the Federal Sentencing Guidelines, which take into account a number of factors.”²⁴⁶

The trial demonstrated how correctional officers only record violent episodes and express concern for the safety of prisoners at their convenience. Prisoners who testified as witnesses revealed they had been asked by Officer Powers to perform the stabbing, and officers asked to testify uncovered that “instead of investigating the stabbing, defendant Powers immediately allowed the inmates on the yard back to their cells, without recording their identities, searching them, or otherwise making any effort to identify the

²⁴⁵ U.S. Department of Justice, “For Immediate Release: Fax from US Attorney’s Office, Northern District of California,” May 16, 2002, <https://cryptome.org/oz-for-real.htm>.

²⁴⁶ Ibid.

assailant.”²⁴⁷ This case allows us to witness how the orchestration of violence by guards in prison is strategically produced to justify the need for guard’s violent mechanisms of control, such as careless shooting and SHU confinement. These violent spectacles helped foster a demand and public support for brutal captivity, while ensuring job security for prison guards. Claims that authorities are concerned about prisoner’s safety are taken with suspicion; especially given the “code of silence” amongst prison guards is a widely recognized phenomenon by prisoners, leading many to be constantly concerned they will be violently attacked by guard induced violence. Moreover, claims that guards are concerned for prisoners’ safety becomes even harder to believe, as men are being tortured and driven to insanity in the SHU.

The Aftermath of Legal Battles

In late 2004 and 2005 Judge Henderson came after Thomas Moore, previous Deputy Director of the Department of Corrections, for “acting in bad faith” as he failed to investigate charges against three prison guards accused of lying under oath during *Madrid V. Gomez*. Henderson ruled Thomas Moore, "was not fully forthcoming or genuine in his testimony" when questioned about Edward Alameida, former Department of Corrections Director, having shut down internal investigations about Pelican Bay prison guards lying under oath.²⁴⁸ Henderson exclaimed that “the defendants' system for

²⁴⁷ Ibid.

²⁴⁸ Chronicle Sacramento Bureau, “California: Prison Official to pay fine,” *SFGate*, March 18, 2005, <http://www.sfgate.com/bayarea/article/CALIFORNIA-Prison-official-to-pay-fine-2722382.php>.

investigating and disciplining officers was ‘broken to the core,’ and the defendants had deliberately misled the court by filing false reports.”²⁴⁹

On March 21, 2011, a federal judge ultimately closed the *Madrid V. Gomez* case claiming CDC had made enough reforms to protect prisoners from guard abuse. They assumed mentally ill prisoners and prison health care would be taken care of under the *Plata V. Brown* and *Coleman V. Brown* case.²⁵⁰ While *Madrid V. Gomez* brought attention to the horrendous conditions in the SHU, it later prevented the SHU’s abolishment in *Ashker V. Brown*, because Judge Henderson had declined to rule the SHU unconstitutional.

The Moral Panic of the Mafioso and Prison Expansion

News articles covering Pelican Bay SHU continuously referred to prisoners as gang leaders who were violent predators, murderers, and rapists. The encoding of their image continuously signaled they needed to be contained for public safety.²⁵¹ An article covering the Madrid Case in the *Orange County Register* described the men in Pelican Bay SHU as “California’s toughest and most dangerous convicts- men who’ve killed,

²⁴⁹ *Madrid v. Gomez*, 889 F. Supp. 1146, 1168, 1213 (N.D. Cal. 1995); University of Michigan, “Madrid v. Gomez.”

²⁵⁰ The *Plata V. Brown* ruling led to security checks every 30 minutes in Security Housing Units as a way to ensure suicide prevention. The enforcement of this practice was perceived as a form of retaliation for the *Ashker V. Brown* settlement. Every thirty minutes guards would pass by a person’s cell, tap a wand, and make sure they had not committed suicide. This led to immense sleep deprivation due to the continuous noise made by wand taps, rattling keys, and opening and shutting doors. While a wand was tapped every 30 minutes at a person’s cell, prisoners heard the tap for the rest of the tier.

²⁵¹ Stuart Hall, “Encoding/Decoding.”

raped and robbed, men whose gangs have terrorized their prisons.”²⁵² However, contrary to popular belief, most validated prisoners in the SHU are not necessarily there because of the crimes they have committed, but rather who they are believed to be. The evidence to validate them is often gathered from debriefers’ testimonies that prisoners have no substantive way to challenge. As stated in the news article, “Prisoners wind up here after they’ve been identified as members or leaders of prison gangs or because they have attacked guards or other prisoners.”

CDC continuously justified a need for brutal confinement as they constructed men as “the worst of the worst.” As my friend Felipe shared in reflection of his incarceration in the SHU,

“just another attempt by the prison officials to create a prison inside of a prison, which helps them further build and milk this image of the worse of worse. Its actually comical cause here this country goes around the world condemning cruel and unusual punishment in other countries, but yet by many standards the way they warehouse men and women in prison in the states violates so many UN laws ... and yet we allow our country to put itself on the pedestal. *No se* [I don’t know] I’ve seen a lot of people lose their minds back here cause they couldn’t handle *esta vida* [this life].”²⁵³

Media coverage of the SHU and prison gangs produced a “moral panic of the mafioso” that fostered fear of violent crime and drugs. Television news specials, newspaper reports, and popular TV coverage of prison gangs, especially the Mexican Mafia, helped politicians and lobbyists continuously garner support for tough on crime legislation that created a demand for prison expansion. As more acts became criminalized we saw a rise in incarceration. Higher incarceration rates ensured job security and a thriving profession for CDC employees. In solidarity with their CCPOA co-workers,

²⁵² Enders, “California’s Toughest Prison is Under Attack.”

²⁵³ Pelican Bay Prisoner, Private letter to author, August 17 2010, In possession of author.

CDC administrators and correctional officers became invested in the creation of SHU prisoners and *mafiosos* as the “worst of the worst,” because it created a demand for Pelican Bay and prisons in general, then simultaneously their labor. Further, the conception of men in Pelican Bay SHU as the “worst of the worst,” created the sensational depictions of incarcerated men as violent predators and murders that fostered fear in the public and produced consent to policing and imprisonment. The state of California backed CDC efforts, because prison expansion was promoted as a method to rebuild the state’s economy, provide jobs, and save us from the drought that had disrupted California’s agricultural economy. Not to mention, The CCPOA is one of the strongest unions and donors in Sacramento.

The constant narration and production of men in Pelican Bay as “the worst of the worst” has helped delegitimize claims and efforts of prisoners contesting the SHU. In 1995, this Fox News spectacle coincided with Judge Thornton’s decision for *Madrid V. Gomez* and the rise of Steve M. Castillo’s lawsuit challenging CDC’s SHU validation procedures. In 2011, like a broken record, CDC would re-launch efforts to paint the men as the “worst of the worst.” However, this time family members and prisoners would directly speak to CDC’s publicity antics. They responded united across racial lines, with a wider understanding of how racial divisions and their image as prison gang members had been mobilized by CDC.²⁵⁴ They were wiser and better prepared to respond to CDCs dehumanizing propaganda.

²⁵⁴ Todd Ashker, Arturo Castellanos, Sitawa Naatambu Jamaa, and Antonio Guillen, “Agreement to End All Hostilities,” August 12, 2012, 1 leaf. In possession of author.

The Moral Panic of the Mafioso and its Impact on Latinxs

The “moral panic of the Mafioso,” was induced by the cultural discourse produced through a coalescing of tough on crime, the War on Drugs and the “Latino Threat Narrative.” It formed part of a fabricated state crisis purportedly caused by an increased presence of brown Latinxs and their cultures.²⁵⁵ Leo Chavez introduced the concept “Latino Threat Narrative” to describe the perceived threat Latinos posed for failing to assimilate and adopt American culture, especially the English language. Latinxs increased migration and refusal to relinquish cultural traditions from their homelands created great concerns for public figures such as Samuel P. Huntington and Pat Buchanan. Pat Buchanan promoted great panic over the fertility of Latinas and professed that Mexicans were plotting to increasingly populate the U.S. as a strategy to reconquer the Southwest.²⁵⁶ Latinxs racial makeup and alternative epistemologies have been presented as an invading force that threatens to destroy this nation. Their representation as different than previous immigrant groups- due to their unwillingness and inability to integrate into the U.S. fabric- has led to harsher anti-immigration laws, especially when

²⁵⁵ Here I specify and say “brown” Latinxs, because the color of skin/race plays an important role in who become the targets of state and vigilante violence, and who is assumed to be entitled to form part of the nation state.

²⁵⁶ Nonetheless, a “Latino Threat” continues the mythical entitlement of whites to resources and lands confined within the invented parameters of the US nation state- continuing the erasure of native peoples. Further, Pat Buchanan urged white women to procreate, in fear that Mexicans would soon outnumber whites and launch a political takeover. The criminalization of black motherhood was transposed onto Latinas through narratives of state dependency that portrayed them as irresponsibly breeding children and leeching on welfare and social services. Buchanan, Patrick J. *State Of Emergency: The Third World Invasion and Conquest of America*. New York: St Martin’s Press, 2006. Escobar, Martha. “Understanding the Roots of Latina Migrants’ Captivity.” *Social Justice* 36, 2 (2009-1010): 7-20; Escobar, Martha and Jodie Michelle Lawston. “Policing, Detention, Deportation, and Resistance: Situating Immigrant Justice and Carcerality in the 21st Century.” *Social Justice* 36, 2 (2009-2010): 1-6.

seen as the breeders of delinquents and social ills. Moreover, the war on drug cartels and trafficking has led to the further criminalization of migrants who are popularly referred to as criminal and perceived as gang members and drug dealers. Further, as the rhetoric of the War on Drugs seeped into Chicax communities, it informed the way we interpreted the drug trade and gangs—not easily seeing how their criminalization was used to wage a domestic war on the Latinx community.

To enact the violent state strategies proposed to resolve this crisis of a Latino invasion there is a need to devalue Mexican/Latinx lives.²⁵⁷ Black and brown people are devalued by linking them to criminality and law breaking; while, the status of the rightless is always already racialized. Lisa Marie Cacho notes, “Racial stereotypes are not degrading because race is devalued. Stereotypes are degrading because they link race to other categories of devaluation.”²⁵⁸ As such, one can attempt to individually redeem value by disassociating with the criminal, but that does not mean that the whole race is redeemed. Impoverished populations of color that are read as a group, often occupy rightless statuses, such as gang members or ‘illegal aliens’, without regard to their actual actions or intentions. The Latino Threat Narrative marks the Latino as unfit for citizenry,

²⁵⁷ I state Mexican/Latinx lives because anti-immigrant sentiment promoted in California during Pete Wilson’s governorship was widely an attack against Mexican migration. However, within an assumed Mexican presence there are wide migrations from other parts of Latin American such as Guatemala and El Salvador. While we now have the umbrella term Latino, many “Latinxs” are assumed to be Mexican and profiled as such when there are very important distinctions. Further, not all Latinxs are brown. However, when you are brown you are often assumed to be Mexican or Latinx.

²⁵⁸ Lisa Marie-Cacho, *Social Death*, 3. Because historically whites have held a privileged position with the law, in contemporary times whiteness is valued and provides advantages not granted to people of color. Cacho further argues, this advantage protects white law-breakers from occupying criminalized status by portraying them as individuals, as opposed to a racial group.

as illegal and therefore criminal. Leo Chavez explains “Mexicans in particular have been represented as the quintessential ‘illegal aliens,’ which distinguishes them from other immigrant groups. Their social identity has been plagued by the mark of illegality, which in much public discourse means that they are criminals and thus illegitimate members of society undeserving of social benefits, including citizenship.”²⁵⁹

Often in our efforts to escape brutal state violence, we disassociate with criminality, and attempt to redeem value for our lives at the devaluing of those deemed criminal. It is my hope that we can begin to understand how the devaluing of those deemed criminal, particularly those involved in gangs and/or the drug trade, facilitates a larger domestic war against Latinos- especially migrants. Scholars such as Martha Escobar see the rise of detention centers and criminalization of immigrants as part of a longer history of the prison regime and U.S. efforts to preserve geopolitical dominance. For Escobar, the contemporary criminalization of migrants is an extension of the histories of black human captivity that constitute and hold this nation-state intact. Their incarceration is an instrument for racialized social organization that not only holds a white supremacist order, but through rhetoric of border militarization and drug control also allows U.S. intervention in other countries, such as Mexico.

Punitive approaches inspired by the War on Drugs and “Latino Threat Narrative” helped solidify national borders and increased migrant criminalization. Gilberto Rosas, explains how the birthing of narco-crime in Mexico creates a nightmare of drug

²⁵⁹ Chavez, *The Latino Threat*, 4.

traffickers that is then used to justify militarized regimes of social control.²⁶⁰ Fear mongering campaigns around migration and drugs have mobilized consent to further restrain national borders and led to more militarization and vigilance. Increased border security made migrants increasingly vulnerable to death and violence, and coerced Latinxs into exploitative working conditions at home and in the United States. Presenting Latinxs as coming to leech on services, obscures how U.S. policy and intervention has contributed to the destruction and increased poverty within migrants' homelands through U.S. funded civil wars, free trade national development policies, and military funding.²⁶¹

Ultimately the criminalizing logics executed through the “moral panic of the *mafioso*” were mobilized in the 1990s to cohere the nation state and its underpinning social order.²⁶² White supremacy was continuously pushed into crisis by the threat that resources and opportunities would not be maintained in the hands of whites, in addition

²⁶⁰ Gilberto Rosas, *Barrio Libre: Criminalizing States and Delinquent Refusals of the New Frontier* (Durham and London: Duke University Press, 2012).

²⁶¹ In disagreement with push and pull migration arguments, increased Latinx presence isn't necessarily due to the heralded greatness of this country, but rather caused by neoliberal national plans of development that led to displacement. Efforts to modernize Mexico to bring them into the global market, such as the North American Free Trade Agreement, created drier conditions within rural *campesino* communities that made it hard to subsist- such as the destruction of the Mexican corn market. Migrants are often fleeing economic poverty in their homelands and look towards the United States as their opportunity to survive and sustain their families. Further, Throughout the 1980s and 90s there was an increase in migrants from El Salvador and Guatemala escaping U.S. funded civil wars. The U.S. War on Drugs in Latin America also led to mass migrations as people escaped violence induced by efforts to combat drug cartels. The War on Drugs became the catalyst and justification for military intervention in Latin American countries. The U.S. government sponsored efforts to spray DDT pesticide and bomb rural areas in Columbia, claiming to combat the growth of coca plants, drug labs, and communist guerrillas.

²⁶² Cedric J. Robinson, *Terms of Order: Political Science and the Myth of Leadership* (Albany: State University of New York Press, 1980).

to the “otherwise” worlds embodied and carried by migrants. To gain support for the necessary policy shifts the state produced scapegoats to blame for its produced crisis, poverty and violence. Mexican and Latinx migrants, Mafiosos, Latinx youth in gangs, and cholas often perceived to be masculine, sexually loose, and teenage mothers would be the perfect scapegoats.

This analysis is not meant to ignore the immense violence, murder, and harm that exists within Chicax communities partly induced by drugs and crime. Rather, I invite us to question whether incarceration, criminalization, and policing are adequate strategies to solve our complex problems. Perhaps we can learn from the work of Black Feminist scholars such as Beth Richie, who demonstrated that support for criminalization and policing as a strategy to address gendered violence, has often meant more violence against black women, because we have not addressed the race, class, gender and sexuality hierarchies that intersect at an intimate and structural level.²⁶³

Conclusion

The War on Drugs professed that criminalizing drugs would deter drug consumption and addiction, and that drug dealers were to blame for the use of drugs. Today we know that there are deeper-rooted issues within drug addiction. Nonetheless, the stigma, fear, and approach to drugs we inherited have created a scapegoat to blame for the complex questions we are not brave enough to engage. The drug dealer is blamed

²⁶³ Beth E. Richie, *Arrested Justice: Black Women, Violence, and America's Prison Nation* (New York: New York University Press, 2012); “INCITE!,” <http://www.incite-national.org>.

for the hard conversations tough-on-crime rhetoric has persuaded us not to have. I encourage us to have conversations about how to build new forms of accountability. For example, asking why people sell or become addicted to drugs and what kind of support, society, and communities we need to build to ensure that people don't resort to drugs for self-medication or survival. Even honoring uncommon perspectives that perceive drug experimentation as beneficial. It would be great to think together about the alternative projects and resources that could be funded with Pelican Bay's 180-million-dollar annual budget.

Since the early 1990s prisoners have resisted Pelican Bay SHU and asked the public to listen and realize the brutality and madness behind their incarceration. Nonetheless, their efforts were continuously delegitimized by their construction as the "worst of the worst," inspired by the "moral panic of the Mafioso." This rhetoric helped CDC maintain the SHU open and ensure prisoners did not garner attention and triumph in their lawsuits. The presence of the SHU was of utmost importance for guards because they found it necessary to cohere control of the rapidly expanding prison system in California. Moreover, the organizing of prisoners was a threat to job security and the guard's ability to more easily ensure control and authority over prisoners. Prisoners captivating large audiences would open the possibility for society to no longer seek coercive punishment as the solution to deter crime.

Ideas around crime and safety have been an important component in the growth of the prison regime, giving special importance to way people perceive and think. Alas,

ideological war matters.²⁶⁴ The battle waged at the level of ideas and shaping public perceptions of crime and community safety is of utmost importance. Hegemonic ideologies put forth by the media and state have prevented people from seeing a human being behind the image of a prisoner. Tough on crime narratives often portray “criminals” as “the worst of the worst” needing to be contained and tamed through punishment. If massive amounts of people begin to demonstrate a shift in their approach to crime, prisons, and the CDCr it pressures politicians to no longer align themselves with the CCPOA or tough-on-crime advocates. Since prisons are largely state controlled and funded, not private, politicians interested in maintaining the public's vote will be likely to begin to contest and question the decisions and proposals made by the CDCr. These shifts in Sacramento would drastically affect legislation and laws that have largely criminalized black and brown populations and taken a punitive approach to solving our communities' complex problems. A large shift in the public's conception of prisons- their use, function, efficiency, and justification- will disrupt the ideological component that has maintained the hegemony of the prison regime intact. Not only would there be a halt in this coercive form of state violence, but there will simultaneously be a downward distribution of resources.

In this chapter I argued that the “moral panic of the Mafioso” was mobilized to cohere the prison industrial complex, justify the need for Pelican Bay SHU, contain prisoner organizing, and launch a war against Latinxs to advance what Dylan Rodriguez

²⁶⁴ Antonio Gramsci, *Selections from the Prison Notebooks*, eds. Quintin Hoare and Geoffrey Nowell Smith, (New York: International Publishers, 1971); Hall, *Policing the Crisis*.

terms “White Reconstruction.” The rise of the “moral panic of the Mafioso,” served 4 purposes. First, it deviated attention away from the organizing efforts of prisoners, especially those within the SHU, to prevent critiques of incarceration. Secondly, it benefitted prison guard’s job security, and aided the tough on crime rhetoric that would justify the need for prison expansion projects. Third, it helped contain and discipline the prisoner population in order for guards to run prisons without opposition. Fourth, it criminalized Latino populations by linking them to a purported pathological behavior of drug use and trafficking. Moreover, I ended by examining how this “moral panic of the Mafioso,” is a symptomatic expression of a larger racial discourse informed by tough on crime and the War on Drugs, as well as an ideological project born out of what Leo Chavez terms, the “Latino Threat.”

I offer this writing to disrupt the anesthetization that I encountered when we asked some to support the hunger strike. An anesthetization that is the central binding force for Pelican Bay SHU’s existence, but also a place to reclaim our power. The prison regime hides the violent brutality of the project of civilization as it shifts the gaze and blame for destruction onto its scapegoats. It produces enemies, to distract us from carcerality’s threat to a new humanity, and incite moral panics to justify its existence. In this manner, we can understand the prison regime as a technology of killing. That attempts to captivate and eliminate what endangers its survival- alternative visions, ways of being, and knowing- “the other.” Ultimately, it attempts to kill to create order and advance the political myths of freedom, democracy, and the use of law to ensure justice.

The state offers its maddening illusions in exchange for our consent. Meanwhile, the state stabilizes its authority and ups its ruthless mechanisms of suppression. However, the violent responses come from a psychotic need to control and are truly inspired in recognition of our capacity to bring their illusions into a legitimization crisis. In recognition of our power to actively build a different sociality and world/s. As well as a recognition of our capacity to perceive the insanity and brutality that spurs in the name of “civilization,” “justice,” and “freedom.”

Undeniably, poor black and brown people (and the communities connected to them) have had to be daily sacrificed due to the state and public’s insistence to incite hysterias that distort our societies imminent threats.²⁶⁵ As Felipe expressed,

“Its no secret that people in the varrio and hoods are considered *nada* [nothing], and proof for that is in everything from the lack of social programs, jobs, infrastructure, and good quality hospitals, businesses, and schools. Yes these people are in the business of enslavement, its in their nature, only now they are doing it through jails and these laws that take away power rather than give it to the people where it belongs.”²⁶⁶

I see the prison hunger strike uprising as a response and disruption of the “moral panic of the Mafioso” so central to the maintenance of California’s prison apparatus and execution of a domestic war against brown communities. Moreover, I see the state’s production of fear and its need for the repressive measures of imprisonment as an understanding of peoples’ power. A response to peoples’ resilience and creative capacity that often gives life to alternative roads as it simultaneously outperforms technologies of containment. Prisoners and family members continuously acknowledged that the hunger strikes were not just to create changes for the men inside, but for future generations who

²⁶⁵ Reiman, *The Rich Get Richer*.

²⁶⁶ Pelican Bay Prisoner. Private letter to author, August 11 2010, In possession of author.

would be swallowed by California's prison system. In this way, the strikes also embodied a struggle against the dehumanization of Latinx communities and forms part of a larger genealogy of Latin@/Chican@ and multi-racial resistance movements. Lastly, I suggest we pay closer attention to the ways we have marked the people we label "criminal" and later "property," as void of value and sacredness- as underserving of life. Be that illegal, gang member, prisoner, or "the worst of the worst." With this in mind, we can understand that struggles that directly disrupt the institutional power of Pelican Bay and its criminalizing nature affect the organization of our social structure. In other words, affects our everyday lives and those of our loved ones.

Chapter 3

The 5 Core Demands and Pelican Bay’s Torture Chambers

“Unless you have lived it, you cannot imagine what it feels like to be by yourself, between four cold walls, with little concept of time, no one to confide in, and only a pillow for comfort - for years on end. It is a living tomb.”²⁶⁷ – Gabriel Reyes

The conditions of the SHU... Okay look, so the SHU is torture, okay? The SHU is a torture chamber. Okay. It doesn’t serve. When I walked into California’s torture chamber I was a whole human being, and when I left there, I was deeply fractured... I’ve been with my partner for over 7 years, and it took 5 years before she could touch me without it hurting my skin.”²⁶⁸
– Steven Czifra

This chapter documents the conditions of confinement in PBSP-SHU and its impact on prisoners from the perspectives of men incarcerated in the SHU. I document how hunger strikers in Pelican Bay contested their criminalization and incarceration through the hunger strikes’ “5 Core Demands.” Further, I comparatively analyze the proposed solutions of the hunger strikes. This includes responses by the California State Assembly’s Public Safety Committee, California Department of Corrections, a deeper

²⁶⁷ Gabriel Reyes, “Opinion: The Crime of Punishment at Pelican Bay State Prison,” *SFGate*, November 27, 2012, <http://www.sfgate.com/opinion/openforum/article/The-crime-of-punishment-at-Pelican-Bay-State-3597332.php>; Center for Constitutional Rights, “One year since Pelican Bay settlement, long-term solitary drops 99%,” *The Daily Outrage The CCR* (blog), October, 18 2016, <https://ccrjustice.org/home/blog/2016/10/18/one-year-pelican-bay-settlement-long-term-solitary-drops-99>.

²⁶⁸ *California, Legislature, Senate, Rule Committee*, Sacramento, CA. October 9, 2013.

study of the Five Core Demands, the Step-Down Program, Ashker V. Brown, and the Agreement to End Hostilities. Moreover, while the hunger strikes are often simplified as reformist, I complicate these assumptions by highlighting the impact and importance of this uprising as it rose out of one of world's most highly surveilled mechanism of control, and managed to enlist the participation of over 6,600 incarcerated men in 2011, 30,000 prisoners in 2013 and countless family members who had remained silent for years across the state of California.²⁶⁹

When asked to describe his incarceration in the SHU, a former prisoner- stated, "Pelican Bay is like being in a time capsule." Time just passes you by, the world around you changes and evolves, but you are stuck within the same cement walls and daily routine. I had printed pictures of cell phone screenshots to try to describe how smart phones functioned. He had been incarcerated before cell phones and internet had been made widely available so he could not fathom how everything was readily accessible from your phone or how people primarily communicated over text messages.

In PBSP Men are put in "pods" completely isolated from the natural environment- trees, shrubs, the sun or open sky- with no windows or any natural sunlight in their cells.

²⁶⁹ L.A. Now, "6,600 California prisoners refused meals," *Los Angeles Times*, July 6, 2011, accessed February 7, 2014, <http://latimesblogs.latimes.com/lanow/2011/07/6600-california-prisoners-refuse-meals.html>; Ian Lovett, "Hunger Strike by Inmates Is Latest Challenge to California's Prison System," *New York Times*, July 7, 2011, accessed Feb 7, 2014, http://www.nytimes.com/2011/07/08/us/08hunger.html?_r=0; Paige St. John, "30,000 California prisoners refuse meals in apparent hunger strike," *Los Angeles Times*, July 8, 2013, accessed Feb 7, 2014, <http://articles.latimes.com/2013/jul/08/local/la-me-ff-prison-strike-20130709>; "California Prison Hunger Strike: 30,000 Inmates Refuse Meals," *Huff Post Los Angeles*, July 9, 2013, accessed February 7, 2014, http://www.huffingtonpost.com/2013/07/09/california-prison-hunger-strike-30000_n_3567639.html.

Those incarcerated in the SHU are not allowed to go outdoors and are kept within the prison building as if entombed. As expressed by a man incarcerated in the SHU, “When I first got here I felt like I was underground.”²⁷⁰

The only time PBSP-SHU prisoners are allowed out of their tiers is to shower or go to yard for approximately 1hr 30 minutes. “Yard” consists of a larger cell- a “barren concrete encasement” whose walls are approximately 20 feet high- and hasn’t the most minimal access to any exercise equipment, “not even a ball.”²⁷¹ During yard they are being fully monitored the entire time, demonstrating through televised screens how many repeatedly walk in circles around the cages perimeter. Gabriel Reyes, shared that there were 3 times a year when he got to feel the sun,

“Because where my exercise yard is located, it's surrounded by 30 feet -- 30-foot concrete walls. Half of it's covered with -- well, it's all covered with a steel mesh. The other half is covered with some type of Plexiglass that is not clear. So in certain times of the year, when I -- my yard time is different every day. Certain times of the year, my yard time and the sun being directly overhead lines up.”²⁷² During lockdown they are denied yard time and cannot leave their cells. There have been instances where lockdowns last over a year.

Pelican Bay SHU prisoners are allowed showers three times a week, and rarely engage in activity or programming that takes them out of the prison’s repetitive routines. They cannot work for the prison or congregate with others for meals, religious and/or

²⁷⁰ Craig Haney, “‘Infamous Punishment’: The Psychological Consequences of Isolation,” *The National Prison Project Journal* 8, 2 (Spring 1993): 3-7.

²⁷¹ Haney, “Infamous Punishment.”

²⁷² Center For Constitutional Rights, “Gabriel Reyes, 17 years in solitary confinement,” Filmed [January 23, 2014], Pelican Bay Deposition Excerpts, 14:48, Posted [2015], <https://vimeopro.com/ccrmedia/pelican-bay/video/136318719>

educational activities. Everything is done inside their cell. Gabriel Reyes describes his life in the SHU,

“I eat alone and exercise alone in a small, dank, cement enclosure known as the ‘dog-pen.’ I am not allowed telephone calls, nor can my family visit me very often; the prison is hundreds of miles from the nearest city. I have not been allowed physical contact with any of my loved ones since 1995. I have developed severe insomnia, I suffer frequent headaches, and I feel helpless and hopeless.”²⁷³ With few exceptions, SHU prisoners entire lives are lived within their 80-square foot cell that is about the size of a restroom or walk-in closet. Aside from exercise, with the drastic constraints and minimal programming, many have little to do and are forced into idleness. Few sporadic moments arise, perhaps when two correctional officers escort them in chains to the law library, infirmary, or visiting.²⁷⁴

Opportunities for contact or to initiate behavior with others are infrequent. Most of their daily activities are pre-programmed. If they are ever in the presence of another person they are chained at the waist-line and ankles (except if they have a cellmate). The closest contact correctional officers have with the men is when they deliver their meals and mail through their cell slot, otherwise it is through intercom, steel cell doors, thick glass windows, or in restraint. As Haney explains, “There is always a physical barrier or mechanical restraint between them and other human beings.”²⁷⁵

In Pelican Bay SHU prisoners have little to no privacy. Even their cells have speakers that are believed by prisoners to be simultaneously used as microphones to surveil their conversations. They are always, “in cages or chains, seen through screens or

²⁷³ Reyes, “The crime of punishment.”

²⁷⁴ Haney, “Infamous Punishment.”

²⁷⁵ Ibid., 4.

windows or television cameras or protective helmets.”²⁷⁶ Officers are not allowed in the tier when a prisoner is out of their cell unrestrained. When the men go out to yard or shower, they unlock the cell doors with a remote control and subject them to a strip search through glass before and after. Those that are embarrassed by this public display of nudity often forgo yard.²⁷⁷

Men entombed in Pelican Bay SHU are extremely deprived of care, touch, and affection.²⁷⁸ They are not allowed contact visits. All visits, even by legal attorneys, must be through glass. George Franco shared his painful experience visiting with his mother and trying to have a relationship with his son while in the SHU,

“And I only get to talk to her, you know, through a phone behind glass. I can't touch her. I can't hug her, you know. I wasn't there for her, when my dad passed away, brothers and sisters. My son, the only son I got, I can't even -- I can't even write him, can't even talk to him on the phone, you know what I mean?”²⁷⁹

As such, many of these men had/have not been able to touch, hug, or see their mothers, children, and loved ones in years. Further, because the prison is so far and isolated, and the visits are so short, they rarely have visits. As Irene, Gabriel Huerta’s wife, describes,

“On the rare occasions that I and other family members are allowed a visit, which is 1500 miles round trip, the SHU inmates are transferred from one confined space to another as they are placed in a 4x4 room where we must visit behind glass for a maximum of 1 hour and 45 minutes. This deprivation of contact continues to add to the mental torment.”²⁸⁰

²⁷⁶ Ibid.

²⁷⁷ Ibid.

²⁷⁸ Craig Haney, “A Culture of Harm: Taming the Dynamics of Cruelty in Supermax Prisons,” *Criminal Justice and Behavior* 35, 8 (August 2008): 956-984.

²⁷⁹ Center For Constitutional Rights, “George Franco, 23 years in solitary confinement,” Filmed [February 28, 2014], Pelican Bay Deposition Excerpts, 11:54, Posted [2015], <https://vimeo.com/crmedia/pelican-bay/video/136318897>

²⁸⁰ Irene Huerta, “Testimony for Assembly Public Safety Committee Hearing,” read on February 25, 2013 at the Public Safety Committee Hearing in Sacramento, CA.

After the hunger strike, those with no “write-ups” were permitted a picture. For some it had been years since they had taken a picture or their loved ones had seen them. As Pelican Bay prisoner Jimmy Flores explained, "Up until last year, nobody knew what I looked like back home...I took my first photograph last November. That's one picture in 17 years."²⁸¹

Phone calls are only permitted for extraordinary circumstances and mail is very irregular. At times prison administrators will disrupt mail through various allegations from correctional officers. Irene Huerta shares, “Since CDC’s assessment, my husband and I have been under examination. I have had my letters refused without reason or provocation. I have had to write several appeals for reasons unbeknownst to me.” This type of mail disruption is seen by the men as a tactic to break any bonds men have with people on the outside, push them further into isolation, and ultimately into debriefing. Gabriel Huerta elaborates on this perspective,

“This institution wants to break as many ties and bonds to family and community that it can. Its all part of an effort to apply even greater pressure so that the prisoners who haven’t broken yet, do break and become ‘debriefers.’ The latest tactic has been to turn up the stopping of our personal mail. Our family and friends are sent threatening, menacing notices that accuse them of ‘promoting gang activity’, ‘circumventing mail’, ‘Third party correspondence’, ‘unauthorized business dealings’, or sending ‘contraband’, and they are not even told that they can appeal it- let alone how to go about appealing it. Its not even pointed out to them why or how these conclusions are reached. Our family and friends are made to guess at what it was they said for staff to accuse them of such transgressions... Many people on the outside decide to stop writing rather than endure the frustration.”

Family members have had their mail returned and/or correspondence suspended without being informed of the proper procedure to appeal or the specific evidence used to make

²⁸¹ Maya Schenwar, “Op-Ed Please Stop ‘Reforming’ Pelican Bay,” *truthout*, July 17, 2013, <http://www.truth-out.org/opinion/item/17615-please-stop-reforming-pelican-bay>.

such decisions. Because of these and other various reasons, a lot of SHU prisoners, did not receive a visit in years and hardly ever received mail. Many of their loved ones “dropped off” over time.

George Franco shared that when he initially arrived at Pelican Bay SHU there were a lot prisoners that were mentally unstable. They would throw feces- at times down the vents that ventilate the air they breathe. In all his years in SHU he never saw the vents sterilized,

“so all that stuff is being in there, building up and stuff. You know what I mean?... It comes out of the vent, you know. You might not smell it right there and then, you know, but years -- years go by, you can imagine how, filthy it is. And that's what we're getting, you know, on the inside... That's not how we're supposed to be breathing air.”²⁸²

This is one of the many unsanitary conditions in the SHU. Other prisoners have voiced dissatisfaction with the cleaning of the tier and showers. Sanitation is a big preoccupation because of the possible spread of infection and disease inside the SHU. Especially because many incarcerated men accuse Pelican Bay SHU of medical neglect, or bribing them to debrief in exchange for proper medical care. Roberto Campa Lopez shares his experience:

“I am 63 years old and my chronic Asthma has worsened while in segregation. I find myself fighting for oxygen in my ‘SHU’ cell. I have been disciplinary free since November 1989 and should be released from the SHU. I am not dying from drowning, but kept on the verge of it relying on prison/medical staff for life-saving relief that comes ever so slow in the SHU. It affects me not only physically but also mentally... I am a life term prisoner by the California Courts and CDCR has made me a life-term SHU prisoner.”²⁸³

²⁸² Center For Constitutional Rights, “George Franco, 23 years in solitary confinement,”

²⁸³ Center for Human Rights and Constitutional Law, “22 Main Petitioner Quotes for the United Nations Petition on behalf of California Prisoners in Administrative Segregation and Security Housing Units,” March 20, 2012, 4 leafs.

When suffering of an illness in the SHU you are forced to rely on CDC prison and medical staff to assist you in an emergency and save your life. Medical neglect not only leads to the spread of the disease, but also mental strain as you are dependent on “your enemy” to come to your aid. You wonder if you will be left to die in your SHU cell. The mental strain can be as painful as the physical.

When in need of mental health services, SHU prisoners get little to no psychiatric attention.²⁸⁴ In part because there is a stigma and the other because they work for the CDC and it is assumed nothing is confidential. What is shared can be used against them and other prisoners, and prisoners do not want to share their vulnerabilities with an institution that has showed them no compassion. As explained, “there is a stigma placed on inmates that seek or are under psych care, and I feel that anything shared with the psych will not be held under confidential seal or -- so I basically don't want to trust a psych, nor do I trust the psychiatric system within CDC, or at least not here in Pelican Bay.”²⁸⁵

Some prisoners report irregular sleeping patters, insomnia, nightmares, nervousness, inability to remain focused, and depression.²⁸⁶ Prisoners have testified they get so depressed they have no desire to write or stay in contact with their families. Because they are in isolation it is hard for them to develop strong friendships and they often have no one to talk to or confide in about personal matters. Without the help of

²⁸⁴ Huerta, “Testimony for Assembly Public Safety Committee Hearing,”

²⁸⁵ Center For Constitutional Rights, “Gabriel Reyes, 17 years in solitary confinement.”

²⁸⁶ Craig Haney, “Mental Health Issues in Long-Term Solitary and ‘Supermax’ confinement,” *Crime & Delinquency* 49, 124 (2003): 124-156.

psychiatric care or therapy, some incarcerated men become easily irritable to the point that even the slightest noise can trigger their anger and frustration.

“You know, if you have anger issues inside or you're stressing about something, you know, what have you got to do? Just hold everything inside. You know? Either that, or just let it all out, you know. If you let it all out, you know, you're going to get in trouble and end up hurting somebody, you know, or something. So you just keep it all inside. That's not supposed to be healthy, you know, for a person, to be holding everything in.”²⁸⁷

Alas, some men are unable to bare the realities of Pelican Bay SHU. While some engage in harmful acts of self-mutilation others choose to end their lives.²⁸⁸ In 2005, out of the 44 prisoners that committed suicide in CDCr prisons, 70% of them were in solitary confinement.²⁸⁹ Some prisoners report they hear voices. A prisoner shared he has heard his name and cell number called, “Sometimes when I hear my name being called, I may yell out to my neighbor and ask him if he heard somebody call me. And when he says no, I mean, it's kind of humiliating, you know...when someone does call me, I'm not sure that they called me or not, you know.”²⁹⁰ Further, with the large amount of deprivation social control they are given no opportunity to act like human beings who need of social interaction and whose frustration and anger is a normative response to being deprived of human and social interaction.²⁹¹ Craig Haney quotes a SHU prisoner, “It's like we're

²⁸⁷ Center For Constitutional Rights, “George Franco, 23 years in solitary confinement.”

²⁸⁸ Craig Haney and Mona Lynch, “Regulating Prisons of the Future: A Psychological Analysis of Supermax and Solitary Confinement,” *New York University Review of Law and Social Change* 23 (1997): 477-570.

²⁸⁹ Don Thompson, “Convict Suicides in State Prison Hit Record High,” *Associated Press*, January 3, 2006; Sal Rodriguez, “Fact Sheet: Psychological Effects of Solitary Confinement,” *Solitary Watch*, 2011.

²⁹⁰ Center For Constitutional Rights, “Gabriel Reyes, 17 years in solitary confinement.”

²⁹¹ Terry A. Kupers, “Isolated Confinement: Effective Method for Behavior Change or Punishment for Punishment's Sake?,” in *The Routledge Handbook for International*

dead. As the Catholics say, in purgatory. They've taken away everything that might give a little purpose to your life."²⁹²

5 Core Demands

The shared testimonies of the men in Pelican Bay convey the daily violence and horror that permeates Pelican Bay State Prison. It is in the face of this terror that prisoners decided to embark on a hunger strike. As explained by James Crawford,

“The CDCR uses every trick they can to force men into debriefing, including every increasing levels of what can only be described as torture. But if you are innocent, or if you are a principled person, they force you to endure every hardship in an effort to break you. It is this ever increasing attack that has forced us prisoners to put aside our historical differences in order to address the protracted attack on our lives and to expose the criminal activities and abuses against all indeterminate SHU prisoners in the state of California.”

To refuse to debrief, and instead wage struggle by way of the hunger strike was a matter of principle. For some to debrief for release came at the cost of another's suffering. This was not only considered an act of dishonor, but many men also refused to partake in this vicious cycle. Moreover, they decided to collaborate together -rather than the CDC- to attain their release from the SHU and defend their lives. For those that had been predestined to die in Pelican Bay by way of indefinite SHU terms, this was their opportunity to erupt change within CDC SHU policies. Some had made the decision to die under their own terms, giving their lives to fight to change their imprisonment conditions and expose CDC's hypocrisy and corruption.

Crime and Justice Studies, ed. Bruce Arrigo and Heather Bersot (Oxford: Routledge, 2013): 213-232.

²⁹² Haney, “Infamous Punishment,” 4.

The primary reasons for their uprising were indeterminate SHU sentences, their conditions of living, and SHU placement based on unproved allegations made by informants. For this purpose, prisoners united across racial lines to present 5 demands:

1. Eliminate group punishments and administrative abuse.
2. Abolish the debriefing policy and modify active/inactive gang status criteria.
3. Comply with the recommendations of the US Commission on Safety and Abuse in America's Prisons recommendations and end long-term solitary confinement.
4. Provide adequate and nutritious food.
5. Create and expand constructive programming.²⁹³

The first demand, called for individual accountability of those who commit disciplinary violations. It is often the case that a whole race will be punished when a member categorized within that racial group breaks prison rules. As expressed in the formal complaint, “‘group punishment’ is a common response to any rule violation.”²⁹⁴ This type of punishment leads to the imposition of lockdowns and cancelation of programming and/or visitation for a whole racial group when only particular individuals categorized under that group are involved in altercations. In this matter, the prison itself plays a prominent role in the reproduction of racial tensions and divisions. Prisoners in the SHU are at times linked to individual altercations that are seen as part of a larger racial group and are then presented as evidence for their validation.

Demand two, called for the abolishment of the debriefing policy, which goes hand in hand with the validation process that has wrongfully labeled some prisoners members or associates of prison gangs. The formal complaint explains, “Debriefing” requires a

²⁹³ “Prisoners’ Demands,” *prisonerhungerstrikesolidarity* (blog), April 3, 2011.

<https://prisonerhungerstrikesolidarity.wordpress.com/education/the-prisoners-demands-2/>

²⁹⁴ Todd Ashker, Danny Troxell, and many other Pelican Bay State Prison– SHU Short Corridor Inmates, “Formal Complaint to Governor Schwarzenegger and CDCR Secretary Cate,” February 5, 2010.

SHU inmate to provide CDCR staff with ‘sufficient verifiable information that will adversely impact the gang, other gang members and associates to the extent that they will never accept them back.’²⁹⁵ Ending the debriefing policy would no longer allow CDC to rely on these unproved allegations to label them prison gang members and justify their confinement. In 2013, by the time of the third hunger strike, it was reported that, “Those accused of gang association make up approximately 80% of SHU placements; many have been kept in SHU past the original six-year term.”²⁹⁶

In many cases, prisoners do not necessarily go into the SHU for something they did, but rather for who they are assumed to be. Often CDC comes to these conclusions and validates prisoners by way of debriefers’ testimonies that link them to association, political, an/or gang activity. However, as Ashker and Troxwell finely point out, prison gang culture goes back to the 1950’s, Pelican Bay has been in existence since 1989, and they were not given any prior notice that gang labels were prohibited or sanctioned until 1999 when rules were specified in Title 15- CDCR Cal. Code of Regulations.²⁹⁷ As they later rejected CDC’s proposed Step Down Program and Senator Hancock’s SB 892 bill, they further hammered the point, “We are aware of no hard data CDCR has ever produced for review by the public, by prisoners or by experts showing that the decades-old gang validation program works, or that it has reduced gang affiliations, facilitated

²⁹⁵ Pelican Bay State Prison– SHU Short Corridor Inmates, “Formal Complaint.”

²⁹⁶ Victoria Law, “Pelican Bay Two Years Later: Those Still Buried Alive Vowing Hunger Strike ‘Till the End’” *truthout*, July 7, 2013, <http://www.truth-out.org/news/item/17425-pelican-bay-two-years-later-those-still-buried-alive-vowing-hunger-strike-till-the-end>.

²⁹⁷ Pelican Bay State Prison– SHU Short Corridor Inmates, “Formal Complaint.”

gang truces or reduced prison violence.”²⁹⁸ Instead they scapegoat the men in the SHU, and blame them for violence that could easily be prevented if CDC addressed overcrowding, and did not incarcerate an exorbitant amount of people with mental illnesses.²⁹⁹

Pelican Bay SHU claims to be primarily for the safety of the institution and prisoners. As explained by Ashker, “CDCR claims all validated prison gang affiliates automatically ‘pose an immediate, severe threat to the safety and security of all general population prison, other inmates and staff’ solely based on this ‘status.’” However, many of them are not there for behavior violations, as Gabriel Huerta shares, “many of us are here solely for ‘administrative’ reasons (non-disciplinary), and we’re here indefinitely.”³⁰⁰ Moreover, prisoners are denied proper due process when validated and placed in the SHU, “Most of these prisoners have never been found guilty of committing a gang related or criminal act, but spend decades in SHU/Adseg. with no end in sight!”³⁰¹

Validation of a gang member comes at the discretion of the prison staff and is based off a minimum of three sources.³⁰² Under 2011 regulations, validation as a gang member could occur with minor evidence. In the past indigenous/cultural art work, magazines,

²⁹⁸ Antonio Guillen, Arturo Castellanos, Sitawa Nantambu Jamaa (R.N. Dewberry), Todd Ashker, “SB 892: Letter from four main reps at Pelican Bay to California Legislators,” *San Francisco Bay View*, August 13, 2014, <http://sfbayview.com/2014/08/sb-892-letter-from-four-main-reps-at-pelican-bay-to-california-legislators/>.

²⁹⁹ Kupers, “Isolated Confinement”

³⁰⁰ Gabriel Huerta, “Torture in Pelican Bay State Prison SHU,” In possession of author.

³⁰¹ Todd Ashker, “Five Core Demands One Year Later,” *prisonerhungerstrikesolidarity* (blog), <https://prisonerhungerstrikesolidarity.wordpress.com/voices-from-inside/todd-ashker-speaks-to-the-five-core-demands-one-year-later/>.

³⁰² Department of Corrections and Rehabilitation, *California Code of Regulations Title 15, Crime Prevention and Corrections* (Sacramento, CA: January 2011). See pages 214-220 of the 2011 Title 15 prior to the hunger strike.

newspaper clippings, books, and revolutionary political literature have all been used to validate prisoners. With the current debriefing process a simple name drop during a debriefing testimony can be used without a true substantial investigation. As self-proclaimed jailhouse lawyer, John R. Martinez states,

“Most of us have been in isolation for over 15-20 years. In most cases, for simple possession of a drawing, address, greeting card and/or other form of speech and association. Unfortunately, some of my fellow prisoners are not here with me today. The SHU has either driven them to suicide, mental illness or becoming Judas- i.e., informer – to escape these cruel conditions.”³⁰³

The sole avenue out of Pelican Bay SHU is largely perceived to be either parole, debrief, die, or go insane. The act of debriefing could potentially endanger their lives and that of their loved ones. Meanwhile CDC cannot ensure the safety of their loved ones once the debriefing process has begun. As explained by Ashker and Troxell,

“If they want out of the SHU, they have to provide staff with information and be willing to testify on other prisoners, free citizens, including family members that only harms others and this has to be known by everyone. This is a Catch 22 situation—by either becoming a notorious informant thereby placing yourself, possibly your family at serious risk for retaliation, die, or become mentally ill in the SHU. This is outrageous to family, friends and concerned citizens; especially given the fact that CDCR staff are indifferent to, and incapable of guaranteeing the safety of inmate informants and their families outside of the prison... when they are actually going through the ‘debriefing’ process, if they don’t provide prison officials enough information on other prisoners and free citizens’ criminal activities they are told to come back when they do – forcing those debriefing to create and invent elaborate half-truth stories incriminating many.”³⁰⁴

According to a family member, CDC themselves released a study stating that they were aware that 90% of the information provided by debriefers are lies. The type of

³⁰³ John R. Martinez, “Letter to Governor Jerry Brown, Secretary of Corrections and Rehabilitation Matthew Cate, and Pelican Bay Warden G.D. Lewis,” June 2011. For more on SHU inmate suicides see, http://www.usatoday.com/news/nation/2006-12-27-inmate-suicides_x.htm.

³⁰⁴ Laura Magnani, *Buried Alive: Long-Term Isolation in California Youth and Adult Prisons* (Oakland: American Friends Service Committee, 2008): 7-8.

confinement drives many men to debrief- and at times lie- in order to escape the physical and psychological torture of the SHU. The hunger strike's second demand also contested the use of fabricated information and the violation of agreements made in *Alameda V. Castillo* about sources of evidence, especially photographs.³⁰⁵

Their placement in the SHU is not necessarily because they are violent, but rather a set-up for them to collaborate and advance the work of prison staff and investigators. Through these housing conditions, prisoners are being forced and tortured into debriefing and divulging information about prison gang activity. Some of the men incarcerated do not hold this type of information, and if they do, interrogation was handled in trial and their sentence was supposed to be a vehicle to pay back their debt to society for committing a crime/s and not an obligation to divulge information as a trade off for sanity. Men like Gabriel Huerta have already served their sentence twice, 26 years incarcerated in the SHU. The men at Pelican Bay are not obstructing prison gang investigations, this practice by prison staff is expected, they are simply choosing to remain silent and not be involved.

Todd Ashker and Danny Troxwell further elaborate on the injustices happening at Pelican Bay State Prison,

“many of these inmates are serving ‘term-to-life’ sentences, and they have been eligible for parole for the last 5 to 25+ years, but they are told that if they want a chance to parole they have to debrief – period! The CDCR-PBSP-SHU policies and

³⁰⁵ As stated in the 2011, Title 15, prior to the hunger strike, “No photograph shall be considered for validation purposes that is estimated to be older than six (6) years. Any photograph being utilized as a source item that depicts gang members shall be required to have at least one of the individuals previously validated by the department, or be validated by the de- partment within six (6) months of the photograph’s established or estimated date of origin.”

practices summarized violate both the U.S. Constitution and International law banning the use of torture and other cruel, inhumane, or degrading treatment or punishment as a means of obtaining information via coercion, and/or to punish for acts or suspected acts of misconduct.”³⁰⁶

Part of the hunger strikes efforts was to expose how the United States professed to be a free country spreading democratic ideals around the world, but internally violated its own constitution and UN agreements. Gabriel Huerta directly quotes the United Nations’ Convention Against Torture (CAT), description of what constitutes torture, “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted...?” Using indeterminate total lock down to extract confessions is torture by international standards, as is the use of prolonged solitary confinement.” He then asks and exclaims, “Is there torture going on here at PBSP-SHU? Most definitely, yes! But it’s not the kind of torture that’s easily spotted or proved to exist... What’s going on here at PBSP-SHU is a psychological torture.”

Additionally, the history of control units demonstrates an effort to eliminate threats of political activism and resistance within prisons.³⁰⁷ Those who are labeled as “Security Threat Groups”, “Disruptive Groups”, “jailhouse lawyers”, demonstrate strong political views or leadership abilities, or even dare to show any connection to figures such as George Jackson fall prey of being sent to the SHU. As such, a group of individuals organizing around particular political projects could be labeled a gang. Some prisoners are made susceptible to this torture and held in the SHU indefinitely, with no disciplinary

³⁰⁶Pelican Bay State Prison– SHU Short Corridor Inmates, “Formal Complaint.”

³⁰⁷ Alan Eladio Gómez, “Resisting Living Death at Marion Federal Penitentiary, 1972,” *Radical History Review* 96 (2006): 58-86.

charges, simply because it is ASSUMED that they hold a prison gang membership or association.

Demand three, insisted that CDC comply with the findings and recommendations of the US Commission on Safety and Abuse in America's prisons from 2006. The report's studies concluded that the increasing use of high security segregation is counterproductive and leads to serious negative psychological and health effects. The hunger strikers demanded that CDC implement the report's proposal for more constructive programming and access to meaningful human contact. This meant easier access to family communication, visiting, less geographical distance between the prison and prisoner's family, employment opportunities, study, and other productive activities that gave prisoners a sense of community. The report proposed mass programming as a preventative strategy. This advocated the use of incentives and active busy schedules as a strategy to prevent prisoners from engaging in violence.

When the first hunger strike was launched, all college and education programs had been taken away in PBSP-SHU. That is why the 5 demands stated CDC should, "Create a more productive form of confinement in the areas of allowing inmates in SHU and Ad-Seg [Administrative Segregation] the opportunity to engage in meaningful self-help treatment, work, education, religious, and other productive activities relating to having a sense of being a part of the community." The report concluded that extreme deprivation not only caused severe mental harm, but it actually did not lead to safer institutions. These forms of segregation often breed more violence and hostility amongst prisoners and correctional officers. According to the report, it was important to consider the

negative impact on both prisoners and correctional officers, as they both formed part of our communities. Moreover, the report also suggested the implementation of transition programs that would help SHU prisoners prepare for reentry into society upon their release and lead to lower recidivism rates. Ultimately, these forms of segregation should only be used as a last resort.³⁰⁸

Under this third demand prisoners wanted long-term solitary confinement eradicated. They demanded prisoners warehoused in the SHU over 10 years be released immediately. For the prisoners that remained in the SHU they needed to be provided with, “Immediate Meaningful Access to: i) adequate natural sunlight ii) quality health care and treatment, including the mandate of transferring all PBSP-SHU inmates with chronic health care problems to the New Folsom Medical SHU facility.”³⁰⁹ This was their way to demand an end to indefinite SHU terms and transform the conditions in the SHU to allow access to basic life necessities. The right to access medical treatment was of utter importance, given they were often denied medical care due to their refusal to debrief. As delineated in their formal complaint, “Dr. Michael C. Sayre, became PBSP Chief Medical Officer in 2006, and who, with the complicity of several cronies e.g. M. McLean, Sue Risenhoover and James Flowers, et al, began to systematically discontinue and deny

³⁰⁸ John J. Gibbons and Nicholas de B. Katzenbach, *Confronting Confinement: A Report of the Commission on Safety and Abuse in America’s Prisons* (New York: Vera Institute of Justice, June 2006).

³⁰⁹ Mutop Duguma, (c/n) James Crawford, “The Call,” <https://prisonerhungerstrikesolidarity.wordpress.com/voices-from-inside/the-call/1>; “Prisoners’ Demands,”

medication, specialist care, assistive aids by telling SHU inmates, ‘if you want better care get out of the SHU’³¹⁰

Demand four, called for a more nutritional and diverse canteen menu with vitamin options. Vitamins are very important, given they do not have access to natural sunlight and have severe Vitamin D deficiencies. Additionally, a rotation of fresh fruits and vegetables is rare, and not a part of their canteen. The food choices for purchase are very limited consisting of packaged beans, rice, flour tortillas, and different top ramen flavors.³¹¹ The food is heavily processed with items that contain trans-fat. Considering some men have been in the SHU for over 20 years and have no date for release this is a very unhealthy diet not only because it is repetitious but because the items lack nutrients. These limited food choices are not only monotonous but can be very detrimental to their health given men have spent decades in solitary confinement and already suffer of deteriorating medical conditions.

Food is often tool used to punish and torture prisoners as they experience hunger and frustration when given inadequate rations. A former prisoner reported that they not only receive poor food rations, but at times their state issued food was spoiled and rotten causing nausea, itchiness, inflammation, and skin rashes along with other sicknesses such as H pylori, cholesterol, and diabetes. He believed the prison was trying to go through

³¹⁰ Pelican Bay State Prison– SHU Short Corridor Inmates, “Formal Complaint.”

³¹¹ California Department of Corrections and Rehabilitation. “Pelican Bay State Prison SHU April 2011 Canteen List.” April 2011, 1 leaf. For drink options they have Folgers, hot cocoa, one option for tea. For packaged food their only option is refried beans, flour tortillas, and instant rice. Their only seasoning and sweetener options are one type of salt and sugar substitute. For soups there is only the choice between beef, shrimp, or spicy chile chicken top ramen. The rest of the items on the list are very limited options of snacks, chips, and candy.

their whole stockpile before purchasing food, and changing their expiration labels, or worse purchasing old and outdated food for cheaper.³¹² Due to many of his meals being served spoiled, he had to forfeit a lot of his meals, but sometimes with the hunger he faced, he was forced to eat the food and feel ill.

SHU prisoners were only allowed one 30lb food package a year. Those in the SHU usually used food packages to help each other out, because some had no one to help and provide for them. For commissary, they could spend \$55 dollars a month. A lot of people who have the means will purchase soups, beans, and rice to supplement the poor food rations and quality of food. My friend mentioned that back when he was in mainline he was able to sell his art to make some money and provide for himself; however, now that he is in the SHU it is hard because he is isolated.³¹³

The fifth and last demand, incorporated a request for smaller privileges such as the ability to make telephone calls, take one photograph per year, the purchase of a beanie and sweatpants, ability to own and buy pastels, colored pens, access to educational courses they themselves would pay for, wall calendars, pull up bars in SHU yard, exposure to sunlight and access to vitamins. Currently, “Educational or rehabilitative programming is rare. They are not permitted to hold prison jobs. Visits, telephone calls, and mail are severely restricted and reading material is censored. Access to prison ‘programs,’ such as classes, AA groups, or counseling is nonexistent.”³¹⁴

³¹² Pelican Bay Prisoner, letter to author, December 2, 2010.

³¹³ Pelican Bay Prisoner, letter to author, January 6, 2011.

³¹⁴ Magnani, *Buried Alive*, 4.

There are men who have been in Pelican Bay since it first opened in 1989. Others have been in solitary confinement years before Pelican Bay even existed and were then transferred into Pelican Bay SHU. As such, a portion of the men have not been outdoors in the broad daylight, had the opportunity to breathe fresh air, or seen a sunset in years. Their “yard” is a larger concrete room that is the length of three cells. Most human interaction occurs through the slot in their steel door when staff brings mail, food, or shackles prisoners to take them to shower or yard. Cell “shakedowns” are also a common human interaction. Due to this some have suffered a drastic deficiency in Vitamin D, anxiety, panic attacks, and other negative impacts on their mental and physical health.³¹⁵

PB-SHU’s purpose is to incapacitate and emotionally, mentally, and spiritually break those who enter. Nevertheless, not even the highest developed technology and surveillance was able to prevent them from organizing this massive protest- with over 6,600 prisoners participating across the state of California. They faced their last resort and used their bodies, spirit, and mental strength against the CDCr as they refused the food that formed part of the daily violence. They faced hunger, but this time it was different- accompanied by a sense of liberation as they willingly refused the food that always leaves them yearning for more. During this strike, their hunger was not a reification but rather a rupture in the process that relegates them to property.

³¹⁵ Ibid., 4.

During the hunger strike/s

When the hunger strike initiated, CDC claimed there were less than two-dozen participants.³¹⁶ Soon CDC would become dumbfounded as they underestimated the success and wide participation of prisoners in the hunger strike. CDC had too much confidence in their capacity to delegitimize and contain prisoner organization and rebellion. Prior to the hunger strike CDC came up with various tactics to dissuade prisoners from participating. A wife of a SHU prisoner shared, “The prison has been advertising the 4th of July holiday Menu, with hotlinks, strawberry shortcake and ice cream. They have NEVER had ice cream in the SHU, and in the nearly 20 years he has been in the CA system, he has never seen a strawberry.”³¹⁷

As CDC felt the strength of the hunger strike growing they began to tamper with mail and deny visiting. These primary forms of human contact were vitally important venues to gather information. Family/Advocates on the outside would inform themselves on the status of the strikers inside, and family members/advocates would inform prisoners of the wide support and actions in their behalf. After hunger strikers remained adamant about the continuation of the strike, CDC began to transfer prisoners to other prisons and Administrative Segregation.³¹⁸

³¹⁶ Sam Quinones, “State says prisoner hunger strike involves fewer than two dozen inmates,” *Los Angeles Times*, July 03, 2011, <http://articles.latimes.com/2011/jul/03/local/la-me-hunger-strike-20110703>

³¹⁷ Prisoner Hunger Strike Solidarity, “CDCR Taunting Hunger Strikers with ‘4th of July Menu,” *prisonerhungerstrikesolidarity* (blog), June 22, 2011, <https://prisonerhungerstrikesolidarity.wordpress.com/2011/06/22/cdcr-taunting-hunger-strikes-with-4th-of-july-menu/#comments>.

³¹⁸ Prisoner Hunger Strike Solidarity, “Repression Breeds Resistance!” *prisonerhungerstrikesolidarity* (blog), July 20, 2011,

According to an anonymous prisoner, as a retaliation tactic CDC removed some of the main hunger strike organizers from the SHU and placed them in administrative segregation,

“CDCR turned up the air-conditioning in Ad Seg to torture the guys they put over there. They were over there freezing while the cops were snickering about it. The cops would come in asking if they had had enough, and the cops would tell the guys, ‘All you have to do is start eating, and we’ll take you out of here.’ As you can imagine, the guys responded with a lot of words that would be bleeped on TV.”³¹⁹

While in Ad-seg, the prisoners were left in complete isolation, with none of their property or access to the television, and therefore no conception of the days’ news and if the hunger strike continued. The only thing they had access to in this empty cell was the clothes on their backs.

Soon after, CDC did not allow those in Adseg, and all others who refused to eat, visits. A prisoner’s girlfriend flew in from Sweden to see him, and she was denied visiting, because he had refused his tray that morning. Moreover, lawyers who were advocates of the hunger strike were also denied visits. Other forms of retaliation followed, with frequent lockdowns and cancelling of programming, which meant, “no movement, no yard, and no coming out of the cages.”³²⁰

<https://prisonerhungerstrikesolidarity.wordpress.com/2011/07/20/repression-breeds-resistance/>

³¹⁹ Anonymous, “Torturing Citizens Who Won’t Turn Snitch: A Letter from Pelican Bay,” *truthout*, October, 21, 2011, <http://www.truth-out.org/news/item/17645-torturing-citizens-who-wont-turn-snitch-a-letter-from-pelican-bay>.

³²⁰ Ibid.

CDC claimed there were no medical emergencies or crisis, but there were reports of hunger strikers losing 25-35 pounds, and not having received vitamins or salt tablets.³²¹ A source with access to the first hunger strike's medical conditions reported:

“The prisoners are progressing rapidly to the organ damaging consequences of dehydration. They are not drinking water and have decompensated rapidly. A few have tried to sip water but are so sick that they are vomiting it back up. Some are in renal failure and have been unable to make urine for 3 days. Some are having measured blood sugars in the 30 range, which can be fatal if not treated.”³²²

On Day 12 of the hunger strike this was also the medical report:

Many prisoners are experiencing irregular heartbeats and palpitations, some are suffering from diagnosed cardiac arrhythmia. Many are also experiencing dizziness and constantly feel light-headed. Many struggle with shortness of breath and other lung and respiratory problems. Dozens of prisoners have fainted and been taken to either the infirmary and/or outside hospitals. Some prisoners also have Chrones disease, which leads to extreme loss of fluids and electrolytes and needs to be treated by adequate nutrition and hydration.”³²³

Nonetheless, even two days after this report at least 200 prisoners in Calipatria with over 110 Fahrenheit degree summer weather continued striking in solidarity. Calipatria State Prison reported heat strokes due to dehydration and Corcoran mild seizures and diabetic shocks.³²⁴ Dr. Corey Weinstein denounced CDC's medical response to the hunger strike

³²¹ Prisoner Hunger Strike Solidarity, “Press Release: Pelican Bay Hunger Strikers Reject CDCR Proposal, Strike Continues,” *prisonerhungerstrikesolidarity* (blog), July 15, 2011, <https://prisonerhungerstrikesolidarity.wordpress.com/education/pelican-bay-prisoners-go-on-hunger-strike-to-protest-grave-conditions/1st-round/pelican-bay-hunger-strikers-reject-cdcr-proposal-strike-continues/>.

³²² Prisoner Hunger Strike Solidarity, “URGENT: Hunger Striker's Health Rapidly Deteriorates,” *prisonerhungerstrikesolidarity* (blog), July 12, 2011, <https://prisonerhungerstrikesolidarity.wordpress.com/2011/07/12/urgent-hunger-strikers-health-rapidly-deteriorates/>.

³²³ Prisoner Hunger Strike Solidarity, “More on Medical Crisis, Need Support Pressuring Immediate Negotiations,” *prisonerhungerstrikesolidarity* (blog), July 14, 2012, <https://prisonerhungerstrikesolidarity.wordpress.com/2011/07/14/more-on-medical-crisis-need-support-pressuring-immediate-negotiations/>.

³²⁴ Prisoner Hunger Strike Solidarity, “More on Medical Crisis.”

and claimed medical staff was not complying with their responsibilities as health practitioners,

“The medical staff refuses to take on their responsibilities as health professionals to advocate for their patients in matters of daily life related to food, nutrition, exercise and mental hygiene. Those who should be providing care act the jailer instead. Given my long history of working with California prisoners, I have grave doubts about the Department of Corrections’ ability to adequately carry out their own guidelines and protocols even during this urgent and public moment.”³²⁵

Dr. Weinstein, points out how medical staff act like a jailer rather than fulfill their duty as doctors and health professionals.

Even with the visible extremities of the SHU and prisoners willingness to die for change, Thorton sustained, “There are some things that we cannot do. Some of the other things like a calendar, umm, a cap. Those are things that actually may be doable. But I don’t know that we are going to be pressured, or coerced, into doing these things.”³²⁶ In September of 2011, 513 persons had been in the SHU for 10 or more years, 78 for 20 or more years, and 544 for 5-10 years.³²⁷ Nonetheless, out of the 1,111 people locked in the prison's Security Housing Unit, 1,035 embarked the hunger strike in July 2011.

When CDC failed to follow through with substantive, prisoners launched a second hunger strike that went from September 26 to October 13, 2011 and spread across 12 prisons including facilities in Arizona, Mississippi, and Oklahoma with out of state

³²⁵ Prisoner Hunger Strike Solidarity, “More on Medical Crisis.”

³²⁶ CA Prisoner Hunger Strike Solidarity, “All Out for CA Prisoner Hunger Strike 2013” *YouTube* video, 5:45, Published [July 8, 2013], <https://www.youtube.com/watch?v=sw4bgeZpgdU>

³²⁷ Prisoner Hunger Strike Solidarity, “CDCR Releases Statistics on the Pelican Bay SHU,” *prisonerhungerstrikesolidarity* (blog), September 5, 2011, <https://prisonerhungerstrikesolidarity.wordpress.com/2011/09/05/cdcr-releases-statistics-on-the-pelican-bay-shu/>

California prisoners.³²⁸ The hunger strike stopped after CDC promised it would comprehensively review under new criteria all SHU prisoners captivated due to gang validation.³²⁹ Nonetheless, CDC turned around and wrote up hunger strike participants for, “leading a riot or strike or causing others to commit acts of force and violence.” Additionally, CDC threatened to seek outside prosecution by local district attorneys and as a result add a new sentence/prison time to participants.³³⁰

As the third hunger strike was approaching, on June 11, 2013, attorneys traveled to Pelican Bay to meet with the ten plaintiffs, and the ten representatives were confined to small cages known as "therapy cages." Which are small booths, “just big enough for a man to sit in.” An attorney described the event, "They brought ten of those booths into the room. Then there were the two attorneys in the room with them. We had to fight very hard to even get that much. The CDCR didn't want us to meet with them at all. They claimed they [the plaintiffs] are 'dangerous people.'"³³¹ These were part of the meetings attorneys held with their clients to check in on their treatment by CDC and the status of the hunger strike. A week prior to this meeting, legal visitors had been informed CDC had implemented “welfare checks” every half an hour. In these checks, “every prisoner must be observed physically moving or showing skin.”³³² The welfare checks lead to

³²⁸ Victoria Law, “Pelican Bay Prison: One Year Later, Policy Remains ‘Debrief or Die,’” *truthout*, June 30, 2012, <http://www.truth-out.org/news/item/10011-pelican-bay-prison-one-year-later-policy-remains-debrief-or-die>.

³²⁹ Law, “Pelican Bay One Year Later”

³³⁰ *Ibid.*

³³¹ Law, “Pelican Bay Two Years Later,”

³³² Prisoner Hunger Strike Solidarity, “Sleep Deprivation Intensifies Torture Conditions for Prisoners in Advance of Hunger Strikes and Work Actions,” *prisonerhungerstrikesolidarity* (blog), June 10, 2013,

sleep deprivation, fatigue, other illnesses and psychological consequences due to lack of sleep. This new policy had been ordered by Jeffrey Beard, who then was the new appointed CDC secretary.³³³ Further, a week after this event, and two weeks into welfare checks the hunger strike representatives met with CDC for a court-ordered mediation session to attempt to settle the *Ashker V. Brown* case. This meeting did not result in a settlement, and the representatives confirmed they would resume a third hunger strike on July 8th, 2013, with 40 additional demands.³³⁴

“Our decision does not come lightly. For the past (2) years we’ve patiently kept an open dialogue with state officials, attempting to hold them to their promise to implement meaningful reforms, responsive to our demands. For the past seven months we have repeatedly pointed out CDCR’s failure to honor their word—and we have explained in detail the ways in which they’ve acted in bad faith and what they need to do to avoid the resumption of our protest action.”³³⁵

When the third hunger strike came July of 2013, Governor Jerry Brown was on two-week vacation in Europe. Jeffrey Beard, head of the Department of Corrections, released an op-ed that accused hunger strike representatives of being prison gang leaders and forcing other prisoners to participate. Moreover, he claimed they wanted to be released from the SHU to better run drug operations and extortions within California prisons. Further, he denied that SHU conditions constituted torture and claimed prisoners

<https://prisonerhungerstrikesolidarity.wordpress.com/2013/06/10/sleep-deprivation-intensifies-torture-conditions-for-prisoners-in-advance-of-hunger-strikes-and-work-actions/>.

³³³ Prisoner Hunger Strike Solidarity, “Sleep Deprivation Intensifies Torture.”

³³⁴ Law, “Pelican Bay Two Years Later.”

³³⁵ Todd Ashker, Arturo Castellanos, Ronald Dewberry aka Sitawa, Antonio Guillen, “June 20 Statement From Pelican Bay Short Corridor Collective!”

prisonerhungerstrikesolidarity (blog), June 21, 2013, <https://prisonerhungerstrikesolidarity.wordpress.com/2013/06/21/june-20-statement-from-pelican-bay-short-corridor-collective/#more-2458>

have access to education and recreational activities.³³⁶ Steven Czifra, who once was warehoused in Pelican Bay SHU responded to Jeffrey Beard's allegations,

“Beard’s illustration makes the SHU seem like quite the wonderful place to spend one’s time, should a person find themselves incarcerated in the CDCR. Television, education (untrue), recreation (alone, in a small windowless pen), skylights in the cells (ridiculously untrue), with out-facing windows (opaqued with paint), and even a buddy to pass the time playing cards (double-celling of some people is evidence that the CDCR is keeping individuals in solitary who they have deemed to be “safe” to socialize) and cheering each other up! While it is true that an inmate who has resources can purchase a television, the fact is that sitting alone in front of one is a small consolation for a person who has no chance of leaving their cell to see and interact with real people for the remainder of their lives.”³³⁷

Czifra further clarifies that many people in the SHU do not have the ability to engage in reading or result self-taught learning because they are illiterate or have learning disabilities. Additionally, due to their long time in solitary confinement they have developed cognitive and vision problems. He reifies,

“There is simply no out of cell programming in the SHU. Some people can pay for in-cell correspondence courses, and have the ability to comprehend college material without instruction. They are the few. The CDCR’s use of rare scenarios as part of his paltry excuse for torturing people with endless isolation only speaks to what the SHU is about.”³³⁸

However, Jeffrey Beard was not the only one trying to disqualify the hunger strikes. CDC Deputy Press Secretary, Terry Thornton denied the SHU was solitary confinement. "A lot of people say that," she told Truthout. "But they do associate with people. Some of them even have cellmates. They have visits, they go to the yard every day. They are not

³³⁶ Jeffrey Beard, “Op-Ed: Hunger Strike in California prisons is a gang power play,” *Los Angeles Times*, August 6, 2013, <http://articles.latimes.com/2013/aug/06/opinion/la-oe-beard-prison-hunger-strike-20130806>.

³³⁷ Steven Czifra “Another Reply to Beard by Berkeley Student and Former SHU Inmate Steven Czifra,” *California Correctional Crisis*, August 12, 2013, <https://californiacorrectionscrisis.blogspot.com/2013/08/?m=0>.

³³⁸ Czifra, “Another Reply to Beard.”

deprived in any way." Moreover, she added there was no basis for the hunger strikes as CDCR's new proposed policies addressed the 2011 hunger strike's demands.

By 2013, CDCR had allowed pull-up bars in the yard, a picture for those disciplinary free, sweatpants, a beanie, and the ability to buy a combined TV/radio. As Dolores Canales finely points out, "The few things they've achieved, those are all things they should have already had. But it took two hunger strikes to get even these things. Meanwhile, Sacramento continues to justify the solitary confinement units, their use of solitary confinement, and the duration in these units." While CDC continued to paint the men as violent predators, this tactic would no longer be enough to leave CDC unquestioned. The hunger strikes were followed up with assembly hearings and the production of bills that let CDC know some senators on the Public Safety Committee were determined to push for changes. This time CDC would not be let off with the simple explanation that these were the "worst of the worst inmates." Nonetheless, in 2013, 500 of those who had been in SHU for over 10 years were still in the SHU, 200 over 15 years and the 78 that had been there for over two decades remained.³³⁹

The Aftermath and the Complexities of Reform

The struggle for simple things such as pastels, exercise equipment, photographs, contact visits/extended visiting hours, phone calls may seem mediocre in a larger struggle that strives to end global oppression- and as such must abolish prisons. For some it may

³³⁹ Center for Constitutional Rights, "Hundreds of California Prisoners in Isolation Should Be Covered by Class Action, Attorneys Argue in Court," September 26, 2013, <https://ccrjustice.org/home/press-center/press-releases/hundreds-california-prisoners-isolation-should-be-covered-class>

even be perceived as dangerous, for it can pacify and make those affected complacent and result in a reaffirmation of the prison industrial complex. However, many of us have not spent time in a Security Housing Unit at Pelican Bay State Prison, or can truly understand the significance of an annual picture and phone call when your family has been unable to see your face or hear your voice for several years, at times over a decade. Neither have we experienced a life made of routines and coping mechanisms- not reality, because reality is an embodiment of all your senses- see, feel, touch, taste, hear, smell. Many of us have not experience for years, decades at a time, a place that entraps and boxes in your body and soul. A place that suffocates and swallows you, the moment you are distracted and pierce the doors open to live in its man-made purgatory.³⁴⁰

A Corcoran prisoner describes his SHU experience,

“I live in an 8 x12 concrete cell by myself. I’m on 24/7 lock-down. I come out of my cell every other day for 10 minutes to shave and shower. I get ‘yard’ once a week which is a 10 x15 steel cage ‘outside’ all by myself for 2 hours. Other than that, everything is in the cell, including meals. There are no phone calls, visits (if I’m lucky enough to get one) are in a 3x3 booth behind glass for an hour. If I don’t have money for canteen, I only get state soap every other week. So, I must wash my body and clothes with 3 oz soap for two weeks, which never lasts the 2 weeks. Desperation and despair are constant companions.”³⁴¹

Amenities that may seem basic to us, nurture the men’s spirit, an action that is detrimental for those trying to endure the conditions of a modern-day holocaust- that is genocide. A mother voices the impact visiting and making contact with her son has,

“I just wanted to see every movement he made, because I cherished that... I would stand up, you know how they say you stand up when someone important walks in the room. So I would stand up, and it was like if it was my son graduating or something. I would absorb everything about him, his walk, his smile... As soon as I would see him, this pressure would just drop. It was like

³⁴⁰ Felipe Rocha, Personal conversation with author, May 14, 2013.

³⁴¹ Ian Whitson, “My thoughts,” 2012.

saying, okay, that's it! You could put your guard down. Guard meaning: I fight daily in my mind, all these awful thoughts that could be happening to my son. Because of the lack of communication. Like he couldn't call me at least once a week... If you have someone in prison, you have to live by faith. You have to. Because if not, you go crazy. There's times that I tell friends, 'You know, if I didn't know what I know, I could be considered maldepressed, or what's that called, have anxiety, I could just have it all... I wouldn't be okay, I wouldn't. I know that I would have to live on meds just to survive.'

The torture and pain of the SHU extends to torment the families. Visiting helps lay to rest all the awful thoughts and anxieties induced by imprisonment. Nonetheless, the fact there may be some sense of celebration regarding the small gains only speaks to the horror of such a place. In the SHU, the fifth demand is meaningful, because it can be the determining factor in whether a man is able to preserve his sanity. Whether he manages to survive one more day in hell.

While to "Expand and provide constructive programming and privileges," was important enough to make it on the list of the demands, it was not the only demand the mediation team insisted needed to be addressed. As expressed by a sister, during the legislative hearing in 2013, "I haven't been fighting this fight for my brother and human rights, for the past two years, for my brother to receive a cupcake."³⁴² The ability to purchase sweatpants and take pictures was joyfully welcomed, but it was perceived as only the beginning to the many changes that needed to be made. The men on hunger strike did not drop the remaining demands when they were granted hand-balls and pull-up bars in their enclosed exercise yards. If anything they embarked on a third hunger strike in 2013, two years after the initial changes in 2011. Because they were after the

³⁴² CA Prisoner Hunger Strike Solidarity, "All Out for CA Prisoner Hunger Strike 2013" *YouTube* video

much larger, underlying demands that were the basis of their confinement, and as they argued, a violation of their constitutional rights.

Anthologies such as *Left Legalism/left Critique* interrogate the limitations of social movements that lean on rights- based projects and see legal rights as the primary site to effect social change. Authors are weary of the equation between rights and liberty, equal rights and equality- and highlight how law can take the shape of permission rather than prohibitions.³⁴³ Scholars like Dean Spade leave room for the use of law reform, as they are also very suspicious of its use and refuse to center it. According to Spade, “laws operate as tactics in the distribution of life chances that concern us, we must approach law reform tactically.”³⁴⁴ Spade warns readers that many times our inclusion in legal models legitimizes systems that harm us and further obscures the causes and consequences of that harm.”³⁴⁵ As argued by Derrick Bell, Dean Spade, and other legal scholars, rights do not question or disrupt the underlying social order, at moments they actually work to reaffirm it. Very importantly, Dean Spade reminds us, in many occasions prison reform has meant prison expansion.

The CDCr has historically proven to be a great example for these scholars’ statements. In fact, when CDCr decided to address the 5 core demands of the hunger strike they presented a “blueprint” and announced plans to revise the policies in the SHU by allowing people with “good behavior” out of SHU cells through a “step-down

³⁴³ Wendy Brown and Janet Halley, eds. *Left Legalism/Left Critique* (Durham & London: Duke University Press, 2002).

³⁴⁴ Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of the Law* (Brooklyn, NY: South End Press, 2011), 28.

³⁴⁵ *Ibid.*, 209.

program.” However, participants in the hunger strike were given disciplinary write-ups and the criteria to be validated as a prison gang member expanded to incorporate street gangs and groups of two or more members that were considered a threat to prison safety. This meant people could be validated prior to even having a prison term. Meaning, one could be validated and never have even stepped a foot within prison, but if ever incarcerated, would go directly to a SHU unit. The unintended, or very intended, consequences of this plan would result in more widespread use of the SHU.³⁴⁶ As prisoners expressed in their formal rejection of the Step-Down Program, “The new Pilot Program casts a much wider net for gang validation, now reaching into the community and watching family and friends who visit, as well as others outside. Everyone now is criminal by association, even grandparents and little children.”³⁴⁷

³⁴⁶ Julie Small, “Prison officials: Potential gang policy changed could shorten isolation time,” 89.3 KPCC, March 12, 2012, <http://www.scpr.org/news/2012/03/12/31598/ca-prison-officials-proposed-gang-policy-changes-c/>.

³⁴⁷ Irene Huerta, “Testimony for Assembly Public Safety Committee Hearing.” For more on prisoners rejection of the Step-Down Program see: “Prisoners reject CDCR proposal; threaten new hunger strike,” *prisonerhungerstrikesolidarity* (blog), December 17, 2012, <https://prisonerhungerstrikesolidarity.wordpress.com/2012/12/17/prisoners-reject-cdcr-proposal-threaten-new-hunger-strike/>; Pelican Bay Human Rights Movement, “Pelican Bay SHU Short Corridor Collective’s Rejection of CDCR Proposal,” *prisonerhungerstrikesolidarity* (blog), <https://prisonerhungerstrikesolidarity.wordpress.com/education/the-prisoners-demands-2/pelican-bay-shu-short-corridor-collectives-rejection-of-cdcr-proposal/>; Nantambu Jamaa, Sitawa, Arturo Castellanos, Todd Ashker, Antonio Guillen, “Pelican Bay Human Rights Movement: Short Corridor Collective’s Counter-Proposal to CDCR” *prisonerhungerstrikesolidarity* (blog), March 3, 2012, <https://prisonerhungerstrikesolidarity.wordpress.com/voices-from-inside/pelican-bay-human-rights-movement-short-corridor-collectives-counter-proposal-to-cdcr/>; Mutope Duguma, “The Pilot Program: Security Threat Group – Identification, Interdiction, Prevention, and Management (The Title Defines its Purpose)” *PHSS NEWS* (Jan 2013): 7-10.; California Department of Corrections, “Final Statement of Reasons,” September 4,

The prison hunger strike representatives completely rejected the Step-Down Program, because it did not address any of the first 3 demands. Lorenzo Benton conceded that "a few creature comforts were bestowed upon us to pacify the masses, but our struggle is not about making prison more comfortable. It's about being treated humanely and with the hope of a positive future."³⁴⁸ They wanted more than just a few amenities. They wanted substantial change in the policies that would guarantee an exit out of the SHU without having to debrief. The proposed Step Down Program had no clear alternatives to debriefing that would help them acquire exit from the SHU.³⁴⁹ To propel these changes, CDC would need to acknowledge them as people, and not raw materials for the prison industrial complex- another CDC #.

Ultimately, the policies determining their confinement in SHU would not change under the 2012 proposed Step-Down program. Validation would still be based on gang association, and not solely on behavior misconduct. Some prisoners would continue to have indefinite SHU sentences because there was no stated number of maximum years one could be withheld in the SHU.³⁵⁰ Additionally, their validation would not go through

2014,

http://www.cdcr.ca.gov/stg/docs/Final_Statement_of_Reasons_STG.pdf?pdf=STG-Info.

³⁴⁸ Victoria Law, "Pelican Bay Prison: One Year Later,"; "Letter from Lorenzo Benton," June 5, 2012.

³⁴⁹ Ibid.

³⁵⁰ According to Irene Huerta's, "Testimony for Assembly Public Safety Committee Hearing," on February 25, 2013, some of the Prisoner's critiques of the Step Down Program were:

1) Prisoners validated as Security Threat Group members —prison gang members— will continue to be subject to automatic, indefinite SHU confinement, solely based on the validation. A formal charge of gang related misconduct doesn't have to be filed and a formal hearing doesn't have to take place to determine guilt or innocence as per the preponderance of credible evidence standard, as required by CDCR's formal rule

a formal hearing and they would continue to be denied due process. Moreover, there would be no independent oversight of their validation process.

What the prisoners wanted was for CDC to:

“Discontinue relying on innocent associational activity, such as: roster list, group petitions, address books, poems, drawings, portraits literatures, published books, manuscripts, signing of birthday cards, signing of condolence cards, legal work,

violation hearing process. Inmates are saying the only way out of the SHU is to parole, die, go insane, debrief or successfully complete the four-year minimum Step Down Program (Pilot Program Memo, Sections 200.2; 500; 600.3; 700; 1200). Those who have already been in for decades don't believe they have to prove themselves any longer, especially those who have been disciplinary free for years, and who have educated and bettered themselves through a determination to survive what they call the hellhole.

2) There is no independent oversight of the IGI and OCS (Office of Correctional Safety), and no internal policing mechanism to make sure that decisions are fair, accurate, or objective.

3) The Pilot Program establishes a minimum but no maximum time limit in the SHU, and it doesn't even guarantee that an inmate will complete the process in four years, or automatically get out of the SHU after four years.

4) The conditions of confinement haven't changed; the deprivations are virtually the same.

5) The new Pilot Program casts a much wider net for gang validation, now reaching into the community and watching family and friends who visit, as well as others outside. Everyone now is criminal by association, even grandparents and little children. The inmates compare the SDP to the war on terror and Homeland Security, as if they are terrorists now.

7) The definition of “behavior” is still vague although it was supposed to be the substance of the new regulations. It can still be interpreted arbitrarily by guards. Example: “serious criminal gang behavior.” What does this mean? The Pilot Program seems to the inmates to be business as usual. No one trusts that this program will help them grow as people, or set them free from decades of the torture of indefinite isolation. Basically, they do not trust CDC to be true to its promise after the hunger strikes of instituting meaningful and substantial reforms to end decades of the torture that is indefinite solitary confinement.

8) No one knows what kind of new training correctional officers will receive to insure that they follow their own ethical standards of conduct, which require fairness, impartiality, integrity, efficiency, a lack of discrimination, making no false accusations, and Constitutional conduct.

9) There are no meaningful incentives in the Step Down Program like better canteen and food, hobby crafts, telephone, contact visits, more packages. They can have playing cards in Step 2, a plastic bowl in Step 3, and a chess game in Step 4. They say this is treating them like children.

chrono's for talking, envelopes with a validated prisoners name on it, etc; unless IGI can disclose undisputed evidence during inactive review, that the prisoner under review has written to another on a roster list who is promoting current gang activity; written to another validated prisoner's address, who is promoting current gang activity. The same proof of evidence shall apply to poems, drawings, cards literature, etc; showing the prisoner how his written material has promoted "current gang activity", gang violence, etc!"³⁵¹

Under the new stipulations, CDC would continue using the same evidence to validate them and keep them in the SHU indefinitely. Alas, it was very important to ensure CDC stopped using debriefers' testimonies as evidence to validate them.

The Step-Down Program was projected to be a lengthy and complicated process. It required a minimum 4-year participation before being evaluated, when there were already men who had been free of disciplinary violations for years. Irene Huerta, stated her discontent, "My husband has served twice his term, and the majority of time has been served in solitary confinement. Under the new Step Down Program, he would have to serve four more years as an alleged gang member, and he's already served 28 years."³⁵²

The culture of the CDC remained the same, as they portrayed the men in Pelican Bay SHU as the "worst of the worst" and a threat to themselves, the institution, and other prisoners.³⁵³ None of these steps carried substantial incentives, "They can have playing cards in Step 2, a plastic bowl in Step 3, and a chess game in Step 4. They say this is

³⁵¹Nantambu Jamaa, Sitawa, Arturo Castellanos, Todd Ashker, Antonio Guillen, "Pelican Bay Human Rights Movement: Short Corridor Collective's Counter-Proposal to CDCR," *prisonerhungerstrikesolidarity* (blog), March 19, 2012, <https://prisonerhungerstrikesolidarity.wordpress.com/voices-from-inside/pelican-bay-human-rights-movement-short-corridor-collectives-counter-proposal-to-cdcr/>.

³⁵² Huerta, "Testimony for Assembly Public Safety Committee Hearing."

³⁵³ Prisoner Hunger Strike Solidarity, "Why California's New Solitary Confinement Policy is a Human Rights Disaster," *prisonerhungerstrikesolidarity* (blog), June 13, 2013, <https://prisonerhungerstrikesolidarity.wordpress.com/2013/06/13/why-californias-new-solitary-confinement-policy-is-a-human-rights-disaster/>.

treating them like children.”³⁵⁴ If anything the Step Down Program helped to prove how unfair and sly CDC is when it comes to the treatment and consideration of incarcerated people. They demonstrated they had no intention of reducing the use of the SHU, and took the men on hunger strike as a joke. In addition, they not only felt they could propose such humiliating policies, but they also assumed they could get away with it, as had been the case for over 20 years.

After CDC’s proposed changes came slow, by May 29, 2013 only 249 SHU reviews had been completed. From the 249, 130 were approved for release to general population of which only 87 had been transferred, 83 of the 249 were approved for placement in the Step-Down program. From the remaining 249, 15 were absolutely retained in the SHU and another 16 were retained until they completed Phase One of debriefing.³⁵⁵ A little over 2 months later, on August 6, 2013, Jeffrey Beard claimed CDC had completed 399 reviews, of which about 62% (approx. 247) were or are about to be transferred into a general prison population. An additional 30% were placed in various phases of the step-down program, “receiving more privileges and rehabilitative services,” but still in the SHU.³⁵⁶ By January 2015, there had been the review of 725 cases with the release of 69% (approx. 500) into general population.³⁵⁷ A mother attributes the release of her son from the SHU to the hunger strike efforts,

³⁵⁴ Irene Huerta, “Testimony for Assembly Public Safety Committee Hearing.”

³⁵⁵ Victoria Law, “Pelican Bay Two Years Later,”

³⁵⁶ Jeffrey Beard, “Op-Ed: Hunger Strike in California,”

³⁵⁷ Sal Rodriguez, “In California Prisons, Hundreds Removed from Solitary Confinement-- and Thousands Remain,” *Solitary Watch*, January 27, 2015, <http://solitarywatch.com/2015/01/27/in-california-hundreds-have-been-removed-from-solitary-confinement-and-thousands-remain/>.

“If the hunger strike hadn’t happened he would still be in the SHU indefinitely. I don’t think he would be in general population right now... I really thought he would be lost in the system like so many are, just forgotten in there. I really thought they are going to make up something, one thing after another, to keep him in there. And they actually let him out when they said they would. Before there were so many they said they would be out in 2 to 3 years, and they’re still in there. They’re just lost in the little system that they make up.”

As they began to review people and decided some were being wrongfully held and should have never been placed in the SHU, the CDC was practically admitting that their validation process had been wrong this whole time. Making many truly question, what if the hunger strike had never happened and there had been no pressure for these SHU prisoners to be reviewed? What of these men and their already done time, of their wounds and their trauma, of what their eyes, spirits, and bodies had been forced to bear and witness?

While there were prisoners being reviewed and released, there were also new people being validated. In October 2012, 7 months after the Step-Down Program was introduced the SHU population across the state of California stood at 3,923, and in October 2014 it still stood at 3,732.³⁵⁸ As some left, a new generation was beginning to fill the same SHU prison beds. The nightmare began for a new set of families. There was also a vast amount of overflow in Administrative Segregation Units (also known as the hole) waiting for SHU cells to open up. Other men were moved from Pelican Bay to

³⁵⁸ Sal Rodriguez, “In California ,Hundreds Removed from Solitary Confinement.”

other locations closer to their loved ones, but were only being transferred to other SHU units in California with no definite time for release into general population. Thousands remained in SHU and Administrative Segregation cells. The hunger strike representatives did not trust CDC was acting in good faith and were not pleased with their response to the hunger strike. Alas, they decided to pursue other venues, ultimately filing a lawsuit against the state of California approximately 3 months after the release of the Step-Down Program. This case came to be known as, *Ashker V. Brown*.

Ashker V. Brown was filed on May 31st, 2012 through the Center for Constitutional Rights and was initially regarded as *Ruiz V. Brown*. This class action lawsuit was in behalf of prisoners who had spent 10-28 years in Pelican Bay SHU. It initially named ten plaintiffs that sought to relief two class of prisoners.

- 1) prisoners serving indefinite SHU terms because of a gang validation arguing they were denied due process through CDC's validation process.³⁵⁹
- 2) The over 500 prisoners who had been in the SHU for 10 or more years, arguing it violated the 8th amendment. The right to be free of cruel and unusual punishment. The basis for this was the denial of good time credits and parole, lack of access to quality medical care, apparent exposure to psychological torture, and risks of developing a mental illness and physical harm.³⁶⁰

In summary, they argued their confinement in the SHU was cruel and unusual punishment and a denial of due process.³⁶¹

³⁵⁹ Law, "Pelican Bay One Year Later." According to Law, the current validation review process is as follows: "First, the prisoner is urged to debrief. Second, a mental health staff member asks, 'Do you have a history of mental illness? Do you want to hurt yourself or others?' Third, the classification committee 'reviews' the paperwork in the prisoner's file. However, unless the prisoner is willing to debrief, the review allows no possibility of release from the SHU"

³⁶⁰ Ibid.

³⁶¹ Center for Constitutional Rights, "Landmark Agreement Ends Indeterminate Solitary Confinement in California," last modified August 26, 2016,

On September 26, 2013, days after the suspension of the 3rd hunger strike, this lawsuit was later granted the ability to include all SHU prisoners across California, not just Pelican Bay. On September 1, 2015 *Ashker V. Brown* reached settlement, and was approved by the courts, January 26, 2016.³⁶² For this settlement, CDC retaliated by implementing suicide checks, and walking around tapping on cell doors every 30 minutes. This led to much sleep deprivation and as a result altered several prisoners' mood, health, and medical conditions.³⁶³

Due to the *Ashker v. Brown* case, SHU placement would no longer be indefinite, capping it at 5 years under any circumstance. Most importantly, anyone who had been in the SHU for over 10 years would automatically qualify to be immediately released into a general population setting. SHU placement was only granted for behavior violations, as opposed to status based. This meant that people could no longer be held in the SHU for decades solely because of their gang classification or association. Many of the men in the SHU had been held solely on membership/association and did not have any rule violation write-ups in years. After the settlement, "California will only send gang-validated prisoners to SHU if they are found guilty, at a hearing, of a serious "SHU-eligible" rule

<https://ccrjustice.org/home/press-center/press-releases/landmark-agreement-ends-indeterminate-long-term-solitary>.

³⁶² Law, "Pelican Bay One Year Later,"

³⁶³ Prison Hunger Strike Solidarity, "Take Action Against Ongoing Sleep Deprivation Torture!," *prisonerhungerstrikesolidarity* (blog), December 4, 2015, <https://prisonerhungerstrikesolidarity.wordpress.com/2015/12/04/take-action-against-ongoing-sleep-deprivation-torture-emergency-protest-photos-included/>.

violation.”³⁶⁴ However, if prisoners had not committed a SHU eligible offense within the last two years they were also eligible for general population.

Under the *Ashker V. Brown* settlement, once they served their determinate SHU sentence they enter a 2-year Four-Step program that allows them to have phone calls and out-of-cell programming every step of the way. In the case that they do not want to participate in the Step-Down program or have another SHU-eligible offense during their SHU term, they will be placed in a “Restricted Custody General Population Unit” (RCGP) to finish the Step-Down program and earn their way into general population. These units will be high-security but non-solitary. RCGP units will allow the same amount of out-of-cell time as other general population units, and for prisoners to walk around the unit without restraints. They will be allowed visits, access to educational courses, small-group activities in lieu of yard, phone calls, and some job opportunities.

RCGP would warehouse three types of prisoners:

“first, those who repeatedly violate prison rules while in the step-down program or refuse to take part in step-down programming; second, those who have spent over 10 continuous years in some form of solitary confinement and have recently committed a SHU-eligible offense; and third, prisoners against whom there is a substantial threat to their personal safety that limits their ability to be released into other general-population units.”³⁶⁵

³⁶⁴ Center for Constitutional Rights, “Summary of Ashker v. Governor of California Settlement Terms,” <https://ccrjustice.org/sites/default/files/attach/2015/08/2015-09-01-Ashker-settlement-summary.pdf>. SHU Eligible violations were described as, “now limited to the same violations that send non-gang-validated prisoners to the SHU: murder, violence against persons, threats to kill or assault, weapons possession, distribution of controlled substances, escape, disturbance, riot or strike, harassment, gang activity that leads to a serious rule violation, serious theft or destruction of property, extortion or bribery, certain sexual misconduct, and related attempts or conspiracy.

³⁶⁵ Prisoner Hunger Strike Solidarity, “Summary of Settlement Terms in Ashker v. Brown (Governor of California),” *prisonerhungerstrikesolidarity* (blog), September 9, 2015,

If they had recent SHU eligible offenses they would be placed in the appropriate process of the 4 Step Program. The only left exception for those withheld over 10 years to remain captive was the “Administrative SHU” that would be accompanied with reviews every 180 days.³⁶⁶

After the settlement, CDC was mandated to conduct all reviews within one year and they were prohibited any form of retaliation towards prisoners who participated in the hunger strike and/or advancing the settlement.³⁶⁷ Very importantly, there would be 2 years of strong judicial oversight by Magistrate Judge Vadas and plaintiff’s counsel to ensure CDC complied with the court settlement. Between October 2015 and January 22, 2016, prior to the Courts official settlement approval,

“686 out of a total of 1,813 prisoners entitled to reviews under the settlement have been reviewed for release into the general prisoner population; 546 of the prisoners reviewed, nearly 80 percent, have been cleared for release into general population; and 437 have actually been released from solitary confinement.”³⁶⁸ By December 2015, Tehachapi held 382 SHU prisoners, Corcoran 1,153, Pelican Bay 820, and Sacramento 39, down to a total of 2,394 in SHU population- reducing the

<https://prisonerhungerstrikesolidarity.wordpress.com/2015/09/09/summary-of-settlement-terms-in-ashker-v-brown-governor-of-california/>.

³⁶⁶ This form of segregation would only happen if, ”the Departmental Review Board has overwhelming evidence that a prisoner who has already served a SHU term presents an immediate threat such that he cannot be placed in general population, he can be kept in the SHU. Even in such instances, CDCR shall provide enhanced out-of-cell recreation and programming of a combined total of 20 hours per week, double the out-of-cell time of other SHU prisoners.” Ibid.

³⁶⁷ Ibid.; Center for Constitutional Rights, “Summary of Settlement Terms.”; Center for Constitutional Rights, “Key Reforms to California’s Use of Solitary Confinement,” August 31, 2015, <https://ccrjustice.org/key-reforms-california-s-use-solitary-confinement/>.

³⁶⁸ Prisoner Hunger Strike Solidarity, “Historic Settlement to End CA Indefinite Solitary Confinement Finalized in Court,” *prisonerhungerstrikesolidarity* (blog), January 27, 2016, <https://prisonerhungerstrikesolidarity.wordpress.com/2016/01/27/historic-settlement-to-end-ca-indefinite-solitary-confinement-finalized-in-court/>.

population by 40% since the initial 3,923 in 2011. While many have been released, the oversight is set to expire September 1, 2017. This has posed a huge concern for advocates that are now seeking an extension, because they doubt CDC will comply with ethical practices in their validation of SHU prisoners after the oversight is over. Luckily, plaintiffs can seek the renewal of oversight every year.

Other efforts to create changes in the SHU also included lawsuits filed by prisoners to the United Nations that argue the conditions of confinement inside of Pelican Bay constitute torture and are a violation of their human rights. This approach is exemplified by Irene Huertas' statement during a Sacramento Hearing as she states,

“The United States is a member of the Geneva Convention and thus abides by its treaties. These treaties were drawn up to prevent inhumane treatment by victims and prisoners of war. My husband and others have been treated worse than a prisoner of war. They have experienced psychological torture, inhumane treatment, great suffering, serious injury to body and health and deprivation of a right to a fair trial. How can we observe these rules for other nations, if we cannot institute them at home? All I am asking is for our loved ones to be treated like human beings.”³⁶⁹

Lawsuits to the United Nations in behalf of prisoners in Pelican Bay have served to garner attention and continue to mobilize people against the CDC. While there exists numerous critiques of the use of a human rights framework, I contend that for the hunger strike the use of Human Rights is part of a larger struggle that demands more than recognition. Human Rights have formed a venue that enables people to connect, begin to understand, and/or open their eyes to the atrocities happening in Pelican Bay State Prison. The language of Human Rights can and has been used to capture the attention of masses and shift popular beliefs and notions around the use of prisons. This not only pressures

³⁶⁹ Irene Huerta, “Testimony for Assembly Public Safety Committee Hearing.”

the CDC to uphold the five demands, but also pushes society to question the massive funding of prisons and cutting of social services in a moment of economic crisis. The language of human rights has also allowed conversations regarding the abuse of prisoners and the normalization of punitive violence that makes their daily terror go uncontested.

In this instance, it is important to remember Stuart Hall's words, "It conceives ideological change, not in terms of substitution or imposition, but rather in terms of the articulation and the dis-articulation of ideas."³⁷⁰ Within it is a larger struggle around articulation and the devaluing of incarcerated people's lives. The dehumanization that provides consent to the human sacrifice enacted by Pelican Bay SHU functions through cultural and ideological structures that render incarcerated men illegible. In their illegibility they are rendered silent, un heard by the masses that have deemed them criminal and are unwilling to listen to the words of a "prison gang member" and/or "the worst of the worst."

These lawsuits may not be end-all solutions, but they definitely form part of a larger effort to shift hegemony and disrupt the power of the prison industrial complex. In this case, reform through law is an effort to begin to create a rupture in the process that dehumanizes people and relegates them to property. This struggle does not only end by shifting perceptions of prisoners as disposable, but actually disrupts the logics of genocide that are at the center of the prison regime. As stated by the *Ashker v. Brown* plaintiffs,

³⁷⁰ Stuart Hall, "Chapter 20: Gramsci's relevance for the study of race and ethnicity," in *Critical Dialogues in Cultural Studies* (London and New York: Routledge, 1996), 434.

“the prisoners’ human rights movement is awakening the conscience of the nation to recognize that we are fellow human beings... Achieving our goal of fundamentally transforming the criminal justice system and stopping the practice of warehousing people in prison will be a protracted struggle.”³⁷¹

Beyond the 5 core demands, this struggle is also about re-articulation- not simply improving conditions in prison. Perhaps at face value the strategies appear as reformist and do not question the underlying social order. However, I contest that does not consider these men are supposed to be socially and spiritually dead- ready to succumb to CDC- and not in a position where they feel entitled to make demands of prison officials. If we see abolition as relational, in the doing, then what more can we ask than to not allow our person and imagination to be limited by the most highly surveilled, repressive, and technologically advanced prison walls. Even under some of the most intense physical and psychological torture, people captivated within the SHU refused the standards and definitions imposed by the prison regime.

While we can recognize there are limitations to the hunger strike, as Scott Richard Lyons reminds us, there are always unintended consequences, “we live in mutually contaminating times,” just as “we live under the Great Law of Unintended Consequences,” filled with “impurities, contradictions, misconceptions, mistaken identities, liminality, and irony.”³⁷² These unintended consequences exist especially within people’s creative capacities. Being celebratory doesn’t take our ability to carefully

³⁷¹ Luis Esquivel, George Franco, Richard Johnson, Paul Redd, Gabriel Reyes, George Ruiz, Danny Troxell, Sitawa Nantambu Jamaa, Todd Ashker, “Our Movement Rests on a Foundation of Unity: our Agreement to End Hostilities,” *prisonerhungerstrikesolidarity* (blog), August 31, 2015, <https://prisonerhungerstrikesolidarity.wordpress.com/tag/prisoners-human-rights-movement/>.

³⁷² Scott Richard Lyons, *X-Marks: Native Signatures of Assent* (Minneapolis: University of Minnesota Press, 2010), xi.

examine the implemented results of reform and continue to wage struggle. Reform can be a building block, but does not have to be the home we want to inhabit. These can be models we use today to keep moving, but know we don't want for the long run. That serves us for a moment, and will ultimately need to take new shape, but nonetheless they were useful in fusion with our creativity and savyness. Within reforms, there can exist a recognition that acquired gains will not solve the problems that led to and are now caused by Pelican Bay; nonetheless, their support is beneficial and advances efforts to improve the livelihoods of those incarcerated by addressing urgent situations. "Reform" can be a step in the right direction on a path that is always constantly recreating itself. A path with reflections activated in the present and worked out in the doing. As Dolores Canales, a mother, expressed about the Ashker V. Brown case, "This is a settlement! We are not settling!"

I don't mean to be celebratory of a reality that can be brutal and frustrating, but rather acknowledge the openness that exists within what can appear solely limiting or regressive. For the uprisings around the hunger strike, I insist that the use of reform through law is an effort to begin to create a rupture in the process that dehumanizes incarcerated people and relegates them to property. For this instance, an effort at reform may not be perfect, but it is an effort to obstruct that which is killing us.³⁷³ Despite our

³⁷³ I say us, because I firmly believe this way of structuring life is killing everyone- some faster than others. It provides a pretense of life for others, but to me it is not life it offers, it is sickness. The idea that we can create life off the human sacrifice of whole communities is a sickness. A sickness that not just marginalized communities need healing from due to their wounding, but also those that are under the illusion that they benefit from this violence. (i.e race, the illusion of white supremacy and white

imperfections as activists or family members- or the many identities we may inhabit- I share these words with as much love as the frustration I once had. I only hope that my reflection can contribute to the labor of building a better present and future(s) together- alongside one another.

Political Opportunity: Prisoner Hunger Strikes and Shifts in Public Support for Incarceration

The Pelican Bay Hunger Strike converged with California's budgetary crisis, Supreme Court ruling to reduce the prison population, realignment proposals, and various propositions and legislations regarding incarceration. The convergence of the various struggles that arose in this historical moment allowed the formation of alliances and coalitions to build a massive movement against the unquestioned power of the CDC. The Pelican Bay Hunger Strike created enough rupture to place CDC under a massive spotlight. In fact, CDC feared the power of families, loved ones, and incarcerated men to disrupt their institutional power and reconfigure hegemony. As soon as the hunger strike began to garner huge media attention, the CDC hoped to end the hunger strike by seeking a court order to force-feed all inmates refusing to eat, and as such disrupt the momentum and international attention the hunger strike had gained.

The Supreme Court's ruling demanded that the California Prison system reduce its population by 33,000 inmates in order to correct at times deadly lapses in medical care.

According to the Huffington Post, Justice Anthony Kennedy, said that California had

supremacists as their believed beneficiaries or the creation of the subject and the obsession with the illusion of control)

little choice but to reduce CDCr's current inmate population because the current squalid prison conditions violate the Constitution's ban on cruel and unusual punishment. He further noted that the court challenge had been filed in 1990 and that these violations have persisted for years without being addressed and corrected.

As a way to reduce the prison population, the CDCr and Jerry Brown proposed a plan for realignment; however, their solutions largely incorporated the continuous building of facilities through expansion of county jails. This did not reduce the prison population; it merely relocated those incarcerated, and continued to use public money to fund mass incarceration. Through realignment all of California's 58 counties received funding to cover the costs of additional "convicts" that would be made to serve their sentence in county jails rather than prison. Thirty-two of the counties developed plans to spend the money on either amplifying their space or the construction of new facilities. Some counties did not present any plans to create alternatives to incarceration, such as electronic monitoring and/or work-release programs.³⁷⁴

Nonetheless, plans for realignment were met with resistance. Organizations that became heavily involved with the issue of Pelican Bay and solitary confinement, such as the ACLU, came out publicly against these proposals for realignment. Conversations around realignment were also accompanied by exposure to cuts in education. At the time, Cal State Universities had announced their attempts to reduce enrollment to deal with a \$750 million cut made for 2011-12 and a possible additional cut of at least \$200-million

³⁷⁴ Ryan Gabrielson, "California Inmate Reduction: ACLU Report Counties Focusing On Jail Expansion." *California Watch*, March 22, 2012, http://www.huffingtonpost.com/2012/03/22/california-inmate-reduction_n_1373774.html.

the coming year. Under this plan, most Cal State campuses would not accept new students. For spring 2013, only 8 out of 23 CSU campuses planned to accept a few hundred students.³⁷⁵ All of this occurred while Governor Jerry Brown set aside \$425 million in the current annual budget for realignment and estimated giving counties \$850 million in the next year and \$1 billion the following year.³⁷⁶

Conversations around what was going on in Pelican Bay often included a critique of CDC's unyielding power. Their ability to garner so much public support for investment in punishment, while it disinvested in public services and education- all sources that are presumed to help us build healthy societies.³⁷⁷ The hunger strike provided a platform to discuss the state's disinvestment in the social wage in order to provide capital for the booming prison business. This movement created an opportunity to merge various grievances and build a movement to dismantle the prison industrial complex.

Dolores Canales, shared how she would often randomly begin talking to strangers at the store or in church about the state's large investment in prisons and the cut in social services as an entry point to speak about Pelican Bay. This often lead to an exposure of

³⁷⁵ Carla Rivera, "Cal State plans to freeze enrollment next spring at most campuses," *Los Angeles Times*, March, 20, 2012, <http://latimesblogs.latimes.com/lanow/2012/03/cal-state-plans-to-freeze-enrollment-next-spring-at-most-campuses.html>.

³⁷⁶ Chris Megerian, "ACLU is critical of state prison realignment." *Los Angeles Times*, March 22, 2012, <http://www.latimes.com/news/local/la-me-realignment-20120322,0,4034454.story>.

³⁷⁷ For an interrogation of these assumptions see: Erica Meiners, *For The Children?: Protecting Innocence in a Carceral State* (Minneapolis: University of Minnesota Press, 2016); Damien Sojoyner, *First Strike: Educational Enclosures in Black Los Angeles*, (Minneapolis: University of Minnesota Press, 2016); Damien M. Sojoyner, "Black Radicals Make for Bad Citizens: Undoing the Myth of the School to Prison Pipeline," *Berkeley Review of Education* 4, 2 (2013): 241-263.

preposterous amount spent to keep Pelican Bay running along with the plans to expand super-max facilities, and ultimately the conditions of confinement that tax payers themselves pay to exist. People were often surprised that the state had allowed such actions not only to happen, but for it all to be paid with public funds.

Discussions about Pelican Bay's SHU have also given rise to conversations around the three strikes law, unfair sentencing for youth, the cut in social spending, and politicians use of fear to garner support for tough on crime punishment, along with internal CDCr corruption. In September of 2012, Governor Jerry Brown signed SB 9, The Fair Sentencing Youth Act, that would provide the opportunity to resentence youth who had been given life without the possibility of parole. This affected over 300 youth opening a possibility for release from prison. Only a couple of months after in November, California voters passed Proposition 36 which authorized re-sentencing for offenders currently serving life sentences with a 3rd strike conviction that was not serious or violent-granted that the judge determine re sentencing would not pose unreasonable risk to public safety. Moreover, this proposition limits the imposition of a life sentence to felony convictions that are categorized serious or violent. In addition, Prop 36 maintains that repeat offenders convicted of non-violent, non-serious crimes, such as shoplifting and simple drug possession, will receive twice the normal sentence rather than life. This decision by voters is predicted to save the state tens of millions of dollars annually in the short run, and over \$100 million annually in the long run.

Another legislative decision celebrated May 2013, was SB 649, The Local Control in Sentencing Act, passed the California Senate and moved on to Assembly. The act

would give prosecutors the ability to charge low-level drug possessions for personal use as a misdemeanor rather than a felony. This bill also grants judges the option to deem low-level drug possession a misdemeanor or felony once they have considered the defendant's offense and record. Moreover, this bill does not apply to anyone selling, manufacturing, or possessing drugs for sale, but this has been the first time the California Senate votes to reduce a felony penalty. Further, not only would it enable county jails to alleviate overcrowding, but also save the state and local governments \$100 million annually allowing them to invest in alternatives. This may not be abolitionist per se, but it demonstrates the rise of public critique of tough on crime and a willingness to move away from punitive approaches that seek the prison as remedy to complicated social and economic problems.³⁷⁸

The California prisoner hunger strikes also gathered the attention of the United Nations. On October 18, 2011, shortly after the second hunger strike ended, Juan Mendez, the UN's Special Rapporteur on Torture, presented a written report on US solitary confinement to the UN General Assembly's Human Rights Committee. He stated that solitary confinement,

"can amount to torture or cruel, inhuman and degrading treatment or punishment when used as a punishment, during pretrial detention, indefinitely or for a prolonged period, for persons with mental disabilities or juveniles. Segregation, isolation, separation, cellular, lockdown, supermax, the hole, secure housing unit ... whatever the name, solitary confinement should be banned by states as a punishment or extortion (of information) technique."³⁷⁹

³⁷⁸ Ruth W. Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 244.

³⁷⁹ UN News Centre, "Solitary confinement should be banned in most cases, UN expert says," October 18, 2011,

Mendez called for a ban of any use of solitary that was over 15 days, and the prohibited use of solitary on minors and the mentally disabled.³⁸⁰ In addition, on June 19, 2012 “the Subcommittee on the Constitution, Civil Rights and Human Rights held the first-ever Congressional hearing on solitary confinement. In his opening statements, Illinois Sen. Dick Durbin read descriptions of Pelican Bay's SHU as an example of the extreme inhumanity of solitary confinement.”³⁸¹ Following this large attention, President Obama also openly critiqued the use of solitary confinement in his speech during a NAACP convention, and later banned its use for juveniles and those serving low-level infractions in federal prisons.³⁸²

Historically, hegemonic ideologies put forth by the media and state have prevented people from seeing the person behind the image of a prisoner. Often tough on crime narratives portray the criminal as “violent predators” that need to be contained and tamed through punishment. Nonetheless, if massive amounts of people begin to demonstrate a shift in their approach to crime, prisons, and the CDC it would pressure politicians to no longer align themselves with the CCPOA or tough-on-crime advocates. Since prisons are largely state controlled and funded- not private- politicians interested in maintaining the

<https://www.un.org/apps/news/story.asp?NewsID=40097&Cr=torture&Cr1=%20ForceRecrawl:%20#.WUHq28aZOYV>.

³⁸⁰ UN News Centre, “Solitary confinement should be banned in most cases.”

³⁸¹ Law, “Pelican Bay Prison: One year later.”

³⁸² Peter Baker and Erica Goode, “Critics of Solitary Confinement are Buoyed as Obama Embraces Their Cause,” *New York Times*, July 21, 2015, <https://www.nytimes.com/2015/07/22/us/politics/critics-of-solitary-confinement-buoyed-as-obama-embraces-cause.html>; Michael D. Shear, “Obama Bans Solitary Confinement of Juveniles in Federal Prisons,” *New York Times*, January 25, 2016, <https://www.nytimes.com/2016/01/26/us/politics/obama-bans-solitary-confinement-of-juveniles-in-federal-prisons.html>.

public vote will feel pressured to contest and question the decisions and proposals made by CDC. These shifts in Sacramento would drastically affect legislation and laws that have largely criminalized black and brown populations and taken a punitive approach to solving our complex problems.

The battle waged at the level of ideas where public perceptions of crime and community safety are shaped is of utmost importance. A large shift in the public's conception of prisons- their use, function, efficiency, and justification- will disrupt the ideological component that has maintained the hegemony of the prison regime intact. Not only would there be a halt in this coercive form of state violence, but there will simultaneously be a downward distribution of resources. Following Ruth Wilson Gilmore's Ten Theses- at the top of the list she highlights how imperative it is to "take charge of resources and turn them to life-enhancing use."³⁸³ As not only is the state not prioritizing our welfare when managing our resources, it uses them to wage a war against the poor. Many of our private troubles are actually public problems.³⁸⁴ We must engage and meddle with the state- not because we believe in it, but because otherwise we leave it in the hands of the oppressor.³⁸⁵

Social Networks: I Got Love For You, I Feel You

As much as the organizing was truly the power of the hunger strike's message, it would not have been possible without the wide outside advocacy of organization and lawyers,

³⁸³ Gilmore, *Golden Gulag*, 245.

³⁸⁴ C. Wright Mills, *Power, Politics, and People* (New York: Ballantine Books, 1963).

³⁸⁵ Walter Rodney, *Walter Rodney Speaks: The Making of an African Intellectual*, (Trenton, NJ: Africa World Press), 24-26.

but most importantly, the impact of their loved ones' stories. As expressed by Mutope Duguma,

“the power of the legal support and the family/community support is what literally humanized us prisoners to the rest of the world. The countless families and friends did a remarkable job in representing us from an emotional and human perspective and our legal support represented our civil and human rights, and together they both re-humanized us as men and women. This is what made it possible for us to be able to demand such a settlement.”³⁸⁶

In addition to its powerful legal team and the prisoner representatives' knowledge of the law, the hunger strike wouldn't have reached such a massive level of organization if it wasn't for the informal networks that existed amongst current and former prisoners, family, and loved ones. Its ability to grow to such a large extent and to garner so much national and international attention helped Pelican Bay Hunger Strike become monumental. While family and loved ones did what they could to ensure the livelihoods of their incarcerated kin, they also inspired new models of organizing and social relations that can help us craft and build brighter futures. Quite frankly, the prison regime has become so widespread that it has created the impact that could lead to its very demise.

The hunger strike's social networks were primarily shaped by a web of people who had been affected by the prison systems reign of terror in this age of militarism and human sacrifice. A great number of those that came out to support the hunger strikers identified with the pain of those warehoused in Pelican Bay, because over the decades they had witnessed numerous members of their community condemned to steel cages since a very young age. They had witnessed police repression and state abandonment, and were cognizant of the negative effects mass incarceration had on the areas and people

³⁸⁶ Prisoner Hunger Strike Solidarity, “Historic Settlement Finalized in Court.”

where they lived. They understood the pain of losing a loved one to the system- of the wounds and trauma caused by police occupation and the cages of imprisonment.

Women were at the forefront of this organizing work, many of which were mothers, wives, and nieces. Most men that participated in the outside organizing, shared social ties with people that are incarcerated or face constant harassment by the police. They came out of love they had for old homies, old neighborhood friends. Men, who they grew up with, and like many of their other confidants, had been swallowed by the prison system. Many felt the pain, but they also felt a sickness and tiredness. This was an opportunity for them to join with everyday common people who also felt the same- who could no longer sit by and accept their families, loved ones, neighborhood children, youngsters, homies get swept up and be held captive in America's prison system.

Much of the organizing around the hunger strike in Southern California creatively came together. The urgency of the situation crept in when supporters realized the CDCr was not responding to the 5 core demands and the men still refused to eat. Indeed, some went a full 21 days without eating. Family members who had no expertise in rallying or putting press conferences organized most of the events. All many really had was their urgency, stories, prayer, and some cool bosses and supportive working environments here and there. Letters and visits were the main sources for updates inside and outside the walls. Facebook also proved to be a great resource for mobilizing, massive notifications, asking people to call senators and the governor, and providing news to people across the globe. In addition, people updated one another by continuously seeing each other, since

they refused to stop organizing, because they knew that each day that passed was another day their loved one did not eat, and a step closer that they were to death.

A factor that has also made their organizing so unique was the friendship and bond they created at their various events and meetings. Friendship was not only their network, but their model. Their informality and affection, *cariño*, created a space that brought people together to work with a lot of love. The focus was on this very living and present crisis, and less on taking on a specific identity and politics to fit a particular model of doing activist work. Their strategizing was not as formal as other activist meetings, and they insisted on being able to laugh and have rants in the middle of planning. One of the mother's shared that she could not comprehend why activists were so uptight and boring- and how could they expect people to want to go to their meetings when they go on forever and you do not feel comfortable to intervene and talk. "No wonder no one wants to get involved or join their organizations!" she exclaimed.

Because many had no previous experience organizing they just figured it out along the way. Getting lost was part of the adventure and marvelousness, because it provided them the opportunity to craft their own new innovative ways for mobilizing. Their heart and divine presence seemed to be a better guide than previous activist models.

Conclusion

As we commend and recognize the tremendous work outside organizations did to gather recognitions for the hunger strike it is so vital to comprehend the immensity of the Pelican Bay Hunger Striker's achievements. Pelican Bay is not only designed to socially

control the men within its walls, but also the prison population across California. As a prison within the prison, Pelican Bay is a threat and disciplining mechanism for the men in general population. This super-max prison was partially designed to ensure that no massive organization and uprising of prisoners ever occur. Nonetheless, over 6,000 men joined their efforts on July 1st, 2011, and over 30,000 in July 8, 2013.

While I push us to celebrate the Pelican Bay Hunger Strike movement and strive to convey the urgency of making immediate changes by advocating for the 5 core demands, it is also important to note that this struggle is perceived as a part of a larger struggle against the brutality of imprisonment and solitary confinement. As finely expressed, by the hunger strike representatives,

“Our movement rests on a foundation of unity: our Agreement to End Hostilities. It is our hope that this groundbreaking agreement to end the violence between the various ethnic groups in California prisons will inspire not only state prisoners, but also jail detainees, county prisoners and our communities on the street, to oppose ethnic and racial violence. From this foundation, the prisoners’ human rights movement is awakening the conscience of the nation to recognize that we are fellow human beings. As the recent statements of President Obama and of Justice Kennedy illustrate, the nation is turning against solitary confinement. We celebrate this victory while, at the same time, we recognize that achieving our goal of fundamentally transforming the criminal justice system and stopping the practice of warehousing people in prison will be a protracted struggle. We are fully committed to that effort, and invite you to join us.”³⁸⁷

The national attention garnered by Pelican Bay was meant to also bring to light the injustices faced by all prisoners, as a prisoner class. They came together in refusal to be state property, and waged an ideological war to break the public’s anesthetization to the brutalities of incarceration. Just as the California prisoner hunger strikes tried to inform the public, they also generated changes within the prisoner population themselves, as they

³⁸⁷ “Statement of plaintiffs on settlement of *Ashker V. Brown*,” August 31, 2015.

recognized their similarities despite of their years of differences. Dorsey Nunn said it best when he stated, “The guys at Pelican Bay have showed us the example that we should follow, in terms of recognizing each others humanity.”

When CCR filed *Ashker v. Brown*, more than 500 prisoners had been isolated in the Pelican Bay SHU for over 10 years. Seventy-eight had been there for more than 20 years. And six had been there for more than 30.³⁸⁸ California began reducing its solitary population shortly after *Ashker* was filed, in response to both the lawsuit and the pressure induced by the hunger strikes. In December of 2012, at the very beginning of this trend, there were 9,870 men (or 7.5% of the male prison population) in some form of isolation or another (including serving a set disciplinary term for prison misconduct). As of August 2016, that number has dropped to 3,471 (2.7% of the population).³⁸⁹ The number of prisoners held in the Pelican Bay SHU for more than 10 years has dropped by 99 percent. Today, only five SHU prisoners have been there for over 10 years, and they are expected to be released from solitary shortly, or at least given a release date. Throughout the rest of the state, 1,557 prisoners have been reviewed, 1,532 of them have been designated for transfer out of solitary, and at least 1,512 of them have already left, bringing down California’s indefinite solitary population a whopping 97 percent. Further, between December 2012 and August 2016, the State’s entire solitary confinement population has fallen by 65%, from 9,870 to 3,471.

³⁸⁸ Center for Constitutional Rights, “One year since Pelican Bay settlement.”

³⁸⁹ Center for Constitutional Rights, “California solitary confinement statistics: Year One after landmark settlement,” October 18, 2016, <https://ccrjustice.org/california-solitary-confinement-statistics-year-one-after-landmark-settlement>.

Thirteen years prior, a now released prisoner, described how toilet paper and mail were used to terrorize him.³⁹⁰ Today with the tireless work at reform, advocates and families captured the attention of many and incited many ruptures. Nonetheless, while the number for men in the SHU dropped those for women increased, reporting almost double the population in the time span of approximately 8 months.

“the conversion of Valley State Prison to a men's prison and transfer of women to the California Institution for Women (CIW) has caused a dramatic increase in the number of women in CIW's SHU. Originally built to hold 60 people, CIW's SHU went from 64 women in September 2012 to 112 in April 2013 with two women in each SHU cell. One family member reported that ‘Belinda,’ who went on a solidarity hunger strike in 2011, has completed her 15-month SHU sentence for possessing tweezers but, because of overcrowding, will remain in SHU until her 2014 release date.”³⁹¹

It is these shifts that remind prisoners to maintain themselves vigilant. Their skepticism of CDC made them demand a seat at the table to, “review the progress of the settlement, discuss programming and step-down program improvements, and monitor prison conditions.”³⁹² Indeed, they have maintained themselves bold in their demands of CDC.

As Ashker expressed in the first meeting's report back,

“At the beginning of this first meeting, it became clear that there was a misunderstanding about its function. CDCR thought the meeting was for us to listen to them. Why would we put a term into our Settlement that would have us listen to them? We listen to them every second of our lives. We see the purpose of these calls as an opportunity for us to be heard and to have a discussion with people in authority. Despite this initial confusion, we were able to lead the meeting... CDCR may have been surprised at the tenor, strength and substance of our approach. We expect at the next meeting, we will all understand the agenda and purpose well ahead of time. We also think a longer meeting will allow for a

³⁹⁰ Prisoner Hunger Strike Solidarity, “Three weeks with No Food, Solidarity Strengthens,” *prisonerhungerstrikesolidarity* (blog) July 19, 2011, <https://prisonerhungerstrikesolidarity.wordpress.com/2011/07/19/three-weeks-with-no-food-solidarity-strengthens/>.

³⁹¹ Law, “Pelican Bay Two Years Later”

³⁹² Prisoner Hunger Strike Solidarity, “Summary of Settlement Terms.”

full discussion and useful interaction. We hope CDCR officials come to welcome these historic meetings as useful because they will be if prisoners' perspectives are heard, used and received by them."³⁹³

The hunger strikers did not take the seriousness of these meetings lightly. CDC would have to learn how to listen, and honor that they were now beside them on the table. The hunger strikes expected no less, and refused to accept otherwise. A shock to CDC, that had been convinced their relation to incarcerated people was one of submission. Those they had strategized to annihilate and succumb in their torture chambers were making demands that had to be met.

While many changes have arrived, the hunger strikers are not complacent with the gains of the settlement. They clearly expressed,

“Conditions, policies and practices that we are experiencing in some of the General Population yards are not what we expected when we settled our case. After spending decades in solitary we cannot accept many of these conditions. Too many prisoners are simply warehoused, and there are not enough jobs or programs to give us skills, engage our minds and prepare us to return to our communities. Guards need training in ‘professional’ behavior. Bullying and humiliation should never be tolerated.”³⁹⁴

The hunger strikers refuse to settle for anything that demarcates them as property- raw materials to fill warehouses. While they take full responsibility for the acts that led them to imprisonment, they push us to rethink the way we hold people accountable and expect to create safer and healthier communities, as they demand more programming to engage their minds and help them prepare for release.

³⁹³ Todd Ashker, “Report Back from Prisoner Representatives’ First Monitoring Meeting with CDCR,” *The Daily Outrage* (blog), May 23, 2016, <https://ccrjustice.org/home/blog/2016/05/23/report-back-prisoner-representatives-first-monitoring-meeting-cdcr>.

³⁹⁴ Ashker, “Report Back from Representatives.”

The hunger strikers have demonstrated, we have the capacity to shape the future, and the existing structural forces are dependent on us to grant them the massive power they hold. Ruth Wilson Gilmore, wisely advises, “If we take to heart the fact that we make places, things, and selves, but not under conditions of our own choosing, then it is easier to take the risk of conceiving change as something both short of and longer than a single cataclysmic event.”³⁹⁵ Indeed it is that persistence for justice that will help push for a complete restructuring of society that can permit us to learn to listen and honor all life.

³⁹⁵ Gilmore, *Golden Gulag*, 242.

Chapter 4

Unbroken Spirit: SHU Prisoner Hunger Strikes and the Promise of Rebirth

Prisons function as enclosures. Pelican Bay, designed as a prison within a prison, can then be understood as an enclosure within an enclosure. As a facility specifically designed to complete the project of asset stripping and fully strip incarcerated men of all assets in order to eliminate any threat of prisoner's collective organizational power. Furthermore, I argue that the resilience and theorizing of the Pelican Bay/California prisoner hunger strikers and their loved ones hold the promise of rebirth.

Prison as Enclosures

In his work on New Orleans and Hurricane Katrina, Clyde Woods identifies social-spatial racial enclosures driven by a neoliberal capitalist economic model that entraps people. He states, "Enclosures are reproduced through a complex of public and private traps."³⁹⁶ He names this economic facilitation "trap economics," and further explains, "Enclosures are maintained by a system of militarized regulation, physical boundaries, and social, political economic traps."³⁹⁷ Trap" denotes an *entrapment* into this matrix of disposability and human sacrifice. Through these racial enclosures various forms of community wealth are stripped to redistribute economic wealth upwards and

³⁹⁶ Clyde Woods, "Les Misérables of New Orleans: Trap Economics and the Asset Stripping Blues, Part 1," In *In the Wake of Hurricane Katrina: New Paradigms and Social Visions*, eds. Clyde Woods, 343-370, (Baltimore, MD: Johns Hopkins University Press, 2010).

³⁹⁷ Woods, "Les Misérables," 348.

entrap working class and racialized communities into further poverty, vulnerability, and a deeper proximity to death.³⁹⁸

Very importantly, enclosures extract wealth from communities through “asset stripping.” The internal workings of enclosures are made up of neoliberal policies produced to strip marginalized people of public assets they waged a struggle to produce and gain over centuries.³⁹⁹ According to Clyde Woods, asset stripping can take the form of destroying publicly held assets and privatizing them, limiting peoples access to employment opportunities, dismantling the welfare state, food insecurity, reducing income, eliminating affordable housing and access to education, no voting rights, destruction of health care and healing methods, and the denial of a right to live. The result of asset stripping looks like homelessness, hunger, poverty, employment discrimination, gentrification, unemployment, residential segregation, disposability, incarceration, family instability, expulsion, displacement, loss of health, a decline or no presence of elders, death, increased burdens that are often faced by women, trauma. That is: a massive loss of wealth.⁴⁰⁰

Clyde Woods notes, many of the academic institutions we inhabit generate the intellectual justifications to naturalize these conditions.⁴⁰¹ We can understand this as scholarship produced around crime and deviancy, a popular example is the Broken

³⁹⁸ Ibid., 348; Clyde Woods, “Introduction. Katrina’s World: Blues, Bourbon, and the Return to the Source,” In *In the Wake of Hurricane Katrina: New Paradigms and Social Visions*, eds. Clyde Woods, 1-28 (Baltimore, MY: John Hopkins University Press, 2010).

³⁹⁹ Clyde Woods, *Development Arrested: The Blues and Plantation Power in the Mississippi Delta* (New York: Verso, 1998) .

⁴⁰⁰ Woods, “Les Miserables,” 352-353.

⁴⁰¹ Woods, *Development Arrested*.

Windows Theory. Especially work in criminology that serves to create a moral panic around the Mexican Mafia and gangs, and has been used to design policies such as California Proposition 21 that further criminalize black and brown communities, especially youth. Some of this scholarship and narratives are produced by Chicano scholars themselves and are also reflected in popular culture films such as *American Me*. For Clyde Woods, these narratives naturalize, justify, and anesthetize the public to the daily human sacrifice of black and brown communities for the redistribution of wealth upwards and restructuring of a white supremacist heteropatriarchal capitalist nation state.

As the SHU justifies its existence through the criminalization and dehumanization of black and brown people it attempts to annihilate any ounce of resilience and capacity to disrupt CDC within prisoners. The brutality that emanates out of the SHU are only overt acts of violence by correctional officers, but is designed into the daily functions of the SHU,

“Prison officials have utilized the assassination of prisoners’ character to each other as well as the general public in order to justify their inhumane treatment of prisoners. The ‘code of silence’ used by guards allows them the freedom to use everything at their disposal in order to break those prisoners who prison officials and correctional officers (C/O) believe cannot be broken. . . This protracted attack on SHU prisoners cuts across every aspect of the prison’s function: Food, mail, visiting, medical, yard, hot/cold temperatures, privileges (canteen, packages, property, etc.), isolation, cell searches, family/friends, and socio-culture, economic, and political deprivation. This is nothing short of the psychological/physical torture of SHU/Ad-Seg prisoners. It takes place day in and day out, without a break or rest.”⁴⁰²

The code of silence amongst officers keeps much of this abuse of prisoners hidden, and allows the CDC to continue to paint prisoners as the violent predators. Alfred Sandoval

⁴⁰² Mutope Duguma (c/n) James Crawford, “The Call,” <https://prisonerhungerstrikesolidarity.wordpress.com/voices-from-inside/the-call/>

describes his experience being warehoused in the SHU for over 20 years,

“I have been housed in the SHU since July 1987. I have seen fellow prisoners murdered by correctional officers, mentally ill prisoners abused, I have seen men psychologically break down, cry, scream and go insane. I have been beaten by correctional officers, threatened, set-up. I was told by a correctional officer at Pelican Bay State Prison that I would die here one way or another and every day I meditate to keep control. The SHU is a soul sucking, mind-bending torture that murders all humanity in any human being. Some die quicker than other... but we all die inside.”⁴⁰³

Many mothers of incarcerated men in Pelican Bay also report high stress and blood pressure, incurred debt from the expensive trips to visit their loved ones in prison, emotional and physical exhaustion, constant guilt, and unceasing worry to the point of insomnia. They also take on the pain of seeing their loved one’s lives devalued by society due to the stigma of imprisonment. Nonetheless, they carry with them a refusal to concede to the criminalizing logics of the prison regime that deem their incarcerated loved one’s life disposable due to their categorization as criminals.

Carlos, who went to jail at 15 and is now stationed in Corcoran SHU at the age of 28 shares,

“The small challenges or lack of normal interaction starts to add up. If one chooses to occupy their time by reading one must be mindful of the material being read or you just might be validated. So the plan is for the prisoners here to sit inside our cells 24 hours a day (on most days) do whatever we can to stay sane; while being deprived of basic human interaction and not act out. This in itself is unhealthy, not to mention almost an impossible request even of the most disciplined person. Guys on the tier yell out randomly; flash themselves; masturbate in front of women; cuss out the staff, etc. It is my guess that this is to just feel alive—a sense of being human even if it means trouble for them. There’s a sense of hopelessness inside the SHU here. It seems that even the walls scream when it’s quiet. Yet some men continue to push forward and stay strong in hopes

⁴⁰³ Center for Human Rights and Constitutional Law, “22 Main Petitioner Quotes for the United Nations,” Received March 20, 2012, 4 leafs.

that better days are ahead - being thankful for organizations like Prison Focus and people who care.”⁴⁰⁴

A place like the SHU attempts to strip its captives from every ounce of life to force them to succumb to CDCs disposal. If they do not already have a release date, they entrap them into the limited choices of debriefing, insanity, and/or spiritual and physical death. Nonetheless, within their limited capacities, others strive to create an alternative possibility, and rely on the ruptures created by their and outside advocates collective organizational power.

Asset Stripping and Containing Communal Power

The brutality and trauma enacted by SHU units is designed to strip incarcerated men and women of their ability to create life—sociality. As theorized by Felipe, it is designed to “create a shell of a man” that simply becomes raw material for the prison industrial complex without contestation. Or better yet an informant that helps to reproduce and perfect the prison apparatus. Clyde Woods reminds us that asset stripping has functioned as a reactionary move towards communal power. I propose we understand Pelican Bay and the rise of SHU units as a project born out of the concern for prisoner organizing and a need for prison authorities to reassert their power and control over the prisoner population by stripping them of any capacity or desire to revolt. While multiple forms of asset stripping through prisons have caused widespread destruction, it is

⁴⁰⁴ Carlos, “Corcoran: Little Change” *California Prison Focus* 37 (Summer 2011): 2, 29.

important to note, as Clyde Woods highlighted, that, “not all assets are visible and not all assets can be stripped.”⁴⁰⁵

The SHU’s form of captivity and mechanisms of torture and brutality are meant to banish any disruption to the process that relegates imprisoned people to property. It is an attempt to suppress a collective refusal to be property. To be incapacitated. To be empty, void. To be contained— controlled and disciplined—to be chattel.

The community wealth that the SHU is attempting to strip prisoners of is their spirit of resilience. An insistence to continuously produce and recreate life. To have a right to life. An attempt to suppress this spirit also signals its power and conceived threat. Although these processes of violence and disposability attempt to strip people of assets, to ultimately kill imprisoned people’s spirit, they continue to recreate life in other ways.

Unbroken Spirit

Felipe, a former prisoner who spent approximately 10 years in the SHU, shared with me the importance of spirituality within the SHU. For Felipe, spirituality was central to keep his spirit high. Spirituality made him creative, gave him energy, and made him have hope. He shared that spirituality is vivid in a place such as Pelican Bay SHU. “Prisoners are definitely spiritual,” but it is expressed in a myriad of ways that are not necessarily religious. In the SHU, Comradery is one of the biggest actions that fosters spirituality. It reaffirms that people are there for one another, to keep each other strong, and not allow one another to break and succumb to CDC.

⁴⁰⁵ Woods, *Development Arrested*, 366.

According to Felipe, “the prison is unable to break you unless they have broken your spirit, because your mind doesn’t break until your spirit has been broken.” Felipe commented how visits from family, letters from the outside, and exterior forms of communication were important, because it nurtured the soul. George Franco shared the importance of receiving family visits, “I mean that's something that, you know, it's my family that's keeping me going, you know. That's what highers my spirit, when I see my mom. You know, that's like the highest moment of my life.”⁴⁰⁶ These forms of connection helped bring life and energy to men in the SHU and lifted their spirits. Felipe saw that many men come to Pelican Bay with a lot of spirits,

“They are in a box- but their spirits are high. As such, they have hope, but then the prison starts to chip away at their spirit. Every time they are denied being relocated to general population or the guards violate their rights. When this happens their spirit starts to break and their morale goes down.”⁴⁰⁷

As experienced by Felipe, Pelican Bay is not intended to break your mind or body. It is a place concentrated to break your spirit. The core of your essence. For him, CDC’s ultimate goal was to create a shell of a man- not a human. A person who was void, empty of life.

Detachment from material and superficial things allowed Felipe to keep his spirit stronger, because that was less things that could alter his state of mind. In this way, it was easier to not have his mood and energy altered by the conditions and events within the SHU. According to him, attachment to material things to maintain your spirit alive can cause one to become lost in spirit and become very hardened at their loss. For him, the

⁴⁰⁶ Center For Constitutional Rights, “George Franco, 23 years in solitary confinement,” Filmed [February 28, 2014], Pelican Bay Deposition Excerpts, 11:54, Posted [2015], <https://vimeo.com/ccrmedia/pelican-bay/video/136318897>.

⁴⁰⁷ Felipe Rocha, Interview by Author, March 2012.

hunger strike was an extremely liberating experience, because he detached from food. A mechanism that often led to suffering and altercations, as he frequently received spoiled food and small rations that left him sick and hungry. Throughout his participation in the hunger strike, he was able to refuse the object that repeatedly frustrated him and use it to create disarray for the prison staff and administration.

Felipe shared that the hunger strike was strongly filled with spirit. From the people outside and inside, to the point that for some the body and mind tricks played on them via hunger became secondary. As Felipe stated, “Spirit- without that there’s no hope. Without hope there’s no better future, no better tomorrow, no new world.” We learn from Robin Kelley that Hope creates dreams that lead to visions. These visions of a more just society inform your person, your epistemology, and cause a self-transformation. If you don’t have hope, you won’t even bother imagining a better tomorrow. You won’t even bother to strive to create change.

Part of the hunger strike was also a willingness to be vulnerable and speak about the negative emotional and psychological impact the SHU has had on people. The refusal to not be broken, did not make the SHU was any less painful. As Gabriel Huerta shares,

“Now let me say, there are many of us who can endure this and much more—to the very end, hasta la puratita muerte! But you know what? It doesn’t make this existence any less ‘sorry.’ It’s a sorry existence not matter how well you can endure it... I myself can, if I let myself, let myself become “comfortably numb.” But that’s sorry, and so I struggle in whatever way I can.”⁴⁰⁸

To not be broken did not mean to not be in pain. With the hunger strike came a wider acknowledgement of the pain and trauma induced by the SHU. Before, it was not so

⁴⁰⁸ Gabriel A. Huerta, “Torture in Pelican Bay State Prison SHU,” *California Prison Focus* 37 (Summer 2011): 25.

openly spoken about to not dwell and entertain psychotic thoughts that could lead to breakdowns. Others endured the psychological impacts of the SHU in silence because they did not want to worry family or seem weak.

Felipe concurs with Alfred Sandoval's previously stated sentiments, "The SHU is a soul sucking, mind-bending torture that murders all humanity in any human being." Because for Felipe your humanity is only what your spirit allows you to give life to. Humanity is only possible when you are centered with spirit. Your humanity is what you express from inside out. When a person begins to act indifferent, emotionless- that person is inhumane. "If you don't have something inside- humanity- you have nothing." The inhumanity of the prison affects prisoners, but also begins to be embodied by those that work the facility. Additionally, its sickness spreads as our exterior world consents to its brutality.

Breaking the spirit is part of the process of incapacitation. It is to make someone simply a body, another CDC #- property. However, this process is never fully complete. Because as finely articulated by Felipe, humanity is expressed through your spirit. And even a place such as the prison- an extension of the slave plantation- can cage the body but it does not always kill the spirit. This means that even one of the most highly developed mechanisms of surveillance and control developed on planet earth has not been able to contain the resilience and human capacity to recreate life. While the SHU is designed to induce spiritual death, those held captive have refused to accept the limits of SHU prison walls and insist on other forms of being and living.

The project of complete and utter control has failed at its attempt to suppress the incarcerated's immense spirit of resilience. However, this resilience is not only a mechanistic response, but a part of them that refuses to die. A wisdom, a part of their person that prevails and shapeshifts to enacts new forms and ensure its persistence. That constantly reshapes, reshifts, and reformulates itself to create new life. That finds new mechanisms to continue to live and births in new ways. A part of them that refuses to be extinguished. Refuses to concede, as they insist to live and die on their own terms. This unbroken spirit enacts a process of rebirth, and insists on a rebloom.

Conclusion

The social visions, alternative epistemologies, and strong will of marginalized communities hold the promise of rebirth. Not even one of the highest surveilled places in the world has managed to exterminate this communal spiritual resilient wealth in the men and women who rose in hunger. Nor was it able to prevent them from organizing this massive protest- with over 6,600 prisoners participating across the state of California. They faced their last resort and used their bodies, spirit, and mental strength against the CDC- refusing the food that composed part of the daily violence inflicted upon them. They faced hunger, but also a sense of liberation as they willingly refused the food that always leaves them yearning for more. During this strike, their hunger was not part of a reification but rather a rupture in the process that relegates them to property.

Chapter 5

Hungry for Justice and Full of Spirit: California Families Against Solitary Confinement

The Pelican Bay California Prisoner Hunger Strikes provided a platform for prisoner grievances, and simultaneously became a catalyst for the uprising of family members who had invisibly and quietly endured the state induced violence of mass policing and incarceration. At the forefront of organizing and mobilizing attention for the hunger strike in Southern California (SoCal) were prisoners' mothers, wives, family, and loved ones who were predominately women and often had no prior experience in "political activism." Contrary to how large mobilizations are often narrated; in SoCal, those doing most of the work to generate momentum around the Pelican Bay Hunger Strike were not hard long-time "activists" or "revolutionaries."⁴⁰⁹ During the first hunger

⁴⁰⁹ My focus for this dissertation is the organizing happening in Southern California and by the men inside Pelican Bay and other California prisons. There have been several events and rallies where both North and Southern California organizers have come together, especially for Sacramento legislative hearings. However, in Northern California the dynamics for organizing were much more different with participants from established grassroots activist organizations, such as: California Prison Focus, Critical Resistance, All of Us or None, Prisoners and Legal Services for Children, and others. These organizations have been very open about their radical politics that are partly and strongly inspired by the black power and civil rights movements of the 1960's. They have also played a tremendous, significant and important role in this struggle as they have been in conversation with the men regarding this hunger strike before it even begun. In fact, the mediation team members for 2011-2012 derived from these existing organizations- specifically Prison Focus. However, my first hand experience has mostly been in Southern California, with family and loved ones that are predominately from the Inland Empire and Los Angeles area, and where the dynamics for organizing have been much different. This difference in organizing dynamics was also noted by some activist and family members up North. As time elapsed efforts led for and by family members have grown up North. Further, CFASC (California Families Against Solitary Confinement) has

strike there was little to no communication and guidance between families who took the streets and the hunger strike mediation team in Northern California. It was the mobilization of common everyday people, often with no prior experience organizing a rally or even comfortable and familiar with the word revolution, radical, and/or activist, that helped gain a large part of the public's attention.⁴¹⁰

This chapter involves an engagement with the theorizing and strategizing of prisoners and family members rooted in my own involvement in the Pelican Bay Hunger Strike organizing. I document the organizing of the Pelican Bay and California prisoner hunger strikes by mothers, wives, and loved ones as I place focus on the organizing work of California Families Against Solitary Confinement (CFASC). Further, I analyze how family members used pain, refusal, God and prayer as resources to mobilize against the imprisonment, criminalization, and dehumanization of men in Pelican Bay. I argue that “the irrational”- spirit, love, and care displayed by mothers and family offer us a different way of building and provide alternative models for the restructuring of society and power. This chapter thinks through the organizing during the Pelican Bay Hunger Strike to help us imagine the reshaping of social movement theorizing that promotes bottom-up

also been able to develop a relationship and work more closely with established organizations in the Bay area. However, in the initial moments, especially in July/August 2011 communication was extremely limited and almost non-existent. There wasn't any established communication between activists up North and families organizing in Southern California. Many of the actions that rose around the hunger strike were self-led and not connected to a larger network of organizations.

⁴¹⁰ I suggest that they are not comfortable with the word revolution, radical, and/ or activist because their organizing was contextualized in a situation dominated by other social political groups that use these words to denote the necessity of social transformation either historically or analytically.

organizing, learns to listen, and reworks the ways we have learned to violently ascribe human value.

Improvisation is Pur Survival

At the initiation of the hunger strike, many family members were new to coming out publicly in protest. There was no official organization in place for them, and much of their organizing was improvisational and mobilized by whatever resources they felt were at immediate reach. People came together out of urgency wondering how they could move people to understand the importance of this protest and that the lives of their loved ones mattered. As an urgent need to change the conditions of Pelican Bay SHU existed, there was also a simultaneous understanding of the uncontested power of the CDCr. Nonetheless, these family members spoke with love, from their heart, while some prayed and asked God to give them the words to open doors towards change.

A focus on culture in social movement theory highly emphasizes the importance of framing as a well thought out strategy to convince audiences and recruit prospective participants. Framing becomes central to gaining sympathizers and having the movement's message resonate with audiences, in addition to creating a strong collective identity amongst participants.⁴¹¹ Further, in their efforts to study the behavior patterns of

⁴¹¹ I am less interested in studying the peculiarities of this movement and detailing their frames, and more interested in telling you what they are fighting for. My interests lie in a conversation about social justice, not social behavior. I am interested in rupturing the ways we think social change happens or is supposed to happen. I use framing to detail the daily-lived terror of the prison regime, the urgency of this movement, and what drove family members to act. Below is a more detailed explanation of the traditional understanding and use of framing.

organizing, new social movement theory assumes that people come together and take on a collective identity that transforms them and shapes intellectuals for the movement.

While framing and collective identity are very important for scholars studying social movements, these methods and strategies were not exactly the process reflected by the organizing of family members in southern California.

In the 1980's in Sociology began a focus on the cultural component of social movements. A cultural approach allowed an examination of a movement outside of the normal political channels, as opposed to political process models that mostly examine and engage at a structural level. The two main components of this approach were "framing" and "collective identity." These theorists paid particular attention to the way organizations would "frame" issues so that they resonate with the public and prospective participants. Scholars such as Snow and Bedford, identified 3 types of framing that are essential for recruitment: diagnostic, prognostic, and motivational. Diagnostic framing convinces prospective members that their problem needs to be addressed. Prognostic, convinces recruits of their strategies, tactics, and target. Motivational, propels people to get involved by inspiring the correct emotions within them. They argue that people are more receptive to frames if they resonate with the audience by coalescing with their beliefs, are compatible with their life experiences, and/or if they include empirical and credible claims. Furthermore, each frame gives advantage to a certain set of ideas, values, and forms of expression. Frames hold things together and provide coherence through an array of symbols, images, and arguments that are linked to ideas that denote what is essential and at stake. Moreover, it defines the terms of the debate and can determine its outcome. Sometimes, it is considered tactful to connect a "collective action frame" with larger "master frames" that are identifiable by larger society, such as equal and human rights. Nonetheless, framing is not enough. There is a need to recognize the inequalities in resources and power and as result access to challenge and actively frame. Framing can largely impact the potential to gain members and sympathizers, and can also be a way to produce a "collective identity." A collective identity provides a venue for organizations to collectively shape and articulate their mission, goals, and ideals. The collective identity can inspire loyalty and commitment amongst members and an interest to join amongst outsiders. David Snow and Robert D. Benford, "Ideology, Frame Resonance, and Participant Mobilization," *International Social Movement Research* 1 (1988): 197-217; Charlotte Ryan and William A Gamson, "The Art of Reframing Political Debate," *Contexts* 5, 1 (2006):13-18; Bert Klandermans and Dirk Oegema, "Potentials, Networks, Motivations and Barriers: Steps Toward Participation in Social Movements," *American Sociological Review* 52 (1987):519-31.

Framing was not a massive strategy developed over meetings, and a lot of the family and loved ones of the men in Pelican Bay SHU came together because of the identity they already shared. They all had loved one/s incarcerated. They came together during an urgent matter because of a shared identity that had been imposed on them by the state's brutal domestic war partly mobilized under the guise of the War on Drugs. (See Chapter 2) This identity and mobilization was not out of their will and choice, but rather out of necessity.

Their strategies were highly improvised in their refusal to accept the death and devaluing of incarcerated peoples' lives. Similar sentiments were reflected during my interviews,

“As a mother you don't want to accept that that is the place where your son is going to die without any sunlight, any human contact... It is a heavy burden, you wish you could do more, but are so limited, because this is CDC that we're dealing with... CDC, they make the rules. It's a hard system to navigate sometimes, through communication, hard to get through. Every prison runs differently. Pelican bay is one that is easy to get in contact with staff, but some aren't.”

The coming together of family members and loved ones emanated out of urgency, pain, and refusal. As a mother stated, “I just knew I wanted my son to eat!” While this was historically the largest uprising in California prison history, these families were not excited about their loved ones starving. They wanted this hunger strike to end as soon as possible. Further, this mother had no preset method to garner support for the hunger strike and convince CDC to go into negotiations. All she initially had was the hunger strikers' words that asked for the strike to be looked at as a unique historical event.

“I didn't know what to do, I just knew I had to do something. I didn't know what to say other than these letters I had been reading online... The families were all

just kind of leaning on each other. We need to do something. We need to raise more awareness. It was a public outcry for people to listen.” In this urgent situation, they thought on their feet and figured it out along the way. Their familial understanding and knowledge of prison terror accompanied by a refusal to allow the continual dehumanization of their loved ones in prison brought them together. They were ready to turn their burning despair into hope and possibility. The hunger strike thrust into action numerous people in discordance with the prison and policing system that had not been able to find a space to protest in collaboration with others that also carried similar experiences and concerns.

During one-on-one conversations many reported to have felt lost -immobile- with nowhere to turn to speak out against the many injustices they witnessed. However, the rise of the hunger strike had prompted many of them to get involved. As they formed and shaped part of a new community demanding justice for incarcerated peoples, they felt motivated to become further informed on prison issues and take action. As a mother expressed during an interview,

“It gets easier, you meet others who are going through the same thing you’re going through, experiencing what you are experiencing, because then you don’t feel like you’re alone, and you’re fighting this alone. And that’s why I love going to these gatherings... Ever since I joined it, I can’t stop, because now I know first hand what’s going on, and after seeing the pictures, that its real, that that’s the way it is, and hearing testimonies from people that got out after being in there after 16 years, or 25 years. How I see that they act in front of others... all of them that I see that get out of there are very sensitive to the light, some wear shades indoors. Man, that’s messed up... or to be around a lot of people that talk [and share their testimonies], to take a while to get used to this... I’m just glad for all the supporters, for everyone that just doesn’t give up.”

Numerous loved ones continuously told me throughout our protests how excited they were to see events taking place. They shared stories of the abuse they lived and witnessed at the hands of the criminal system, and expressed they had been “wanting to do

something,” but had previously not really known how or what to do. Knowledge of how their loved one suffering pushed families to move past paralysis,

“there’s a lot of people that say, ‘No! How is he gonna use me? I don’t know nothing, I don’t know how to talk.’ I would get discouraged by that... and then I would say, ‘No! I am my son’s voice.’ My friend and I would even wear our shirts that say, “I am my son’s voice!” So I started to think the same thing, and no, no, well I represent! Okay, I may not say nothing, but I am here, because my son is in there, so I represent that my son is doing this. So I am here to tell you. And if you wanna know something, I will tell you whatever I do know... Now, I don’t say, ‘No, but what am I gonna do??’ No, no... ‘You just represent okay, just represent. And just be there...’ Now my sons asks me, ‘Mom, whens the next meeting?’”

While it wasn’t easy for many, an awareness of the physical and ideological limits their incarcerated loved ones face motivated them to go out there. They knew that if they wanted this movement to move forward, they needed to be on the frontlines as the extended connection and representation of their children’s voices. It was up to them as families to impede the SHU’s objective to have prisoner’s silenced and unseen by the larger public.

The need to warehouse the “worst of the worst” has been the simplistic way to demonize their loved ones in prison and justify the SHU’s brutal existence. Nonetheless, family members saw beyond the state’s constructions of criminality. They created a space where those who saw beyond the construction of the men as “the worst of the worst” could congregate and come together,

“Like whenever I am around family members it feels so nice. It’s like we have become our own family. All the family members it’s like a huge support. That it’s okay- we all understand each other, our situations. I swear it’s like we understand all of our different emotions that we experience... I remember telling people all these houses hold secrets. I guarantee 1/3 of all these houses hold someone or know someone who is in prison, but they won’t tell anyone. Because they also found it difficult, because that’s the world we were living in. Maybe it came with age and society too... It felt so good to stand out in the corner and yell it. And see

other family members come out to the streets and yell it. Yell, SHUT DOWN THE SHU! That's why I went to the rallies. I just wanted to stand out there with my sign and yell, and to let everyone know that I had loved one in prison. To let everyone know that this is going on in the United States of America."

Their congregation, and finding one another, was a sort of a liberating force for some.

Where they could be open about having family or loving a man in prison. Where they found other's that understood their daily struggle as a family member of a prisoner/s. The portrayal of men in the SHU as the "worst of the worst" would no longer serve to keep them and their families silenced. They would no longer allow it to obscure their message and stories.

Family and loved ones found one another in the process of wanting to speak up on a matter that not only terrorized their incarcerated loved one/s, but also their very own lives.

"Every day that goes by I think of those held in solitary confinement, I think of my son! And I literally say the words "ONLY" my son has "ONLY" been in Solitary Confinement without any human contact, not even a phone call, for 12 years! And the reason I say "only" is because I am now living the reality of many family members... of their pain and their suffering as their loved ones have been locked away for 20 and 30 years. And I think to myself "only" how much longer will this go on? I wonder if he will be there until he dies or worse yet, goes insane. I wonder if I will die while he is still in solitary confinement. As one mother, passionate about bringing about and seeing change, has recently passed away. And I think of all the other mothers that went to their grave, praying with their last breath that someone would listen, that someone would care."⁴¹²

The terror and pain of Pelican Bay extended to them as family of the incarcerated. That pain felt by the men inside haunted the daily lives of their loved ones, urging them to speak and take action against the prisons conditions of confinement, pleading and having faith people would listen.

⁴¹² Dolores Canales, "Reassessing the Use of Solitary Confinement in America's Prisons," read on June 19, 2012 at the Senate Committee Hearing in Washington.

Figure 5. Picture Below, Family mebers marching from Ronal Reagan Building to LA County Jail. Shared with author from family member's personal collection.





Figure 6. Dolores Canales protesting outside Los Angeles Ronald Reagan Building, on the 18th day of the Hunger Strike. Photo appeared in Los Angeles Times Blog Post dated July 21, 2011, Taken by Mel Melcon, public info.



Figure 7 & Figure 8. Family members protesting outside of San Bernardino County Jail Rally organized through Facebook by a family member of hunger striker in Tehachapi. Pictures taken by Author.

Avery Gordon tells us how ghosts and their hauntings exist because there is a wrong that has been committed that needs to be made right.

“the ghost is primarily a symptom of what is missing. It gives notice not only to itself but also to what it represents. What it represents is usually a loss, sometimes of life, sometimes of a path not taken. From a certain vantage point the ghost also simultaneously represents a future possibility, a hope... the ghost is alive...we must reckon with it graciously, attempting to offer it in a hospitable memory *out of concern for justice*. Out of concern for justice would be the only reason one would bother.”⁴¹³

The collective organizing that emanated from the hunger strikes allowed loved ones to pursue their hauntings in the sake of justice. They went out there and hoped to facilitate a rupture in the common conception of the incarcerated loved ones as the “worst of the worst.” They took the streets so that people would learn about the brutal effects of caging someone in the SHU,

“Little by little I started learning, what’s it all about, and if people wanted to know I was able to talk to them, like I was able to humanize them, because I was learning how to express what they were going through, and I just began to say wow, if someone is being hurt so badly they are willing to die for. Yeah some of them were saying that I’m not gonna stop until they do something. So I was like man, and then when I would read how they would express themselves, because I would read little letters of those who were in the SHU, and had been in there for more than 10 years... I was like oh my gosh, this cannot be, it hurted so much to know! At the same time, I would say, these are beautiful awesome people, they have so much strength, and they are fighting for their rights...”

They saw through the label of “the worst of the worst,” and connected to the brutality faced by SHU captives, advocating for their right to live free of torture.

The fact that someone they loved was starving themselves, inflicting self-harm, to be heard and listened to intensified the ghostly torments. The haunting and torment came to life through repetitive episodes, memories. Scenarios one could count the millions of

⁴¹³ Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 2004), 63-64.

ways they are wrong, but that appear overbearing- unrealistic for there to be anything to change it. These feeling of helplessness were shaped through an embodied awareness of the unregulated power CDCr and law enforcement had gained over the years.

“I started speaking to the devil and saying, you know, not on my watch, you are going to do this to my son and to others, because I always considered that God heard me, he would move, I would ask and things would happen. But this time was different; I was like oh my god! This is power! Something powerful is behind this. And yeah, what’s behind this? There’s people making money out of our loved ones and that’s a strong industry *alli* (there), and all of these liars, politicians, and so it was like we were gonna discover a lot of things that was gonna make the United States look bad. I remember telling my son, if I could use his name, because people kept asking me who I was... and he was scared. He would say no mom, don’t because you don’t know what these people are capable of doing to me. You know, I mean... and he looked really worried. He had this face of fear that I had never seen. I’ve just never seen that. Because my son was always known by his friends as very brave and athletic, so independent. Very likeable, a person that I would say like a leader because he always had great ideas... He said, c’mon mom, if they know that I am someone that is after their job and wants to destroy their money making system from us being in here, you know I heard that someone in the SHU when they takes care of an inmate gets paid more, so yeah he was afraid...”

However, while fear and helplessness conflicted with the rise of demands by incarcerated peoples, these hauntings brought the haunted together, morphing their trauma into a shared feeling of refusal. They had no other choice; every day that passed was a day without food for their imprisoned kin, a day closer to serious health issues, to physical death. While knowledge of the hegemonic power of CDCr produced a sense of individual helplessness, this turned on its head, provided a common ground that collectively brought together people with no other choice but to contest their immobility.

Dolores Canales, at times framed her commentary as a mother, hoping that others with children would be able to comprehend, and ultimately open their mind, heart, and

ears to the idea of shutting down the SHU. At times she shared her personal meditations regarding the imprisonment of her son.

“Most mornings are hard for me, as a mother, I fight back the tears when I see the morning sunlight, a new day, filled with new hope. Or the sunlight that I know my very own son cannot even see! And I feel the wind and think of those that have not felt something as simple as the wind in decades and how they would consider it an absolute miracle to feel the breeze of fresh air, I could almost feel as if they would feel, as my son would feel. And then there are the days when I could no longer hold back the tears and I cry and think ‘God, please help me make it thru today, because today I want to give up, today I cant take it anymore’, ‘today I feel like I myself am losing my mind’ and I think, who am I to give up when the very ones held in these conditions, have not given up and are holding on, for the ones that could no longer take it! For the ones that were taken over by suicide and insanity, for the ones that will come in to fill the tombs of solitary confinement.”⁴¹⁴

In part, her decision to share her daily haunting as a mother was a public call to view the men in the SHU beyond the label of a prisoner- to perceive them as family. She opens a path to perceive SHU prisoners in an existence other than criminal and state property.

As shown in Chapter 2, the state mobilized a “moral panic of the Mafioso” and the construction of SHU prisoners as “the worst of the worst” that led to a lack of empathy for men warehoused in Pelican Bay State Prison. Alas, Dolores attempted to rupture the dehumanizing process necessary for the criminalization that has led to our current state of mass incarceration in this prison nation. Through her personal narrative, she guides the listener through some of the daily realities of SHU prisoners. She opens a connection to the lived terror of an incarcerated person in present time, in recognition of their life, their daily breath. In addition, through her words she invites people to enter the space of a mother and connect to the pain of having a son in the SHU. Moreover, Canales

⁴¹⁴ Dolores Canales, “Reassessing the Use of Solitary Confinement in America’s Prisons,” read on June 19, 2012 at the Senate Committee Hearing in Washington.

guides people to enter a space where they realize that prison not only harms those inside, but also those on the outside.

The hunger strike's social networks were primarily shaped by a web of people who had been affected by the prison systems reign of terror in this age of militarism and human sacrifice. A great number of those that came out to support the hunger strikers identified with the pain of those warehoused in Pelican Bay. Over decades, they witnessed numerous members of their community condemned to steel cages at very young ages. They had witnessed police repression and state abandonment, and were cognizant of the negative impact mass incarceration has on aggrieved communities. They knew the pain of losing a loved one to the system- of the wounds and trauma caused by police occupation and prison cages. Many felt the pain, but they also felt a sickness and tiredness. This was an opportunity for them to join with everyday common people who also felt the same. Who could no longer sit by and accept their families, loved ones, neighborhood children, youngsters, homies get swept up and be held captive in America's prison system.

Most men that participated in the outside organizing had social ties with incarcerated people, and came out of the love they had for old homies, old neighborhood friends. Men, who they grew up with, and like many of their other confidants, had been swallowed by the prison system. Quite frankly, the prison regime has become so widespread that it has created the impact that can lead to its very demise.

Family advocates knew this form of confinement was not justice. And those that came together decided that helplessness was not an option. Once in company, their

feeling of impotence emanated a power that inspired an uprising of families. They said no more- a *ya basta!*- as many broke silence and refused to allow the coercion and slow death of their loved ones thrive in these public institutions. In fear of retaliation by the CDCr, many of them had kept silent for years, not saying a word about the abuses they experienced. Correspondingly, they saw the hunger strike as an opportunity to take action and no longer remain stagnant as they witnessed the prison system swallow their loved one as well as many youth in their surrounding communities. Their shared pain and refusal became a resource that helped them connect- build support and community- and come together as an opposing force to be reckoned with by the CDCr.

God as Resource

As a turning point in sociology, the theory of resource mobilization rose to mark the necessity to take social movements seriously in the political process and not see protesters as irrational and deviant actors. Resource mobilization theory made claims about the organizational forms and movements ability to gather tangible and organizational resources for mobilization. It focused on tactics and strategies, along with the infrastructure, used by organizations to raise funds to nourish and sustain themselves.⁴¹⁵ While resources mobilization strives make social movements legible by

⁴¹⁵ Resource mobilization began to gain popularity in the 1970's. Like framing, it too rose as a response to the constraints of collective behavior and structural strain models. Resource mobilization theory considers insurgency as a legitimate decision making process that is taken on by groups who lack access to formal mediums of political expression. This approach highlights the rationale, structures, and patterns of a social movement. Its central question asks why some movements are more successful than others and defines success on clarity of organizational goals and how effective their

resources are put to use- people, material, ideas. Proponents of resource mobilization are primarily concerned with the interaction between activists, individual actors, and organizations thus they ask how do people become members and how is their human capital as members accumulated and used more efficiently.

McCarthy and Zald summarize resource mobilization as an approach that, “emphasizes both societal support and constraint of social movement phenomena. It examines the variety of resources that must be mobilized, the linkage of social movements to other groups, the dependence of movements upon external support for success, and the tactics used by authorities to control or incorporate movements.” Further, resource mobilization theorists emphasized “social networks” in order to understand how people mobilized and recruited members into movements. They noted that affective social ties are a prerequisite for a movement because they will help members mobilize supporters and this will in turn help the movement strengthen and grow. According to social movement theorists social networks influence your perspective and that influence can help members recruit more individuals into their organizations. Scholars predicted that most people would join an organization if they already know someone involved with whom they have social ties. Furthermore, Social networks are a precondition, a resource, and part of the necessary structure that ignites and drives a movement.

Organizations have different strategies to be successful that include an analysis of how to most effectively mobilize supporters and gain sympathizers. This may include interorganizational competition or collaboration. People- members- may provide the infrastructure for movements, such as: centers, media networks, communication devices. In some instances, members may not be truly committed to the organization’s underlying values, even though they contribute major sources of support, money, labor, and/or facilities.

M. Bahati Kuumba, *Gender and Social Movements* (Walnut Creek, CA: AltaMira Press, 2001), 53; Tedd Robert Gurr, *Why Men Rebel* (Princeton, NJ: Princeton University Press, 1970); Neil Smelser, *Theory of Collective Behavior* (New York: Free Press, 1962); Steven M. Buechler, “Beyond Resource Mobilization? Emerging Trends in Social Movement Theory,” *The Sociological Quarterly* 34, 2 (1993): 217-35; John D. McCarthy and Mayer N. Zald. “Resource Mobilization and Social Movements: A Partial Theory,” *American Journal of Sociology* 82 (1977); Craig J. Jenkins and Charles Perrow, “Insurgency of the Powerless: Farm Worker Movements (1946-1972),” *American Sociological Review* 42, 2 (1977): 249-268; Anthony Oberschall, *Social Conflict and Social Movements* (Englewood Cliffs, NJ: Prentice-Hall, 1973); David Snow, Louis A Zurcher, and Sheldon Elklund-Olson, “Social Networks and Social Movements: A Microstructural Approach to Differential Recruitment,” *American Sociological Review* 45 (1980): 787-801; Jeff Goodwin and James M. Jasper, eds. *The Social Movements Reader: Cases and Concepts, 2nd edition* (Malden, MA: Wiley-Blackwell Publishing, 2009); John D McCarthy and Mayer N. Zald. “Social Movement Organizations,” in *The Social Movements Reader: Cases and Concepts, 2nd edition* (Malden, MA: Wiley-Blackwell Publishing, 2009), 193.

presenting them as rational and resources as tangible, I argue that one of these movements greatest resources was God.

While this collective of family members and loved ones were not an established organization with a pre-established strategy, this did not make them any less threatening to CDCr and its connected prison industrial bloc. They mobilized through their improvisation, faith, and prayer to have the doors opened. To be given the words to touch people's hearts and inspire love for those found within the cages of the SHU. In addition, their suffocating painful desperation- given life by the SHU's exterior effects was turned on its head and used as a main resource and platform to mobilize for change.

Families hoped that sharing their pain would allow them to touch others' hearts. They hoped God would grant them the words to arise a "moral shock" and create a rupture in the process of anesthetization within people. That they would be able to get the public to care about what was happening within the prison walls of SHU units.⁴¹⁶ They prayed to raise a sense of outrage and distress in society that would incline people to become involved to do something about their kin held captive in Pelican Bay's torture chambers. They prayed for this, because they knew they would not be able to bring about changes on their own. As a mother expressed, "In 2011, I wanted answers and to have someone else have the problem solved, but then I realized that wasn't gonna happen." So she decided to start praying, and turned to her faith, as a source of strength and vision for

⁴¹⁶ The emotions that inspire certain beliefs leave us open to particular cognitive persuasion. Nonetheless, each cognitive shift is accompanied by emotional ones. Moreover, different language and frames inspire different emotions. Emotions are a part of all social life- such as the affective bonds that raise moral shocks within us and inspire us to become actors in movements. James M. Jasper, "The Emotions of Protest," *Sociological Forum* 13, 3 (1998): 397- 424.

how to bring about change for her loved one, she continued, “God gave me the strength to endure and the wisdom to guide in this.”

Some of the family and loved ones consider God to be one of their major sources- as they gathered the strength to take on the battle of these men from prayer. Their connection to God was an informal network and resource that has helped provide strength, clarity, vision, and an ability to articulate. God and prayer additionally provided hope and a platform from which to wage struggle against injustice. Some claim to have allowed God to work through them and had him tap into their heart to help them speak during press conferences, television, newspaper, and radio interviews. Women like Dolores Canales, co-founder of California Families Against Solitary Confinement (CFASC), bases the shape of strategies and projects on intuition and messages received from God. In fact, she claims to have taken on this fight, because God told her he wanted them to and that he would open the doors necessary to advance their work. She states, “God has me in this. I truly believe that.” Dolores believed the existence of Pelican Bay made God very sad, because a horrendous place such as Pelican Bay had been of man’s creation and not the work of Creator.

Part of why Creator became such an important resource was not only because they were believed to be the almighty, who could make anything happen, but also because a lot of family members realized what they were up against. They knew the force and influence tough on crime narratives had on society and the illegibility of those incarcerated, especially in a maximum-security prison such as Pelican Bay. Nonetheless, they held faith that in this instance otherwise could and would happen. They had faith

that through their prayers, conjoined with their mobilizations, God would touch the heart of people and begin to transform the way society and politicians approached imprisonment and the incarcerated.

Families also prayed Creator would take care of their loved ones and help them endure.

“And I remember telling him, ‘I called everyone I know to pray for you!’ I even called this station that keep them in prayer for 30 days. So I said, ‘I called many places like that, so you guys are going to be kept in prayer!’ And when I did call this one program, the person that prayed for them, she prayed for everybody in general, and she said, you know, this is a brave thing their doing... She goes, God is with them, and we are gonna pray that they endure, and that they’ll be safe. And that things will get accomplished. And that the favor of God will be upon them. Just beautiful things, and I said wow, because sometimes people that I would consider to be on my side, would tell me when I told them that I would go to protest, ‘No you shouldn’t do that! Because you leave it to God, because if you go then that means that you don’t believe! That you don’t have faith!’ And I was like, oh my goodness... So the friends that would say that I’m just not trusting, I was like No, no, no... Because remember, God works through people!”

And as such they felt that god was working with, alongside, and through them. They saw their mobilization as conjoined with the work of Creator. As they mobilized, all was under God’s loving care, because solely praying with no action wasn’t enough, but action without the openness and reliance on creator did not hold the same energy to create the necessary transformation. For some, the battle to make changes in the SHU formed part of a spiritual warfare, where one’s thoughts very importantly impact what gets manifested in real life. Not giving energy to these feelings of defeat and fear were central to maintain strength and remain persistent in this movement,

“I see it as spiritual warfare... when the thoughts come to me that, oh, someone’s gonna harm your son, what I learned to do is to speak to that fear, because to me it starts as a thought, but if I feed on it, of course I start fearing. So what I do is I speak to the fear, and as I believe Jesus is someone that conquered death. So if he conquered death, he can conquer fear... and he could conquer anything that

comes to me. So I speak to it, and I say, “In the name of Jesus I don’t receive that.” And so get away from me. And literally, when I see my son, I see that.” Family members refused to accept defeat, they held faith that through their action and prayer otherwise would manifest. That their prayer and actions would bring the force to shift the material, because at the end of the day CDC was man induced and not everlasting. Creator filled them with the strength, force, and wisdom to move forward, even while understanding the power CDC had managed to garner over the public and their lives. Despite the truth of a strong opposition, they remained certain change would come.

Some saw the call to sympathize with the strike and take action was reflected in the teachings of the bible,

“A lot of people would say ‘I have God, I have love.’ And, Oh really? If you have love, and you say you have God, what is God saying? Because God said if you feed the hungry, you fed me. If you visited a prisoner, you visited me... If you say this is who you are, well where are you?... Me personally, the reason why I use prayer and I believe, because through prayer and my faith I’ve been healed... If I let it haunt me and tell me ‘No, its not God, then I allow fear to take over and it paralyzes me. And then will probably go back to that, so no, I continue to use my faith...”

Their reliance on Creator was a form to fight the fear that had once paralyzed them. The fear of retaliation for speaking out- in combination with never participating in organizing- was at times paralyzing. However, feeling God communicated the necessity to move.

A mother shared she believes that her prayers are what kept her son sane; nonetheless, she notes that there remains a necessity to combine prayer with action.

While she strongly believed prayer maintained her son’s spirits strong to resist Pelican

Bay's production of death, she pairs it with the active labor⁴¹⁷ of combating the dehumanizing rhetoric preventing people from seeing the beauty in incarcerated people,

“Prayer has just broken very, very strong barriers, when I think about Martin Luther King was a preacher, I know he prayed. And Cesar Chavez, Catholic, I seen pictures with the Virgin Mary next to him, and I know he prayed. Personally, me myself I see it. I pray for him daily, and proof that it works: when I go see him he's well, he has a good attitude. He's living, sustained, in good composure. He's not falling apart, crying to me, telling me, I can't take it anymore. Can you imagine? Oh no! That would kill me. I would just lay on the ground in front of Pelican Bay and not leave. I'd say, 'My son is hurting!! Cant you see he's crying!! Oh, I can't leave! I just can't leave!' I would literally act like that...”

Their pleas for protection and an openness to have a spiritual essence facilitate through them was a fundamental component for some organizers. It not only strengthened their loved ones, but also helped them establish communication with prison officials to establish unlikely alliances that would advance the demands.

Prayer brought families and loved ones together across racial lines and different political beliefs. Similar to Mothers Reclaiming Our Children (MROC), prayer was an important aspect of their organizing and held various functions,

“Prayer helped span the visible and invisible social distances among people for whom, in most cases, organized religion was a vital aspect of life. Prayer also figured the power of attentive listening for group-building... encouraged the collectivity... by emphasizing the difficulty and urgency of the situation that had brought them together, prayer renewed and strengthened the mothers”⁴¹⁸

⁴¹⁷ We can argue that all labor is active and that there are different types of labor that are not waged, but here I use it in the way that this old Mexican proverb denotes, “*Como dijo Dios, Ayudate que yo te ayudare.*” or “*Al que madruga, Dios lo ayuda.*” Which translates to “How God said, help yourself that I will help you.” or “That whom rises early, God helps.” These proverbs are usually stated when someone is trying to convey that nothing is going to come by just sitting down, and that you need to actively pursue your desires, because it is in movement where blessings or good things come. In other words, God will work through your activity, he does not as easily manifest when you are physically stagnant.

⁴¹⁸ Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 222.

Comparably, the reminder of God and the urgency of the situation has refocused people in turbulent moments when disagreements or feelings of defeat arise. It has allowed many to gather their energy and revitalize themselves to continue organizing.

One time, a few family members took a trip to Crescent City to visit in Pelican Bay, while they were having lunch they began to talk about the upcoming and 3rd hunger strike. In fear that the strike would be detrimental to the health of those who chose to participate they began to ask themselves what they could possibly do to stop the hunger strike from happening. One of them suggested they begin to gather to pray, and as they began to further discuss the idea a table of about 15 people in the restaurant began to loudly and harmoniously sing a Christian song that spoke about victory. The way everything occurred at that moment told them they had to gather to pray. This suggestion developed itself into a local call for a prayer circle that then spread across California to cities such as Los Angeles, Riverside, Oakland, Bakersfield, San Diego, and others. Hundreds gathered to pray and decided to continuously gather every first Friday of the month until July, when the 3rd hunger strike was set to begin. After gathering they collectively decided that they must resign themselves to the will of God. If the hunger strike must happen and some must give their lives for change to occur, they must respect this decision and continue to pray for the best outcome. For prayer shifts, but all must happen under God's guidance and care. As such, for many family members, the main and most important resource to recur to was the almighty creator.

A sister organized a prayer hour where her and other family members, along with her brother one and other men in his SHU pod would join in and pray at the same time on

a weekly basis. Many of the events planned to mobilize around the hunger strike have been candle light vigils and prayer circles. The use of candle light vigils were used to bring awareness to everything going on in Pelican Bay SHU, but also to send light into the prison and to all the incarcerated men. Other times prayer was used to fill Pelican Bay with Angels in order to defeat the present demons within its walls.

When a sister of a striker looked at the hunger strikes' 5 demands she felt that CDC would soon agree to the prisoner's requests, because what they were asking for seemed like very obvious humane things. She didn't imagine that the hunger strike would go on for so long. However, she realized this was only the beginning when various family members went to speak to a representative in Los Angeles. While she saw men crying, as they described the conditions in the SHU, she also witnessed that the representative wasn't the least bit moved. Nonetheless, this marked the beginning for her rather than the end of this struggle.

Because she was determined to stand by her brother, she continuously took time off work and drove hours to Los Angeles on a limited budget knowing nothing about rallying or lobbying. She and her other sister were her brother's backbone. Their mom had already passed on to another life waiting for her brother to be released from the SHU and praying to be able to hold her son again. She refused to let her brother die in there, as he had already sent a last plea: After 17 years of being in the SHU, if he was to die, please do not allow the police to be part of his procession. He had spent too many years caged in their possession, and did not want any authorities alongside him during his last moments on earth.

In face of such brutal realities this sister relied on prayer to be her fortress. Being part of the organizing was not easy, but in moments of desperation and vulnerability they turned to Creator,

“Orison, would strengthen us a lot, Spiritually for me prayer has been like an amulet. What has sustained us, what has given us the strength to move forward. That’s where we can be sustained, when we feel like we can’t anymore, in prayer I can say I keep on. When the third hunger strike started in 2013, there I did feel a lot of fear, but I did not allow myself to cry in front of people. But inside my home I did fall to my knees. I’d cry, and I’d be alone in my house. The time the third hunger strike took place I was in the church. It was already 3, 4 days. I knew this hunger strike could be indefinite and that my brother could die in this hunger strike. And I fell to my knees, because I did not want my brother to die, or nobody else.”

As she shared her fears, she recounted how her brother had told her that part of the SHU’s purpose was to also hurt their families as an indirect way to continuously inflict pain on prisoners. In this way, for her the hunger strike and the coming together of the families was a way to say back to CDCr that their objective to send men so far away- and separate them from their families- was not going to succeed. Because now, it was not just prisoners coming together in Pelican Bay, but it was also bringing together families that had never thought to get to know each other. Now they were sleeping in the same hotel rooms, crying together, being each other’s support. They were building new communities amongst themselves. Moreover, the distance, lack of communication, and slowing down of mail was not going to stop them. Instead it fueled their desire to call for immediate changes.



Figure 9. Prayer Circle in San Diego, CA for the 3rd hunger strike set to start July 8, 2013. (Taken April 2013, and shared by family member who personally took the picture)



Figure 10. Protest outside of San Bernardino County Jail (July 2011) Photo taken by Author.



Figure 11. CFASC (California Families to Abolish Solitary Confinement) tableting at 43rd Annual Chicano Park Day in San Diego, CA. Martha Esquivel wears a shirt that states SHU=DEATH. Her brother has been in the SHU for over 13 years. (Taken April 2013). Shared with Author by Family member from their personal collection.



Figure 12. Dolores Canales at “End Racial Hostilities Rally” outside Los Angeles County Jail. (Photo taken November 2012) Photo taken by PochoOne Fotography. www.pochol.com

We’re Families, Not Activists

In early July 2011, a collective of more established activist organizations in the Los Angeles area called a meeting after a protest for the hunger strike outside of Los Angeles County Jail (Twin Towers) to develop long-term strategies for organizing around this mass prison uprising. I attended the meeting because during that time, I had a friend incarcerated in Pelican Bay SHU, and based on our correspondence I suspected he had decided to participate in the strike. After a few days, it seemed to me that neither the media nor the Governor, Jerry Brown, had any intention to acknowledge this uprising, so

I decided to become involved out of concern for my friend's wellbeing. It was at this meeting that I met Dolores Canales, the soon to become co-founder of California Families Against Solitary Confinement (CFASC). Canales shared with us her angst and strong urge to organize while she read us a letter written by her son in the SHU, Johnny Martinez, during the meeting.

“solitary confinement, by its very nature, is harmful to human beings, including prisoners, especially for those of us prisoners whose isolation is perpetual based solely upon our status as an associate or member of a gang. In theory, our detention is supposedly for administrative ‘non-disciplinary’ reasons. Yet, when I asked one of the prison staff why is it we are not afforded the same privileges as those gang affiliated inmates in a Level 4 general population (GP), I was told that ‘according to Sacramento,’ we don’t ‘have shit coming’ and that it is the department’s ‘goal of breaking’ us down. Thus, our treatment is clearly punitive, discriminatory and coercive.”⁴¹⁹

It is widely understood amongst incarcerated men in the SHU that the sole purpose of the SHU is to break them down to the point where they will debrief and become state informants. They are in the SHU under a label, who they are believed to be, and not always necessarily for disciplinary infractions. After Dolores shared her desperation knowing her son was starving himself – quite possibly indefinitely- the meeting continued with strategizing.

Dolores and I connected as we both disagreed with proposals made by organizers to develop long-term strategies and plan events that would take place in coming weeks. We felt an urgent need to act immediately, because every day that passed was a day without food for those on hunger strike. The haunting reality of their proximity to death drove us

⁴¹⁹ John R. Martinez, Letter to Governor Jerry Brown, Secretary of Corrections and Rehabilitation Matthew Cate, and Pelican Bay Warden G.D. Lewis, June 2011. For more on SHU inmate suicides see, http://www.usatoday.com/news/nation/2006-12-27-inmate-suicides_x.htm

to work together and organize subsequent events. The consensus of the meeting was that we would collaborate with various LA activists to organize an informational and strategizing meeting for family members of hunger strikers at the Southern California Library in Los Angeles, CA. However, even though it had already been established that this meeting was to gather concerned family members, some activists that considered themselves to be of a more radical and revolutionary organizing tradition dominated the meeting and overshadowed the ideas and concerns of families.

Half ways through this informational session, Dolores decided that the agenda of those facilitating the meeting was not truly interested in the hunger strikes' 5 core demands. Instead they were interested in pushing their own ideas for revolution and long-term change, while displacing the immediate concerns of the hunger strike and anxious family members worried for their loved ones starving in prison. However, Dolores was one step ahead, as she had long before begun to go around the room, talking to people and getting the phone numbers of all the various families who showed up.

During the informational, I became infuriated and disrupted the meeting. Then along with another person decided to take over the facilitation to more openly invite family and loved ones to strategize and voice their ideas. In the end, the congregating after the meeting was what really banded family members together. However, even days and months after the meeting, the incident continued to haunt me. Because this event wouldn't lay to rest in my mind, I felt the necessity to have a conversation about the violence of this top-down organizing and the importance of learning to listen if we were serious about creating a more just society. One that can practice a politics of listening and

as such, begin to enact a society that no longer necessitates of the prison regime and prison industrial complex.⁴²⁰

From this informational family and loved ones began to formally come together and play a more active role in shaping the organizing of the hunger strike in Southern California. This informational session was an important event, not only because it brought family members together that became central to this movement, but also because there began a distinctive differentiation between the motivating factors behind the organizing of “revolutionary activists” from those of family members. “We’re not activists!” was a differentiation I heard more than once by some family members as they expressed what had incited them to rally around the hunger strike. I must say that it wasn’t always a fair differentiation, because there are various approaches to revolutionary traditions- but I felt this demarcation had something to teach us.

The way family members and loved ones imagined this struggle against CDCr differed from traditional activist visions and tactics on the ground. Their strategies were based on a right to live, and not preset political platforms and standards. Their driving force was a sincere concern, love, and spirituality. One of the family members said, “perhaps you don’t have experience, but you speak from your heart and that is how people can connect with you.” This is the strategy they put their faith into and had at that moment. Politics were not their primary concern; it was living a life free of torture and terror. Their organizing was often spontaneous and guided by urgency and intuition. Their preparation was in building the courage and voice to publicly share their life stories

⁴²⁰ Fred Moten and Stefano Harvey, *The Undercommons: Fugitive Planning and Black Study* (Brooklyn, NY: Minor Compositions, 2013).

with as many people as possible. Their knowledge around imprisonment came from years of proximity and entanglement with CDCr,

“I didn’t prep. It was just real life. Its what I lived, what I knew, so that’s why when I spoke it was with such a passion. I too believe that my wisdom and my strength came from the Lord... When I speak, I don’t prepare, because how do you prepare what you’ve lived.”

Some of the family members had archives of information on CDC and/or had closely followed prison news for years. Others began this journey out of impulse and armed themselves with what was at reach. At times as little as their voice, experiences, and a prayer. When more and more families decided to speak out and get involved they began to find each other at informationals, through Facebook, or our improvised protests at the Los Angeles County Jail and Ronald Reagan Building. Facebook also proved to be a great resource for mobilizing, massive notifications, and providing news to people across the globe. Letters and visits were the main sources for updates inside and outside the walls. In addition, people updated one another by continuously seeing each other. Ultimately, as the hunger strike prolonged it demanded the continuous planning of events and a need for more media attention and recognition through a formal united front. This compelled family members to develop a more cohered and organized response through the founding of what came to be known as California Families Against Solitary Confinement (CFASC). However CFASC had a different vision for organizing that differed from traditional models emulated by anti-prison activists.



Figure 13. Irene Huerta, outside Los Angeles County Jail at the “End Racial Hostilities Rally” (Taken November 2012). Photo taken by PochoOne Photography.
www.pocho1.com

When CFASC formed, it came together in a sister's living room full of confused and concerned family members determined to do something. Some had experience with unions and socializing with politicians (they weren't all good) but others just knew that this was the last straw. CFASC became a space for family members who had been inflicted by the violence of the carceral state to come together. They were notorious for hating long meetings and often having an improvised agenda. They insisted on having a good time, sharing food, and some laughs during meetings/retreats. One of the mothers always asked, how activists expected to get anything done in their long boring meetings. They grew tired of formal meetings where people would spend hours strategizing the same things as the last, but never actually did much of it. So they decided to simply start with taking action, and figure the rest out along the way.

Often family members did not agree with other traditional activists call for violence or public interventions that would result in arrests. It seemed counterproductive as the purpose was to keep people out of prison, and not to have them incarcerated. Ultimately, they could not jeopardize their visits by getting arrested. Having a record, and spending energy going to court, would limit their participation and ability to be there for their incarcerated kin. They wanted to keep their incarcerated loved ones connected to the outside world. For families that could make the trip to visit or prisoners who still had loved ones in their life, visiting was very sacred. Visiting gave some the opportunity to communicate about the latest details around the mobilizations. Moreover, visits transmitted hope and countered feelings of defeat as families shared all the ongoing mobilizing in the outside world. It was a way to let the incarcerated know their lives

mattered, and that not everyone had been absorbed by the criminalizing logics of the prison regime. That there was love for them and they need not give up on possibility for changes,

“It takes love. It takes many kind of people to make the world go round. It’s just beautiful. After the meeting, I would go visit my son and I would share. And his face would just light up, there was hope back in his eyes. Because for a while he was like: when you see that someones’ sick, their eyes look sad. Yeah, when he first went in the SHU he was somebody different, he was upset, he was even showing me that side. Which he always composed himself really well in front of me... When he started showing me a little glimpse of that, I was like aw man, this is affecting him... My son was changing, and I didn’t like what I was seeing. It wasn’t him.”

When the families organized, especially mothers and sisters, they were open to speaking to anyone that was willing to listen, be it conservatives, liberals, politicians, or common folk- all walks of life. They opened themselves to differing populations in the same way they hoped others would open their heart to hear the struggle of those in the SHU. Some took every opportunity they could to speak on the issue, from university seminars to people waiting in line at the supermarket. With their limited access to resources and new coming to public protest, gathering the support of new people helped them access new venues to amplify their message and reach new communities that would then expand their network of supporters. Every person that listened, was one more person that could help them grow in strength and pressure. For them, the potential of their connections was unknown and unrestrained.

Diversity within sympathizers was seen at times as an advantage, because it enabled family members to reach out to different spaces and populations to garner resources, entrance/mobility, and support. Anyone that can help them get closer to meeting the demands, and ultimately abolishing the SHU, is a gain. These families have

had to take on a sort of “hustle” of resources and social networks. A get in where you fit in. A work what you got. When it is a matter of life or death, there is not much time to pick and choose. You take what is present and try to make something meaningful, sometimes out of things seen invaluable, or as a waste of time, worthless, and insignificant. You just simply, make it happen. Trying to force a political ideology, so that all may become one unified subject, is not only violent, but also just about impossible.⁴²¹

In his essay on Gramsci’s relevance to the study of race and ethnicity, Stuart Hall, discusses how Gramsci departs from Marx’ call for a unified ideological subject, “recognizing the ‘plurality’ of selves and identities... There is never any one, single, unified and coherent ‘dominant ideology’ which pervades anything... There co-exist many systems and currents of philosophical thought.”⁴²² I would say that some incarcerated men and family members not only lived this complexity, but believed in its possibilities. Living in complexity was a way to wage struggle, the belief that God could work through them to touch the hearts of even the toughest correctional officers or prison administrators was not only believing in Creator, but also believing in people’s complexity. They knew prison staff “had to do their job,” but at the end of the day, as people they held competing ideologies, they could not be fully absorbed by the prison. Maybe somewhere in their heart, those working for the prisons, would have it in them to

⁴²¹ Miranda Joseph, *Against the Romance of Community* (Minneapolis: University of Minnesota Press, 2002).

⁴²² Stuart Hall, “Chapter 20: Gramsci’s relevance for the study of race and ethnicity,” in *Critical Dialogues in Cultural Studies* (London and New York: Routledge, 1996), 433. Antonio Gramsci, *Selections from the Prison Notebooks*. eds. Quintin Hoare and Geoffrey Nowell Smith (New York: International Publishers, 1989).

listen. Family members believed that within the people running and making decisions about the SHU, there existed a possibility to connect to their message- to the pain and suffering of prisoners.

Andrea Smith reminds us of limits of the politics of purity and the necessity to engage in unlikely alliances as we also recognize their dangers,

“Unlikely alliances also bring with them the dangers of co-optation and the possibility of failure. Despite these dangers, it is clear that mass movements for social change cannot develop without them.”⁴²³

Similar to Smith I promote a need to be open to the possibilities that lie in unlikely alliances. Being aware of the dangers is important, as it is to recognize the potential of an unwritten future and unknown outcomes. In their organizing approach, families have been able to form alliances with wealthy business owners, republicans, democrats, politicians, prison abolitionists, lawyers, grassroots activists, devout Christians and Jews- all people who in other instances would not be assumed to come together. They have even held courteous, friendly, and respectful relationships with correctional officers. Surprisingly also prison administrators, and later found that some of the most stoic correctional officers supported their cause behind closed doors. However, their support was not a prerequisite for them to have a person-to-person respectful relationship.

Many family members and loved ones organizing against the SHU are aware of the CDCr’s history with reform, along with CDCr’s limitations and their influence in Sacramento politics. They are not oblivious to the red tape and loopholes CDCr creates to preserve its power. Anything released by the CDCr, as the blueprint Step-Down Program

⁴²³ Andrea Smith, *Native Americans and the Christian Right: The Gendered Politics of Unlikely Alliances* (Durham: Dyke University Press, 2008), 231.

and the recent Brown V. Ashker settlement, was/is examined with great suspicion. At the same time, lobbying and alliances with elected officials are viewed with great hope, while some also balance their personal understanding of CDC's reform history from their personal experiences. Numerous family members constantly did research on CDC, policy changes, and court cases. Some had been following the CDC since the 1970's and themselves witnessed the growth and shifts in the California prison system.

After the constant reminder of urgency, the insistence on a politics of purity I would dare to say is quite selfish. It displays a lack of concern for the men participating in the hunger strike. Family members have expressed in the past that they felt "these communists and revolutionaries" were just using the hunger strikers to sell their magazines and ideas, but once the next campaign came they would be gone and not even care if their loved ones died in the hunger strike or damaged their health. Further, this historical moment provided an opportunity to form the necessary alliances and coalitions to build a massive movement to dismantle the prison industrial complex and prison regime. The sharing of families stories helped this movement garner national and international attention, and helped Pelican Bay California Prisoner Hunger Strike become monumental. The hunger strikes managed to garner attention from ACLU, Amnesty International, and the United Nations.

Gathering the support of major popular organizations has formed part of a struggle to shift hegemony. Nonetheless, these organizations alone cannot bring material change without the simultaneous power held by those intimately impacted by prisons. In fact, the CDCr feared the power of these families, loved ones, and incarcerated men to

disrupt their institutional power and reconfigure hegemony. As soon as the hunger strike began to garner huge media attention, the CDCr hoped to end the hunger strike by seeking a court order to force-feed all inmates refusing to eat, and as such disrupt the momentum and international attention the hunger strike had gained.

Often, family became a source of struggle. Where listeners were asked to sympathize with the pain of not being able to hug their father or child, or affectionately hold the man you love. Some women carried the pain of knowing that their soulmates had a daily confrontation with the torturous realities of Pelican Bay or other SHU facilities across California. They asked the public to imagine their own loved ones confined to a bathroom-with no window- for 10, 20, sometimes 30 years. They even asked a mother's boyfriend, who worked on movie sets, to build them a mock SHU cell so they could set it up at rallies and provide the public a sense of what life in the SHU is like.

To evade pain, some women that married men in the SHU, forced themselves to mentally know and accept that they would never touch, kiss, or hug the men they loved. Testimonies shared by people directly impacted by the SHU also came from wives, sisters, and other loved ones- predominately women. Although Irene Huerta resisted making a statement on behalf of CFASC in a Sacramento Assembly hearing- for fear that she would break down crying in public- she gathered the strength to share her husband's words that had been pinned to her memory like a frightening ghostly matter,

“My husband often writes to me about the torture of isolation. His letters have expressed desperation to the point of letting himself become ‘comfortably numb.’ He states, ‘many people may not know what it’s like to be isolated for so long, the way that we’ve been here, and I would say that it’s like being locked in the trunk of a car with just enough weather stripping removed so you can breathe, and with enough food and water stuffed in every day so that you can physically survive.

You're soon going to realize what it actually means when it's said that we're social beings. You're going to crave social interaction and human contact. Soon you'll be hollering out there, 'anyone' you can at least talk to for even a brief time. Just like that Pink Floyd song says, 'Hey you out there beyond the walls, can you hear me?' And yet every time you talk, every time you act like a human being and interact with other human beings, you're told that that's gang activity and you have to stay another 6 years now before your next review.' These are the written words of my husband Gabriel Huerta who has been in solitary confinement for 28 years.⁴²⁴

Not only the rhetoric of the carceral state, but the physical architecture and disciplining of maximum security prisons have also tried to deny people the ability to practice and recognize their connection to others. The crave to interact and have contact with people, that Gabriel Huerta describes as eminent within us as social beings (and which they manifest in creative ways), is the resilient spirit and sacredness not even a maximum security prison has successfully eradicated. It is that connection, I believe, loved ones and prisoners mobilized for others to wake to. To not be moved in our heart, only demonstrates the barbarity of that we call "civil" society and its "rational" ways of living and perceiving the world.

The activism of families was not all prayer, but a combined effort that recognized and respected the importance of both prayer and action. A mother recounted how her son urged her,

"he knew I had faith and prayed, but this time he said, 'I know she's a strong person, she believes changes are taking place, but I need her to see that we need to do more. Yes prayer is holding us above the water, we're not letting them break us down by them spreading these ugly rumors about us: that I'm hopeless, that I'm an animal.' Cause he would say, 'I know they think we're animals! Look how they cage us up like an animal! Man, we're being treated worse than animals, mom. Look at all these rights the animals are getting.' I'm not saying that's not right. I'm just saying have some compassion over here. He's not an animal, he's

⁴²⁴ Irene Huerta, "Testimony for Assembly Public Safety Committee Hearing," read on February 25, 2013 at the Public Safety Committee Hearing in Sacramento, CA.

not the worst of the worst.. he helps me, he helps his sister... He has a lot of good things to say... I would think to myself, how dare you say that he's not worth a second chance! How dare you say it's over for him, no it's not over. He's a beautiful person..."

With this same point family members rallied around CDC, asking Public Safety Committee members how Chimpanzee's and Chicken's can have more protection and consideration than their loved ones confined in Security Housing Units. They asked the public how they could foster more compassion for chickens and dogs, than actual people- challenging the ways society had been ideologically warped into devaluing and disconnecting from the lives of people labeled "criminal."

Love was fundamental in their mobilization. Expressing love for someone society had deemed unworthy of any consideration. That was seen as a subhuman- animal- worst of the worst. Family members were cognizant of the dehumanizing logics of incarceration, they carried that pain with them. These families insist on the right to life for their loved ones, despite the various mechanisms that attempt to strip them of this sacred essence. Their openness to their interconnection, as an understating that what harms their loved one harms them and their exterior communities, kept them committed,

"I do remember saying No! This has to end! I'm in it for the long haul, and so I know like me as a parent, I mean it. I mean it with all my heart. And some of us mothers say, 'Until I have breathe I'm gonna fight.' Because we are one. Me and my son. I feel that yeah, he is part of me, and I am part of him. So whatever they are doing to him, they are doing to me."

What if we entered that interconnectedness they embrace as family, that is inspired by the sacred, rather than inhabit an obsession with the political. What if this sacredness and the intuition in our heart was our guide as we approached changes in policy and living in our communities. What if we opened ourselves to our interconnectedness and love for the

other, which is us. As Hebrews 13:3 tells us to remember those in prison for we are “in the body also.”

“Activism” was not these families central concern, or something they aspire to be categorized as. Their primary concern was people, not taking political power. Nonetheless, they advocate lobbying and influencing legislation, because it is negatively impacting and killing the people they love and their communities. Their strategy has been to touch people’s heart through love, to inspire them to connect to the lives of those in the SHU. Many of the family and loved ones participating in the organizing around the hunger strike, did not go out day after day, put their jobs on the line, because protesting against Pelican Bay’s Security Housing Unit (SHU) was the revolutionary thing to do. It was not a set of politically correct standards for revolution and activism that moved them to continue fighting for social change. It was an immense love and care that fueled them to transform their haunting reality. It was a sincere love and concern, for the men on hunger strike and a future generation of potential prisoners. A future generation, threatened to be swallowed by the neoliberal prison regime. As a family member shared, “Im a humanitarian. I just care that people are not treated wrongfully. Abused. It’s not about what’s politically correct.”

In a conversation about the title of “activist” with a family member, I asked if they considered themselves an activist, and they said they didn’t really know what that word was. When they started to hear it a lot they finally decided to ask what an activist was, and were told that an activist is someone that fights for what is just. They then followed, “I guess, I guess if that’s what they fight for then maybe I am an activist.” It

seemed that being identified, as an activist was truly irrelevant and non-important, they did however clearly state that for them it was necessary to be a believer. As they had been able to work closely with those who considered themselves activists and revolutionaries, but were also believers, or at least respected their spirituality. This was very important for them, because some families relied on prayer to receive vision and strategies on how to move forward. They did this in the desperate moments of not having answers. Ruth Wilson Gilmore brilliantly reminds us, “Most of those fighting in the trenches have little time for activism motivated solely by abstract political or ethical rhetoric. Rather, they are fighting for their lives, their families, and their communities.”⁴²⁵

Conclusion

Families did what they could to ensure the livelihoods of their incarcerated loved ones and in the process inspired new models of organizing and social relations that can help us craft and build brighter futures. Their informality and affection, *cariño*, created a space that brought people together to work with much love. The focus was on this very living and present crisis, and less on taking on a specific identity and politics to fit a particular model of doing activist work. Their strategizing was not as formal as other activist meetings, and they insisted on being able to laugh and have rants in the middle of planning. As a mother shared, she could not comprehend why activist were so uptight and boring- and how could they expect people to want to go to their meetings when they go

⁴²⁵ Gilmore, *Golden Gulag*, 251.

on forever and you do not feel comfortable to intervene and talk. “No wonder no one wants to get involved or join their organizations!” she exclaimed.

The embodied care and love and intricate understanding of the neoliberal carceral state exemplified by the mothers and loved ones organizing around the hunger strike provide us a model for social transformation. Their knowledge and wisdom carry proposed solutions that produced templates for the state’s approach to society’s welfare. In other words, if the state embodied the type of care these family members and loved ones did, or took on any of their proposed solutions, we would begin to have the semblance of a better society. Assuming the state is salvageable at all, or perhaps then we would no longer call it the state.

Much of the organizing around the hunger strike in Southern California creatively came together. All many really had was their urgency, stories, prayer, and some cool bosses and supportive working environments here and there. Because many had no previous experience organizing they just figured it out along the way. Getting lost was part of the adventure and marvelousness, because it provided them the opportunity to craft their own new innovative ways for mobilizing. Their heart and divine presence seemed to be a better guide than previous activist models.

If we consider all of the men incarcerated in the state of California (over 162,000 days prior to the hunger strike)⁴²⁶ and all of the family and loved ones connected to them that identified with this painful collective identity, we have a massive amount of people. However, the improvised framing of these family members also enabled those who

⁴²⁶ California Department of Corrections, *MONTHLY REPORT OF POPULATION AS OF MIDNIGHT June 30, 2011*, (Sacramento, CA: Data Analysis Unit, July 6, 2011).

perform the gendered roles of mothers, wives, sisters, homies, cousins, nephew, niece, etc- to connect with the constant haunting pain and terror of having someone incarcerated. The activation of framing, resources, and collective identities were truly a series of improvisations and last resort strategies. At the same time, the repurposing of factors that could make them immobile, was able to gather people into a strong political force with the capacity to prevent the destruction of their loved ones and communities who have been at the mercy of the prison regime. They were aware of the perceived disposability of their loved ones, but they refused to accept this, as a sister exclaimed, “CDC didn’t care, and they thought that we were gonna get tired, and we are, but we are not defeated.”



Figure 14. Family Members of Hunger Strikers outside the Los Angeles County Jail (July 2011) Photo taken by Dan Bluemel and shared as part of an online news article, public info. September 14, 2011.

Chapter 6
***Sacred Connections: Social Transformation and the Reshaping
of Life and Value Through Listening***

“Remember the prisoners as if chained with them
—those who are mistreated—
since you yourselves are in the body also.”
(Hebrews 13:3, New King James Version)

In La Kesh.
“Tú eres mi otro yo.
Si te hago daño a ti,
Me hago daño a mí mismo.
Sí te amo y respeto,
Me amo y respeto a mí mismo.”

“You are my other self.
If I harm you,
I harm myself.
If I love and respect you,
I love and respect myself.”
(Old Mayan Proverb)

Our radical imagination often portrays social movements as militant revolutionaries, advocates of armed resistance. With frequency images of activism convey a romanticized past, protesters of the 1960’ and 70’s with their fist held high. Such images then produce a criterion that measures others’ strategies of social transformation for their revolutionary and liberatory potential. These measurements dictate who gets constituted as revolutionary and who isn’t “down enough” to make the cut to join struggles for social transformation. This criterion, that often romanticizes previous revolutionary movements, crafts activism as a signifying image and

performance, a politically correct checklist, rather than a genuine movement rooted in a sincere love, care, and concern-from the heart- that produces and expands alternative social relations.

I am worried that the current push for prison abolition continues to be concerned with the political- subjects- nouns- and endpoints. I argue for abolition more as a verb enacted in the present- a sort of doing. Perhaps abolition is a set of practices that helps us begin to live our lives differently in relation to one another. That will allow us to see the prison as the fabrication it is, and not permit its captivity to shape our visions of possibility. That will no longer allow us to tolerate the violence that emanates from torturous prison conditions such as SHU units across the state of California. I see abolition as being practiced by learning to listen and recognizing our interconnectedness.

Many families felt that they would be able to effect change through prayer and the help of God- for them prayer transforms, shifts- for our understanding “turns hegemony on its head.” However, the belief that people view their lives as inseparable from the spiritual and always in conversation with realms beyond the earth becomes illegible and irrational. In addition to people accepting their affectability to spiritual/universal forces, and relinquishing the idea that humans carry the capacity of ultimate and complete control. Nonetheless, an important battle is being waged through the spiritual, through prayer and healing. Although, this battle may not match familiar materialist visions of revolution, it is a terrain of struggle that is imperative, real, and necessary in the lives of many people. My approach is not to disregard the very present limits within faith based rhetoric, but rather to highlight the important struggle being

waged by common people who often get narrated as stagnant and unaware in activist circles.

While I am speaking to an experience with people self-identified as “militant” “revolutionary” activists, I am in fact speaking to a much larger trend. However, I bring this to the surface, not to ostracize and bash them, but to propose a conversation about how violent and racist it can be to attempt to “politicize and organize communities.” I argue that this dismissal of spiritual practices in social transformation is rooted in beliefs of rationality that trace back to ancient practices of colonization. The dismissal of spiritual theorizing, prevents us from engaging with practices and ways of knowing that can teach us to live differently in relation to one another. Moreover, the organizing by families and prisoners around the Pelican Bay and California Hunger Strikes provide models that challenge traditional revolutionary activist trends and push us to grapple with the immediate urgent needs of criminalized communities as well as a window to see how spirituality can be at the center of social transformation. Through a conversation about spirituality, I write against the equation of revolution with a pre-set rational political platform, and look towards possibilities within that which is not always cohered in terms of rational thinking- love, sacredness, and spirituality.

The Racist Logics of Bringing People to Political Consciousness

The illegibility of an epistemology guided by conversations at other realms is rooted in a history of enlightenment and the rise of science as the legitimate source of knowledge. Scholars like Sylvia Wynter, help us understand how the crown of Spain

relied on the rise of science to displace epistemologies rooted in religious understanding- specifically that of the Christian Catholic Church who they felt would no longer help them cohere their power and domination over the world. They needed a new way to ascribe the status of non-human to indigenous people. This is what she called the transition from Man1 to Man 2- where science would arise as the objective empirical truth to deem people of color as irrational-backwards- non-human and justify their displacement, conquest, and colonization. The rise of science reproduced this “space of otherness” that cohered the colorline.⁴²⁷

Denise Ferreira da Silva reminds us, race is not just a signifier; it is a scientific signifier and construct. Science as a discipline- and the modern grammar- cannot be disentangled from white supremacist violence. As it is premised on the infantilization, subjugation and otherizing of people of color and rooted in post-enlightenment thinking that is always already racialized. The objective is to produce subjects that are in total control (transparent I) and refuse to be affectable (the other), refuse to be vulnerable to unknown exterior forces.⁴²⁸ I extend this to refusing to live on faith, but rather mere fact- an illusionary truth.

While differences between Christian traditions and the immense diversity of native spiritual traditions across the Americas can be finely marked, I contend that a

⁴²⁷ Sylvia Wynter, “Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation- An argument,” *CR: The New Centennial Review* 3, 3 (Fall 2003): 257-337.

⁴²⁸ Denise Ferreira Da Silva, *Towards a Global Idea of Race* (Minneapolis, MN: University of Minnesota Press, 2007); Audrey Smedley, “Science and the Idea of Race: A Brief History,” in *Race and Intelligence: Separating Science from Myth*, eds. Jefferson M. Fish (Mahwah, NJ: Taylor & Francis, 2011).

similar point is found through the faith held in the spiritual power of prayer and its ability to affect material change through sacred forces, the at times nonvisible- nonscientific- unquantifiable. For many indigenous people, at the center of creating healthy communities exists a strong spiritual partnership with creator (or sacred light source). This is exemplified by the spiritual work of Kenneth Coosewoon, a Comanche medicine man who, “follows the tradition of past Native American healers, prophets, and holy people. He uses spiritual power to help heal others, drawing on song, prayer, ritual, and ceremony to call the Healing Spirit and ask for assistance... Coosewoon is one of many recent examples of leaders drawn to the sacred, calling on the spirit world for power and wisdom that will continue to influence traditional Native Americans and believers in unseen powers.”⁴²⁹ Also exemplified by slave revolt leader Nat Turner, a prophet guided by his dreams, spiritual visions, eclipses, and inspired by the bible’s teachings.⁴³⁰

⁴²⁹ Clifford E. Trafzer, “Comanche Kenneth Coosewoon: Visions, Medicine, and Sweat Lodge Healing “ Essay provided at the University of California, Riverside Native American Student Program’s *Medicine Ways Conference* held May 12, 2013.

⁴³⁰ Nat Turner and Thomas R. Grey, *The Confessions of Nat Turner: The Leader of the Late Insurrection in South Hampton, VA* (Baltimore: Lucas & Deaver, 1831). As Nat Turner explains, “And now the Holy Ghost had revealed itself to me, and made plain the miracles it had shown me—For as the blood of Christ had been shed on this earth, and had ascended to heaven for the salvation of sinners, and was now returning to earth again in the form of dew—and as the leaves on the trees bore the impression of the figures I had seen in the heavens, it was plain to me that the Saviour was about to lay down the yoke he had borne for the sins of men, and the great day of judgment was at hand. About this time I told these things to a white man, (Etheldred T. Brantley) on whom it had a wonderful effect—and he ceased from his wickedness, and was attacked immediately with a cutaneous eruption, and blood ozed from the pores of his skin, and after praying and fasting nine days, he was healed, and the Spirit appeared to me again, and said, as the Saviour had been baptised so should we be also—and when the white people would not let us be baptised by the church, we went down into the water together, in the sight of many who reviled us, and were baptised by the Spirit—After this I rejoiced greatly, and gave thanks to God. And on the 12th of May, 1828, I heard a loud noise in the heavens,

The imposition of the Rational Man² delegitimized Amerindian epistemologies but also widely positioned spirituality as preposterous and scientific explanations as rational. This segment of modern thinking influenced philosophers such as Karl Marx, that deemed religion the opium of the masses, an illusion of a feudal and primitive phase that stood in the way of science, industrialization, the formation of a non-religious state—and ultimately communism. While Marx’s perspective on religion partially rose out of concern for the previous displays of tyrant religious states, such as when the Pope held jurisdiction over much of the world’s territory, his strong praise for science and a liberated universal subject reproduce racist logics.⁴³¹

The words of Dr. Martin Luther King Jr. in the 1960’s still resonate today as they finely encapsulate communisms popular dismissal of the power and impact that emanates from God as a resource for social transformation, followed by his disagreement with the power granted to the material over spirit.

and the Spirit instantly appeared to me and said the Serpent was loosened, and Christ had laid down the yoke he had borne for the sins of men, and that I should take it on and fight against the Serpent, for the time was fast approaching when the first should be last and the last should be first. *Ques.* Do you not find yourself mistaken now? *Ans.* Was not Christ crucified. And by signs in the heavens that it would make known to me when I should commence the great work—and until the first sign appeared, I should conceal it from the knowledge of men— And on the appearance of the sign, (the eclipse of the sun last February) I should arise and prepare myself, and slay my enemies with their own weapons. And immediately on the sign appearing in the heavens, the seal was removed from my lips, and I communicated the great work laid out for me to do, to four in whom I had the greatest confidence”

⁴³¹ Karl Marx and Friedrich Engels, *On Religion* (New York: Schocken, 1964); Karl Marx, “On the Jewish Question,” in *The Marx-Engels Reader*, 2nd Edition ed. Robert C. Tucker (New York: Norton & Company, 1978) 26-52; Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition* (University of North Carolina Press, 1983 [2000]).

“Communism is based on a materialistic and humanistic view of life and history. According to Communist theory, matter not mind or spirit, speaks the last word in the universe. Such a philosophy is avowedly secularistic and atheistic. Under it, God is merely a figment of the imagination, religion is a product of fear and ignorance, and the church is an invention of the rulers to control the masses. Moreover, Communism, like humanism, thrives on the grand illusion that man, unaided by any divine power, can save himself and usher in a new society.”⁴³²

Next to King, has been the rise of liberation theology that saw a confluence between the teachings of the bible and ideas of communism in a call for the preferential treatment of the poor.⁴³³ Nonetheless, King’s words elaborate a still persistent dismissive trend I witnessed in contemporary activism, and during the organizing around the hunger strike. Further, King also helps us grasp an understanding of the central role of prayer. Because for some, God, that sacred essence, can transform anything- in even the most impossible life circumstances. The control of man, while a powerful illusion with material effects, is

⁴³² Martin Luther King Jr., “How Should a Christian View Communism,” in *Strength to Love* (New York: Pocket Books, 1964), 115; Further, King does not conclude his critique of communism without offering a critique of capitalism,

“In the face of the communist challenge we must examine honestly the weaknesses of traditional capitalism. In all fairness, we must admit that capitalism has often left a gulf between superfluous wealth and abject poverty, has created conditions permitting necessities to be taken from the many to give luxuries to the few, and has encouraged smallhearted men to become cold and conscienceless so that like Dives before Lazarus, they are unmoved by suffering, poverty stricken humanity. Although through social reform American capitalism is doing much to reduce such tendencies, there is much yet to be accomplished.” (“How Should a Christian View Communism,” 120)

The greed and selfishness inspired by capitalism, that King refers to, can be exemplified by the contemporary sacrifice of black and brown men to feed the moneymaking prison industrial complex. Moreover, family members and loved ones have at times chosen to distance themselves from “militant” and “revolutionary” communists not simply because they feel annoyed and belittled, but also because such militant and rigid approaches- that call for pure subjects- have jeopardized their ability to build alliances.

⁴³³ Gustavo Gutierrez, *A Theology of Liberation: history, politics, and salvation*, translated and Edited by Sister Caridad Inda and John Eagleson (Maryknoll, NY: Orbis Books, 1988); Leonardo and Clovis Boff. *Introducing Liberation Theology* (Maryknoll, NY: Orbis Books, 1987).

simply just that, and within the emanation of light a shift can occur. The light emanated through prayer is strong and carries the power to weaken and transform the illusion of control. In this manner, one of the most efficient ways man can exert their power is through praying, to shift evil, and/or seek Creator's intervention. By ignoring the power behind people's prayer, "Communism methods and philosophy strip man of his dignity and worth, leaving him as little more than a depersonalized cog in the ever-turning wheel of the state."⁴³⁴

There is no denying that religion has been used to try to exert domination; however, in desperation to become fast developing, technologically advanced, modern and industrialized nations, both communists and the imperialist U.S. nation state did (do) the same. In addition, they indirectly – or very directly- dismiss spiritual epistemologies that do not serve their reproduction and deem metaphysical worldviews/structures around the world as irrational and backwards.⁴³⁵ Further, the fact that land, animals, and people hold sacredness- and are more than labor and resources- has been seen as illogical.⁴³⁶ The sacred does not cohere and fit into U.S. capitalism and at times activist circles end up reproducing the very same hierarchies they claim to try to dismantle through their approaches to religious spiritual practices.⁴³⁷ In this light, I suggest that perhaps the

⁴³⁴ King, "How Should a Christian View Communism," 117.

⁴³⁵ Shari M. Huhndorf. "Imagining America: Race, Nation, and Imperialism at the Turn of the Century," in *Going Native: Indians in the American Cultural Imagination*. (Ithaca: Cornell University Press, 2001); Silvia Federici, *Caliban and the Witch: Women, the Body, and Primitive Accumulation* (Canada: Autonomedia, 2004).

⁴³⁶ Glen Coulthardt, *Red Skins, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014).

⁴³⁷ Special thanks to everyone in the graduate seminar "Blackness and Disbelief" offered in the UC Riverside Ethnic Studies Department. Especially Ashon Crawley whose

masses have steered away from joining political movements, not because they lack political consciousness (whatever that is, anyways), but because these movements have failed to lend an ear. To build with them, take seriously their theorizing and epistemologies, and ultimately honor them as people and reciprocate consideration and respect. To honor the sacredness of the other and their right to life, regardless of their walk on this earth.

Disrupting Man2 by Recognizing the Sacred

To choose to listen begins to shift the paradigms of man and the ways our humanity is constructed. Sylvia Wynter notes that Man2 has now presently become the jobholding breadwinner whose successfully mastered natural scarcity, made great investment, and managed to accumulate capital. The category of otherness- the non-human- is now filled with the underdeveloped, systematically jobless, the homeless, the criminalized and imprisoned- what Frantz Fanon refers to as the damned.⁴³⁸ Those in the category of the “other” continue to be sacrificed to cohere our society and continue the illusion of a bio-economic subject that carries agency in this track of evolution and natural selection. The bio-economic subject that has pulled himself from the bootstraps, worked hard and prevailed in this free market regulated by the invisible hand.⁴³⁹ To learn

insightful understanding of Pentecostalism and the role of spiritual traditions in Black communities facilitated a fruitful space for me to think more deeply about the connections I now make in regards to spirituality in my research.

⁴³⁸ Sylvia Wynter, “No Humans Involved: An Open Letter to My Colleagues,” *Knowledge on Trial* 1,1 (Fall 1994): 42-73; Frantz Fanon, *Wretched of the Earth* (New York, NY: Grove Press, 1963).

⁴³⁹ Wynter, *Unsettling Coloniality*, 317, 321.

to “listen from the heart” to those marked as “other” also disrupts the genocidal processes that mark “the damned” as disposable.

As we think about whose lives are made to matter and therefore listened to, I think through Diane Million’s work on decolonial healing to help us create an approach that does not center the pathologizing trend of reforming incarcerated people by bringing them to political consciousness, but rather on deconstructing the way we have learned to produce a sense of value onto people’s lives.⁴⁴⁰ Further, Lisa Marie-Cacho proposes we figure out “new contexts and ways of framing ‘why life is valuable.’”⁴⁴¹ Without building our humanity and life value by distancing ourselves from criminals, the illegible. As these strategies only reify the systems of killing and living torture we are struggling against.

Dian Million presents the philosophy of Indigenism to help us think differently about how we conceptualize life. As she elaborates, “humans are embedded in a web of larger relations that is life. *Life* cannot be reduced to the property relationship implied by *resource*. Human and nonhuman relations cannot be figured in a representational system that is configured through the primacy of property and the rights bearing property owner.”⁴⁴² Indigenism inspires us to conceptualize living in other ways that do not center capitalist development, but rather an understanding of the sacredness of all living beings. I with Million argue for an essential need to transform that we see as objects, things,

⁴⁴⁰ Dian Million, *Therapeutic Nations: Healing in an Age of Indigenous Human Rights* (Tucson, AZ: University of Arizona Press, 2013).

⁴⁴¹ Lisa Marie-Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012), 33.

⁴⁴² Million, *Therapeutic Nations*, 173.

property, to entities that withhold life. To recognize the material violence of the illusion that is property. The social construction of property was central to presenting objects as void- ready to be possessed. It broke our conception of the sacredness, life and spirit held by all that inhabits this universe. All is matter, and all should matter- all is sacred, withholding life. In this way, the construction of incarcerated men, as state property is only one of the most brutal and sickening manifestations of modern colonized society.

Dian Million asserts, “Thus, indigenism is posed and poses itself as knowledge’s and cultures opposed to the unbridled knowledges of capitalism, while not separate from, or untouched by, their forces.”⁴⁴³ Million marks the necessary oppositional force of these epistemologies while they are not pure or unimpacted by the colonial forces of possession and capitalism. Moreover, Million promotes a respect for all life forms and entities and a belief that everything has life and therefore deserves our respect- including land and animals. The act of honoring and respecting is done to not incite harm and foster negative relations.

Through Million we can embark on efforts not solely focused on how to reform incarcerated people, but rather enact a change that encompasses a radical shift away from capitalism, our imagined disconnectedness, and in turn the way our society has been taught to ascribe value. She helps us meditate on reform platforms and what we truly are asking people to reform to. On what types of societies we have been socialized to create, and what kinds of relations and societies we are generating in the way we relate and understand one another?

⁴⁴³ Ibid., 174.

In her engagement with Indigenism she tells us the importance of also incorporating decolonial methods to design an approach to healing that transforms how we perceive our connection to the earth and all it inhabits. In other words, how we perceive life in general. If we understand ourselves as interconnected, and all holding the sacredness of life within us, then the sacred is held by all members of society, Mafioso or not. Moreover, through our interconnectedness, we can understand that what happens to men inside of Pelican Bay SHU, affects us, as our entanglement collectively shapes our society. *In La Kesh* (you are my other self) and *Hebrews 13:3* exemplify this interconnectedness, as we understand that we are also in and part of the body of the other. That what happens to the other, ultimately awakens, enacts, and affects me, you, us.

We must recognize the sickness that awakens within us and that we emanate when we are ill to others. How being ill and punitive to each other is making us sick, and how these tough on crime policies say more about the problems and illnesses we hold as a society rather than those being caged. But really more than anything, how we are continuously harming ourselves persuaded and lured by the sirens of public safety. We need to look deeper, beyond the apparent, easily visibly and rational. This understanding is central to regenerating our communities and creating healthier today and tomorrow. To begin to fissure through the anesthization that maintains afloat the domestic war being waged on communities of color, especially black, brown, native peoples that now daily confront the immersion of the prison regime into our quotidian lives.

I conclude with Clyde Woods' ending remarks in *Development Arrested* regarding the African American communities' blues epistemology, indigenous knowledge, and social construction.

“If the cross-generational experience of African American history and culture teaches any lesson, it teaches that democracy can only be secured through reliance on the experiences and thoughts of the masses and through strict adherence to participatory forms of governance. The privilege of indigenous knowledge, of blues epistemology, and of millions of organic intellectuals denies power to another elite-led regime of stagnation. What is left? A society where every member is both a teacher and a student... Instead, all of our efforts must be undertaken to celebrate and valorize the millions upon millions, living and dead, who met the regimes of daily destruction with unshakeable dignity. In the same vein, the lands, rivers, streams, air, plants, and animals of the region must be restored to their sacred status... Unfortunately, the agenda for a new democracy, for the Third Reconstruction, has been written, played, recited, and sung thousands and thousands of times without being recognized.”⁴⁴⁴

In this moment of genocidal crisis, we cannot afford not to listen, because what the men incarcerated in Pelican Bay have to say matters. They matter, just like their visions, theories, and strategies. Their experience as those that are “dead to others” has produced an insight we should make use of to ensure future generations are not continuously rendered illegible or face the proximity to death the imprisoned and criminalized do today. Nonetheless, the prison regime will continue to haunt us if we fail to listen to the voices of the people physically inside and enduring the torturous SHU units- along with their loved ones intimately connected to them.

⁴⁴⁴ Clyde Woods, *Development Arrested: The Blues and Plantation Power in the Mississippi Delta*. (New York: Verso, 1998), 289-290.

Conclusion

“In order for there to be a need for that system, and in order for that system to work they have to mine our minds to get at the essence of our spirit. In the same way, the external mine takes place, it pollutes... The mining of the essence, the mining of the spirit. Mining our minds. The pollution from that is all the neurotic, distorted, insecure behavior patterns that we develop and that’s the pollution. Because in order for this predatory system, this disease to work, we must not be able to use our minds in a clear coherent manner. Because if we use our minds in a clear coherent manner we will not accept the unacceptable. But it’s a disease, that lives and travels through the mind. Through the generations.”⁴⁴⁵ – John Trudell, “Mining our Minds for the Machine”

“I have been in SHU isolation for 35 years. I would not treat my worst enemy in such a way as I have been placed in isolation this long. To torture another human being with these horrific conditions should be contrary to what consists of a healthy society.”- Phil Fortman⁴⁴⁶

I place the Pelican Bay Hunger strike as part of a global movement for life and justice. I use the concept “local is global” to delineate how the rise and maintenance of Pelican Bay State Prison is connected to global neoliberal processes, and embedded within

⁴⁴⁵ John Trudell, “Mining our Minds for the Machine,” *YouTube Video*, 3:14, Posted [April 17, 2011], <https://www.youtube.com/watch?v=6GgUyZ4F7CU>.

⁴⁴⁶ Center for Human Rights and Constitutional Law, “Voices from the SHU,” <http://www.centerforhumanrights.org/Prisoners.html>.

cultural daily struggles that call us to reorient how we live our daily lives. To transform our doing and our relations. Acknowledging this matrix, I highlight the importance of the struggle waged by California SHU prisoners, as they ask us to lend an ear and listen. To join a struggle that disinvests in the criminalizing logics that cohere the death inducing Security Housing. Only then can we build healthy futures. For these criminalizing logics have spread sickness in the hearts and minds of both those that condone and are subjected to its violence. Convoluting our hearts and minds to the point that we have tolerated or accepted the unacceptable.

Local is Global: Rearticulation and Learning to Listen

Gustavo Esteva and Madhu Suri Prakash would like to go beyond global thinking, which they see as one of the sacred cows of modernity. For them, global thinking cannot address the forces of global oppression, because to think globally forces everyone to assume they live in a global village and makes it seem impossible to tackle the violence of globalization and neoliberalism. Moreover, for them global thinking is impossible, because we can only think wisely about what we know well. For them, to assume you can know the world as well as you once knew a village is contemporary arrogance. Esteva and Prakash propose we instead think locally to address oppressive global forces, and view the local as shaped by and connected to global forces.⁴⁴⁷

In her book, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*, Ruth Wilson Gilmore further contextualizes that the rise of the

⁴⁴⁷ Gustavo Esteva and Madhu Suri Prakash. *Grassroots Postmodernism: Remaking the Soil of Cultures* (London and New York: Zed Books, 1997).

prison industrial complex came as a solution to an economic surplus in land, labor, state capacity, and finance capital induced by neoliberal economic models prompted by globalization, deindustrialization, the California drought, and political crisis initiated by tax revolts. This all resulted in a brutal form of the captivity, incapacitation, and human sacrifice of predominately black and brown bodies, as well as poor whites.⁴⁴⁸ Their incarceration also served to eliminate competition in a time of economic crisis and wide migration to the United States and ensured that in a time of surplus labor resources and great job opportunities would be maintained in the hands of whites.⁴⁴⁹ Furthermore, Dylan Rodríguez argues that the rise in prison expansion would allow white supremacy to restructure itself and prevail. It was a response to a moment of crisis in this nation's white supremacist social order that was caused by third world liberation movements of the 1960's and deindustrialization.⁴⁵⁰

Dylan Rodríguez, speaks of the U.S. prison industrial complex as a prison regime that produces a mode of social organization. Prisons widely affect the way our domestic lives are organized.⁴⁵¹ In other words, prisons are not isolated institutions we can detach ourselves from, they affect and shape our everyday lives. The embodiment of the prison regime is not only seen through a wide support for prison construction but through

⁴⁴⁸ Ruth W. Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007)

⁴⁴⁹ Victor Rios, "The Racial Politics of Youth Crime," *Latino Studies* 6, 1-2 (2008): 97-115

⁴⁵⁰ Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime* (Minneapolis: University of Minnesota Press, 2006).

⁴⁵¹ Ibid.

popular support for incarceration, the racialization of crime, and the normalization of human subjection and the use of torture as punishment.

The work of Angela Davis helps us to better conceptualize how the local is interconnected with global forces. Davis' concept of abolition democracy pushes us to understand how hegemonic mechanisms intersect and depend on one another to function.⁴⁵² For example, the defunding of education and creative models for liberatory learning are directly linked to the rise of the prison industrial complex, as to the military industrial complex and the rise of neoliberalism and U.S global domination. Just as these different entities fuel and thrive from the War on Drugs that simultaneously criminalizes the *Mafioso*, militarizes the Mexican border, provides the military infrastructure to subdue social movements in Latin America, and allows for the justification and use of Security Housing Units. All of these processes are interconnected and interdependent of each other. Just as they are reflected and embedded into our daily life practices. As such, the struggle for abolition democracy finds itself in our everyday.

According to Esteva and Prakash, actions do not have to be grandiose and global to make a difference, but rather local. For them, it is only at the local level that one can most wisely and effectively be opposed.⁴⁵³ Further, as Antonio Gramsci discusses, disrupting the hegemonic bloc is not simply an economic struggle to redistribute resources, but also ideological.⁴⁵⁴ These scholars help us situate this prisoner movement

⁴⁵² Angela Y. Davis, *Abolition Democracy: Beyond Empire, Prisons, and Torture*, (New York: Seven Stories Press, 2005), 73-74.

⁴⁵³ Esteva and Prakash, *Grassroots Postmodernism*.

⁴⁵⁴ Antonio Gramsci, *Selections from the Prison Notebooks*. eds. Quintin Hoare and Geoffrey Nowell Smith (New York: International Publishers, 1989); Stuart Hall,

as dismantling these larger white supremacist capitalist structures that thrive through the prison regime and depend on the realm of culture and ideology. The Pelican Bay-California prisoners offered a rearticulation of the purpose, uses, and effects of Security Housing Units that hold the capacity to push CDC into a legitimation crisis. However, this can only happen if we learn to listen and abandon our conception of criminals that fuels support for prisons.

Rupturing the large anesthetization our public holds to the brutalities of carcerality is an important step to break through the criminalizing logics that uphold Pelican Bay. Further, struggles that directly disrupt the institutional power of Pelican Bay and CDC affect the organization of our political, economic, and social structure, which means us. While some may read the hunger strikes as limited and reformist, the call to listen and disinvest in the criminalizing logics of the prison regime disrupts not only the hegemonic power of the prison industrial bloc in California, but the larger national and global processes of neoliberal expansion that necessitate of the “moral panic of the Mafioso.” Further, The Pelican Bay and California prisoner hunger strikes are not just important for their disruption of hegemonic power and their invitation to create another world, but also for the challenge it provides to the current constructions of human value. To listen to their grievances requires a process of disinvesting in the "human." A disavow of the racialized criminalizing logics that produce human value on the illegibility of “others,” and a step towards the building of a world that centers the sacredness of all life.

“Chapter 20: Gramsci’s relevance for the study of race and ethnicity.” in *Critical Dialogues in Cultural Studies* (London and New York: Routledge, 1996); Stuart Hall, “Chapter 12: Race, Articulation and Societies Structured in Dominance,” in *Sociological Theories: Race and Colonialism*, ed. Marion O’Callaghan (Paris: UNESCO, 1980).

The Limits of Perfection

At times the activist work leading our long-term visions, becomes so obsessed with ideas of perfection and utopias that it fails to work within the current pressing issues of the situation. In her book *Native Americans and the Christian Right*, Andrea Smith speaks about organizations that strictly seek people who perfectly align themselves with their politics,

“sometimes organizations engage in a politics of purity in which they refuse to work with anyone or any organization that does not have identical politics to theirs. The politics of purity thus enables them to work with practically nobody. On the other hand, some groups are so uncritical of the coalitions they engage in that they are never able to set the terms of the coalitions.”⁴⁵⁵

These rigid politics make some “militant revolutionaries” unwilling to collaborate with people/organizations that don’t share their political views, and has made it difficult to build larger alliances and coalitions. It is important to abandon the obsession with perfect pure subjects/projects and take a more tactful approach. The men who initiated the hunger strikes needed to build coalitions; they could not afford to continue being isolated. In fact, dying in isolation is the very thing they are struggling against. The families of the hunger strikers could not wait around for “the perfect bus.”⁴⁵⁶ Knowing the urgency and the wide distributed illegibility of their loved ones, they were happy to talk to anyone willing to listen. The development of a mass movement helps them gain influence to shift

⁴⁵⁵ Andrea Smith, *Native Americans and the Christian Right: The Gendered Politics of Unlikely alliances*, (Durham: Duke University Press, 2008), 225.

⁴⁵⁶ George Lipsitz, *American Studies in a Moment of Danger* (Minneapolis: Minnesota Press, 2001).

political power, as legislators often swayed by power of the CCPOA prison guards' union begin to publicly lend their support to prisoners.⁴⁵⁷

The practice of a “politics of purity” also imposes “solutions” rather than shares propositions. This practice of imposition, instead of dialogue, leads activists to frame conversations around struggle under their own terms. They are led by predetermined visions of utopias that center the “political activists’” own ideas of perfection. However, people struggle where they are at, not where they want them to be. Perhaps instead of striving for an assumed place communities/people should be, we could first ask, engage, listen, and learn from one another. Meaning: a reevaluation of where we assume people or “we” as a “unified subject” should be, and give the same importance to process that we have given to our presumed utopic endpoints.

In their book *Normal Life* Dean Spade offers us a trans politics perspective that, “questions its own effectiveness, engaging in constant reflection and self-evaluation... that is about practice and process rather than arrival at a singular point of ‘liberation.’”⁴⁵⁸ In reflection of Spade words and the organizing I witnessed in the hunger strike, I would like to humbly suggest we begin to create the worlds we hope for in the present. Not just as a material moment we arrive to, but most importantly, as a present practice in our social relations.

⁴⁵⁷ Smith, *Native Americans and the Christian Right*, 252; Todd Gitlin, “From Universality to Difference: Notes on the Fragmentation of the Idea of the Left,” in *Social Theory and the Politics of Identity*, eds. Craig Calhoun (Malden: Blackwell, 1994): 151-174.

⁴⁵⁸ Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of the Law* (Brooklyn, NY: South End Press, 2011), 20.

We build humbly, because we understand that no one is pure and free of reproducing oppression. We acknowledge we are all living contradictions and humbly and kindly build from there. Rather than produce walls through the politics of purity, I advocate to be open to dialogues where we can grow and learn from one another. In some instances, we may realize that sectors once perceived as polar opposites, actually think alike and share commonalities- although they continue to have differences.

A liberation struggle that is pure of imperfections and contradiction is impossible. It wouldn't have a need for existence. Indeed purity and perfection are a hard (impossible?) task and a choice some cannot opt for if they want to exist.⁴⁵⁹ I propose “an adventure of possibility rather than certainty.”⁴⁶⁰ Further, while we cautiously engage prison activism to craft possibilities in “nonreformist reform.” We cannot afford to get caught up on prescriptive models of activism and revolution, and must acknowledge that people struggle where they are at, not where we want them to be. As Ruth Wilson Gilmore brilliantly reminds us, “Most of those fighting in the trenches have little time for activism motivated solely by abstract political or ethical rhetoric. Rather, they are fighting for their lives, their families, and their communities.”⁴⁶¹

⁴⁵⁹ What is liberation anyways, if not a concept that is relative and always transforming itself dependent on the desires of different persons in different geographical locations at different political and historical moments

⁴⁶⁰ Gilmore, *Golden Gulag*, 241.

⁴⁶¹ *Ibid.*, 242.

X-Marks: Imperfect Possibilities

Obviously the movement around the Pelican Bay Hunger Strike has its contradictions and shortcomings. Indeed, no past movements have achieved perfection. All social movements have had shortcomings. Otherwise we would not continue to be in struggle. In fact, it is in this imperfectability where I would like for us to sit and learn from.

There are instances where what we presume as “imperfections” can teach us a lot. Ruptures and clashes are also sources of knowledge. Moreover, imperfect is not synonymous with useless, and the creativity, improvisation, and refusal of communities in struggle throughout decades and centuries serve as example of the ability to create possibilities in dyer moments, beyond policies of death and genocide.

Scholars like Cedric Robinson help us remember the immense capabilities and knowledges held within various indigenous communities, especially the Black Radical tradition.⁴⁶² So much so that these communities faced death with immense strength. Not only because they were resilient, but because of the embodied knowledges they had carried across time and spaces. It was not Marx or the desire to form a strong proletariat working class front that motivated them, but rather a want to practice other ways of living, being and knowing they knew existed and could be manifested, because they had been and were presently in praxis amongst them.⁴⁶³

⁴⁶² I consider the Black Radical Tradition as indigenous descendants from varying regions in Africa with roots now all over the African Diaspora.

⁴⁶³ Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition* (University of North Carolina Press, 1983 [2000]).

Further, we cannot afford to underestimate the magic that emanates from making do with what you have- of hustle- survival, a sort of *rasquachismo*.⁴⁶⁴ If we are serious about understanding the prison industrial complex and prison regime as a genocidal project then perhaps we can better understand the Pelican Bay Hunger Strike as an X-mark. Scott R. Lyons uses X-mark to describe the act of treaty signing by Indigenous communities during a moment of genocide. He defines an X-mark as,

“a sign of consent in a context of coercion; it is the agreement one makes when there seems to be little choice in the matter. To the extent that little choice isn’t the quite same thing as no choice, it signifies Indian agency. To the extent that little choice isn’t exactly what is meant by the word liberty, it signifies the political realities... It signifies power and a lack of power, agency and a lack of agency. It is a decision one makes when something has already been decided for you, but it is still a decision. Damned if you do, damned if you don’t. And yet there is always the prospect of slippage, indeterminacy, unforeseen consequences, or unintended results; it is always possible, that is, that an x-mark could result in something good. Why else, we must ask, would someone bother to make it?”⁴⁶⁵

X-mark is the opportunity to continue to live. To grant oneself the opportunity to exist today and hopefully tomorrow. It is the opportunity to craft a different way of living, and a refusal to consent and be fully absorbed. It is an: I do not accept this, I will live within your terms because I value my life, but on my own terms. It is a commitment to preserve and continue building otherwise, in a place that wants to obliterate and break you. X-mark places confidence in the immense capacity and power held within people. The

⁴⁶⁴ Gloria Anzaldúa and Cherrie Moraga, eds. *This Bridge Called My Back: Writings by Radical Women of Color* (Massachusetts: Persephone Press, 1981); Gloria Anzaldúa, *Borderlands- La Frontera: The New Mestiza* (San Francisco, CA: Spinsters/Aunt Lute, 1987); Tomas Ybarra-Frausto, "Rasquachismo: a Chicano Sensibility." In *Chicano Aesthetics: Rasquachismo* (Phoenix, AZ: MARS, Movimiento Artístico del Río Salado, 1989), 5-8.

⁴⁶⁵ Scott Richard Lyons, *X-Marks: Native Signatures of Assent* (Minneapolis: University of Minnesota Press, 2010), 1-3.

capacity a place like PBSP- SHU was designed to eliminate, but has not been able to fully contain. As exemplified by all the men who pushed back by going on hunger strike.

Abolition as a Verb

I am worried that the current anti-prison push for abolition continues to be concerned with the political- subjects- nouns- and endpoints. Rather than actions that bring the spirit of abolition to life. I propose abolition as a verb. Enacted in action- the doing- in the present. I suggest we approach abolition as an ongoing process- where abolition is already happening, living in the doing- exceeding prison walls regardless of the prison's physical existence. I see abolition as being practiced by learning to listen and recognizing our interconnectedness. Perhaps we can think of abolition as a set of actions that can help us begin to live our lives differently in relation to one another. In a way that will no longer allow us to tolerate the violence that emanates out of the torturous prison conditions such as those found within SHU units across the state of California.

To me Prison abolition as a noun and endpoint may only arrive if we begin to practice it today. We can begin the redistribution of value onto incarcerated people's lives as we acknowledge complexity and abandon purity and perfection. In this manner, we can begin to acknowledge that all withholds life and is interconnected, and break away from the conception of criminality and property transposed on to prisoners. The embodied care and love and intricate understanding of the neoliberal carceral state exemplified by the mothers and loved ones organizing around the hunger strike offer these transformative models. Their knowledge and embodied wisdom reflected in their

proposed solutions can be templates for the state's approach to society's welfare. In other words, if the state embodied the type of care these family members and loved ones did towards those affected by crime and prisons, we would begin to have the semblance of a better society.

I imagine social transformation more as a daily practice. That is enacted through new socialites, new ways of knowing- of understanding the world and ourselves as human beings. Further, Cacho's proposal along with the work of Diane Million helps us imagine a world that centers people's sacredness, and is not based on the construction and denial of personhood that leads to the illegibility of others. This vision will help us begin to construct a world collectively by lending an ear to listen to the imperfect contributions of those that are often ignored. Not considered because of their illegibility and disposability.

When Fred Moten and Stefano Harvey ask,

“What is, so to speak, the object of abolition? Not so much the abolition of prisons but the abolition of a society that could have prisons, that could have slavery, that could have the wage, and therefore not abolition as the elimination of anything but abolition as the founding of a new society.”⁴⁶⁶

I think of the history of racial capitalism and its attempts to destroy indigenous epistemologies that hindered its progress. Of the construction of private property in efforts to destroy reciprocal relationships with land, then the deployment of this illusion onto the enslaved people of Africa. Cedric Robinson reminds us, slavery was only the brutal outcome of these violent systems of domination produced by a long history of

⁴⁶⁶ Fred Moten and Stefano Harvey, *The Undercommons: Fugitive Planning and Black Study* (Brooklyn, NY: Minor Compositions, 2013), 42.

racialism and conquest in Europe.⁴⁶⁷ Racialism and the Western project of civilization was upheld and reproduced through slavery and now prisons. The label of property that is now transposed onto incarcerated people is rooted in these violent processes that attempt to portray and mark objects void of life, as they once did to land and subsequently people. However, no slave system, and now the hunger strikes teach us, no prison, has ever been able to fully kill the spirit and life held within the captive and dehumanized. In part because of the incomprehensible and underestimated- of magic, creativity, and consciousness.

It is those ruptures, such as the Pelican Bay Hunger Strike, that strive to teach us to lend an ear. To think beyond our current conception of the “criminal,” “political,” and “activist.” That warn us that perhaps those people that are often deemed stupid and incompetent- unable to think outside of the old boring reformist politics- have something important to tell us. That they hold a profound knowledge that will begin to help us tear down the walls of the prison regime and begin to create a world around love and care- that honors our interconnectedness and sacredness, and challenges us to no longer act as ill single beings striving to control and possess. Indeed, it was the men that are largely demonized by society considered to be America’s hardest criminals and gang members, along with their family and loved ones that are often assumed to have no political consciousness, who have pushed the current neoliberal prison regime on the verge of a legitimization crisis in 2011, 2013, and now with the Todd V. Ashker settlement.

⁴⁶⁷ Robinson, *Black Marxism*.

Meanwhile men continue to be incarcerated and made susceptible to intensified state violence. Nonetheless, just because abolition, as an endpoint, is not viable today it does not mean that the limitations and contradictions of our strategies should not be noted and that all our various long-term visions for liberation should be abandoned. As Wendy Brown reminds us, we must acknowledge the constraints in order to develop stronger and more viable strategies that address how discourses fabricate and position subjects, the powers they secure, assumptions they naturalize, privileges they set, and the norms they mobilize and exclude.⁴⁶⁸

I invite us to begin to create spaces of dialogue- conversations that honor and respect others. Where we are all both students and teachers. I don't believe the vanguard and those who claim to have all the answers will save us. What will aid us in creating social change is that genuine and sincere love and care that was demonstrated by the mothers and loved ones of the men on hunger strike- everyday common people. A sincere love that for some derives from God, a religious, and/or spiritual practice. A love that can emanate if we learn to recognize our interconnectedness as described by Indigenism and found within *Hebrews 13:3* and *In La Kesh*. Alas, social transformation is not merely the redistribution of resources and land, but a different relationship with all living beings (this includes land) that can hold at its base spiritual relationships in and beyond this realm. If not, atleast its basic respect and consideration. Perhaps we can learn from the hunger strikers, who within all imperfections, came together collectively across racial lines and locations to demand and create different possibilities, realities, and futures.

⁴⁶⁸ Wendy Brown and Janet Halley, eds., *Left Legalism/Left Critique* (Durham & London: Duke University Press, 2002), 26.

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