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Challenging Mass Incarceration: A California Group's Advocacy for the
Parole Release of Term-to-Life Prisoners

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in Sociology

by

Nazgol Ghandnoosh

2013

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ABSTRACT OF THE DISSERTATION

Challenging Mass Incarceration: A California Group's Advocacy for the
Parole Release of Term-to-Life Prisoners

by

Nazgol Ghandnoosh

Doctor of Philosophy in Sociology

University of California, Los Angeles, 2013

Professor Stefan Timmermans, Chair

This dissertation examines resistance to mass incarceration using the case of a South Los Angeles-based group advocating for the expedited release of prisoners sentenced to life with the possibility of parole. The California Lifer Advocacy Group (CLAG) helped prisoners' families and romantic partners to navigate and challenge the state's restrictive parole policies. Founded in 2008 and with less than 50 active members, the group achieved limited results. Fledgling grassroots advocacy groups like CLAG have received little attention from scholars of mass incarceration or social movements. But they represent an understudied dimension of mass incarceration, offer insights into the absence of a broader and more effective movement against its policies, and contribute to our understanding of a common mode of activism. Through participant observation, interviews, and content analysis, I explore the factors that shaped the group's tactics and

examine its impact on prisoners' parole prospects. I find that many of the factors that propelled the group also held it back.

First, I show that advocates' individual efforts had a mixed impact on prisoners' parole prospects. While past research has shown that incarceration strains prisoners' intimate relationships and that prison systems are often indifferent to these ties, California's parole board encouraged and rewarded prisoners' enduring or nascent relationships with CLAG members. But these relationships risked prolonging prisoners' sentences because they often relied on violations of obstructive prison policies, such as limitations on telephone use and intimate physical contact with visitors. Turning next to the group's collective efforts, I trace the roots of advocates' interpretive understandings of opportunities and outcomes, and identify their consequences. CLAG gravitated towards conventional, non-disruptive collective action – such as petitioning the parole board through letters and speaking at its public hearings – because its leader and members believed their goals were attainable through institutionalized channels. Finally, I consider questions of impact and show that members' positive assessments of their efforts preceded, rather than followed, ambiguous or negative evidence and feedback. Advocates' interpretations of efficacy helped to sustain the group, but kept it wedded to a course of action with limited impact on prisoners' parole prospects.

The dissertation of Nazgol Ghandnoosh is approved.

Rogers Brubaker

Jack Katz

Mark Sawyer

Stefan Timmermans, Committee Chair

University of California, Los Angeles

2013

To my daughter Ashavan,
my mother Shahin,
and my grandmother Tahereh.

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LIST OF ACRONYMS

BPH	Board of Parole Hearings
CDCR	California Department of Corrections and Rehabilitation
CLAG	California Lifer Advocacy Group
DA	District Attorney
LWOP	Life Without the Possibility of Parole
MEPD	Minimum Eligible Parole Date
NCVS	National Crime Victimization Survey
OTS	Overtake Three Strikes
PC	Protective Custody
SNY	Special Needs Yard
UCR	Uniform Crime Reports

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It's an incredible gift how much you have taught me and helped me to learn.

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INTRODUCTION

Tiffany is a 40-year-old Mexican American schoolteacher.¹ She boasts to coworkers and acquaintances about her husband, Terrance, but confides to only a few that he is in prison. Convicted of attempted murder, Terrance is a “lifer,” sentenced to serve up to life in prison but with the possibility of release on parole. African American and one year Tiffany’s senior, Terrance grew up in the same South Los Angeles housing project as Tiffany and was in the same gang as her siblings. The two lost touch until 2005, when Tiffany received a birthday card that Terrance had sent to her mother’s home. “As the daughter of Christ,” she said, she felt compelled to respond. It was a hard decision – Tiffany had joined a victims’ rights group after gang members murdered her close friend, and she had frowned on the poor choice of the woman who had married her brother while he was incarcerated for killing his previous wife. Yet by 2009, Tiffany and Terrance were married. A self-described “workaholic,” Tiffany dedicated much of her free time to organizations that could help Terrance qualify for parole. At the California Lifer Advocacy Group (CLAG), where we met, she was a committed volunteer. She praised God for leading her to the group, “Because prior to CLAG, I had no direction in regards to helping my husband.” Already, she had helped Terrance’s parole prospects by securing him job offers from her family members and paying for his vocational courses. Through CLAG, she had several opportunities to express general support for releasing lifers at the parole board’s public meetings. But the group’s leader, Johnisha, declined to specifically support Terrance in writing because of his record of violating prison rules. Some of these infractions were the result of Terrance’s relationship with Tiffany: he was reprimanded for instances of “excessive” physical contact during their visits. In 2011, the parole board denied Terrance parole, citing these and other problems with his prison record. Tiffany recovered quickly from this disappointment and struck a positive note in a text message she later sent to supporters: “The Board strongly recommended he file a petition 2 go back in 1 year! This is a true blessing.” She resumed her active role at CLAG, and on receiving Johnisha’s commitment to fully support Terrance at his next hearing, was confident that CLAG’s support would expedite his release.

¹ Names of all people and non-state entities have been changed to maintain anonymity.

As an example of CLAG's effectiveness, Tiffany cited the case of Earl and his brother, O'Dell. Earl, a 47-year-old African American man, joined CLAG to help his older brother O'Dell end his prison sentence. O'Dell was convicted of second degree murder in 1978 and sentenced to 16 years to life with the possibility of parole. A few years before we met, Earl began feeling obliged to support O'Dell in his struggle for release. Their mother, who had previously filled this role, had passed away, and their closest siblings were entangled in drug addictions. Earl had his own problems – a history of drug use and incarceration, and an ongoing struggle to find paid work to make ends meet. But he had time, and only the high cost of gas limited his ability to volunteer with organizations that might help his brother. Prior to joining CLAG, he had been active with a group that challenged the state's Three Strikes Law through protests and a referendum campaign. It was there, he says, that he learned to become an organizer. But by Earl's estimation, the group had achieved little for Three Strikers, and even less for his brother who was not one of them. CLAG's efforts were more direct and immediate: through support letters signed by its members and others that Earl had mobilized, he was directly petitioning the parole board for his brother's release. The letters emphasized Earl's suitability for parole under existing law, and followed the board's policy against disputing convictions. At his next hearing, O'Dell was granted parole. He then awaited gubernatorial approval of his release. During O'Dell's parole hearing, the commissioners explicitly dismissed the value of letters they had received from CLAG members. When the brothers brought this up with CLAG's leader, Johnisha, she responded that the commissioners' actions were a more reliable measure than their words. O'Dell was persuaded and asked Earl to help gather and submit more CLAG letters to the governor before his decision. In 2012, O'Dell was released from prison. Earl was ecstatic. But within a few months, the two were no longer talking. Earl had confronted O'Dell about his failure to thank the people and organizations whose support he had rallied. "Thank them for what?" O'Dell had responded, adding: "It's cool what you all did, but I got myself out." Earl was beside himself. Although he had expressed doubts about the efficacy of some of these efforts, he believed – and his brother had previously agreed – that CLAG's letters had had an impact. In spite of O'Dell's views, many CLAG members continued to see his release as an example of the group's efficacy.

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Tiffany and Earl’s stories illustrate how prisoners cultivate relationships that both support and hinder their struggle for release; how prisoners’ advocates seek out and evaluate organizations that assist with these struggles; how advocacy groups decide which individuals to support and how they will support them; and how advocates remain optimistic about their impact in the face of ambiguous or even negative information. This dissertation is an ethnographic study of a South Los Angeles group advocating for the parole release of individuals sentenced to life with the possibility of parole. Since the late 1980s, California prisoners sentenced to life with the possibility of parole (also known as term-to-life prisoners, life-term prisoners, or lifers)² have required approval from both the state’s parole board and its governor for their release. With only two percent of hearings resulting in release on parole, lifers serve exceptionally long sentences and now comprise twenty percent of the state’s carceral population. The California Lifer Advocacy Group was founded in 2008 by a recently released female lifer to help prisoners’ families and romantic partners navigate and challenge these policies. Through participant observation, interviews, and content analysis, I explore the factors that shaped the group’s tactics and examine its impact on the prisoners it supported.

² I use the terms “lifer” and “life-term prisoner” to refer to prisoners sentenced to life with the possibility of parole. Of the 33,915 men and women imprisoned with this sentence in California in 2011, approximately ¼ were sentenced under the Three Strikes Law which mandates a 25-years-to-life sentence when a third felony conviction (of any type, until 2012’s Proposition 36) is preceded by two prior serious or violent felonies. These prisoners had not yet served enough time to be eligible for parole consideration (California Department of Corrections and Rehabilitation 2011a). Because of my focus on parole decisions, I do not use “lifer” in the broader sense that would include the 4,303 prisoners sentenced to life *without* the possibility (known as LWOP’s) of parole and the 715 on death row in 2011.

Documenting and analyzing the case of CLAG is significant because it is a nascent organization – a type rarely depicted in the social movements literature – and one that is challenging carceral policies – an understudied aspect of mass incarceration. Like many organizations (Kriesi 1996; Rucht 1996), CLAG resists easy classification as either a social movement organization or a lobbying group. Its reliance on non-disruptive tactics – in particular petitions and public testimonies – are forms of collective action often associated with lobbying groups (McAdam 1999 [1982]: 25; Tarrow 1998: 3; Walker 1991). But its lack of political power and the unpopularity of its goal – to expedite the release of term-to-life-prisoners – are characteristic of social movement organizations (Wilson 1973: 136, 234; Tarrow 1998: 3). I therefore refer to it as an “advocacy group” to capture this blend of conventional and non-disruptive tactics with unconventional goals.

While CLAG’s stage of development and size make it representative of many grassroots advocacy groups, such groups are often overlooked in the social movements literature (Blee 2011). Instead, scholars in this subfield often focus on organizations with “the formal trappings of rules of operation, settled beliefs, and a collective identity” (Blee 2011: 18). But studying large, established groups paints a distorted picture of the nature of collective action and of groups pursuing political change, and precludes an understanding of the often stymied or terminal trajectories of nascent activism.

The small size and fledgling nature of groups like CLAG have also kept them below the radar of incarceration scholars. These researchers have debunked the notion

that the incarceration boom is a response to rising crime (Blumstein and Beck 1999), shown that its racial imbalance goes well beyond differential crime rates (Tonry 1995; Brown et al. 2003: 139–147; Beckett et al. 2006), and traced the disastrous consequences of carceral policies for poor people of color (Braman 2004; Western 2006; Wakefield and Wildeman 2011). Yet, missing from this body of scholarship are studies of collective challenges to mass incarceration. This lacuna is in part because there is limited resistance to these policies. But it is also the result of limited scholarly attention to the challenges that have taken place. Building on Blee’s (2011) work on emerging grassroots activist groups, I argue that these efforts deserve more systematic attention – for they can, among other things, help us to understand the absence of a broader movement.

This study reveals that neither the individual nor collective efforts of CLAG’s members yielded unambiguously positive results. In fact, advocates’ efforts sometimes damaged the parole prospects of the prisoners they supported. And yet, the same advocates’ exuberant optimism – about the possibility of using institutional means to advance their cause and about the efficacy of their efforts – led them to stay the course. I reveal how their target (the California Department of Corrections and Rehabilitation), their internal group dynamics, and their past experiences contributed to this outcome.

Term-to-Life Prisoners in California

California has the second largest prison population among US states, with almost 150,000

prisoners in 2011 (Carson and Sabol 2012).³ Due to the state's large size, its policies exert both a mathematical and political influence on national trends. Following California's 1976 Determinate Sentencing Law, only prisoners sentenced to life with the possibility of parole were left with indeterminate sentences, with their release requiring approval of the state's parole board.⁴ Proposition 89 in 1988 added an additional gubernatorial layer of oversight for the release of these prisoners, a secondary review process used by only three other states (Petersilia 2008; Weisberg et al. 2011). With only two percent of parole hearings resulting in parole release in the last two decades,⁵ the average time served for first and second degree murder – the most common convictions for these prisoners – has reached double the required minimum sentences (Mock 2008; California Department of Corrections and Rehabilitation 2011b; Weisberg et al. 2011). Because of these prolonged sentences, term-to-life prisoners numbered 33,000 in 2011, or 20% of the state's carceral population (California Department of Corrections and Rehabilitation 2011a). As 2011's "Realignment" began to reduce the number of lower-

³ In 2009, California's prison population began to contract and the state lost its first place rank in absolute count to Texas. California's rate of 394 prisoners per 100,000 residents is below the national average of 492 (Carson and Sabol 2012).

⁴ While only life-term prisoners require the parole board's approval for release, almost all California prisoners were released under parole supervision until Assembly Bill 109 of 2011, the California's Criminal Justice Realignment Act (Petersilia 2008: 23; Petersilia and Snyder 2013).

⁵ This parole rate is calculated by dividing the total number of paroled prisoners by the total number of scheduled hearings for the period between 1990-2011 (see California Department of Corrections and Rehabilitation 2011b). Other approaches would derive a higher rate. The parole board granted parole in four percent of these hearings: the governor reversed one-half of these grants. Also, not all scheduled hearings are conducted: in 2010, only 2714 of the 5639 scheduled hearings were conducted. Calculating the parole rate as a percentage of conducted hearings would yield a higher rate, but a misleading one since prisoners often postpone or cancel hearings because of the poor odds of being paroled and the long waits in between hearings (see Weisberg et al. 2011: 11).

level offenders in prison, prisoners sentenced to life with the possibility of parole began comprising an even larger share of the state's prison population: 27% in contrast to the national rate of 7% in 2012 (Nellis 2013). And given the disproportionate rate at which non-whites are arrested for the most serious offenses (Zimring and Hawkins 1997), these prolonged sentences contribute to the racial imbalance of the prison population. Despite handwringing over the ballooning size of state expenditures on incarceration, the public and elected officials remain reluctant to scale back these policies (see Petersilia 2008).

The National Incarceration Problem

Over 2 million people are incarcerated in American jails and prisons, and African Americans and Latinos – who comprise 30% of the general population – make up 60% of the prison population (US Census Bureau 2010; Guerino et al. 2011; Glaze and Parks 2012). After decades of growth, the US imprisonment rate reached its peak in 2007: 506 state and federal inmates per 100,000 residents (see Figure 1), far outstripping other developed countries (Aebi and Delgrande 2011: 26).⁶ By the end of the 1990s, African American men without a high school degree had a 60% chance of serving a prison sentence (Pettit & Western 2004: 161) and by 2010, black men's incarceration rate was seven times higher than their white counterparts' (Guerino et al. 2011: 27). Scholars from multiple disciplines have scrutinized three aspects of these trends: the causes of the prison boom, its racial selectivity, and its consequences.

⁶ The total incarceration rate, which also includes jail inmates, was 716 per 100,000 residents in 2011 (Glaze and Parks 2012).

First, researchers have debunked the notion that mass incarceration is a response to rising crime rates. Understanding longitudinal crime trends is no easy feat, with different data sources painting very different pictures (Beckett and Sasson 2004). Measures of crimes *reported* to the police, such as the Uniform Crime Reports' (UCR) "index crime" tally of the eight most serious violent and property crimes, reveals rising crime rates between 1960 and 1980, followed by an overall downturn (see Figure 2). While the UCR is a reliable measure of murders, which are reported to the police at a constant rate over time, it is a less valid measure for other crimes whose rates of reporting to and classification by the police change over time (Blumstein and Wallman 2006). For these other crimes, analysts turn to the National Crime Victimization Survey (NCVS), which measures victimization rates by surveying the general population. Since its inception as a data source in 1973, the NCVS has shown steady then declining violent crime rates and an overall decline in property crime rates (see Figure 3). These patterns led Blumstein and Beck (1999) to reject rising crime rates as a cause of the prison boom. Instead, they identify three other proximal causes. First, people are punished for crimes not previously enforced: this is the case with drug convictions. For property and violent crimes, people are more likely to receive prison sentences when convicted, and the sentences that they receive are longer than in the past. The lengthening sentences of California's lifers are an example of this last trend.

Scholars have also shown that racial differences in crime rates do not fully explain the racial imbalance in the prison population. There is general consensus that people of color are far more likely than whites to be arrested, charged, and convicted, and

are more harshly punished for *drug* convictions, even though they do not commit these crimes at a higher rate (Tonry 1995; Beckett et al. 2006). But racial minorities commit *violent* and *property* crimes at a higher rate than whites. Zimring and Hawkins (1997: 74–79) show that in 1992, blacks were arrested for homicide eight times more often than whites, almost eleven times more for robbery, and at higher rates – though of varying degrees – for crimes including aggravated assault, burglary, and theft. Rather than see this disparity as the result of differential police enforcement, many attribute it to structural inequalities affecting racial minorities and their communities (see Sampson and Lauritsen 1997; Brown et al. 2003: 153–159). Still, racial differences in crime rates do not fully explain the racial disparity of the prison population. Blumstein (1993: 751) estimated that racial differences in rates of offending – as measured by differences in arrest rates – accounted for only 76% of the racial disparity in the prison population in 1991, with racial bias and other factors explaining the rest. This calculation likely underestimates racial bias for three reasons. First, this total figure relies on arrest rates to measure drug offenses, which – given the differential enforcement of these laws – even Blumstein acknowledges is a poor proxy. Since drug convictions made up nearly $\frac{1}{4}$ of the prison population at this time, this measure deflates Blumstein’s bias estimate. A second problem is Blumstein’s focus on those held in, rather than admitted to, prisons. A snapshot look at the prison population overemphasizes violent offenders for whom there is the least racial bias: these offenders represent approximately one-half of those *residing* in prisons, but less than one-third of those *admitted* to them (West et al. 2010). Blumstein’s use of the stock rather than flow figure overemphasizes the most serious

convictions for which there is less disparity between arrest and conviction rates. And lastly, Blumstein argues that instead of bias in the criminal justice system, a portion of the disparity not accounted for by arrest rate differences may be attributable to disparities in the possession of prior criminal records, which prolong sentences. But as Mauer (2006: 141-2) argues, racial bias in arrests, sentencing, and convictions makes controlling for prior records problematic when estimating racial bias in the criminal justice system (see also Brown et al. 2003: 139–147). Ultimately, racial bias in the criminal justice system contributes to Wacquant’s (2001: 96) observation that while the US prison population was 70% white in 1950, it became 70% black and Latino by 2000, even though “ethnic patterns of criminal activity have not been fundamentally altered.”

Finally, scholars have documented the disastrous consequences of carceral policies on poor people of color. As recently as 2001, Wacquant (2001: 96) observed that scholars of urban poverty had “yet to register the enormously disruptive impact that imprisonment has on low-income black communities.” Indeed, Bourgois’ (1995: 37, 109, 247–258) study of crack dealers in East Harlem touched on incarceration only through the experience of the less central figures; for those in the foreground, the criminal justice system was depicted as lenient or ineffective. Similarly, Anderson’s (1999, 2001) study of a Philadelphia ghetto portrayed the daily threat of violence but treated the criminal justice system as peripheral. These oversights are striking during a period when nearly 1/3 of young black male high school dropouts were incarcerated, “three times their incarceration rate just twenty years earlier” (Western 2006: 17). But urban scholars have caught up and developed vivid quantitative and qualitative portraits of mass

incarceration's negative effects. Carceral policies have a pervasive impact on the daily lives of young, low-income, racial minorities (Goffman 2009; Rios 2011); the "mark" of incarceration tarnishes employment prospects upon release from prison (Pager 2007) and contributes to aggregate levels of racial economic inequality (Western 2002); incarceration has long term material, as well as physical and mental health consequences for prisoners' family and romantic partners (Braman 2004; Wakefield and Wildeman 2011); and felon disenfranchisement laws have swayed major elections (Uggen and Manza 2002).

Resistance to Mass Incarceration

While most research on mass incarceration makes no mention of efforts to challenge criminal justice policies, some works have offered explanations for the absence of a broad movement. In her widely read indictment of the legal apparatus behind mass incarceration, Alexander (2010: 9–11, 211–217, 231–238) holds civil rights organizations accountable for failing to take on this cause. She argues that elected officials and civil rights leaders have failed to recognize that mass incarceration – and in particular the War on Drugs – is the latest incarnation of Jim Crow racism. Alexander (2010: 213), herself a former litigator, suggests that this is in part because these organizations have professionalized, shifting their focus “from the streets to the courtroom” and have in the process lost the capacity for grassroots organizing. More provocatively, she suggests that these organizations lack the will – having focused on preserving affirmative action policies that benefit elites, rather than taking on the cause of an unsympathetic underclass

of people labeled criminals.⁷ Braman's (2004) interview-based study of prisoners' families in Washington, DC presents a complementary explanation for the lack of a broad grassroots movement against mass incarceration. Having documented the "collateral effects" of incarceration, Braman (2004: 165) attributes the lack of protest to the silencing and isolating aspects of the stigma of incarceration. His respondents hide their association with prisoners from coworkers, congregations, friends, and extended family. This silence, Braman (2004: 219) concludes, "undermines the relationships that ... are essential to any community," and therefore impedes collective action.⁸

Yet within both Alexander (2010) and Braman's (2004) studies, there are glimpses of small groups and organizations challenging mass incarceration. Braman (2004: 12–19) begins his book with a story of successful public opposition to a proposal to build a private prison in Washington, DC. Alexander (2010: 149) describes "Ban the Box" legal campaigns that reduce post-conviction labor discrimination by limiting employers' information about job applicants' criminal records. She also mentions successful public outcry over harsh charges against the young men who came to be known as "Jena 6" in Louisiana, and "All of Us or None" – an Oakland, California-based coalition organizing a grassroots movement challenging various criminal justice policies.

⁷ Wacquant (2001: 118) provides a similar explanation for the "courteous silence" of the National Association for the Advancement of Colored People, the Urban League, the Black Congressional Caucus, and black churches on this issue.

⁸ See also Comfort (2008: 194), who suggests that welfare retrenchment has placed many poor women of color in the position of not only not resisting their partner's imprisonment but sometimes even appreciating and abetting it for it helps them to hold together otherwise strained relationships with men who are "emotionally difficult, financially draining, or physically abusive."

Thus the stigma of incarceration does not preclude activism and advocacy. These efforts often attract a small number of people (Braman 2004: 16, 257 fn 1) and achieve limited success (Braman 2004: 237 fn. 13; Alexander 2010: 149) – perhaps in part because they proceed without the guidance of seasoned leaders or the broad assistance of people fleeing the stigma of a criminal record. But, building on Blee’s (2012; see also Miller 2007) work on emerging grassroots activist groups, I argue that these efforts deserve more systematic attention, not just to investigate the absence of a broader movement, but also to understand a common mode of advocacy and the full range of experiences with mass incarceration.

If we define challenges to mass incarceration broadly, then studies show that prisoners and their supporters use a wide range of tactics to challenge the conditions and terms of incarceration.⁹ Prison riots, which Wacquant (2001: 118) labels as successors to “the ghetto uprisings of 1963–1968,” populate one end of the spectrum of resistance (Useem and Kimball 1989; Goldstone and Useem 1999). Further along is prisoner litigation and, as Calavita and Jenness (2013) show, the administrative appeal process which prisoners are required to exhaust before petitioning the courts. At the other end of this spectrum is prisoners’ informal resistance, documented by penologists (see for example Bosworth 1999; Kruttschnitt and Gartner 2005). But as these scholars generally argue, these efforts have done little to thwart mass incarceration. By Wacquant’s (2001) measure, prison riots have had less impact than urban riots because they receive less

⁹ For a parallel pursuit – studies of racial minorities in low-income communities organizing against neighborhood crime – see Gregory (1998), Lyons (1999), and Miller (2001).

public attention, elicit administrative rather than political responses, and are between subordinate groups rather than targeting dominant whites.¹⁰ And as Calavita and Jenness (2013) argue, the Supreme Court's decision in cases like *Brown v. Plata* – finding that conditions in California's prisons amount to cruel and unusual punishment – demonstrates the failure of the widespread reliance on the prison appeal system. But prisoners are not alone in this struggle – they have family, romantic partners, friends, and activists advocating on their behalf.

Fledgling Advocacy

Blee (2012: 19) contends that fledgling groups can “reveal the difficulties of launching collective activism.” In her analysis of 60 nascent activist groups with potential to develop into broader social movement organizations, she finds that most withered or remained fragile. Her analysis is attentive to both path dependence and happenstance, identifying early actions whose impacts ripple down organizational trajectories. She shows how group memberships homogenize, their range of interpretations of problems and corresponding actions narrows, and their hierarchies constrain internal democracy. Blee focuses on groups pursuing a wide range of social change – often without a political target – and she gives greater attention to the internal dynamics of groups than to their outcomes. In this study, I will follow the lead of advocates and focus on questions of efficacy, linking internal dynamics to the group's impact, and trace how this impacts in turn affected the group.

¹⁰ The recent prisoner hunger strikes in California overcome many of these shortcomings.

In her study of California's prison boom, Gilmore (2007) presents a rare profile of a small advocacy group in South Los Angeles, Mothers Reclaiming Our Children (Mothers ROC). Mothers ROC's focus meandered and morphed from a "cooperative self-help" group targeting police violence and helping families to navigate the criminal justice system to two registered non-profits dedicated to steering youth away from the criminal justice system (and vice versa) and challenging the California Three Strikes Law (Gilmore 2007: 183). Gilmore's account is valuable in revealing the group's trajectory and demonstrating the significance of women's mobilization. But it stops short of offering a critical assessment of the group's strategic choices and impact. As Blee (2012: 236–237) suggests, Gilmore's (2007: 27) own call for the work of scholar activists to develop a "guide for action" requires looking critically not only at the problems to which organizations react, but also at how they do so. I build on this effort by looking critically at the efforts of one organization and its members.

Existing Scholarship

In the following section I review the main literatures with which this dissertation is most closely in conversation. I address debates on incarceration and intimate ties, on tactical choices made by social movement and legal advocacy groups, and on ethnomethodological assessments of ambiguous and negative outcomes.

Incarceration and Intimate Ties

I first situate CLAG members' individual efforts to expedite a prisoner's release within the literature on prisoner's intimate ties. Relevant here are two questions: how do

prisoners' intimate relationships arise and persist, and what impacts do they have on their parole prospects? Existing research has emphasized how prison systems strain and sever prisoners' intimate ties, failing to reap their rehabilitative benefits. But due in part to sampling choices, these works present an incomplete account of prisoners' intimate relationships and overlook important nuances in how prison systems treat these relationships.

Both quantitative (Swisher and Waller 2008; Western and Wildeman 2009) and qualitative (Braman 2004; Edin et al. 2004) researchers have documented the negative impacts of incarceration on prisoners' family and romantic ties. From this perspective, prisons have gone too far in severing prisoners' intimate ties in pursuit of incapacitation, punishment, and deterrence. Scholars are especially alarmed at these policies because they reflect prisons' failure to capitalize on the rehabilitative effects of intimate relationships (Hairston 1991; Visher and Travis; Naser and Visher 2006). While some prison systems have developed programs promoting family ties (Adalist-Estrin 1994; Sullivan et al. 2002), scholars see most prison systems' endorsements of prisoners' intimate ties – and rehabilitation in general – as only as a hollow principle (Lynch 2000; Comfort 2002; Petersilia 2003; Mills and Codd 2008).

There are two reasons to look more closely at these claims. First, when scholars such as Comfort (2008) draw their samples from people visiting prisoners, they find prisoners who maintain active social ties. These works paint different portraits of carceral life because rather than only look to prisoners' strained pre-existing ties, they consider

enduring and new ones. This raises the question of what strategies some prisoners and their intimates use to overcome prison policies obstructing intimacy. One possibility is reliance on newly disseminated technology – cellular phones. Cell phones allow prisoners to talk beyond the time and cost limits of sanctioned phone systems. California’s prison system links cell phone use with crime outside of prisons and disorder within, and media reports sensationalize these uses (see for example Dolan 2010). But cell phones also enable more quotidian conversations – staying in touch with friends and family. I will therefore explore the means by which prisoners stay connected with their intimates.

Considering prisoners’ enduring relationships with people outside of prison presents an opportunity to look more closely at how prison systems react to these relationships. In particular, what are the incentives and tradeoffs for prisoners to rely on prohibited means to sustain these relationships? The prevailing understanding is that prison systems are indifferent to prisoners’ intimate ties, only paying lip service to supporting their rehabilitative effects. But as Garland (1990: 67–74) observes, the criminal justice system does not have uniform goals. Rather, various parts of the system endorse and promote separate – and sometimes conflicting – goals of retribution, deterrence, rehabilitation, and incapacitation in varying proportions. Using the case of California’s prison system – its prisons and parole board – I examine if rehabilitation is a hollow principle, making prisoners’ pursuit of intimate relationships a fruitless endeavor.

Tactical Choices and their Consequences

I turn next to collective efforts to challenge prolonged punishment and ask how advocacy

groups pursue their goals and how their chosen tactics affect the goals that they pursue. The social movements literature suggests that exclusion from institutional politics pushes groups towards non-conventional, disruptive tactics. But this formulation often relies on the analyst's – rather than the activist's – assessment of inclusion. Given activists' "systematic optimistic bias" (Gamson and Meyer 1996: 286) toward political opportunity, how do they conclude that they are excluded from institutionalized politics? And how do their tactical choices further shape their efforts?

Social movement scholars have argued that exclusion from institutionalized politics leads people to opt for non-institutionalized forms of political action (McAdam 1999 [1982]; Useem and Zald 1987; Tarrow 1998). A number of works have confirmed that when a group's goals or members are excluded from institutional channels, it is driven to disruptive tactics (Kriesi et al. 1995: 46–51; Zdravomyslova 1996: 131; Meyer 2004: 176; but see Dalton et al. 2003). But this theoretical framework does not explain why organizations with similar goals pursue different tactics. Some scholars have used the concept of ideology to explain this variation (Dalton 1994; Brulle 2000; Zald 2000; Dalton et al. 2003). This approach correctly recognizes the shortcomings of focusing on objective assessments of institutional inclusivity without regard to participant interpretations. But the concept of ideology overemphasizes the role of "deeply held" (Oliver and Johnston 2000: 46) beliefs and values (see Snow and Benford 2000). To examine the process by which one group arrives at the conclusion that its goals should be pursued *within* institutional channels, I consider a more dynamic, interactive, and ongoing process (see also Carmin and Balser 2002; Meyer 2004). I extend Benford and

Snow's (2000: 615) interpretivist approach – in particular their concepts of diagnostic and prognostic framing – to understand how advocacy groups choose among forms of collective action.

While a group's framing of a problem is expected to impact its tactics, its tactics are also expected to impact its goals. Institutional tactics are expected to moderate goals (Michels 1962 [1911]; Zald and Ash 1966; Piven and Cloward 1977; Voss and Sherman 2000; Clemens and Minkoff 2004), though scholars see different mechanisms by which this occurs. Socio-legal scholars have shown that legal arenas encourage people to modify their narratives to fit scripts that can win legal disputes, rather than deliver accounts that might serve broader collective goals. Consequently, scholars have documented (Sarat and Felstiner 1995) and criticized (Cunningham 1989; White 1990; Alfieri 1991; Coutin 2000: 99) how legal experts steer clients to deliver accounts that can achieve narrow visions of legal success. But as others have indicated (Ewick and Silbey 1998; Saguy and Stuart 2008), and as can be seen in studies of individuals' legal tactics (O'Conner 1995; Fox 1999; McKendy 2006; Waldram 2007), people often alter their accounts without guidance from legal experts. I will therefore consider the moderating effects an institutional approach and the extent to which it is driven by the group's leaders or members.

Participant Understandings of Outcomes

I turn next to another aspect of collective action: participants' assessments of their efficacy. Specifically, I ask how advocates interpret negative or ambiguous information

about their impact. Social movement scholars have closely examined the outcomes of collective action from an objectivist perspective, providing overall assessments of social movements (Burstein and Linton 2002; Piven 2006; Giugni 2007), and using comparative approaches and case studies to identify those aspects of movements and their contexts that shape outcomes (Gamson 1975; Cress and Snow 2000; Amenta 2006). Advocates' own perceptions of efficacy have been given short shrift in these works. I draw on ethnomethodological approaches to examine 1) the salience of questions of efficacy among advocates; 2) advocates' methods of reasoning; and 3) the conclusions that they reach.

In investigating everyday reasoning, analysts often err in drawing too little distinction between their subjects' understandings and their own. To arrive at what Bourdieu (1990 [1980]) calls "a scientific knowledge of the practical mode of knowledge," I identify and explicate differences between my own and subjects' perceptions. First, I consider the question of salience – to what extent is the question of efficacy one that advocates themselves pose? As Desmond (2006) shows in his study of wildland firefighting, outsiders err in believing it is its high risk that attracts men to this work. For the firefighters, risk is less salient than other aspects of the work, such as its fit with their notions of working-class masculinity. Especially given the ambiguous or negative nature of CLAG's outcomes, its members may divert their thoughts and discussions to other topics.

Second, I consider the methods that advocates use to assess efficacy when they

reflect on this question. Ethnomethodological research on everyday sense-making (Garfinkel 1967: 78; Pollner 1987) suggests that people rely on “the documentary method of interpretation” to take information – which is presented or processed partially and over time – to be “a document of” of a broader pattern – therefore guessing at the whole of which they only see parts. Scholars have generally emphasized the cooperative interactional processes supporting this interpretive method – focusing on beliefs that are widely shared or presenting one party’s views. But this process is often contentious (Smith 1978, 1990). An advocacy group is an ideal site to explore this feature of the documentary method because of likely contestations about impact.

Finally, I examine to what extent advocates apply this interpretive method to arrive at conclusions not shared by others. To understand the case of a group with ambiguous or limited impact, I turn to an extreme case in which subjects confronted failed outcomes: millennial groups whose prophecies have not come to pass. As scholars have shown, for adherents of these groups, “prophecy seldom fails” (Melton 1985: 20, emphasis removed; see also Zygmunt 1972; Tumminia 1998; Dein 2001). This is because adherents use various interpretive techniques to defend their worldview. I therefore consider whether and how advocates reinterpret disconfirming evidence of, and feedback about, their efficacy. As Blee (2011) has shown, most fledgling groups do not survive and those that do often adhere to early routines of actions. I consider how participant interpretations of group efficacy – whether a turn away from these questions or selective interpretation of information about them – contribute to the group’s path.

Research Setting

To study challenges to one aspect of mass incarceration – prolonged punishment – I conducted research at and participated in the work of an organization advocating for the parole release of term-to-life prisoners in California, the California Lifer Advocacy Group. CLAG helped prisoners’ families, romantic partners, and other supporters to understand and have a voice in the parole process. In the following sections I describe the organization’s history, the people it attracted, and its actions.

CLAG’s History

CLAG began informally in 2008 when Johnisha Whitman, an African American woman in her 40s, organized a ‘town hall’ meeting in LA’s Watts neighborhood for people supporting life-term prisoners. A few years before, Johnisha had been released on parole after serving 21 years on a life-term sentence for killing her abusive boyfriend. Soon after her release, she began working as an administrative assistant at the organization that would later host CLAG, A New Path. A New Path – also founded by a formerly incarcerated woman – operated five sober-living houses in Watts and neighboring Compton for formerly incarcerated women, offered a legal clinic to expunge minor criminal convictions, and worked with other organizations in the state to challenge criminal justice policies.

Once Johnisha began working at A New Path, she started hearing from people associated with life-term prisoners. These were past acquaintances as well as people who had heard of her from their network or through media coverage of her release. Johnisha

organized a town hall meeting to address all their queries at once. The large turnout surprised A New Path's staff, who then helped Johnisha to successfully apply for a grant funding her activism for eighteen months. A New Path became CLAG's parent organization – offering office space, sometimes loaning its staff, and sharing its network of advocates and experts.

CLAG's People

Once CLAG was formalized and holding regular meetings, prisoners' supporters, prisoners, and volunteers flocked to CLAG. Recently released lifers and attorneys also came to offer advice. Below, I profile the three groups of people who had the most prolonged engagement with CLAG: members, prisoners, and volunteers.

I define members as people who sought CLAG's assistance in advocating for the release of a particular life-term prisoner. These individuals' commitment to the organization varied. In total, two hundred people joined CLAG's email and mail lists. Approximately one-half had little engagement with the group beyond their first encounter at a meeting and one-quarter attended several meetings. Six members volunteered extensive time to the organization, helping primarily to organize files with prisoners' records. Tiffany, mentioned in the introductory vignette, was one of the most active members. She regularly recruited people she met while visiting her husband at prison or through other organizations or online groups for people in her situation. She generally arrived at monthly meetings early and helped to organize the support letters that members would sign. She then stayed late to translate for members who were more comfortable

with Spanish, and if any Spanish-language flyers were distributed, Tiffany was the one who had translated them. She attended several trips to speak at the parole board's public meetings and eventually received the group's written support for her husband. Roxy, another member, had more limited engagement with the group. When Roxy attended meetings she induced cries of sympathy by introducing herself as the mother of three life-term prisoners. But she often missed the Saturday meetings because she was busy working or visiting her sons. While she did not speak at the parole board's public meetings or arrange to receive support letters for her sons, she found the meetings valuable because they made her feel less alone. Like the overwhelming majority of CLAG's members, Roxy and Tiffany were women who were either romantically tied to or related to a lifer. Also like the others, they were Latina and African American and came from predominantly non-white neighborhoods close to CLAG's offices.

The second category of people associated with CLAG were the prisoners on whose behalf members advocated. Although physically remote, some of these prisoners were actively engaged with the organization. Some had introduced their supporters to CLAG after having learned about it in prison. Others corresponded directly with CLAG staff and volunteers to fill their files. Some eventually steered their supporters away from particular actions that CLAG supported if they felt it did not advance their release strategy. Nearly all of these prisoners were men sentenced to life with the possibility of

parole, often for first or second degree murder or attempted murder.¹¹ Most prisoners were convicted in their late teens or early twenties and had served well beyond their minimum sentences. O'Dell, who was mentioned in the introductory vignette, had been in prison since 1978. Others were more like Terrance, Tiffany's husband, who had been incarcerated since 1995 and had only recently reached his minimum required sentence. Rather than only criticize their sentence's lengths, prisoners often also objected to other aspects of their convictions: some claimed innocence, others noted unrecognized legal excuses or justifications, and some lamented the lenient punishment of their crime-partners. Prisoners were generally of the same race or ethnicity as the members who advocated on their behalf.

Finally, there were the volunteers who assisted the group. Johnisha was CLAG's only full-time paid staff member, so the group relied heavily on the unpaid labor of approximately a dozen individuals. Members like Tiffany did much of this work, but non-member volunteers like Wayne (Waynie) and Elizabeth (Betty) – who were not supporting specific lifers – were also crucial. Waynie and Betty's backgrounds represent the broad range of CLAG's volunteers. Both came to the organization with an interest in other aspects of the criminal justice system and were steered towards CLAG by its parent organization, which was already brimming with an established intern program. Waynie, African American and in his 50s, struggled to secure full-time employment. His personal

¹¹ Some prisoners affiliated with CLAG were sentenced to life without the possibility of parole, or had very long determinate sentences. Those with LWOP's hoped to reduce their prison terms to an indeterminate sentence and all expected that CLAG's network might help with their release struggles.

experience with incarceration – but not with a life-term sentence – brought him to CLAG. Wayne was released from prison in 2003 after pleading guilty to a crime he did not commit to avoid the risk of acquiring a third strike – and a 25-years-to-life sentence – under the Three Strikes Law. His experience, as well as his brother’s three consecutive life-term sentences under this law, motivated him to challenge the Three Strikes Law. The road from there to CLAG included a fallout with another organization. He saw his work at CLAG as not for his brother, who “got almost like a life without,” but rather for lifers like those he met in prison. At CLAG, his past exposure to lifers and awareness of the attorneys and other experts with whom they worked helped him to take the initiative to identify, track down, and arrange for experts to speak to the group. Volunteers like Wayne came from disadvantaged backgrounds, were older, and often had personal experience with incarceration from which they could draw substantively to help the organization.

Volunteers like Betty were from more privileged socioeconomic backgrounds and brought to the organization transferrable research and writing skills, along with the computer equipment to apply these skills. Betty, white and in her early 30s, was finishing college when she arrived at CLAG. Her path began with college courses that inspired her to address the high rates of incarceration among Native American women. She found A New Path through Internet research and was redirected to CLAG. She was inspired by Johnisha’s personal account to broaden her commitment to help male lifers. For several months, she came to the office weekly with her laptop and, using a template created by Johnisha, helped to write support letters for prisoners. Drawing on her volunteer

experience at CLAG to write a personal statement, she was later admitted to a graduate program in Women's Studies.

My presence at the site was very much like Betty and other volunteers like her – both in terms of my background and my role at the organization. I was a white, female graduate student without personal experience with incarceration – save for an arrest during a protest that led to a few hours in jail and an eventually a clean record. I volunteered as an assistant to Johnisha, completing tasks at her direction. This included helping to notify members of upcoming meetings, researching the procedures of the California Department of Corrections and Rehabilitation (CDCR), taking notes at the group's meetings, and updating funders.

CLAG's Actions

CLAG members largely followed four parts of the plan Johnisha had laid out in her grant proposal. First, the group held monthly meetings where members met one another, were apprised of the group's work, and learned about the parole process from Johnisha or guest speakers. Volunteers reminded members of these meetings through emails and telephone calls, and members distributed the group's flyer within their networks outside and within prisons (see Image 1). Held on Saturday mornings and followed by sandwiches, the meetings generally attracted about thirty people – with a dozen regulars and the rest rotating. Introductions took up a significant portion of the meetings as members recounted their loved one's struggle to gain release and described the hardships that the prisoner and they had experienced. Participants then had a chance to sign up for

the specific actions for which the group was preparing. Often, a guest speaker such as an attorney or a released lifer spoke to the group and the remainder of the meeting consisted of participants asking detailed questions about the parole process.

Second, the group petitioned the parole board and governor to release specific prisoners by submitting support letters signed by its members. Johnisha had created a template for these letters, which expressed community support for a prisoner's release based on his having met the parole board's parole suitability criteria. Volunteers customized this template using records that the prisoner or their advocate had provided to the organization and which had been organized into files. Staff and volunteers distributed these letters at the monthly meetings to collect signatures, and active members collected additional signatures at other sites. The group supported over thirty prisoners in this way.

CLAG members also made a number of trips to the Board of Parole Hearings' monthly public meetings in Sacramento, where they formally addressed the state's parole board and implored it to raise the parole rate. During these hearings, commissioners heard from the public during their "open comments" segment – which granted each speaker five minutes to address the board, but prohibited him or her from referencing a specific case. Since only victims and their families could address the parole board during its parole hearings for individual prisoners, these public meetings were the only settings in which prisoners' advocates could address the board. Over three years, the group made five trips to speak at these hearings, with about four members speaking each time.

Finally, CLAG hosted free training sessions to teach members to write writs of

habeas corpus. A law professor, with whom Johnisha had contact during her own release struggle, led this training with her students. About six members participated in this intensive training and the group archived the training documents for other members. Many passed the information on to the prisoners they supported but I was not aware of any one transferring this knowledge into a writ during the time of my research.

Research Methods

Data Collection

I collected data on the California Lifer Advocacy Group between May 2010 and May 2013. I entered the field site as a researcher and volunteer, collecting data about – while working alongside – the group’s members, staff, and volunteers. Data include field notes from participant observation, semi-structured interviews, and parole hearing transcripts.

Participant Observation

I conducted three to four days of participant observation each week for one year, followed by monthly visits for a second year. All research subjects were aware of my dual role as volunteer and researcher. I filled in the shoes of a previous volunteer who had assisted Johnisha, CLAG’s founder and leader, and worked alongside others by conducting research, helping to coordinate events, and preparing written material. In this capacity I came to know the organization’s staff and volunteers, as well as its most active members. Working alongside them, I observed and inquired about their individual and collective efforts while we exchanged anecdotes about our personal lives. I also observed

and interacted with members before, during, and after meetings and training sessions, and more intensively during two overnight trips with them to the parole board's public meetings in Sacramento. During these trips, I observed how members presented themselves to each other and to the parole board and captured some of their backstage preparations and reflections on these experiences, casually probing for additional information. The context of 12-hour round-trip road trips with an all-woman group helped me to learn information that members kept more guarded, such as experiences with breaking prison rules to achieve physical intimacy and the extent to which the women were struggling with these relationships. And in spite of knowing me as a CLAG volunteer, many members confided in me about their frustrations with the organization and other members, sometimes hoping that I would use my role to mediate conflicts and relay feedback. Finally, I cultivated a close bond with six members with whom I corresponded regularly by telephone, e-mail, a social networking site, and occasionally in person outside of the organization. Through these individuals I had a glimpse into the ups and downs that prisoners' supporters experienced as they prepared for, and often handled rejections from, parole hearings; how their advocacy fit into other aspects of their lives; and their evolving relationships with the prisoners that they supported.

I took rough notes immediately after all of these encounters – or in-situ if the event was a meeting at which it was appropriate to write – and generated complete field notes the same or the following day. I accumulated a total of 450 single-spaced pages of field notes. Members' statements to the parole board were audio-recorded and transcribed. When drawing on these and other data, I use double quotes to denote

statements that were audio-recorded or noted verbatim, and paraphrase or use single quotes for those that were reconstructed based on my jottings.

Interviews

During my second year and third years of research, I conducted in-depth semi-structured interviews with 50 people affiliated with CLAG, including members directly supporting a prisoner, staff and others supporting the organization, and the prisoners for whom the organization was advocating. I interviewed 25 of CLAG's members: 17 relatives and 8 romantic partners of lifers.¹² I also interviewed 15 others who assisted the group: 4 staff, 6 released lifers, and 5 non-member volunteers. Finally, I interviewed 10 prisoners affiliated with members that I had interviewed. I supplemented this data with an interview with a parole board deputy commissioner. I was able to follow-up with the majority of these respondents multiple times to receive updates and to ask more detailed questions based on the direction of my analysis.

I recruited members, staff, volunteers and other supporters at CLAG's offices, primarily before or after meetings. Some respondents also helped me to recruit other members. I had a high response rate even though respondents were not financially remunerated: only one person declined to be interviewed and three did not follow through

¹² Twenty-one of these twenty-five respondents were women, while twenty-four of the prisoners for whom they were advocating were men. The prisoners' gender was representative of the California lifer population, which is 96% male (Weisberg et al. 2011). Fourteen respondents identified as African American, eight as Mexican American, two as white, and one as other. Probably due to CLAG's location in the almost exclusively black and Latino neighborhood of Watts and its draw of members from this and nearby areas, there were more Latinos and African Americans among the prisoners associated with these members, at 84%, than among the California lifer population, at 69% (Weisberg et al. 2011).

with plans for the interview. Respondents were eager to make their stories public and many were at ease with me because they knew about or knew me from my time as a volunteer. Almost all members were interviewed at their homes. Staff and others supporting the organization were also often interviewed at their homes, or at CLAG's office or via telephone. Prisoners were invited to participate in interviews through letters. None declined to participate. Ten of these interviews were conducted through multiple written exchanges, five of which were supplemented with in-person visits at the prisons.

For interviews, I used an interview guide covering a wide range of topics (see Appendix). Members were asked open-ended questions about their path to CLAG, experience with advocacy and activism at other organizations and at CLAG, exposure to incarceration and crime, account of the prisoner's crime and conviction and sentencing processes, and for the prisoner's biography before and after incarceration. Current and former prisoners were also asked biographical questions about their lives before and since incarceration, their release struggle, the support they received from friends and family, and their experience with and assessment of advocacy groups. Staff and others assisting the group were asked about their views of the problems of mass incarceration and their own and others' efforts to address these issues.

Interviews with people outside of prison were audio-recorded and generally lasted two hours. My detailed notes during these interviews helped to select excerpts to have transcribed. To receive timely approval from the California Department of Corrections and Rehabilitation to conduct research with prisoners, I conducted in-person interviews

with prisoners during regular visitation hours and under the same rules as other visitors. I was therefore not permitted to use an audio recorder, and my ability to bring in written questions or to take notes – or leave with them – varied by prison. These interviews were far less structured and generally lasted the entirety of the six-hour visitation time. I wrote extensive notes a few hours after these meetings based on my jottings during or immediately after the interviews.

Support Letters and Parole Hearing Transcripts

Lastly, I collected from CLAG staff and volunteers the support letters that the group submitted for 30 prisoners – nearly all of those who received the organization’s direct support. From CDCR, I collected the most recent parole hearing transcripts for these prisoners, for the last three hearings of the 10 prisoners that I interviewed, and for all 164 prisoners who had a hearing in September 2011. Also from CDCR, I collected transcripts from three public meetings of the parole board at which CLAG members spoke but for which I was absent. I looked to these formal, on-the-record communications to see how the group and its members framed claims and how the parole board responded to their efforts.

Analysis

I followed an iterative process of analyzing data, consulting existing literature, and collecting additional relevant data. This approach followed an underemphasized overlap in the grounded theory and extended case methods: following a non-linear (Burawoy 1991: 11) path of “induction, deduction, and verification” (Strauss 1987: 11–12). After

three months of fieldwork and data collection, I started to code my data and to search for themes and their connection to existing scholarship. I began with an open-coding technique to analyze these data, maintaining a “theoretical agnosticism” associated with the grounded theory method of data analysis (Timmermans and Tavory 2007: 503; see Glaser and Strauss 1967). I identified the recurrent themes of cellular phone use among prisoners associated with CLAG members, members’ past experiences with other activist groups, their enthusiasm about their actions at CLAG and the feedback from the parole board, their dual exposures to incarceration and violence, discussions of race at meetings, conflicts at the organization, and the incongruities in how members criticized the prisoner’s sentence in different settings. I then drafted memos and read scholarship related to these themes, to which I grew more sensitized as I collected data and around which I reshaped my data collection efforts. I considered what phenomena these observations were a case of and connected them to other features of the site. For example, finding the recurrent theme of members modifying their grievances before the parole board, I sought out related strategic choices and considered their causes. Or, upon identifying the recurrent theme of cell phone use between prisoners and CLAG members and its negative impact on parole, I sought out other data on the positive and negative impacts of prisoners’ intimate relationships. My ongoing analysis therefore shaped the focus of my data collection, following the analytic induction approach (Katz 2001).

My role as a researcher and volunteer at CLAG presented two challenges. First, it risked tarnishing the data. My affiliation with CLAG may have encouraged subjects to alter their accounts with the goal of receiving increased group support, for example by

exaggerating the reasons the prisoner they supported should be paroled, or holding back criticisms of the group's work. But several aspects of the research design guarded against this. First, respondents understood that I would keep information confidential from others in the group and would anonymize everyone in my writing, eliminating the possibility of being individually impacted by my work.¹³ As noted earlier, either because they trusted me as a researcher or because they saw me as a liaison between members and staff, members and prisoners often confided in me their grievances with CLAG. Second, I remained in contact with many informants well past the time that I was volunteering at the organization. Ending my role as a volunteer likely reduced the incentive to alter accounts to manage impressions with CLAG. Finally, I could verify some members' accounts by triangulating their depictions of prisoners and of themselves with parole hearing transcripts and my interviews with prisoners.

The second challenge created by my volunteer role at the organization is that my sympathy with the group's goals may have biased my analysis. Sociologists have long been preoccupied with helping to address larger social problems (Lynd 1939: 123). Contemporary research in this vein often involves questions of how researchers should engage with activists working on these issues. Ethical questions of how to balance loyalty to subjects' cause with the pursuit of rigorous scholarship are intensified when activists become the focus of study. I chose an inductive approach to formulate research questions

¹³ Many requested that I use their real names as indication of their honesty or to help with their legal struggles. At the time of this writing, I have not completed the Institutional Review Board process to meet these requests.

and collect data independently from my research subjects – in contrast to the approaches of participant action research (see Whyte 1991; McIntyre 2008) or public sociology (see Burawoy 2005). But my sympathy to the group’s goals and familiarity with its members and leaders did make me reluctant to write a critical account of its work. I was concerned that criticism would betray my subjects’ trust and interfere with the goals that I helped them to pursue, such as by demobilizing members or discouraging funders. I relied on two principles to evaluate these hesitations when I was aware of them. First, advocacy groups can benefit from critical accounts of their work, incorporating this feedback into the development of their internal structures and external strategies. In fact, Blee (2011: 236) has suggested that scholars have an ethical responsibility to generate these accounts. Second, like Currier (2011), I did not air “dirty laundry” that was either an isolated incident or tangential to my theoretical questions. Instead of self-censorship, therefore, I may have veered to sharing too much and being overly critical of my subjects. At the time of this writing, I have solicited informants’ feedback on selective excerpts of the dissertation, receiving approval in every case. I have chosen to delay soliciting their feedback on its entirety until more time has passed (see also Currier 2011).

Organization of the Dissertation

The dissertation contains three chapters that investigate the individual and collective efforts of CLAG’s members to support the release of lifers, followed by a conclusion. Each chapter engages a different theoretical debate that contributes to explaining what propels and inhibits the group’s efforts. Many of the same individuals reappear across the

chapters, with different aspects of their experiences highlighted in each one. I briefly summarize each chapter below.

Chapter One, “Ties that Double Bind: Conflicting Effects of Intimate Relationships on Parole Prospects,” examines how lifers maintained relationships with the family, friends, and romantic partners who joined CLAG, and how these relationships affected their parole prospects. Past research emphasizes the obstacles prisoners face in maintaining intimate ties and the failure of prisons to reward these ties. I argue that the California prison system places lifers in a double bind with respect to these intimate relationships. On the one hand, maintaining family and romantic relationships improves prospects for parole release by helping prisoners to meet the parole board’s suitability criteria. The state’s parole board steers term-to-life prisoners toward and rewards them for developing and maintaining these ties. But on the other hand, prison policies obstruct intimate ties, and when prisoners skirt these rules – by using contraband cellular phones or engaging in punishable “excessive contact” – their parole prospects are tarnished. Intimate relationships therefore have a conflicting impact on prisoners’ chances for parole: they improve the parole board’s evaluation of prisoners but because they often rely on rule transgressions, they can disqualify prisoners from parole. I use this finding to argue that contradictory penal logics within prison systems are a mechanism of mass incarceration.

Chapter Two, “Tactical Choices in Challenging Mass Incarceration: Perceived Inclusion in Institutional Politics and its Consequences,” addresses the question of how

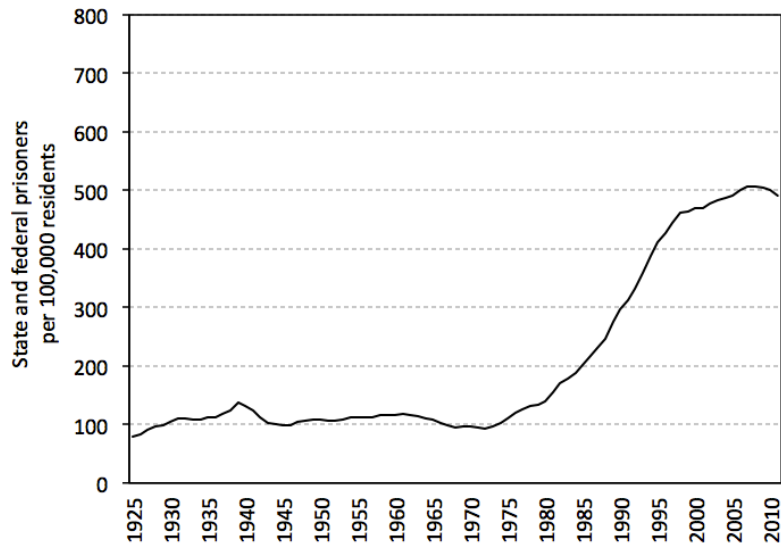
groups choose strategies for advancing political goals, and how these choices affect the goals that they pursue. Social movement theorists have shown that one condition for disruptive collective action is exclusion from institutional arenas. I refine this formulation by emphasizing the significance of *perceived* exclusion. I show that CLAG gravitated towards conventional, non-disruptive collective action – such as petitioning the parole board by submitting letters and speaking at its public hearings – because it expected to succeed through institutionalized channels. The group arrived at this conclusion because of the constrained information to which it had access: its exposure to prisoners whose freedom was gained through legal channels, its guidance from experts of these processes, and its makeup of active members with negative experiences in another group using confrontational tactics. This choice then constrained the group’s efforts, in ways largely predicted by socio-legal and penal research. With little support from the group’s leader, CLAG members adhered to expected legal narratives by emphasizing rehabilitation and muting criticisms of convictions and sentences. And because not all accounts could be bent to fit expected narratives, some prisoners – such as those who had not served enough time or who had recent disciplinary write-ups – did not receive the group’s full support.

Chapter Three, “Seeing Like an Advocate: Positively Evaluating the Impact of Advocacy in the Face of Negative or Ambiguous Information,” explores how advocates evaluate their impact. I show how CLAG members’ positive assessments of their efforts preceded, rather than followed, information that was often ambiguous or negative. Members took a positive view of deeply ambiguous outcomes and feedback of their efficacy, such as the release of prisoners who may only have benefited indirectly from

their advocacy, or polite gestures and comments of the parole board commissioners. Sometimes, their positive assessments were based on misunderstandings, as when they believed the group to be responsible for the release of prisoners that it had not supported. Members were quick to dismiss negative outcomes, including the parole denials of the prisoners that they supported. And they either refuted or were unaware of negative feedback, including explicit counterclaims to their efficacy from released prisoners and parole board commissioners. Advocates thus cultivated the optimism that sustained their efforts but kept them on a course that had a questionable impact on lifers' parole prospects.

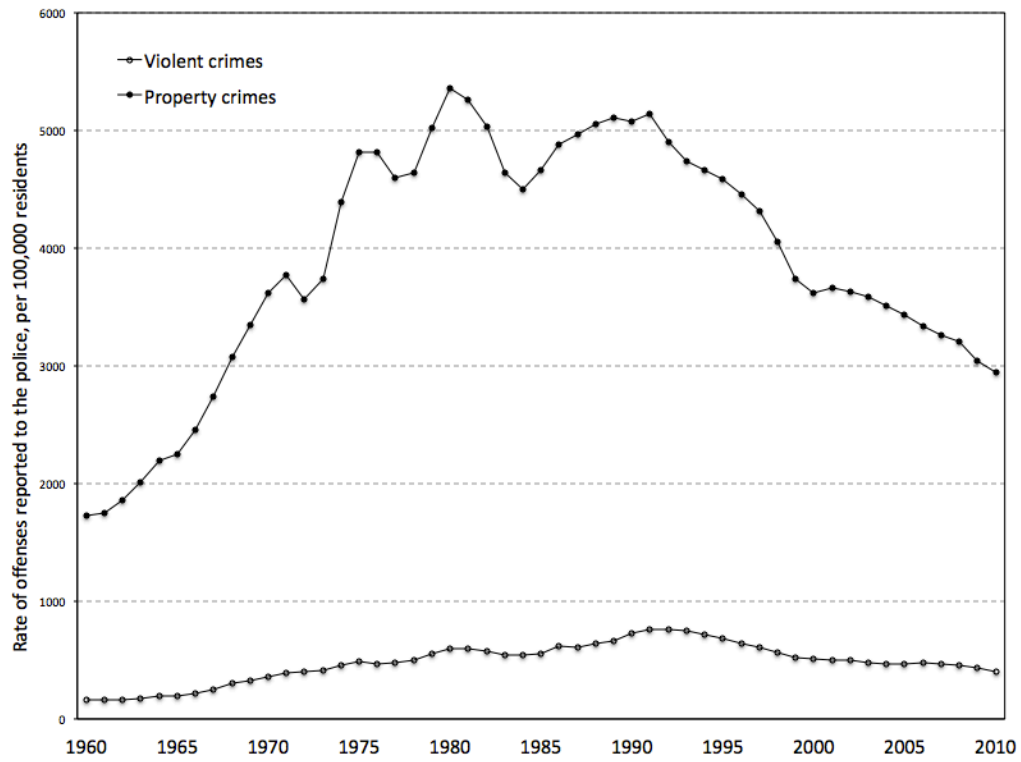
The concluding chapter summarizes this dissertation's findings and arguments, reflects on methodological limitations, and considers the implications of this research for policy makers and advocates. Together, these chapters reveal several factors that limited one group's impact. Conflicting carceral policies led CLAG members to have an unintended negative impact on the prisoners whom they supported. The optimism that propelled the group's members and leaders to action also constrained their strategic choices and obscured their assessment of their impact. Advocates' interpretive understandings of opportunities and outcomes – products of their personal experiences and access to selective information – therefore have important consequences for a group's trajectory. This study also raises questions about advocates and scholars' positive views of indeterminate sentencing. Finally, it suggests that advocacy groups should develop internal procedures to seek out dissenting views on tactical choices and evaluations of these choices.

Figure 1. U.S. Imprisonment Rates, 1925-2011



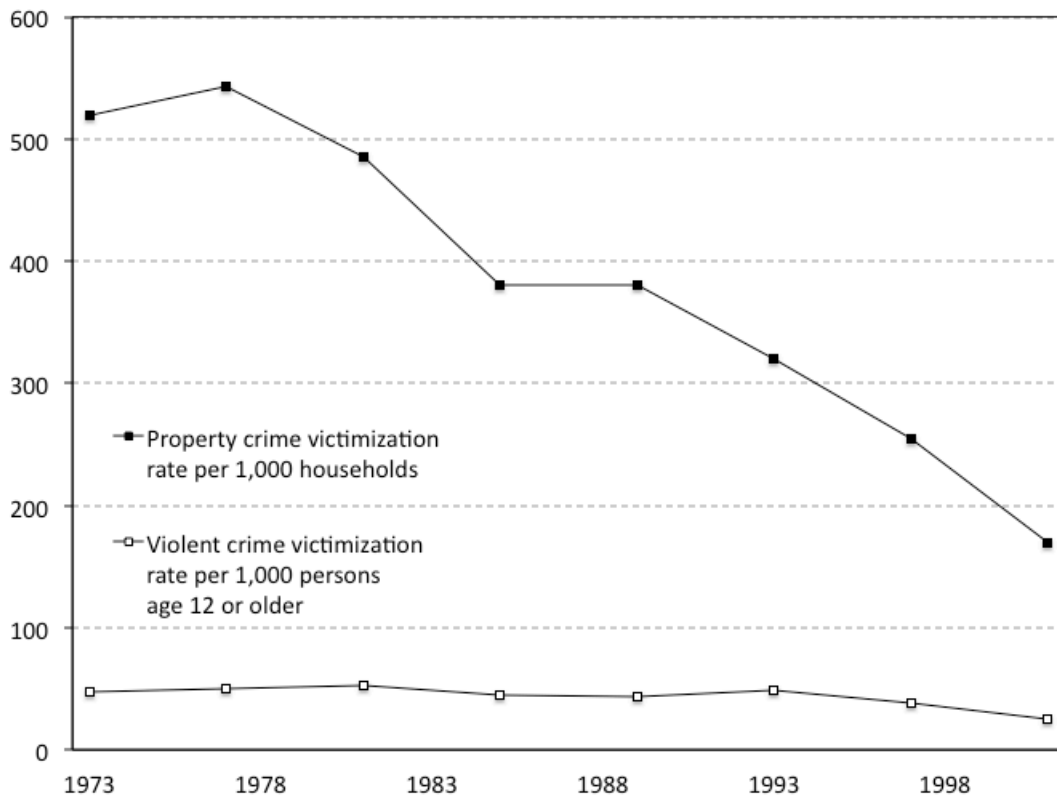
Source: Bureau of Justice Statistics (2004) and Carson and Sabol (2012)

**Figure 2. Rates of Crime Reported to the Police, 1960-2010:
Uniform Crime Report Data**



Source: Federal Bureau of Investigation (2013)

**Figure 3. Rates of Crime Victimization, 1973-2001:
National Crime Victimization Survey Data**



Source: Estimated using Rennison (2002)

Image 1. Flyer for CLAG's Monthly Meeting



Source: California Lifer Advocacy Group

CHAPTER ONE

TIES THAT DOUBLE BIND: CONFLICTING EFFECTS OF INTIMATE RELATIONSHIPS ON PAROLE PROSPECTS

Introduction

How do prisons affect prisoners' intimate ties and how do intimate ties affect prisoners?

Past research has suggested that carceral policies stifle prisoners' familial and romantic relationships with people outside of prison, and that these intimates have limited influence on prisoners' sentences. Using the case of a group of prisoners and their advocates, I show that these effects are more nuanced. While scholars have shown that incarceration strains intimate ties (Braman 2004; Edin et al. 2004; Swisher and Waller 2008; Western and Wildeman 2009), I uncover means of sustaining intimacy. And while these ties are expected to go unrewarded amidst current penal policies (Comfort 2002; Petersilia 2003; Mills and Codd 2008), I show how they can have a mixed effect.

California's term-to-life prisoners and their intimates are placed in a double bind wherein eschewing intimacy harms chances of parole release and pursuing it can have the same effect. I argue that this is because of the non-uniform penal logics within the prison system and that these organizational contradictions make unrecognized contributions to the prison boom. Ultimately, these policies prolong sentences and exacerbate the prison population's racial disproportionality.

Incarceration and Intimate Ties

Examining how incarceration affects and is affected by prisoners' intimate ties offers a window into the experiences of people affected by mass incarceration, the operations of carceral organizations, and the implementation of penal policies. Incarceration is believed to constrain prisoners' intimate ties and those connections that survive are expected to offer little assistance to prisoners seeking parole release. Below, I discuss research that supports and challenges these claims, and then describe how this topic contributes to our understanding of prison systems' contributions to mass incarceration.

Intending to sequester and punish, prisons strain prisoners' ties of all kinds, including intimate ones. Quantitative studies including Swisher and Waller's (2008; see also Western and Wildeman 2009) and qualitative research such as Braman's (2004; see also Edin et al. 2004) reveal how family and romantic relationships are torn apart by prison sentences. This occurs because incarceration is designed to incapacitate prisoners – preventing them from committing more crime – and is retributive – stripping prisoners of rights. These penal logics have numerous intended and unintended consequences for prisoners' intimate ties. Any prison sentence poses a challenge to intimate ties; lengthened sentences exacerbate this effect (Shapiro and Schwartz 2001: 54). Prisoners are often far from their communities and limited visitation privileges carry degrading rules (see Mills and Codd 2007; Comfort 2008). Telephone calls are also limited and expensive (see Braman 2004: 131–133). Consequently, approximately one-half of prisoners maintain contact with their children through calls and letters, and less than one-

quarter do so thorough visits – and these rates drop for those serving longer sentences (Lynch and Sabol 2001: 17). Yet in spite of these obstacles, some prisoners maintain intimate relationships. In her study of women visiting their romantic partners in prison, Comfort (2008: 17) has shown that incarceration can “heighten romantic attachments” – sparking and sustaining relationships – by eliciting women’s sympathy and putting men on their best behavior. Given these findings, I ask: what strategies do prisoners and their intimates use to get around policies obstructing intimacy, and with what consequences?

Recognizing that prisoners’ intimate relationships contribute to their rehabilitation, prison systems endorse these ties. Based on an extensive review of the field, Hairston (1991: 98) concludes that, “Although the strength of the reported associations has been weak to modest, the family ties-lower recidivism relationship has been consistent” (see also Visher and Travis 2003: 99–100; Naser and Visher 2006). Many prison systems have developed programs promoting family ties for this very reason (Adalist-Estrin 1994; Sullivan et al. 2002). But these programs are considered to be the exception. Instead, scholars argue that most prison systems, including California’s, endorse prisoners’ intimate ties – and rehabilitation in general – only as a hollow principle (Lynch 2000; Comfort 2002; Petersilia 2003; Mills and Codd 2008). These works highlight the inconsistency between penal discourse and practice. But as Garland (1990: 67–74) has shown, the criminal justice system does not have uniform goals. Rather, various parts of the system endorse and promote separate goals of retribution, deterrence, rehabilitation, and incapacitation in varying proportions. I will examine

whether and how these organizational inconsistencies, as embodied in policies on family ties, affect the lived experience of prisoners being considered for parole release.¹⁴

Finally, examining a prison system's rules and practices regarding intimate ties can help to understand whether and how carceral organizations contribute to mass incarceration. Within the broad range of studies of mass incarceration, scholars have espoused a limited set of theories about how the state generates and implements penal policies. Prison systems play a passive role in *monolithic* and *elite-driven* accounts of the state, but they are more active in *institutional-contextual* accounts. In *monolithic* theories, sectors of the state act in unison to solve a social problem. For example, Parenti (1999), Wacquant (2009), and Alexander (2010) see incarceration as the state's solution to the problem of an unwanted, under-skilled labor force of African Americans. Prison systems do not make autonomous contributions to mass incarceration in these accounts. Prison systems play a similarly passive role in *elite-driven* accounts, where opportunism among political elites is the driving force for carceral policies. Beckett (1997), for example, argues that mass incarceration is the work of conservative politicians who stirred up racial animus to further their careers. But in *institutional-contextual* accounts, institutional and organizational particularities help to create carceral policies. For example, Gottschalk (2006) describes the inherited political infrastructures – including the strong public prosecutor's office and the growing federal law enforcement apparatus – that enabled calls for law and order policies to become substantive rather than

¹⁴ For a comprehensive assessment of factors influencing parole board decision-making, see Gottfredson and Tonry (1987), Gelsthorpe and Padfield (2003), Morgan and Smith (2005), Caplan (2007), Padfield (2007), and Hannah-Moffat and Yule (2011).

symbolic. Gilmore (2007) describes how the California prison system's use of creative financing helped it to expand outside of public scrutiny, while Page (2011) underscores the role of the state's prison guards' union in the system's expansion. I will further build on these disaggregating accounts of the state, asking how a prison system contributes to mass incarceration by examining its policies towards prisoners' intimate ties.

Intimates' Influence on Parole Considerations

The California Department of Corrections and Rehabilitation officially endorses prisoners' family and romantic relationships. The organization's statement about visitations reflects this principle and the reasoning behind it (California Department of Corrections and Rehabilitation 2011c: 1, cited in Comfort 2002: 469):

Visiting a family member or friend who is in prison is an important way to maintain connections during incarceration and enhances the prisoner's success both while in prison and after release.

The hearings of the state's parole board are one site to examine whether the endorsement of family ties is merely rhetorical, guides operations, or fits somewhere in between.

The Board of Parole Hearings (BPH; formerly the Board of Prison Terms) holds hearings to determine the parole eligibility of prisoners sentenced to life with the possibility of parole. Two public officials preside over these hearings: one is drawn from a pool of twelve governor-appointed and Senate-confirmed commissioners and the other from a pool of forty deputy commissioners who are civil servants employed by the California Department of Corrections and Rehabilitation. By its own account, the board makes parole decisions by considering the gravity and timing of the prisoner's

convictions and by evaluating him or her on the following five criteria: A) Parole plans; B) Counseling reports and psychological evaluations; C) Vocational and educational accomplishments in prison; D) Involvement in self-help therapy programs, and; E) Behavior in prison (see California Department of Corrections and Rehabilitation 2010: 1–2).

Prisoners' intimates can both *directly* and *indirectly* help a prisoner to meet the parole suitability criteria. They *directly* influence parole hearings when their relationship with a prisoner is explicitly discussed during a hearing and its effects weighed. For example, in evaluating a prisoner's "parole plans," the board discusses whether his family can offer a safe and drug-free home upon release. Intimates also *indirectly* contribute to parole hearings when they influence a prisoner's evaluation without their role being explicitly discussed at the hearing. For example, the parole board may look favorably upon a prisoner's completion of distance learning programs paid for by his wife, without noting this support.

CLAG members' direct influence was almost exclusively positive. Parole board commissioners look for direct negative influences of intimates, such as their likelihood of exposing prisoners to drugs, crime, or gangs upon release. But the CLAG members I interviewed rarely had this impact. This is in part because of self-selection and age: those who gravitated towards this form of advocacy were not, or were no longer, active in gangs or crime, or addicted to drugs.

But CLAG members' indirect influence was mixed. They encouraged and helped prisoners to meet the educational, vocational, and therapy "programming" requirements for parole, and discouraged them from engaging in "prison politics" that could lead to violence. Yet they sometimes also encouraged prisoners to break behavioral rules that got in the way of their relationships. For instance, they accepted calls that prisoners placed using contraband cellular phones and engaged in physical intimacy in violation of visitation rules. These actions strengthened relationships and gave prisoners access to the positive effects of intimate ties. But they often led to disciplinary write-ups that hampered prisoners' parole prospects.

Two Illustrative Cases: O'Dell and Anthony

The experiences of two life-term prisoners at the parole board illustrate the conflicting impacts of prisoners' intimate ties. O'Dell was convicted of second degree murder in 1978 and sentenced to 16 years to life. Anthony was convicted of first degree murder in 1983 and sentenced to 18 years to life. By the time of their hearings excerpted below – O'Dell's in 2006 and Anthony's in 2011 – both men had been incarcerated for over 25 years. Both were denied parole at these hearings, but their intimate relationships contributed to these outcomes in very different ways.

During parole hearings, commissioners review support letters from prisoners' intimates, searching for details of promised material support and evidence that it can be delivered. When these declarations of support are absent or inadequate, commissioners coach prisoners on how to meet this expectation, as occurred during O'Dell's hearing:

You've got three sisters and four brothers... Ask them again for another letter... Just say 'I'm his brother and I love him and I'm going to give him all the support I can' or 'I'm his sister and he can stay with me....' Give me a plan.... Have your sister send you, you know, for example, a computer technology or data processing – If you can have an opportunity to upgrade on that, then have them – have your sister send you something out of the newspaper or through the EDD, Employment Development Department.... From the looks of it on paper, you have lots of resources. Use them.... If they love you, they'll take care of you and load us up.... The DA's Office is opposed to a date at this time.... When you're developing your plan, make it hard for him to say no.

The commissioner's remarks reveal the parole board's expectation of documented family support for a prisoner's release. O'Dell is urged to ask his siblings to submit more updated and more detailed support letters. Family and friends are expected to offer guarantees of housing and guidance with educational plans or vocational training, as the commissioner specifies here. Prisoners' supporters may also be called upon to offer means of transportation, money for clothing or furniture, and even a job offer. These assurances of material support comprise a prisoner's "parole plans." Prisoner can develop parole plans without the support of intimates – such as by securing a space in transitional housing, or contacting past or felon-friendly employers for job offers. But family and romantic partners often ease this process and make parole plans more credible. As the commissioner told O'Dell, this support would help to counter the District Attorney's challenge to his release. O'Dell was denied parole at this hearing, but given assurances that the parole board would reward stronger assistance from his family.

But fostering and maintaining the intimate ties to which the parole board steers prisoners can come at a cost. Anthony's parole hearing illustrates the risks prisoners take to secure support from intimates. Anthony was denied parole at his hearing in 2011,

although the board had granted it to him at his previous hearing. After having been granted parole, the governor rescinded – or “took” – Anthony’s parole date, reversing the parole board’s decision. Later, Anthony was caught using a cell phone to – as he explained it – call his wife because she was going to leave him following the governor’s decision. After some questioning, the commissioners accepted Anthony’s account of his cell phone use. But they denied him parole because, as the commissioner explained:

Can you imagine what if myself and the Deputy Commissioner sent this forward? ‘Governor, we’d like for you to set Anthony free today.’ ‘Well, what did he do?’ ‘He intentionally two months after he was denied his grant utilized a cell phone on the prison grounds...’ ‘Mr. Anderson, what were you thinking? There’s plenty of inmates out there not breaking the rules and not getting cell phone violations and doing their best to rehabilitate.’

Through a hypothetical conversation with the governor, the commissioner suggested that Anthony’s use of a contraband cellular phone to save his marriage was indicative of his failure to rehabilitate. At this hearing, the parole board carried out what they anticipated to be the governor’s decision and denied Anthony parole.

While O’Dell chances of parole were weakened because of his failure to demonstrate strong ties with family members, Anthony’s prospects were harmed by his attempt to maintain such ties. These men’s experiences encapsulate the double bind in which California’s life-term prisoners find themselves: they are punished for weak or absent intimate ties, and they are punished for circumventing prison policies impeding these ties. The following sections will examine in greater detail intimates’ conflicting effects on prisoners, as well as the contradictory policies structuring these effects.

Intimates' Direct Positive Influence on Parole Considerations

Terrance and Tiffany: Parole Plans

As shown above, the parole board encourages prisoners to ask their intimates for material support constituting their parole plans – including housing, employment, educational or vocational training plans, and other basic material needs such as clothing, furniture, and transportation. As Terrance's experience will illustrate, the board rewards prisoners when they have these plans.

When Terrance – who was convicted of attempted murder in 1995 – went before the parole board in 2009, the commissioners and even the Deputy District Attorney (DDA) commended his wife Tiffany's contributions to his parole plans. Terrance began his relationship with Tiffany while incarcerated – the two were childhood acquaintances and the couple married in 2009 (see Image 2). Tiffany not only submitted her own letters of support for Terrance, but activated her network of family and friends to do the same. This led the DDA to say at the hearing:

This Tiffany Isaacs is quite a lady. Judging from all the people who've written about Terrance, have mentioned about her. And she has done an incredible job, one of the best I've seen, in putting these people and these letters together to provide this tremendous package of support.

Tiffany and her network's offers of support helped Terrance to meet the parole plans criteria. But a strong parole plan alone is not a ticket for parole: Terrance was denied parole because of his recent violations of prison rules – including two incidents of “excessive contact” with Tiffany. Nevertheless, the reaction that Terrance received to his parole plans during this hearing shows that prisoners are rewarded when they enlist the

support of family members and romantic partners. The state's endorsement of intimate ties is therefore not only discursive: its parole board steers term-to-life prisoners toward and rewards them for developing and maintaining intimate relationships.

Intimates' Indirect Positive Influence on Parole Considerations

Prisoners' family and romantic ties not only directly helped them to qualify for parole by becoming part of their parole plans; they also indirectly helped them to meet the remaining parole criteria. Through their financial resources, social networks, and emotional and spiritual support, intimates helped prisoners to pass the psychological evaluation and to meet vocational, educational and therapy requirements. And through their resolve to see a prisoner free, they encouraged prisoners to comply with prison's rules of conduct.

David, William, and Catherine: Psychological Evaluations

David (Dave) pled guilty to first degree murder in 1987 and was sentenced to 25 years to life. His parents, William (Bill) and Catherine (Cathie), are still perplexed by his decision to plead guilty and uncertain of his degree of involvement with the murder. For years, they helped him cope with his sentence primarily by offering spiritual and emotional support. More recently, they have become determined to help him qualify for parole. But Dave's parole prospects plummeted after his last psychological evaluation. Right before his hearing in 2011, he met with one of CDCR's forensic psychologists. In contrast to the department's non-forensic psychologists – whose generally positive evaluations of lifers are dismissed by the parole board – its forensic psychologists provide harsher evaluations

that are given greater weight. Dave was asked to respond to a hypothetical scenario: if he found himself with an uneaten apple at the prison's mess hall, would he violate prison rules and take it back to his cell if he thought he would not be caught? Dave answered yes to this question. This led the psychologist to conclude that Dave was not fit to independently follow society's rules without surveillance. Although he had previously received "low risk" psychological evaluations, this time he was deemed a "moderate risk." Primarily based on this evaluation, the parole board denied Dave parole. The board also required Dave to wait 10 years before his next parole hearing.

Bill and Cathie were overwhelmed with disappointment at the parole board's decision. But they were determined to help their son get released on parole. Drawing on their network at CLAG – its leadership, members, and the released lifers and experts who spoke to the group – Bill and Cathie devised a plan. They hired an outside psychologist to conduct an independent evaluation of Dave to be submitted to his CDCR file. They also paid this psychologist to prepare Dave for his next CDCR-sponsored evaluation. Finally, based on the referrals they received at CLAG, they hired an attorney who would request an earlier hearing for Dave, help him prepare for it, and eventually represent him there.

Life-term prisoners' intimates can therefore identify and hire experts who can help them to navigate and challenge the parole process. Prisoners are far from uninformed about this process: CLAG members often heard of the group from prisoners who were savvy about the organizations and professionals helping lifers. But prisoners' intimates could supplement these social networks and throw the weight of financial

support behind their efforts. Prisoners who had served over 15, 20, or even 30 years had limited means to pay for this professional representation and input – or for the “programming” that will be discussed next.

Tiffany and Terrance: Vocational, Educational, and Therapy Requirements

Intimates can motivate prisoners to participate in the educational, vocational, and self-help programs that a prison offers, and help them to locate and pay for programs in which they can participate remotely. Tiffany, who was commended for strengthening Terrance’s parole plans, also provided this indirect support.

In his letters to me, Terrance praised the spiritual and emotional guidance that he received from his wife. That Tiffany had had this impact on her husband was no surprise to those who knew her. When the board again denied Terrance parole in 2011, I expected to encounter a very somber Tiffany, given her high hopes for his release. Instead, she surprised me with an upbeat attitude. It was at this point that she sent the text message quoted in the introductory excerpt, which she supplemented with an email:

Well, there’s good news and bad news. I’ll begin with the bad news. My husband was not granted Parole. However, the good news is that he was given a 3 year denial. That is AWESOME!!!!

Then the D.A. commended Terrance on his strides and complimented him for doing great. The Commissioners strongly recommended that he file a petition in a year to be seen sooner. I’m telling you God is great all the time!

Rather than dwell on the disappointing news of Terrance’s parole denial, Tiffany emphasized that he would only have to wait the shortest possible length of time for his

next hearing – as set by Marsy’s Law of 2008 – and that the commissioners recommended that he apply for an earlier hearing.

Tiffany not only boosted Terrance’s morale, she also developed a network of support and invested financial resources to support him in this struggle. In addition to joining CLAG’s “steering committee” and other secular and religious advocacy and support organizations, she made connections with self-help therapy programs in which Terrance could participate remotely. As she summarized in an e-mail exchange: “With all the meetings that I participate in, that’s where I find about these programs. I mail the info to T and he follows through.” These programs supplemented those available at his prison. Tiffany also explained: “Unfortunately CDCR no longer offers vocational training, so T did a correspondence course from Stratford College. I paid approximately \$600. He’s a certified Drug and Alcohol Counselor.” Thus Terrance’s file is full of self-help therapy and vocational training programs that he has completed thanks in part to his wife’s encouragement, network, and financial support.

Thumper and Coco: Rule-Compliant Behavior

Finally, romantic partners and family members steer prisoners away from behaviors that would disqualify them from parole. Coco’s ultimatum to her husband Thumper illustrates this influence. Coco and Thumper have been married since 2010, having rekindled their friendship after Thumper’s incarceration in 1992 for murder in the commission of a robbery. During our interview, Coco recounted how Thumper had been violently attacked in prison for refusing to give up his cellular phone to a prison gang. After the attack,

Thumper felt that he had two choices: he could either retaliate against his assailants or he could inform on them. The first option, retaliation, would result in his transfer to a higher security and more distant prison, but allow him to remain in its “mainline” section where most prisoners are housed. The second option, becoming an informant, would keep him at his current prison – which was closer to Coco – but have him transferred to its “Protective Custody” section which houses vulnerable prisoners.

Thumper made the difficult choice of informing and entering Protective Custody (PC; now known as the Sensitive Needs Yard, SNY) to preserve his relationship with his wife. PC not only carried a stigma for Thumper, who described it to Coco as “the land of child molesters, rapists – everything you’ve been taught in the mainline to be against. It’s like the garbage of garbage” – these associations also weighed heavily on Coco. She carried Thumper’s prison paperwork with her at all times so that if anyone confronted her about why her husband is in PC, she could prove to them that he was there for informing rather than for a sex crime.

Coco’s influence was significant in clearing Thumper’s record and in preventing him from getting into more trouble that would further harm his chances of parole. The couple’s experience illustrates how intimates can have an indirect positive influence on a lifer’s chances of parole. The following section explores how these same relationships can have the opposite effect.

Intimates' Indirect Negative Influence on Parole Considerations

CLAG members did not only help prisoners to meet the behavioral requirement for parole. They also sometimes unintentionally hurt prisoners' parole prospects by enabling them to violate prison rules that obstructed their intimacy. This primarily happened in two ways: when romantic partners engaged in physical intimacy with prisoners during visits – in violation of visitation rules – or when intimates accepted calls prisoners placed using contraband cellular phones. These actions strengthened their relationships with prisoners and gave prisoners access to the positive effects of intimate ties described earlier. But if uncovered, these rule violations resulted in “[form] 115” disciplinary write-ups that hurt parole eligibility.

Thumper and Coco, Terrance and Tiffany: “Excessive Contact”

A retributive logic guided the state legislature in 1996 to strip term-to-life prisoners of conjugal – or “family visit” – privileges and to limit them to “contact visits,” where they could sit at a table next to their visitor in a communal visitation room (Davidson 1996). During these visits, prisoners can briefly embrace their guests and may hold their hands – anything beyond this is considered a rule violation that enters a prisoner's file. Nevertheless, prisoners and their romantic partners often break this rule.

After convincing Thumper to enter protective custody so that they could remain geographically close, Coco contributed to Thumper violating a visitation rule. As she described: “he adjusted [to PC] and everything was going great until we got suspended for excessive contact for a whole year...It's rough, no cell phone, no visits. He calls me

collect, writes me letters. But it's really rough." Thus although Coco was able to prevent her husband from violent retaliation, their relationship relied on other interdicted behaviors – the use of a cellular phone and intimate physical contact. While the phone almost cost Thumper his life, it did not enter his record as disciplinary notice. The physical intimacy did, and while Coco focuses on its resulting one-year visitation ban, its long-term consequences on his parole eligibility are likely to be more severe.

Like Coco, Tiffany also helped her husband Terrance to qualify for parole while unintentionally hurting his chances. At Terrance's 2011 hearing, the Deputy District Attorney (DDA) honed in on Terrance's disciplinary write-ups, which included visiting rule violations. Tiffany told me that while she and Terrance had consummated their marriage during a visit without being detected, these write-ups were for much smaller acts of physical intimacy such as a neck massage. The DDA argued that these rule violations suggested that Terrance might be "pulling a con on the board and myself and is not really sincere" about rehabilitation. The board told Terrance that he needed to remain disciplinary-free longer before qualifying for parole. Thus, the woman whose support for her husband's parole plan was lauded by the parole board and helped him to meet other parole criteria also contributed to his being denied parole.

David, William, Catherine, and Shantie: Contraband Cellular Phones

A second logic, of incapacitation, informs prison policies against cell phones. Like most prison systems, CDCR's prisons limit prisoners' phone conversations to collect calls that can be monitored. But these calls may only be made at limited times and are extremely

costly. Cellular phones have therefore become pervasive in prisons, with CDCR reporting that the number it seized doubled in 2008 – reaching 2,800 (California Department of Corrections and Rehabilitation 2009). The organization works hard to eliminate these phones – even developing a phone-sniffing canine team. Because cell phones bypass the surveillance system in place for the approved collect phone calls, CDCR believes they are used to “coordinate escapes, communicate with inmates in other prisons, and direct illegal activities on the streets.” Yet these phones are also used for more benign purposes: to stay in touch with family and romantic partners.

Prisoners’ use of cell phones to talk to intimates is so widespread as to appear sanctioned. A staff member at CLAG’s parent organization, who did not work directly with lifers, questioned my assertion that prisoners were barred from using cellular phones. This is because so many people around her were in contact with prisoners who used cell phones. But being caught with a phone can lengthen the sentences of all prisoners. Prisoners with determinate sentences lose good behavior credits and serve their full terms, while lifers’ parole prospects are devastated. Prisoners risk these consequences for many reasons. First, there is cost. Although a cell phone could run up to \$1000 in prison at the time of this research, over the long run these phones are cheaper than collect call bills. Prisoners can also use cell phones to make calls at any time and to talk for longer periods of time. David’s cellular phone use illustrates these benefits.

I was surprised when Dave – the prisoner struggling with a 10-year parole denial – recounted that he had been using a cell phone for several years. Sitting together in the

prison visitation room in the summer of 2012, I asked why he took this risk. He shrugged and explained that the alternative was too bleak. Long phone conversations helped him to resolve tensions with his parents, William and Catherine (see Image 3). He had felt resentful about their parenting and they about his conduct leading up to his conviction. Now, he said, he could finally make them laugh like he used to. His smartphone also helped him to initiate and develop a long distance relationship with Shantie, a woman he met on a social networking site.¹⁵ He was excited that although he may never have children of his own, he might help to raise Shantie's kids. Having mended his relationship with his parents and started a new one with his girlfriend, Dave was now serious about getting released. He was cutting back his cell phone use: while he used to talk on his phone for six hours a day, he was down to an hour and only spoke on a borrowed phone. In spite of this precaution, Dave was caught with a cell phone the following year.

These accounts illustrate how prisoners and their intimates find ways around rules limiting their intimacy. The end of conjugal visits for lifers has not cut off their physical contact, and the rules against cell phones do not prevent some from using these phones. But when detected, their circumventions of these rules harm chances of parole and prolong sentences.

¹⁵ While Dave kept his description of his romantic conversations above the belt, some CLAG members who were married to or dating lifers described how cell phones enabled them to have sexually graphic conversations and to exchange erotic pictures and videos.

Contradictory Penal Logics

The contradictory penal logics within the California prison system place prisoners in a double bind with respect to their intimate ties. The state's parole board promotes prisoners' intimate ties, prolonging punishment for those without strong family or romantic relationships with people outside of prison. Yet its prisons impede these ties and the parole board and governor punish prisoners for circumventing prison policies. I spoke with a parole board commissioner who described similar contradictions affecting prisoners' abilities to meet other parole criteria.

During a phone interview, I asked the deputy commissioner: "What do you think is working well and what needs improvement about the parole process for life-term prisoners?" First, he responded that prisoners should receive more and earlier guidance on how to meet the parole board's criteria. After our interview ended, he called back to add:

We expect inmates to be ready for next hearing, yet all the things we tell them to do prisons don't provide. Look at self-help: San Quentin has lot of programs, through Berkeley. A prisoner can program in certain prisons, but if he's in Calipatria or Salinas, he can never get ready. In the past, we considered this lack of programming available to them but the last Governor [Schwarzenegger], he'd say they didn't program enough. So we started to tell them to read self-help books, do outlines, tell us what you learned.

The deputy commissioner recognized the contradictions within the California prison system, wherein the parole board expected prisoners to utilize resources not available at all prisons. He went on to explain how, notwithstanding the governor's opposition, the board found a way to address some of these inconsistencies. But the problem persists and

is larger in scope than the commissioner described. When it comes to prisoners' intimate ties, the parole board's expectations encourage prisoners to break prison policies, creating a new barrier for their release.

Conclusion

The experiences of California's life-term prisoners invite a reconceptualization of the relationship between incarceration and intimacy. While researchers have suggested that carceral regimes fail to reward prisoners' intimate ties and have documented the constraints prisoners face to maintain these ties, I reveal subtleties in lived experiences under these policies. By linking these outcomes to the contradictory penal logics across segments of the California prison system – its prisons and its parole board – I uncover an under-appreciated cause of mass incarceration.

Past research has highlighted the incapacitative and retributive effects of prisons, which cut prisoners off from their intimates (Braman 2004; Edin et al. 2004; Swisher and Waller 2008; Western and Wildeman 2009). Yet when scholars such as Comfort (2008) draw their samples from people visiting prisoners, they find that prisoners maintain active social ties. These accounts paint different portraits of carceral life because the former follow prisoners' pre-existing ties while the latter consider enduring and new ones. Like some of the women in Comfort's (2008) study, those in this study who were romantically involved with prisoners became so after their incarceration. I show one way that prisoners initiate and maintain intimate ties is by not following prison rules. Through unrestricted telephone conversations and online social networking using contraband cellular phones,

and through “excessive contact” during visits, prisoners mend broken relationships and establish new ones. Thus prison rules fail to eliminate these forms of intimacy. But they place prisoners in a double bind when it comes to qualifying for parole.

Prior research has suggested that carceral regimes such as California’s endorse prisoners’ intimate ties, and rehabilitation generally, only as a hollow principle (Lynch 2000; Comfort 2002; Petersilia 2003; Mills and Codd 2008). My research partially supports this conclusion: in the end, rehabilitation appears to be an illusory goal. But prisoners’ lived experiences under these policies are more complex: they are in a double bind when it comes to intimate ties. While CDCR’s prison policies impede intimate relationships, the state’s parole board rewards these ties. As parole hearing transcripts show, the parole board steers term-to-life prisoners toward and rewards them for developing and maintaining intimate ties. Intimates can directly help prisoners meet the criteria for parole by promising them material post-release support. They can also help prisoners indirectly. Through their financial resources, social networks, and emotional, spiritual, and moral support, intimates can help prisoners to meet the remaining criteria for parole: a positive psychological evaluation; completion of vocational, educational and therapy programs; and compliances with prison rules. The state’s endorsement of intimate ties is therefore not simply a hollow principle when it comes to the operations of the parole board. But its prisons impede prisoners’ intimate ties, and the parole board punishes prisoners when they circumvent these policies.

These findings reveal that prison systems can be an important mechanism of mass incarceration. In contrast to monolithic or elite-driven conceptualizations of the state in theories of mass incarceration, institutional-contextual accounts have shown the state to be a sometimes congruent and at other times conflicting set of organizations and actors. The constituent organizations of the state – such as its prison system – can be similarly contradictory. As Garland (1990: 67–74) has argued, the criminal justice system should not be seen in its entirety as having either the goal of retribution, deterrence, rehabilitation, or incapacitation. Instead, he observes, different stages have different goals. I have shown how differing penal logics result in organizational contradictions in California’s prison system. While prison policies limiting talk and touch seek to incapacitate and are retributive, the parole board is putatively rehabilitative and expects and rewards intimacy. Whatever prisoners decide with regards to intimate ties – to follow rules and lose intimate ties or to break policies and preserve them – they are punished with longer sentences. And because this double bind lengthens the sentences of a disproportionately African American and Latino group of prisoners, organizational contradictions contribute to the racial imbalance of the prison population.

Image 2. Terrance and Tiffany's Hands



Source: Tiffany Isaacs, photograph taken by prison photographer

Image 3. David's Photograph for Mother's Day



Source: Catherine Smith, photograph taken by prison photographer

CHAPTER TWO

TACTICAL CHOICES IN CHALLENGING MASS INCARCERATION: PERCEIVED INCLUSION IN INSTITUTIONAL POLITICS AND ITS CONSEQUENCES

Introduction

How do small advocacy groups develop strategies for advancing political goals and how do their strategic choices affect the goals that they pursue? Social movement theorists have shown that groups gravitate toward disruptive collective action when they are excluded from institutional arenas (Wilson 1973; McAdam 1999 [1982], Useem and Zald 1987; Kriesi et al. 1995; Rucht 1996; Tarrow 1998). I refine this formulation using the case of the California Lifer Advocacy Group. Drawing on the framing literature (Snow et al. 1986; Snow and Benford 1988; Benford and Snow 2000) I demonstrate the significance of the perceived inclusion of a goal within institutionalized politics. I show how the group arrived at its framing of the problem – as lack of enforcement of existing laws – and how this framing led to its path of institutionalized politics. I then examine the moderating impact that institutionalized channels are expected to have on goals (Michels 1962 [1911]; Zald and Ash 1966; Piven and Cloward 1977; Voss and Sherman 2000; Clemens and Minkoff 2004), arguing that it is not just expert guidance (Cunningham 1989; White 1990; Alfieri 1991; Coutin 2000) but institutional pressures (Fox 1999; McKendy 2006; Waldram 2007) that moderate goals.

Convention versus Disruption and its Consequences

To understand how people and groups decide how to pursue political goals, I turn to social movement theory. Social movement scholars suggest that the choice between disruptive and non-disruptive politics depends on the inclusion or exclusion of a group from institutionalized politics. To then examine how strategic choices affect a group's goals, I draw on socio-legal and penal research which proposes various mechanisms by which institutionalized channels moderate goals.

Social movement scholars have proposed that exclusion from institutionalized politics leads people to opt for non-institutionalized forms of political action, and suggested that this exclusion is one of the key characteristics distinguishing social movement organizations from political interest groups. For example, McAdam (1999 [1982]: 25, emphases added) defines social movements as “those organized efforts, on the part of *excluded groups*, to promote or resist changes in the structure of society that involve recourse to noninstitutional forms of political participation,” and by contrast, conceptualizes public interest lobbies and interest groups as “organized reform efforts initiated by *established polity members*” (see also Useem and Zald 1987: 273). Tarrow (1998: 3, emphasis added), who sees social movements as a form of contentious collective action, notes that it is not only social movement actors that are marginalized, but also their goals: “Collective action becomes contentious when it is used by *people who lack regular access to institutions*, who act in the name of *new or unaccepted claims*, and who behave in ways that fundamentally challenge others or authorities” (see also

Wilson 1973: 136, 234). But increasingly, as “socioeconomic advantage is now positively related to public protest activity” (McAdam et al. 2005: 15), social movements are no longer seen as the purview of marginalized people. It is now the exclusion of goals – rather than of individuals – from institutional arenas that leads to disruptive politics.

As scholars recognize, organizations often resist easy classification as either social movement organizations or lobbying groups. Thus analysts examine under what conditions social movement organizations take on the characteristics – e.g., organizational styles, tactics, and goals – of interest groups (see for example Kriesi 1996: 156–157; Rucht 1996: 187–188; Rucht 1999), and vice versa (Walker 1991: 192, chapter 6). A number of works have confirmed that access to institutional channels leads organizations to choose institutional tactics – such as voting, petitions, and litigation – rather than disruptive ones – such as confrontational protests, sit-ins, and violence (Kriesi et al. 1995: 46–51; Zdravomyslova 1996: 131; Meyer 2004: 176; but see Dalton et al. 2003). But others find that access to institutional politics does not fully explain variation in tactical repertoires, and offer ideology as another determinant (Dalton 1994; Brulle 2000; Zald 2000; Dalton et al. 2003). These works correctly recognize the shortcomings of focusing on objective assessments of institutional inclusivity without regard to the perceptions of participants (see also Wilson 1973: 240–2). But the concept of ideology is a constraining lens with which to study interpretive aspects of political action (Snow and Benford 2000), in part because it is confined to “deeply held” (Oliver and Johnston 2000: 46) beliefs and values. To examine the process by which one group arrived at the conclusion that its goals could be pursued through institutional channels, I consider a

more dynamic, interactive, and ongoing process (see also Carmin and Baiser 2002; Meyer 2004). I extend Benford and Snow's (2000: 615) interpretivist approach – in particular their concepts of diagnostic and prognostic framing – to understand not only why people are mobilized – to go from “the balcony to the barricades” – but also how they choose between the barricades and the ballot box.

Emphasizing the ideational aspects of social movements, Snow, Benford, and colleagues (1986; Snow and Benford 1988; Benford and Snow 2000) have demonstrated the significance of social movement organizations' framing of problems and solutions. The framing approach – building on Goffman's (1974: 21, cited in Snow and et al. 1986: 464) concept of frames as “schemata of interpretation” – posits that objective measures of grievances are not enough for movement emergence and mobilization: organizations must “align” their diagnosis and prognosis of problems – along with their motivational message – with prospective participants (Snow et al. 1986: 464; Snow and Benford 1988; Benford and Snow 2000; see also Wilson 1973). This constructivist perspective (see also Gamson and Meyer 1996) has prompted structural theorists to emphasize “perceived opportunities” over the more objectively conceptualized “political opportunity structures”¹⁶ to explain the emergence of social movements (McAdam 1999 (1982) xi–xii emphasis in original; Tarrow 1998: 71). Framing also has implications beyond mobilization; it affects organizations' strategic and tactical choices (Snow et al. 1986: 466). For example, the first “core framing task” (Benford and Snow 2000: 612) –

¹⁶ For an example of operationalization of political opportunity in objective terms, see Soule et al. (1999).

identifying a problem and locating its cause – is expected to have important implications for the second – proposing a solution that specifies a target and strategy (Benford 1993: 689; Snow and Benford 1988: 199–201; Benford and Snow 2000: 616).¹⁷ But the framing perspective has been too narrowly applied, by focusing on the binary question of whether or not people join social movements, and the still too selective question of which disruptive strategies movement organizations pursue.¹⁸ Instead, I will extend these concepts to examine which channels – institutional and non-disruptive and or non-institutional and disruptive – people and organizations choose for political action. Given Gamson and Meyer’s (1996: 286) observation that movement activists have a “systematic optimistic bias” about political opportunities, I ask how they come to reject institutional tactics. I will trace how diagnosis and prognosis of a problem – in particular understandings of access to institutional politics – shape one group’s tactics.

Given a group’s perception that its goals are mainstream enough to be attainable through institutional political arenas, how does this choice further shape its goals? For many theorists, the degree of moderation or radicalism of *tactics* is so strongly tied to that of *goals* that the two terms are often wedded together (McAdam 1996 is an exception).¹⁹

¹⁷ Snow and Benford (1992) later slightly alter their characterization of collective action frames by locating the attribution of blame or causality not as part of diagnosis but as part of prognosis. But they later return to their original formulation, considering attribution of blame and identification of causality as part of diagnosis (Benford and Snow 2000). Klandermans (1988: 181–183) refers to these concepts as legitimating “action goals” and “action means.” For a similar formulation to explain legal mobilization, see Felstiner et al. (1980–81).

¹⁸ Benford (1993:689–690) and Haines (1996: 118–122, 130–135) examine inter-organizational framing disputes over institutional and non-institutional tactics, but not within one organization.

¹⁹ The impact of tactics on goals should be distinguished from the impact of targets on goals (see for example, Walker et al. 2008), as moderate or disruptive tactics could be used with any target.

For example, “goals and tactics” are modified as a unified term in the debate about the organizational trajectory of social movement organizations and the relationship between institutionalization and declining radicalism (Michels 1962 [1911]; Zald and Ash 1966; Piven and Cloward 1977; Voss and Sherman 2000; Clemens and Minkoff 2004). For a finer-grained analysis of how formal legal channels may temper goals, I turn to socio-legal and penal studies. Socio-legal scholars have considered how legal arenas encourage people to alter their goals – by modifying their narratives to fit scripts that can win legal disputes, rather than delivering accounts that can serve broader collective goals. As Gilkerson (1992: 921) argues, providing accounts that do not conform to the expectations of legal institutions can “unsettle preconceived explanations of experience based on cultural stereotypes and assumptions” and “reform the law.” But challenging expected legal narratives often comes at a personal cost, as Medwed (2008) shows of prisoners who remain resilient in their claims of innocence even when doing so harms their chances of receiving parole. Consequently, scholars have documented (Sarat and Felstiner 1995) and criticized (Cunningham 1989; White 1990; Alfieri 1991; Coutin 2000: 99) how legal experts steer clients toward their vision of legal success and to delivering accounts that advance this goal. But as other socio-legal scholars have argued (Ewick and Silbey 1998; Saguy and Stuart 2008), and as can be seen in penal scholarship, pressure from legal experts is not necessary to compel people to alter their accounts. Studies of men in rehabilitative carceral environments show that in order to secure their freedom, prisoners avow greater agency in accounts of their crimes to conform to rewarded narratives of individual responsibility (O’Conner 1995: 452; Fox 1999: 94; McKendy 2006; Waldram

2007).²⁰ These acts fail to measure up to even the most inclusive definitions of resistance to legal authority (see Ewick and Silbey 2003). I will examine then how and to what extent prisoners' supporters distort accounts of their grievances to conform to scripts that are rewarded in the arenas in which they pursue their struggle.

Drawing on the social movements, socio-legal, and penal subfields, I will be examining the process by which people decide to engage in disruptive versus non-disruptive politics. Perceived exclusion is likely to drive people and groups away from institutional politics and yet activists are expected to be optimistic about political opportunities. I therefore examine, in the next section, how one group and its members framed their diagnosis and developed a prognosis leading to institutional tactics. In the final two sections, I examine how this choice reshaped their goals. Socio-legal and penal studies have suggested various mechanisms by which legal arenas transform individual narratives. I will assess these claims and consider other implications of pursuing institutionalized channels.

Enforcement Through Institutional Channels

I first examine how CLAG arrived at its diagnostic and prognostic frame and how this shaped its tactics. Advocates came to see the problem with California's lifer parole

²⁰ Sandberg (2009a; 2009b) shows how accounts change in the other direction in a welfare organization: street drug dealers in Oslo invoke "oppression discourse" (attributing participation in the drug trade to unemployment, racism, and personal problems) in their dealings with state welfare agencies, but rely on "gangster discourse" (emphasizing strong, smart, and attractive selves) with their peers. Studies also show how social movement organizations alter their claims to receive the benefits of legal changes. Pedriana (2006; see also McCann 1994) shows how the 1964 Civil Rights Act's prohibition of employment discrimination on the basis of sex shifted the women's rights movement away from demanding gender-specific protective labor laws to making equal treatment demands.

system as lack of enforcement of existing laws, and to believe that this could be changed by working within existing institutional channels – in particular, by petitioning the parole board through letters and by testifying at the parole board’s public meetings. Some were disappointed with their experience in another more radical group that sought but failed to change the state’s laws. Johnisha, CLAG’s leader, developed the frame of enforcing existing laws in part based on her struggle with the parole board and her analysis of the strategies of victims’ rights groups. Released prisoners who had won their freedom through the parole board or courts also endorsed this view, as did the attorneys who came to speak to the group. Rather than find fault with the law itself, they found fault with its enforcement and searched for remedies in institutional channels.

Competing Group, Johnisha’s Experience, and Victims’ Rights Groups

Many of CLAG’s active members embraced the group’s diagnosis and prognosis – to enforce existing laws using an institutional political approach – because of their disappointment with a more radical organization. In contrast to CLAG, Overturn Three Strikes (OTS) sought to change existing law and did this in part through non-institutional means such as protests. Even though their loved ones were not convicted under the Three Strikes Law – which until 2012’s Proposition 36, mandated a 25-years-to-life sentence when a third felony conviction of any type was preceded by two prior serious or violent felonies – many CLAG members had been active with OTS with the hope that their advocacy efforts would indirectly benefit their loved one. But not having been able to change the Three Strike Law and not feeling that their efforts at OTS brought them any

gain, they embraced Johnisha's approach, in part because they credited it with having brought her home. My field notes captured how Earl – who was helping his incarcerated brother – described his experience with OTS during an informal conversation:

At OTS he learned to become an organizer, he even almost got arrested with them, encouraging people to go protest in a building when they were told not to. But none of it helped his brother like the work here that was directly helping him. OTS only worked on the Three Strikes Law and his brother wasn't in for Three Strikes.

Earl left OTS disillusioned with his belief that the organization might indirectly help his brother. When I asked Tiffany, another CLAG member, why she had been active with OTS given that her husband was not a Three Striker, she explained that at the time she had little understanding of how to help her husband or what process he would be going through and was not familiar with the landscape of organizations (and indeed there were few she might turn to), so OTS helped her assuage her feelings of “helplessness.” But Earl and Tiffany's efforts at OTS did not lead to either broad change or personal benefit. Johnisha echoed their criticism. When, referring to OTS, she told me:

‘They have been focused on the law for more than 10 maybe 15 years, and they have had no results. People like Earl who'd been with them for years have started to come over to our group.’ She was very critical of the fact that they would focus on changing laws, but not do simple things to get their members' loved ones home.

For much of my time at CLAG, the two organizations were rivals, though they eventually developed a more cooperative relationship. Johnisha suggested that OTS leaders were upset to have lost to her in a competition for a major source of funding. OTS leaders were also upset to be losing members to CLAG – one defecting member reported being told that he was gravitating towards CLAG only because of Johnisha's good looks. There was

also discord at meetings. When CLAG first came on the scene, Johnisha and her assistant were invited to speak at OTS, but both came back riled that Johnisha was introduced but not given time to speak about her group. OTS leaders sometimes attended CLAG meetings and spoke discouragingly about the group's expectations that it might influence the parole board through its institutional political approach. Afterward, they were removed from the invitation list for future meetings. Finally, OTS leaders were rumored to have sought CLAG's member list in order to siphon its members. Ultimately, as Johnisha pointed out, OTS mimicked her approach by developing its own lifer advocacy project, largely modeled after the non-disruptive approach she had been pursuing and which they had criticized.

Johnisha led CLAG members to follow an institutional – rather than disruptive – political approach and to seek to enforce existing laws – rather than to seek to overturn them or to create new ones – in large part based on her past experience. Johnisha was released on parole in 2007 after serving 21 years in prison for killing her abusive boyfriend. She pled guilty to second degree murder in 1986, expecting to serve a small portion of a 15-years-to-life sentence. Instead, she had 10 parole hearings, was found suitable by the parole board 6 times, and although she had won support from her sentencing judge and the victim's mother, had all but the last of these parole grants reversed by the governor.²¹ Her release struggle involved a campaign to pass a Battered Women's Syndrome law, but she emphasized the institutional means through which this

²¹ By the time of her release, Johnisha's son was sentenced to life without the possibility of parole and she aspired to reduce his sentence to a term-to-life sentence – to which CLAG's efforts would be more relevant. Her brother was also murdered and his assailant given a 25-years-to-life sentence.

was accomplished. After the passage of the law, she struggled to have it applied to her case. She drew two conclusions from this experience. First, she believed that life-term prisoners were serving prolonged sentences illegally, “through an underhanded way in these parole hearings.” Second, she believed that this could be remedied using an institutional political approach.

Johnisha’s commitment to such an approach was based on her assessment of what had helped win her release, and what made her opponents successful. She believed that several commissioners wanted lifers released, but needed support:

I’ve been working with the BPH off the books for 10 years. They won’t oppose what you do but how you do it. A lot of them are supportive of people coming home but politically they can’t do that so they give people like me advice behind doors. The BPH is tired of the victims’ rights groups.

Her remarks also referenced the other reason that she endorsed an institutional political approach: this worked for the victims’ rights groups. Although these groups did not only enforce but also passed new laws, they generally did so using institutional channels (see Page 2011).

Members appreciated this diagnosis, finding it empowering. For example, Bill and Cathie – Dave’s parents – who confided in few outside of CLAG about their son’s incarceration, embraced this framing. When introducing herself at a meeting with many new members, Cathie noted that her son “should be released according to the law.” CLAG members embraced the prognosis of using institutionalized channels because of

the evidence they saw of its effectiveness – from Johnisha and others who spoke to the group.

Released Lifers

The released lifers who came to speak to CLAG members at monthly meetings reinforced the notion that existing laws sufficed but were being violated either by the parole board or governor. Many of these lifers were released through the courts – where in response to habeas corpus petitions, state or federal judges overruled the parole board or governor’s rejection of their parole petitions. I noted in my notes how William, a released lifer, described his release to the group:

‘Penal Code 3041 already says what should make you suitable. But the board of parole hearings is not following the law.’ He was eligible in 1983 and he got out recently, not because of the board but because the courts recognize his writ of habeas corpus. He told the families that it’s important for their prisoners to talk at their hearings so that things are on record.

William explained that he was able to win his freedom using the laws on the books – but through the courts rather than through the parole board, which was violating the state’s laws. He advised that prisoners should argue for themselves during the parole hearing so that they can shape the record that is later reviewed by judges.

O’Dell, Earl’s brother, expressed a similar sentiment when I spoke with him after his release. O’Dell was spared the common experience of having several of his parole grants from the parole board reversed by the governor. He attributed this to the change in who was holding that office: “The governor is following the law more now.”

Legal Experts

Legal experts who were invited by Johnisha and CLAG volunteers to speak to the group also reinforced the notion that there were sufficient laws on the books. One of these guests was Sam West, a former lifer who became a jailhouse lawyer and upon his release worked as a paralegal to help other lifers. During his talk, he encouraged the group to enforce the law determining the composition of the parole board:

‘The governor’s not following the law about the racial/ethnic composition of the parole board commissioners. In addition, all but one are former cops or in other forms of legal enforcement. There aren’t former judges, psychiatrists, etc. like in other states. These are puppets who deny parole.’

Many CLAG members were already familiar with the law that Sam referenced, from Section 5075 of the Penal Code, which states:

The selection of persons and their appointment by the governor and confirmation by the Senate shall reflect as nearly as possible a cross section of the racial, sexual, economic, and geographic features of the population of the state.

But often, members had a distorted understanding of this law’s stipulation. During a question and answer session with an attorney, Selena, a CLAG member, suggested the law required representativeness in professional background:

‘Isn’t it true that 2 of the 9 commissioners have to be member of the public, but you said that 11 are x-cops.’ The attorney frowned and said it wasn’t true, and explained all 12 have to be representative but that 11 are ex-law enforcement. He’d said before that Penal Code 5075 says board should be cross-section, but almost all x-cops, law being violated but no one enforcing.

Others believed that the representativeness requirement could be extended to include criminal backgrounds, and suggested that the parole board should include members with

felony convictions. In her grant proposal, Johnisha had expressed intentions to enforce this law as well. But this did not become one of the group's goals.

Sam West, the paralegal and former jailhouse lawyer, also raised another area of law that he felt was at the disposal of CLAG members: the privileged status of victims. Victims and their families were allowed in prisoners' individual parole hearings while prisoners' supporters were not. To challenge this imbalance, Sam suggested that lifers' families register as victims:

'The definition of victim can include families of the prisoner, who have been economically or emotionally disadvantaged by the crime. The board's not honoring this so far but we'll get them to.' Sam encouraged families to send formal letters to get registered as victims and be on the list for notifications and to be at the parole hearings.²²

Again, Sam formulated the problem as a failure to enforce existing law. Johnisha and CLAG members were excited by this creative interpretation of the law. Yet as with the recomposition of the parole board, CLAG did not pursue this route.

Dissenters

CLAG members rarely heard dissenting views about the organization's strategies or goals. As described above, Johnisha and volunteers invited guest speakers who supported

²² Sam referred to California Constitution, Article 1, Section 28(e) which states:

As used in this section, a 'victim' is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim.

the organization's work, and released prisoners who addressed the group were also supportive. But there were occasional dissenting voices. In addition to the instance when OTS leaders came to a meeting and challenged the group's institutional approach, there were occasional challenges from leaders of other organizations and from a CLAG volunteer. But both Johnisha and CLAG members confidently rejected these views, as the two instances below show.

At a meeting in Los Angeles bringing together activists from Northern California with CLAG and its parent organization, Johnisha spoke to a broad audience of lifers' advocates. Johnisha was unambiguous about the efficacy of advocacy in winning the release of prisoners like herself: "I'd still be there today if there weren't for the community getting involved." She went on to make a broader point for the audience: "community involvement will get your people out." When an activist from the Bay Area challenged her proposed strategy – of writing letters and speaking at public hearings, rather than picketing – she retorted, "We don't want to come on too aggressive." Disappointed but deferential, another activist quietly muttered, "That's what helped you get out." Johnisha did not share this interpretation. Diplomatically, she offered that her group might try that approach if the institutional one failed. She also used another technique to reject the proposal – she suggested that it could be considered lobbying, which her funder prohibited. Rather than challenge Johnisha's characterization of picketing as a form of lobbying, another activist who self-identified as a former Black Panther bemoaned her commitment to adhere to this constraint. His comment was met with silence from the CLAG members in the room. He concluded by registering his

dissent: “what we need is not just to win the freedom of a couple of people but to change the policies.” Again, his comment fell flat, and the meeting moved on in another direction.

The most aggressive reaction to the problem, violence, was firmly disavowed. James, one of the group’s most dedicated volunteers, but also someone with an idiosyncratic interactional style, once proposed a radical idea. During a question-and-answer session with an attorney, he interjected several times – requesting the floor much more often than members – and eventually inspired the following exchange:

The third time James spoke he said that they’re breaking the law, we should challenge them like communist North Korean army. He said he wanted to give an example of how to respond and wanted the attorney’s feedback. He said when law enforcement officials get killed they try hard to solve the crime: he asked what if he had information and tells them he’ll withhold it until they give him what he wants. The attorney asked, ‘Is there a question?’ Laughter came from some of the audience. James said, ‘What would you suggest that I do if I come across information like that?’ The attorney said, ‘I’d suggest you get an attorney. They cut deals, a client of mine was in a similar situation. The other thing you said sounds like violence.’ James said, ‘I’m saying that’s how they are’ to which the attorney responded, ‘I’m all for revolution.’ Grace, a member, then responded to James. She said she saw a t-shirt that said ‘justice by any means possible’ and she didn’t agree with that, if it meant violence. Someone else said ‘that sounds scary.’

And so the group remained optimistic about a conventional, non-disruptive approach to addressing the legal violations they perceived, with consequences that are discussed next.

Letters to the Parole Board and their Moderating Impact

In the next two sections, I elaborate on the group’s tactics: letters to the parole board and to the governor – discussed here – and testimonies at the parole board’s public meetings –

discussed next. The group's diagnosis of the problem as lack of enforcement of existing laws encouraged, though it need not have determined, its decision to pursue these institutional tactics. This choice moderated the group's goals, both in how it advocated for the prisoners and for which prisoners it advocated.

The group followed existing institutional channels to register its support for a prisoner's release by submitting letters to the parole board and to the governor. The parole board was used to receiving support letters from family members offering direct support upon a prisoner's release (see Chapter One). Johnisha wanted to use this channel to show not only material but also ideological support for a prisoner's release, from their supporters and community. She hoped that this would counterbalance the pressure that the board felt from the victims' rights groups. Johnisha drafted the original version of these letters and CLAG volunteers, including myself, adapted these to individual prisoners.

This approach had two impacts on the group's goals: first, it shaped how claims were made, and second, it limited who could receive support. The letters were drafted to encourage the board to recognize that the prisoners for whom the group was advocating had met legal requirements for parole. Thus O'Dell's letter stated:

He has lived with the seriousness of his crime and its effect on people lives for over 31 years which is far more than what is demanded per law.

The letter implicitly referred to the law setting the "minimum eligible parole date" (MEPD), the earliest date at which a prisoner is eligible for parole. The letter went on to encourage the board to adhere more closely with the law's intentions:

As a community recognizing the destruction of incarceration of those we feel should have been home long ago, it is our goal to create a voice statewide in behalf of the initial intentions of the laws under which Mr. [O'Dell] Henderson and many alike were sentenced.

Although O'Dell and his family expressed significant criticisms of his conviction and sentence, these concerns were muted in the letter. I will further elaborate on this in the next section, when I contrast the accounts that members themselves provided when speaking to the parole board with those that they provided during research interviews. Now, I turn to another consequence of pursuing institutionalized channels to advocate for the enforcement of existing laws.

Not everyone could benefit from enforcement of existing law, and so not everyone was supported through these letters. In at least three instances, Johnisha declined to write letters for lifers, each for different reasons. First, this occurred if the prisoner had not met the minimum eligible parole date, as reflected in these field notes:

I watched as Johnisha showed another staff member how she should create a support letter using another person's letter but then realized the person had only served 7 of 15 years and this was her first parole hearing. 'She hasn't served enough time yet, it's too soon. It's too soon. Damn.' She considered saving the document but didn't bother to save her few changes.

Johnisha offered advice for prisoners who had not yet reached their MEPD, but since she did not see their parole release as required by the law, she did not give them the group's formal support.

The second reason that Johnisha declined to write prisoners support letters was if the prisoner had recent disciplinary write-ups. Tiffany's husband, Terrance, had this experience. Johnisha discovered Terrance's disciplinary write-ups when she looked

through his file to gather the details for his letter. She dragged her feet and missed the deadline to submit a letter on his behalf to the parole board. Tiffany called me after this incident and, pausing often to cry, described her disappointment. When it seemed that Tiffany might leave the group, Johnisha backtracked and prepared a letter for her husband's subsequent parole hearing, in three years.

Finally, another reason Johnisha declined to write a support letter was if a prisoner claimed innocence. Sheree was a member who was an active volunteer hoping to help her boyfriend. When Johnisha declined to write him a letter, a bitter conflict ensued. Johnisha later told me her perspective on this, emphasizing that claiming innocence was not his only problem:

‘Sheree is an idiot if she thought we would write her man a letter given his 115’s [disciplinary write-ups]. The organization has very little credibility and we’d lose that if we supported him. She also said that she asked him to bring some paperwork last week and she didn’t. That, the 115’s and the fact that he says he’s innocent make it impossible to support him.’

Sheree also described to me her vantage point: “Johnisha’s not doing what she said she’d do. She said the more you volunteer the more help you get... She’s getting people’s hopes up high and doing nothing.” We had this conversation over telephone, and were joined by Celina, a member and volunteer who had recruited Sheree to the organization. By this point, Celina was upset about her failed attempt to be hired at the organization. So when Sheree asked, “Where are donations going?” Celina added threateningly, “Maybe there needs to be an investigation.” The two ultimately left the organization, and Johnisha removed them from the member list so that they would not receive future meeting

announcements. Part of the reason for Sheree's fallout with the organization was its reluctance to support his difficult struggle in claiming innocence to the parole board.

Johnisha's approach of petitioning to enforce existing laws created a lot of conflict in the group when members failed to receive support for prisoners who did not benefit from existing laws. Those who were supporting prisoners that met the parole board's suitability criteria did not object as their claims for release were moderated to fit a script emphasizing the enforcement of existing laws. As I show in the next section, members made the same modifications themselves with little coaching.

Speaking at the Parole Board and its Moderating Impact

CLAG members' statements to the parole board, when compared with accounts they provided during interviews, reveal how individuals themselves – with little guidance from organizational leaders or legal advisors – moderate their claims in legal arenas. During interviews, Hilda, Vincent, and Gloria described their loved one's conviction and sentence as either wrongful, the result of unrecognized excuses or justifications, or a product of an unjust distribution of punishment among crime-mates, respectively. But when speaking before the parole board, they followed the institution's guidance to avoid disputing guilt. There, speaking in general terms as required by the parole board, they emphasized that prisoners were often very young at the time of their crimes and had since rehabilitated. They beseeched the parole board to forgive, recognize rehabilitation, and avoid retribution. Rather than challenge the parole board's policies, they asked its commissioners to follow them.

As a volunteer at CLAG, Johnisha asked me to prepare an informational brochure about speaking at the board of parole's public meetings. In this brochure, I emphasized that comments could not exceed five minutes and could not reference a specific case. Following Johnisha's suggestion, I included the parole suitability criteria. Johnisha emphasized these criteria during training sessions as well, and reacted positively to members' suggestions to speak about the lack of institutional resources enabling prisoners to meet these criteria, and the significance of forgiveness both from the commissioners and the victims' families in the room. Although it was never explicitly discussed, members met the parole board's presumption of guilt by focusing on rehabilitation and redemption. As the Board of Parole Hearings explains in its formal guidance about parole hearings (California Department of Corrections and Rehabilitation 2010):

Parole hearings are not to decide guilt or innocence. The BPH accepts as fact the guilty verdict imposed by the courts. The purpose of a parole hearing is to determine if or when an inmate can be returned to society.

Respecting this feature of post-conviction legal procedure led members to downplay and sometimes contradict accounts they provided during interviews.

In her remarks to the parole board, Hilda described prisoners seeking forgiveness from God and others, and working toward rehabilitation. She advocated for the release of lifers who were "model prisoners." She spoke in Spanish for greater comfort while another member interpreted, and I later translated her remarks independently as follows:

All the inmates that are in California prisons, many of them were just children when they were sentenced by a judge. They had not matured as men and women, they were children acting like adults.... And I will name

them: model prisoners. This is how my granddaughter of only twelve years of age named them, and I asked her: 'Why?' She responded: 'Because they fight three hundred and sixty five days a year to survive taking advantage of the few programs that they offer them to get one inch ahead in life.' Trying to leave their past behind and asking for forgiveness from their higher power, their victims, and all the people whom they harmed.

Hilda emphasized prisoners' immaturity to explain their crimes, for which she said they struggled to receive forgiveness from God and their victims. The image she presented of these prisoners differed in a significant way from that of her own son, who she believed to be wrongfully convicted because of police corruption. During our interview, she said that her son could not have committed the murder that occurred a few blocks from her house in the summer of 1997 because he was helping her move. She explained:

What happened is my son was a gang member – very active – so one of the detectives of East LA, Mario Martinez, he was promising my son and whoever he doesn't like, because he was a detective and he's harassing people, gang member in the streets – with reason or without reason. Which I found out later that he used to be when he was young, a gang member, rival gang with the gang my son was. He's full of tattoos with the gang. And he promised my son, 'One of these days, I'm gonna nail you forever.' He did it. He did it.

But when speaking publicly, Hilda followed the BPH's requirement to avoid mentioning a specific prisoner, and rather than generalize from the experience of her son – who she believed to be innocent – she followed their stipulation of presumed guilt and focused on other reasons that lifers should be granted parole.

Vincent, another CLAG member, also encouraged the board to recognize rehabilitation. In so doing, he also muted his criticisms of his uncle's conviction and sentence. Vincent's uncle was convicted in 1981 for killing his wife and shooting her

lover when he found them together at his house. During our interview, he described his uncle and his mother as “on the losing end,” having lost their parents at 12, grown up in orphanages, and not completed high school. He went on:

So the fact that he held a job, stayed out of trouble and was starting a family was, I think, in and of itself, on the low probability side.... He was an abusive husband, very much very typical of his kind of culture, he was a male chauvinist. It was his way and his wife was his property and so I think looking back on the events it's not shocking. I think if you just understand the background you shouldn't be shocked by it.

Although believing that his uncle's first-degree-murder conviction was the result of the court's failure to recognize his troubled life and excuse behind his killing, his remarks to the parole board only portrayed a once guilty and now redeemed man. During this period of his advocacy, Vincent was living in Northern California and was appraised of the training materials and guidance through other members. At the public meeting he spoke about the apparent failure of prisons to rehabilitate prisoners, citing a recidivism statistic, then focused on the parole board's failure to honor successful instances:

What we rarely hear are the stories of those that vanish into society and live the rest of their lives as law-abiding citizens, doing as we all do – the best we can every single day. But I know that their stories are out there. I've seen them. I personally do believe in an individual's ability to rise above their past and make a change. I truly believe that if we open up just a little room for redemption, even if it isn't presented in the perfect package, or exactly as we expected, we will find that instead of falling over the precipice, we can make the turn in a new direction.

Vincent encouraged the parole board to recognize when prisoners have redeemed themselves after their crimes. His remarks portrayed a prisoner of whose guilt there was little question or criticism.

Finally, Gloria talked about mistakes that prisoners made as youth and about the need to forgive them once they were adequately punished. She was there to advocate for Charles, her boyfriend whose life sentence she blamed on his co-defendants' gaming of the system. In 1981, Charles and some of his friends attempted to rob a drug dealer but murdered him when their plans got derailed. She explained that his older crime-mates "put everything kinda on him" since he was younger: coerced him to take the blame because he was expected to receive less punishment. But at the public meeting, Gloria muted her criticism of legal procedure. She followed a suggestion raised during a training session and spoke about forgiveness:

So please collectively continue to forgive by faith until the work of forgiveness is completed in your hearts. There's a great percentage of prisoners serving time for their wrongdoings that were committed as youths, and we the overseers have given them the punishment to which they've served, and now it's time for justice to be fair for all.

Like Vincent, she acknowledged prisoners' past wrongdoings and like Hilda, she emphasized the folly of youth for the crimes of many lifers, and encouraged parole based on forgiveness through faith.

A number of other members spoke at these hearings on similar themes.²³ These speakers evinced no doubts about lifers' sentences or convictions. The only exception was James – the volunteer who endorsed violence. James did not have a personal connection to a lifer other than those he met in the context of his activism. When he spoke, he brought to the board's attention the case of "battered women, who through

²³ Cathie encouraged the commissioners to recognize prisoners' rehabilitation and end the cruelty of long sentences. Tiffany spoke once about communities wanting these people back and, a second time, about the lack of education offerings that would allow prisoners to meet the parole suitability criteria.

desperation or fear in their lives, resort to violence in legitimate self-defense.” James’ criticism of convictions was anomalous among CLAG members.

Conclusion

Striving to hasten the release of prisoners sentenced to life with the possibility of parole, the California Lifer Advocacy Group chose an institutional path over a disruptive one. The group saw its goal as one that would, as Tarrow (1998: 3) puts it, “hardly raise an eyebrow,” and believed this could be achieved by enforcing existing laws. The prisoners for whom the group was advocating had met their minimum prison sentences and the group believed that through pressure and support, the parole board and governor would honor this law and release them. This formulation of the problem – as lack of enforcement of existing laws – contributed to CLAG’s decision to pursue its solution through institutionalized political channels: formal written and verbal correspondence with the parole board and governor. This decision had important implications for the group’s goals. Although during interviews members recounted problems with a prisoner’s conviction and sentence, when speaking to the parole board they muted these criticisms and conformed to the post-conviction presumption of guilt. Seeking to enforce existing laws also meant that the group’s leader declined to support prisoners who did not fit the criteria for parole release.

This study reinforces the significance of the framing perspective (Snow et al. 1986; Snow and Benford 1988; Benford and Snow 2000), but broadens its applicability to understand how groups choose between institutional and non-institutional strategies. I

have shown that CLAG's diagnosis of the problem contributed to – though need not have determined – the group's decision to use institutional channels. Wanting to enforce existing laws, rather than to challenge or alter the law, reinforced the decision to pressure the parole board and governor through letters and testimony at the board's public hearings. The group's arrival at this analysis and plan was the result of the constrained information to which it had access: its exposure to prisoners whose freedom was gained through existing legal channels and to experts on these processes, and its composition of members with negative experiences with a group using an alternate model. The concept of framing (Snow and Benford 2000), rather than ideology (Oliver and Johnston 2000), is better suited for depicting the confluence of somewhat haphazard and arbitrary factors leading to this outcome – in particular the members' trial and error approach with advocacy groups using differing strategies. This finding builds on Carmin and Balser (2002) and Meyer's (2004) emphasis on the experiential backgrounds of an organization's leaders and members in shaping their interpretive orientations. It also suggests that the landscape of actors and organizations in which a group finds itself can – like culture (Goodwin and Jasper 1999; Jansen 2007) – constrain and enable its framing work.

This case contributes to and refines the social movement literature's understanding of the relationship between institutional inclusion and tactical repertoires. It affirms the general claim that institutional inclusion leads to conventional, non-disruptive tactics (McAdam 1999 [1982]; Useem and Zald 1987; Walker 1991; Kriesi et al. 1995; Kriesi 1996; Rucht 1996; Zdravomyslova 1996; Tarrow 1998; Rucht 1999;

Meyer 2004). But it suggests that it is the perception of inclusion, rather than inclusion as an objective fact, that determines the route of political action. In this case, it was the perception of inclusion in institutional politics as it pertained to a specific goal – of expediting the parole release for life-term prisoners – rather than a more general perception of individual inclusion that set this group on the path of institutional politics. A subjective belief that one’s goals can be realized through institutional channels therefore leads to conventional, non-disruptive tactics.

These findings also support and contribute to socio-legal and penal studies, which depict legal arenas as moderating pursuits of justice. While previous research (Cunningham 1989; White 1990; Alfieri 1991; Coutin 2000: 99) has suggested that attorneys are the main force distorting the accounts that people submit to the legal system, I have shown that people do this without legal counsel. In line with previous research on people’s encounters with the penal system outside the attorney-client relationship (Fox 1999; McKendy 2006; Waldram 2007), I have shown that – even with little guidance from the group’s leader – CLAG members adhered to expected legal narratives by emphasizing rehabilitation and muted criticisms of the legal system – particularly questions about guilt and appropriateness of punishment. But not all accounts could be bent to fit expected narratives, and so some members – those advocating for prisoners who had not served enough time or who had recent disciplinary write-ups – lost the group’s support. For CLAG, the interpretive assessment of inclusion curbed its goals. It may also have limited its impact, the focus of the following chapter.

CHAPTER THREE

SEEING LIKE AN ADVOCATE: POSITIVELY EVALUATING THE IMPACT OF ADVOCACY IN THE FACE OF NEGATIVE OR AMBIGUOUS INFORMATION

Introduction

The air felt electric during the van rides home to Los Angeles after CLAG members had spoken at the parole board's public hearings in Sacramento. Expecting to be met with indignity, the advocates were given equal footing with those speaking against releasing prisoners: victims and district attorneys. Advocates felt similarly empowered upon seeing the thick stack of signed support letters that CLAG sent to the parole board and governor on behalf of a prisoner's release. Finally, they were doing something concrete. And yet, the lifers they supported were still getting denied parole, parole board commissioners were dismissing their letters during hearings, and some released prisoners rejected the group's claims of credit. In spite of this, advocates remained confident that their actions were improving prisoners' parole prospects. In this chapter, I reveal how advocates' *a priori* conviction of their efficacy guided their interpretation of ambiguous and negative information about the group's impact.

Measuring the impact of social movement organizations or advocacy groups is no small feat even for social movement scholars. In this chapter, I turn to the question of

how participants evaluate efficacy. In particular, I examine everyday understandings of advocacy's impact in the face of largely negative results. As the preceding chapter showed, CLAG activists had a "systematic optimistic bias" about political opportunities (Gamson and Meyer 1996: 286). Here, I find that they deployed a related positive bias when evaluating their impact. Advocates had faith-like conviction about their efficacy. As Melton (1985: 20, emphasis removed) has argued, while scholars might ask how religious adherents adapt "when prophecy fails" (Festinger et al. 1956), insiders use interpretive techniques so that "prophecy seldom fails." CLAG members applied the "documentary method of interpretation" (Garfinkel 1967) to generate positive assessments of their impact based on ambiguous or negative information. In other words, their assessment of their efficacy preceded, rather than followed, much of the information that they encountered. This information was of two types. First, there were outcomes to be evaluated and with causes to be ascertained. Second, there was feedback to be weighed – from parole board commissioners and prisoners – about the group's impact. Using interpretive shields against negative information, CLAG advocates were able to sustain their efforts despite their questionable efficacy.

Ethnomethodological Assessments of Outcomes

To understand commonsense assessments of efficacy, it is helpful to first consider scholarly debates about the impact of activism. Perhaps because of the difficulty of measuring impact and determining causality, social movement theorists have made these questions secondary to those of movement emergence and participant mobilization

(McAdam, McCarthy, and Zald 1988; Giugni 1998: 373; Amenta et al. 2010: 289). Even when considering impacts, scholars have found that they can stand on firmer ground in making claims about internal consequences of activism, such as on the biographies of participants (McAdam 2009) or on collective identity (Fantasia 1988; Melucci 1995). Determining the external outcomes of social movements – such as influences on policy and public opinion – has been an especially thorny pursuit. While some works provide a broad account of social movements as generally effective (Piven 2006) or ineffective (Burstein and Linton 2002; Giugni 2007), comparative studies of national movements (Gamson 1975), local movements (Cress and Snow 2000), and movements over time (Amenta 2006) have sought to identify those aspects of movements and their contexts which shape outcomes (see also Andrews 2001; McCammon et al. 2001; Burnstein and Sausner 2005). Activists' perceptions have been relevant to these studies to the extent that groups' goals inform which outcomes analysts evaluate (see Cress and Snow 2000). But we know little about participants' everyday reasoning about efficacy. How do advocates evaluate outcomes and assess their causal roles, and what significance do their conclusions have for advocacy groups?

To examine everyday understandings of efficacy in the face of ambiguous and negative information, I turn to an extreme case in which subjects overcome definitively failed outcomes: millennial groups whose prophecies were not realized. Scholars have argued that the classic account of these groups, by Festinger et al. (1956), fails to bridge the interpretive gap between the subject and analyst (Zygmunt 1972; Melton 1985; Tumminia 1998; Dein 2001). Festinger et al. posited that when groups face information

that disconfirms a prediction that is part of their ideology, they resolve this “cognitive dissonance” not by disbanding but rather by intensifying their adherence to the ideology and proselytizing.²⁴ But Festinger et al. have been critiqued for missing an important point: that “within religious groups, prophecy seldom fails” (Melton 1985: 20, emphasis removed). Drawing on (Zygmunt 1972), Melton argues that while an outsider may see a failed prophecy and a challenge to a religious group’s worldview, insiders often quickly reinterpret events – such as by attributing the non-occurrence of a prophecy to a computational error or casting internal or external blame, or by asserting its occurrence by spiritualizing the event and making a non-falsifiable claim that it took place at a spiritual level.²⁵

These studies reveal an underemphasized dimension of one of Garfinkel’s (1967: 78) most popular concepts (see Heritage 1984: 84), “the documentary method of interpretation.” Drawing on phenomenology, Garfinkel argued that in using the documentary method, people take information – which is presented or processed partially and over time – to be ““a document of”” of a broader pattern (Garfinkel 1967: 78). They therefore guess at the whole of which they only see parts. Once an underlying pattern is detected, people then develop strategies to eliminate doubts raised by contradictory

²⁴ Later studies have confirmed the finding that failed prophecies do not disband religious groups, though proselytization is not a necessary or exclusive adaptive strategy (Dawson 1999; Stone 2000).

²⁵ Festinger et al. (1956: 28 151–155 169) acknowledged this interpretive reaction – which in their case included the group’s interpretation of the presence of the covert researchers as confirmation of its beliefs. But they emphasize that the “mélange of incompatible and halfhearted denial, excuse, and reaffirmation” are inadequate because “the believers still know that the prediction was false” (Festinger et al. 1956: 189).

information. Garfinkel demonstrated this everyday method of interpretation through an experiment in which an experimenter challenged an unwitting subject's belief that they were participating in a counseling session. Subjects went to great interpretive lengths to preserve the meaning of the interaction as one between a student and counselor (for non-experimental evidence see Garfinkel: 1967: 38–39; McHoul 1984). For Garfinkel, the documentary method helped to sustain social order. Since then, scholars have made two important refinements to this theory.

First, as Pollner (1987) shows, people are not agnostic about the patterns that they discern and defend through the documentary method. In his study of traffic courts, he finds that people presume an objective world, one that is “independent of the mode and manner in which it is explicated” (Pollner 1987: 12). This point supports, but stops short of making the second refinement to our understanding of the documentary method: that it is not always the product of harmonious interactional processes, as people use it to support divergent conclusions.

Garfinkel sought to offer “descriptions of a society that its members ... use and treat as known in common with other members, and with other members take for granted” (Garfinkel 1967: 77, 79). In this sense, Garfinkel demonstrated the orderliness of social interaction (Heritage 2001). But orderly interactions should not be expected to be conflict-free. While members of society might share and take for granted the use of the documentary method, the conclusions that they reach can clash. Garfinkel stressed that his experiment “exaggerate[d]” the presence of disconfirming information that people

had to incorporate. But in adapting the experiment to everyday life, he likely exaggerated the cooperative nature of everyday intersubjectivity. In another example, Garfinkel (1967: 38–42) contrasts a student’s report of a conversation with his wife with his understanding of their words. But the student meets no challenge about his interpretations, as one might expect to occur frequently in conversation. Similarly, Pollner’s (1987) study emphasizes traffic court participants’ shared assumption of a possible objective account of an accident, but finds less theoretical significance in the disputes over “what happened.” Smith’s (1978) work illustrates how the documentary method can be conflict-ridden: it helped students arrive at the equivocal conclusion that a peer was mentally ill and to dismiss that individual’s counterclaims to this assessment.²⁶ Thus while the methods of sense-making may be shared, they are applied in different ways by people to reach different conclusions. The application of the documentary method can be expected to be even more contentious for people seeking to confirm narrowly shared beliefs. Doomsday cults, for example, often confront direct challenges to their interpretations of reality. I therefore examine how CLAG members used *a priori* beliefs about their efficacy to confront ambiguous or negative evidence of their impact, as well as direct challenges to their interpretations.

Another possible outcome is that rather than defend positive interpretations against conflicting information, subjects are not concerned about questions of efficacy.

Following Bourdieu’s (1990 [1980]: p. 54) admonition that “practice has a logic which is

²⁶ Smith (1990: 156) later re-dubs this the “ideological method” when it is applied by organizations with authority, and suggests that in cases such as mental illness, categories developed by the powerful trickle down to everyday reasoning.

not that of the logician” – and in particular not that of the rational choice theorist – scholars such as Desmond (2006) have shown that analysts not only err in assuming that participants share their perceptions on particular topics, but also in assuming that those topics are salient and assessed with the same logic. Thus Desmond (2006) shows that wildland firefighters gravitate toward this job not out of a lust for risk – arrived at through cost-benefit calculation – but rather because their regional- and class-derived dispositions familiarized them with other aspects of the work. I will therefore also consider whether practical and analytical logics diverge in this site, making questions of efficacy a scholarly rather than everyday pursuit.

Participant interpretations of efficacy have important implications for a group’s trajectory. In her study of emergent grassroots activist groups, Blee (2011) finds that a group’s early choices have important implications for its later activities. She explains that: “activist groups quickly develop routine ways of operating that shape what they do and will consider doing in the future” (Blee 2011: 56). If advocates ignore information about limited efficacy, then their interpretive processes would shape the group’s trajectories. This outcome is suggested by Polletta’s (1998) finding of the significance of participants’ mobilization narratives. She explains that narratives of the spontaneous nature of sit-ins by black students during the early 1960s were at odds with how these actions actually transpired. Moreover, activists’ narrative choice had important positive and negative implications. It contributed to further mobilization and protectively defined the movement as a student-led one. But it also constrained the ability of organizers to channel activists away from direct action and toward electoral politics.

Before embarking on a critical study of participants' beliefs about the efficacy of their efforts, it is helpful to reflect on what Pollner (1987: 83) has dubbed the "politics of experience" (see also Bourdieu's 1990 [1980]: 28). Pollner warns analysts against labeling participants' interpretations as spurious and relying on sociological or psychological mechanisms to explain them. The challenge of heeding this admonishment is demonstrated in Pollner's own (1987: 25) difficulty in following it: he labels everyday perceptions as "mundane" – a value-laden term – while considering participants' presumption of an objective world to be invalid, and recommending that analysts pursue a "radical" form of reasoning that does not repeat but investigates these premises of everyday reasoning. In this study, I maintain that many of CLAG members' views of efficacy are based on information that I found ambiguous. In these instances, the distance between my own evaluation of efficacy and that of subjects is not as stark as researchers examining millennial groups. In other instances, advocates' beliefs were based on misunderstandings or lack of information. I highlight these instances not to criticize members' interpretations but to understand how they came to be and to assess their impact – both positive and negative – on the group.

CLAG's External and Internal Impact

California's term-to-life prisoners face staggering odds to win parole release. In the last two decades, the parole board has granted prisoners parole in only four percent of its hearings, and governors have reversed one-half of these decisions (Mock 2008; California Department of Corrections and Rehabilitation 2011b; Weisberg et al. 2011).

Radio journalist Mullane (2012) has documented the emotional turmoil of this process for prisoners, focusing in particular on the injustice of past governors' frequent decisions to overturn the decision of parole board commissioners that they appointed. Since assuming office in 2011, Governor Jerry Brown has lowered this reversal rate. But during this time, prisoners who are denied parole face extended wait times for their next hearing due to Marsy's law of 2008. When Mullane visited CLAG, its members were eager to share their stories about this continued struggle.

Participation in CLAG brought relief to few of the intended beneficiaries. Of the thirty prisoners for whom the organization submitted letters to the parole board, a small number were granted parole.²⁷ While CLAG-affiliated prisoners had a higher chance of receiving parole than the average lifer, this was a non-random group: Johnisha withheld support from those who were unlikely to be granted parole (see Chapter Two). To what extent then could the group claim credit for those who were released? And to what extent did the group's advocacy affect people whom it did not directly support? The following sections consider these questions, as well as how the group's members grappled with the common experience of prisoners being denied parole.

Before turning to the members' perceptions of the group's intended external impact – to help prisoners be released on parole – it is important to also consider its internal ones, and members' awareness of them. CLAG members and the prisoners for whom they advocated often remarked on the broader benefits of the group's meetings and

²⁷ At least 21 of 30 remain in prison.

collective actions. Members often described feeling empowered from meeting others like them and working together to challenge the parole board and governor (see Image 4). Several recounted past struggles with feeling helplessness and depressed. But these emotions were attenuated as they shared their own and heard of others' experiences, and took steps to learn about and address the prisoners' struggles. Participation in the group's meetings and actions also promoted cross-racial cooperation among members. Many meetings were punctuated by members' explicit reflections on the racial unity between the black and Latino members who in near-equal proportions made up almost the entire population in the room. This was often noted in contrast to the hard lines and tensions between African Americans and Latinos in prisons – where racial segregation is institutionalized (see Goodman 2008) and riots are often across racial lines (Wacquant 2001). Finally, CLAG also helped bring many members closer to the prisoner for whom they advocated. Dave described that in reducing the opacity of the parole process, CLAG “helped my parents understand injustices of system: that you don't get out if you're doing good.”

Johnisha's Two Interpretations

Under Johnisha's leadership, CLAG members undertook two forms of advocacy. First, they submitted support letters to the parole board and the governor to demonstrate broad support for the release of lifers affiliated with members. Second, members spoke at the public meetings of the Board of Parole Hearings, held monthly in Sacramento. Johnisha also provided CLAG members with two frameworks to interpret the efficacy of these

forms of advocacy. At times, she was exuberantly optimistic about the impact of their work and its reception by the parole board. In these instances, she described the parole board as allies in a fight against victims' rights groups: "The war is with the victims' rights groups. The commissioners want to do the right thing but they prevent them." In this mood, she also hinted at behind the scenes positive feedback from parole board members: "The BPH isn't pleased with attorneys and nonprofits but a little birdie told me that they're pleased with the families." But in other moments, she was gravely skeptical about the parole board and predicted plots to thwart the group's impact. A recurring theme at many meetings was criticism of the commissioners' \$100,000 annual salary and speculation that they increased their job security by meeting the demands of the victims groups. Johnisha often cautioned members about commissioners' duplicity: for example, she warned me that the board might remove commissioners who became sympathetic to the group and change their meeting dates to prevent CLAG members from attending. Both the positive and negative forecasts seemed to be exaggerations of her recent and past interactions with the parole board.

Although CLAG members heard both these framings, they generally gravitated towards the positive in their own estimations of the group's efficacy and of the parole board's reception. As I show below, the question of the group's efficacy was one that arose often – in perceiving a link between the group and paroled prisoners, in reacting to parole denials, and in identifying positive claims or deflecting counterclaims about efficacy. In each of these instances, members reached affirmative conclusions about their efficacy.

Interpreting Unrelated and Ambiguous Information as Confirmation

One element of members' positive evaluations of the group's efforts was the link they drew between released prisoners and the group's efforts – when sometimes only a weak or no connection existed. Parole lifers who attended meetings had received varying levels of support from CLAG: from direct support (when members submitted support letters for the prisoner), to indirect (when members spoke at the public meeting of the parole board), to none at all (in the case of prisoners who did not receive support letters and were released before the group spoke at the parole board). Even in cases where the organization provided a prisoner with direct support, it was difficult to estimate the extent of its impact. This section therefore considers how CLAG members positively evaluated their efficacy in the face of unrelated and ambiguous information.

Many of the released lifers that members encountered at CLAG meetings had received little or no support from CLAG – or at a minimum, less support than members perceived. Several recently released life-term prisoners attended CLAG's monthly meetings to offer hope and advice. They were given a warm reception at these meetings: introduced, given time to tell their release stories, sometimes presented with certificates, and always applauded and warmly greeted by family members. It was a homecoming celebration, and some members asked these released prisoners whether they knew the prisoner for whom they were advocating. Members drew two lessons from these encounters. First, as the released lifers intended, they found hope that their own loved one would soon come home. This was even though these released lifers had often served

much longer sentences than the prisoners for whom members were advocating. Second, members sometimes concluded that the released lifers were evidence of the efficacy of the organization's work. This was in spite of the often absent link between CLAG and the released prisoner.

William and John

During the period of my fieldwork, almost a dozen recently released lifers visited the organization's monthly meetings. They came either on their own initiative or were encouraged to do so because they were living at a sober living house run by CLAG's parent organization. Some came to expand their network for the purposes of finding work, recruiting clients or members for their own organization, or finding romance. They told their stories to the group with the intention of giving members hope and passing on the wisdom they acquired through their release process. Johnisha often gave them a considerable length of time to speak. Some provided concrete support: one made his writ of habeas corpus available for members to use as a template and another shared a copy of her closing statement to the parole board for a similar purpose. Within these prisoners' accounts, I detected very long prison sentences and arduous struggles for release:

Two recently released lifers – William and John – were presented certificates honoring their release. CLAG members applauded, took pictures, and smiled at them warmly. I saw the woman closest to me tear up and when she caught me looking she explained, 'This is what I want for my son.' Later the two men spoke. William said he went in in 1977, and spent '32 years, 5 months, 7 days, 4 hours' behind bars for 1st degree murder. He thanked Johnisha for her work. 'I left a lot of people there that are like brothers to me and I want to help too.' He brought up Russell Jackson, his former 'bunkee' and a recently released lifer on whose behalf CLAG had submitted support letters to the governor: 'The letters make a

difference. This organization got Russell out,' he said. He then went on to tell his own story: he had been legally eligible for parole since 1984 and was found suitable seven times but had his grants reversed by the governor. 'It's like winning the lottery,' he said. 'If you're not found suitable, you should appeal. The board didn't get let me out, the courts let me out.' The second released lifer spoke next, said that he also went in in 1977, and described a similar process of winning his release through the courts. He said: 'The hardest thing was to tell my family that I got shot down from the board. My family never stopped helping with all the prison moves, they kept praying, kept supporting me. This was very important and what you're doing is very important.'

William and John explicitly told CLAG members that as individuals they provided important emotional support and as a group they helped to improve some prisoners' parole prospects. But their accounts also communicated an implicit message that was less encouraging – that some lifers could expect to serve over 30 years in prison and would need to struggle through the courts to gain their freedom. These prisoners had experienced a more arduous release process and had served far longer sentences than many of the prisoners CLAG members supported. Yet members were visibly inspired by these men's stories, with these meetings ending in a festive mood as they relaxed and mingled with the men. And while William and John did not mention having been personally assisted by CLAG – only crediting the organization in helping a friend – in later recollections some members believed the group had helped them as well. These impressions were perhaps shaped in part by Johnisha's decision to publicize some released prisoners' visits on the organization's monthly flyer and to present certificates even to those not directly assisted by the organization.

Vilma

The link between the group's efforts and a prisoner's release was sometimes more ambiguous. CLAG members who attended a group meeting in the summer of 2010 were moved to see and hear from a recently parolee, Vilma. Vilma had received indirect support from CLAG members who spoke at a public hearing at which her case received en banc review.²⁸ She had received support from CLAG's parent organization, A New Path, which had offered her transitional housing in its sober living house, and thus improved her parole prospects by strengthening her "parole plans." Although it was unclear which of these forms of support contributed – and to what extent – to Vilma's release, Johnisha and members took a big leap in taking credit for her freedom.

CLAG members came to know of Vilma when they arrived at the parole board's public meeting because she was scheduled for an en banc hearing. After they made their remarks in general support of paroling lifers during the "open comments" section of the meetings, several people in Vilma's extended family and her attorney spoke specifically in support of her release. They echoed the sentiment of the CLAG members who had spoken, and one of them referenced those remarks explicitly. Vilma's victim, a woman that she and her now paroled brother had kidnapped in the process of stealing her car seventeen years ago, spoke against her release. A few hours after the meeting, the parole

²⁸ En banc reviews took place after the "open comment" segment of the public meetings of the parole board. These reviews occurred for two types of cases: parole grants for non-murder cases challenged by the governor (who can reverse parole grants for murder convictions but can only request an en banc review for non-murder convictions) and hearings in which two commissioners could not reach a unanimous decision. This public deliberation would be followed by a closed hearing during which all commissioners and the chair would vote to determine the prisoner's parole eligibility.

board posted its decision to approve Vilma for release. Word began to spread among CLAG staff and members not only because of this announcement, but also because Vilma would be paroled to A New Path's transitional housing. CLAG advocates had not realized that Vilma had previously made these arrangements. Many members, and Johnisha, were confident that their words at the public meeting helped to win Vilma's freedom. This perception intensified because of her presence – but not remarks – at the next monthly meeting.

Like some of the other former life-term prisoners housed at the sober living house, Vilma was invited to attend CLAG's monthly meetings to share advice based on her release process. I noted how Vilma described her release process:

Vilma said she had 5 115's and 20 128's [write-ups for rule infractions which delay parole]. She had six board hearings. Before her last hearing, she was required to wait only one year for another hearing, which she had heard was a good sign. Her hope for release also grew when her brother got released, since she was just the co-defendant. She discussed how her last lawyer gave her useful tips about how to prepare and remain calm during her hearing. She also mentioned that she applied to the sober living house, even though she didn't have an addiction, because they accepted people without parole dates.

Vilma's account emphasized the assistance that she received from her attorney and described how she expected that her brother's release improved her own prospects. She noted the value of having secured space in transitional housing, but did not mention any benefits from the public testimony of CLAG members prior to her en banc hearing. After Vilma's talk to the group, Johnisha told CLAG members that it was thanks to CLAG members' testimony that she was released. Questioning my memory, I made a note to see whether the group had submitted support letters for Vilma – perhaps supporting

Johnisha's claim. It had not. Soon after, when Johnisha updated her funders, she listed Vilma's release as one of the group's achievements. For many members, CLAG's impact on Vilma's en banc hearing was unambiguous. Cathie, mother of Dave, implied a strong causal connection when, in later encouraging other members to speak at the parole board's meetings, she said at a group meeting: "When we went a young lady was released a week later." Vilma did not leave these claims unchallenged, as I will describe later.

Handling Rejections: Silver Linings

CLAG members' dedication to remaining positive occurred alongside their sadness about their loved one's incarceration and for some, concurred with very discouraging news. In response to my interview question of how their loved one's incarceration had affected them, or in unprompted comments during interviews and casual conversations, many women described experiencing depression that was sometimes debilitating. Tiffany recounted attending a coworker's wedding without her incarcerated husband, and crying on her way home. Hilda said the difficulties she faced in saving enough money to hire her son's lawyer led to her suicide attempts. Coco described how she was taking psychotropic medication to overcome her sadness about her husband's incarceration. And yet these women worked hard to present a positive outlook – to themselves, to the men they were supporting, and to other advocates and supporters.

Prisoners like Terrance often expressed concern to me about the emotional burden they placed on the people supporting them, as well as appreciation for their steadfast support. In Chapter One, I described Tiffany's upbeat reaction to her husband Terrance's

parole board denial, when she emphasized the short length – three years – that he would have to wait for his next hearing and the parole commissioner’s suggestion that he appeal for an earlier hearing. Almost two years later, Terrance’s appeal for an earlier hearing was denied. Again, Tiffany brushed off the disappointment and said that she had told Terrance, ‘2012 is almost over, so it’s a year and a night’ until his scheduled hearing. Soon after, when Tiffany spoke at an event that included many CLAG members, she expressed such confidence about her husband’s next parole hearing that another member, Grace, said to me: “Tiffany’s husband is coming home in about a year, after 18 years of incarceration.” Tiffany’s words had further contributed to advocates’ perceptions of the group’s efficacy.

Seeing Positive Feedback in Ambiguous Signals

CLAG members did not only reflect on outcomes; they also evaluated feedback about their efficacy. The parole board commissioners were one source of this feedback, and in this section I describe how members read into their gestures and indirect words to discern positive reinforcement for their efforts.

Bill and Cathie

It was with a great deal of trepidation that William (Bill) and Catherine (Cathie) Smith joined other CLAG members to speak at the parole board’s public meeting. But they left the meeting invigorated, in part because of a handshake that Bill received from a parole board commissioner – an ambiguous gesture that Bill and other CLAG members interpreted as a very positive sign. They later returned to speak at another meeting and

encouraged other members to attend as well.

When the group began to plan its first visit to the parole board's public meetings in the summer of 2010, Bill and Cathie were encouraging others but did not themselves volunteer to attend. They spoke briefly during the meeting and at greater length afterwards about their fear of hurting their son David's (Dave) chances of parole. His hearing was soon and they were concerned that the commissioners would link them to their son through their last name and retaliate. I suggested that there were many Smiths, but they responded that their son was a Junior – sharing his dad's first and middle name. Convinced eventually by Johnisha that it would not hurt their son's case, they attended. They drove to Sacramento separately from the rest of the group and on this trip only Cathie joined other CLAG members in addressing the commissioners. After the meeting, the two were standing near the commissioner's exit path and one of the commissioners shook hands with Bill and thanked him for attending. Possibly only a polite gesture, Bill, Cathie, and other CLAG members took it to have great meaning. The members with whom I shared a van ride back to Los Angeles celebrated this positive sign. Johnisha later echoed this interpretation to the entire group and told Bill and Cathie that it meant that their son would likely be released at the next hearing.

But given Johnisha's dual views of the parole board, she advised members that in spite of these positive signs, they should not be surprised if the board cancelled its next meeting. She based this on an account I had given her of my interaction with a guard. When we arrived at the meeting room, I approached a guard – one of six providing

security in the small room – seeking to confirm with her that I had permission to audio-record the meeting. Her stance grew even more firm with my approach and her stern facial expression remained unaltered. I was surprised to find myself feeling intimidated and vulnerable. Before arriving, I had confirmed with CDCR staff by phone that members of the public were permitted to record these meetings. I offered the guard the name of the CDCR employee who I had spoken with – whose name I had noted only because of Johnisha’s advice about meticulous record keeping in interactions with CDCR. She left to check and when she returned to tell me that I could record she was more informal and looser in her body language. She asked whether we would be coming next month and I said yes, and she said she would be here to help things go more smoothly. The sudden shift in her physical demeanor and in her attitude, from obstructive to cooperative, had a strong emotional impact on me. Later, I could see that this experience paralleled those of CLAG members – a transition from feeling helpless toward powerful figures to a euphoria when they seem to not be using their power against you. Gleefully, I recounted this episode to Johnisha, expecting that this encounter might receive the same positive treatment as Bill’s handshake. But Johnisha had a different interpretation: she believed that the guard asked if we would return so that the parole board could use this information to cancel its next meeting and prevent our attendance. The meetings were never cancelled.

Given their positive experience that first visit, Bill and Cathie returned to Sacramento again to speak a few days before their son’s parole hearing. The hearing transcript shows Bill offering to spell his middle name – solidifying the connection with

his son. A few days later, their son was denied parole and given a ten-year wait until his next hearing. Their fears returned: although not vocal about it with other CLAG members, they worried that they had hurt his chances. Bill explained to me:

I think the first time that we went we felt that it was really a benefit. We were received well and felt good about going to speak before the parole board and letting them see that there were people in the community that were concerned about lifers as a whole. However, when we went the second time, even though we spoke and we felt that we were well received, after, Dave went before a board of parole hearing, we felt as if the chairman of the commissioners remembered us and basically said ... ‘I want to ... show these people that they can’t just come in and say a few words of kindness and expect us to feel sorry for them and grant a date for their loved ones.’

Bill and Cathie both added that they were not certain, but had a bad hunch about the negative impact of their statement. Nevertheless, the following winter, Cathie encouraged CLAG members at a monthly meeting to go to Sacramento and speak, emphasizing only the positive impact of their visit. Her words were not based on her son’s parole denial, but rather on Vilma’s parole grant – whose tenuous link to the group was described earlier. With Bill and Cathie emphasizing the positive impact of their visit to the parole board’s public meeting, other members were shielded from negative information.

Tiffany

CLAG members continued to speak at public hearings and to find great meaning in ambiguous gestures and statements from commissioners. In August 2012, Tiffany recounted the positive reception that the group received when Johnisha had joined them on one of these trips. Johnisha, who required approval from her parole officer to take this trip out of Los Angeles, had spoken at the meeting about her experience since her release.

Tiffany said that afterwards, two board members thanked Johnisha for coming and said they were impressed with her. ‘They’re beginning to know who we are and to recognize us,’ Tiffany explained. She added that when they were about to leave, the executive officer of the parole board thanked them for coming and said they wanted to hear more from them. ‘They know we’re not a threat,’ she said, suggesting that board members were interested in cooperating with the group.

Rejecting Counterclaims

During their time advocating on behalf of a life-term prisoner, CLAG members sometimes faced explicit denials of their efficacy – from parole board members and even released lifers. Johnisha herself, as described in Chapter One, once contested another activist’s account of her release by casting doubt on a claim that non-institutional forms of advocacy helped to free her. Meanwhile, other prisoners were rejecting claims that CLAG’s efforts supported their release. But CLAG members were immune to these counterclaims, about which they were often not aware or which they explicitly rejected.

Lack of Awareness: Vilma’s Dismissal of Public Testimony

It was often only in one-on-one conversations that released prisoners challenged CLAG’s efficacy. These dissenting views sometimes did not extend beyond CLAG’s leaders and volunteers. So it was with Vilma.

Vilma was caught off-guard when, after she spoke at the CLAG meeting, Johnisha emphasized the role of the group’s public testimony in her parole. During an

interview, Vilma told me that she had spoken at the CLAG meeting in response to a request by A New Path's leader. She was "stunned" to hear Johnisha suggest that CLAG was responsible for her freedom:

They weren't in my skin and I would sit up at night and cry and ask for my forgiveness and ask for my freedom, they didn't have to walk in my shoes those 16 years and deal with the hurt that I caused my family and the victim, they didn't have to sit at those board hearings and listen to those board members tell me this and that about myself, and for them to stand up and say 'because of our program Vilma's home' – it's not because of your program it's because of what Vilma did those 16 years that got Vilma her freedom.

Vilma emphasized her personal struggle to win her freedom. In refuting Johnisha's claim, she denied any ambiguity in CLAG's impact on her release. She did not acknowledge the possible contributions of CLAG members who spoke at the public meeting, and only recognized the value of A New Path's housing for her post-release adjustment: "You can't get us home. You could only offer services that could help us when we come home and will be beneficial for us..." She went on to say that Johnisha's larger claim's of CLAG's role planted "false hope" for its members.

Vilma expressed these views to a few of the women in the sober living house. One of CLAG's member-volunteers, Celina, got wind of Vilma's complaint. Celina seized this opportunity to sow discord at the organization following her failed bid to secure employment there. She told several volunteers, including me, about Vilma's reactions. But word did not spread: CLAG members continued to see Vilma's release as one of the organization's victories. Johnisha eventually spoke privately with Vilma to settle this dispute. At a subsequent meeting, in vague terms, she retracted her statement

taking credit for Vilma's release. She announced: 'CLAG just writes letters stating its support for their release, and speaks at the parole board's public meetings.' But a few months later, she returned to her original claim, now fusing CLAG with its parent organization by saying that CLAG helped Vilma by speaking for her and offering her housing, leading the parole board to release her to Los Angeles instead of her hometown an hour away. Most longstanding members and newcomers had not gotten wind of Vilma's counterclaims and accepted this evidence of the group's efficacy. But some were grappling with more explicit and personal counterclaims.

Refutation: O'Dell's Dismissal of Letters to Parole Board

When I asked Tiffany to list the lifers in whose release the organization had been instrumental, the first person she named was O'Dell. O'Dell's brother, Earl, had worked tirelessly with CLAG and previously with other organizations to help get his brother home. I had never seen Earl so happy as when he told me in December 2012 that O'Dell would finally be released. When we spoke again two months later, he was in a very different mood about his brother. Our conversation was prompted by Johnisha's sudden and untimely death. Earl was filling me in on the services, since I was now living across the country and unable to attend. I then asked Earl how O'Dell was doing. Earl sighed and let out a frustrated laugh, then told me he was disappointed in his brother and had decided to limit their interaction. At the center of their dispute was O'Dell's lack of appreciation for the organizational support that Earl had rallied.

Earl told me that he had run into a staff member from Overturn Three Strikes who was surprised to hear that O'Dell was released. "Why didn't he call to say 'Hi, thanks?'" Earl had wondered. He contacted O'Dell and suggested that he contact the people and groups that had supported him and was told: "'Thank them for what? It's cool what you all did, but I got myself out.'" Then O'Dell hung up the phone on his brother. Earl was silent so that I could appreciate the gravity of this act. He then asked if O'Dell had thanked me – perhaps knowing that I had drafted his support letter at CLAG, or simply because of my work as a CLAG volunteer. I told him that I did not recall him doing so, but also that I was not expecting a thanks. Earl quietly mumbled his disapproval.

Earl also said that he reached out to O'Dell after hearing of Johnisha's death and invited him to join him at the funeral. O'Dell responded, "'I don't do funerals.'" Again, Earl was outraged. He saw Johnisha's work as crucial in his brother's release and he could not accept that he would not attend her services and pay his respects.

With both of us shocked by and mourning Johnisha's death, I reminded Earl that life was finite and suggested that since he had lost so many years with his brother during his incarceration, he should overlook this or forgive him. Earl told me that he and his brother were from the street – and both knew what his brother meant: he had no appreciation for what Earl had done. Then, I suggested that maybe his brother's evaluation was correct. I had after all seen in the transcripts how the parole board commissioners dismissed the support letters for which Earl had worked tirelessly to collect signatures:

The Panel also considered the comments received from the public in the form of numerous form letters, and though we acknowledge the receipt of these, I would note, as was indicated by the DA's office, there is some concern raised when such letters are in form. They're certainly less persuasive, but more importantly, they don't provide any indication who the individual is in relation to the inmate, which makes it more difficult to assign any particular weight to them.

As happened in other hearings, the commissioner dismissed the letters because they were uniform "form letters," and from people who did not personally know O'Dell.²⁹ The commissioner went on to contrast these letters with the customized ones from Earl and others who knew O'Dell, and said that because of their intimate knowledge, "we can apportion them more appropriate weight." Elsewhere in his remarks, the commissioner also incorporated the District Attorney's criticism that the support letters were biased and did not acknowledge the evidence against O'Dell's parole release. When I pointed out the plausibility of O'Dell's dismissal of CLAG's support, Earl said that O'Dell had told him about the commissioner's comments. After consulting with Johnisha, the brothers decided to give greater weight to the commissioners' actions – granting O'Dell parole – than to their words and to proceed with pressuring the governor through letters.

Earl wrapped up by saying that his brother better not get into any trouble again and ask for his help. "He's not the same guy who was writing me, calling me, asking me to do shit." I asked him why he thought Earl had changed, and he suggested that this might be in reaction to his parole officer preventing him from working for two years while he underwent psychological evaluation: "it really messed with him." At the end of

²⁹ The commissioners were sometimes equally dismissive of "form letters" presented by victims and their families.

the conversation, Earl suggested another possibility: “He might be mental like parole officer says.” And so, even though the evidence of CLAG’s efficacy was ambiguous, Earl rejected – and other members did not hear about – O’Dell’s counterclaim about the group’s role in helping him win parole.

Conclusion

Although CLAG’s founder and leader expressed both exuberant optimism and grave skepticism about the impact of the group’s advocacy on the parole board, with her encouragement members generally shared the first sentiment. Advocates were predisposed to perceive the group as effective in helping prisoners to win parole release, and they interpreted information accordingly. This presumption affected how they interpreted two forms of information: the release or continued incarceration of prisoners and others’ claims about their efficacy. First, encounters with released prisoners provided members with hope and evidence of the group’s impact – in spite of these prisoners having served longer sentences and winning their release without CLAG’s support and through the courts rather than the parole board and governor. Second, even in the face of negative outcomes for the prisoners that they supported, some focused on the silver linings. Third, handshakes and polite words from parole board commissioners were perceived as gestures to indicate cooperation. Fourth, they were immune to explicit counterclaims about the group’s efficacy made by parole board commissioners during hearings and by released prisoners. Members either had limited awareness of these claims or – when they were confronted with them – rejected their validity.

These findings show an overlap – perhaps an exceptional occurrence (see Bourdieu 1990 [1980]; Desmond 2006) – between practical and analytical logics in assessing the group’s efficacy. The question of efficacy was salient for members and without being prompted, they often weighed evidence and feedback about outcomes that could be traced to the group. They relied on an interpretive logic, “the documentary method of interpretation” (Garfinkel 1967: 78), that has been shown to be widespread (Smith 1978; Pollner 1987). But they did not do so in a cooperative interactional context, and they reached conclusions that often differed from my own. CLAG advocates, like millennial groups (Zygmunt 1972; Melton 1985; Tumminia 1998; Dein 2001), used the documentary method of interpretation to confirm a narrowly held belief in the face of potentially disconfirming evidence and explicit counterclaims.

Incorporating Pollner’s (1987: 83) admonishment against the “politics of experience,” I have distinguished between the ambiguous, irrelevant, and negative information that advocates confronted. Some information was deeply ambiguous, such as negative claims about the group’s efficacy from parole board commissioners or released prisoners. Some information was irrelevant, such as the release of prisoners for whom the group did not advocate. And some information was negative, such as the parole denial of the many prisoners that the group supported. When faced with each of these types of information, members invariably saw confirmation of their efficacy.

While social movement scholars grapple with the extent to which outcomes, or their absence, are attributable to a movement’s efforts (Gamson 1975; Cress and Snow

2000; Andrews 2001; McCammon et al. 2001; Burnstein and Sausner 2005; Amenta 2006), I have sought to underscore the significance of participants' perceptions of outcomes. As described by Polletta (1998), activists' interpretations have both beneficial and damaging consequences. By interpreting the group's actions as effective, CLAG members experienced the internal benefits of their advocacy – including supporting each other across racial lines with the hardship of having a loved one incarcerated. But this interpretive technique also drove them towards the all-too common pattern of fledgling groups (Blee 2011): a trajectory of adhering to early routines of action. The exact extent to which these strategies – which constrained how the group framed its demands and for whom it made them – helped to win the parole release of prisoners is difficult to discern. But CLAG members' positive assessment of their external efficacy precluded reconsideration of strategic decisions whose impact was unclear. CLAG members' interpretive techniques helped them to remain motivated in their struggle but prevented them from considering other tactics that may have proved more effective.

Image 4. Photograph of CLAG Members' Hands Used for Internal Training Material



Source: Photo taken by author

CONCLUSION

The California Lifer Advocacy Group operated during an economic recession with frequently voiced concerns about the budgetary impact of state carceral policies but little public or political support for scaling back these policies. The group received limited guidance from seasoned activists and the flux of foundation funding that helped its leader to launch the group did not ensure its sustained activities once the grant period ended. But it brought together the efforts of current and released prisoners, prisoners' family members and romantic partners – primarily people of color from low-income backgrounds – and volunteers without direct ties to prisoners from across the socioeconomic and ethnoracial spectrums. It attracted people for whom the injustice of life-term prisoners' punishment mattered more than the stigma of their crimes. CLAG met important needs of prisoners' advocates and of prisoners themselves – offering information, hope, and motivation. The group's uphill struggle against California's parole policy offers important insights for scholars, prisoners' advocates, and policy makers.

Summary of Findings

The main argument of this dissertation is that the same factors that propel an advocacy group can also hold it back. This argument is supported by data from participant observation and semi-structured interviews with people affiliated with a group advocating for the release of individuals sentenced to life with the possibility of parole, and by an

analysis of parole hearing transcripts. In this section, I summarize the main empirical findings of each chapter.

Chapter One, “Ties that Double Bind: Conflicting Effects of Intimate Relationships on Parole Prospects,” considers how CLAG members individually impacted lifers’ parole prospects. I first explore how prisoners were able to maintain intimate relationships with romantic partners and family members given the constraints of incarceration. By breaking prison rules that limit telephone conversations and physical contact during visits, prisoners were able to mend broken relationships and establish new ones. Specifically, “excessive contact” during visits cemented romantic relationships and unrestricted telephone conversations and use of online social networking with contraband cellular phones helped to sustain romantic and family ties. These relationships both directly and indirectly helped prisoners to meet the parole board’s suitability criteria. Direct support occurred when intimates became part of a prisoner’s ‘parole plans’ by offering him material assistance such as housing, transportation, money, or a job offer. Intimates also contributed indirectly to the evaluation of parole suitability. Through their financial resources, social networks, and emotional and spiritual support, they helped prisoners to pass psychological evaluations and to meet vocational, educational and therapy requirements. And through their resolve to see a prisoner free, they could pressure him to comply with the prison’s rules of conduct. But while the state’s parole board steered term-to-life prisoners toward and rewarded them for developing and maintaining these ties, prison policies obstructed these relationships. Prisoners who skirted these rules had their parole prospects tarnished. Intimate relationships therefore

had a conflicting impact on prisoners' chances for parole: they improved the parole board's evaluation of prisoners, but often relied on rule transgressions that disqualified prisoners from parole.

Chapter Two, "Tactical Choices in Challenging Mass Incarceration: Perceived Inclusion in Institutional Politics and its Consequences," turns to the collective efforts of CLAG's members to promote parole release for lifers. It asks how groups choose strategies for advancing political goals, and how these choices affect the goals that they pursue. CLAG's diagnosis of the problem – as lack of enforcement of existing laws – contributed to its decision to pursue institutional channels for its actions, including submitting formal support letters to the parole board and governor and testifying at the parole board's public hearings. The group arrived at this analysis and plan because of the limited sources of information to which it had access: prisoners whose freedom was gained through existing legal channels, experts on these processes, and members who had negative experiences with another group using confrontational tactics. The choice of an institutional channel led the group's leader and its members to moderate their messages and efforts. In independently crafted statements to the parole board and in letters written for them by the group's staff and volunteers, CLAG members muted their criticisms of prisoners' convictions and sentences. They followed the parole board's policy to not dispute guilt and instead they emphasized prisoners' rehabilitation. CLAG's leader also withheld support for prisoners who could not benefit from the enforcement of existing laws – such as those who had not served enough time or who had recent disciplinary

write-ups. Thus the choice of institutional channels muted the group's criticisms of the legal system and curbed its goals.

In Chapter Three, "Seeing Like an Advocate: Positively Evaluating the Impact of Advocacy in the Face of Negative or Ambiguous Information," I turn to participants' assessments of their impact. I show how CLAG members developed and defended positive interpretations of their impact in spite of ambiguous or negative information. I classify this information into two types: outcomes and feedback about these outcomes. CLAG members arrived at a positive assessment of their efficacy through four mechanisms. First, they drew positive conclusions based on deeply ambiguous outcomes and feedback, such as the release of prisoners who may only have benefited indirectly from their advocacy or the polite gestures and comments of parole board commissioners. Second, some positive assessments were based on misunderstandings, as when members credited the group with the release of prisoners that it had not supported. Third, members underscored the positive aspects of negative outcomes, such as the short length to wait for another hearing stipulated in a parole denial. And fourth, they either refuted or were unaware of negative feedback – which was itself based on ambiguous information – such as explicit counterclaims to their efficacy from parole board commissioners and even released lifers. These mechanisms created an interpretive shield that sustained the advocates' hope and motivation in spite of limited positive outcomes, but they also wedded them to a course of action with limited impact on lifers' parole prospects.

Theoretical Implications

My research speaks to theoretical questions at the intersection of the literatures on social movements and mass incarceration. It fills an important gap in the research on mass incarceration, which has focused on the causes, consequences, and racial disproportionality of a problematic criminal justice system, but ignored efforts to challenge these policies. This work portrays the contours and consequences of individual and collective efforts to shorten prison sentences. By examining the case of a fledgling group, the study also helps to populate an understudied niche in the social movements literature. It traces the roots of advocates' interpretive understandings of opportunities and outcomes and identifies their consequences for the group's collective efforts.

I first focus on the individual level, uncovering and explaining why prisoners' intimate relationships with romantic partners and family members had a mixed impact on their parole prospects. Studying these intimate ties, I show like Comfort (2008) that some relationships are able to withstand the constraints of carceral policies in part because they circumvent prison rules. And while many scholars have highlighted the failure of prison systems to encourage these ties (Lynch 2000; Comfort 2002; Petersilia 2003; Mills and Codd 2008) and reap their rehabilitative benefits (Hairston 1991: 98; Visher and Travis 2003; Naser and Visher 2006), I find a more complex stance. While California's prison system impedes intimate relationships through its prison policies, its parole board steers prisoners towards and rewards these ties, but punishes them for the rule violations that sustain these relationships. Thus the prison system's policies and practices are not

monolithic. This finding is consistent with Garland's (1990) observation that segments of the criminal justice system have differing logics and goals. While scholars of incarceration have long recognized that a prison system's principles can be at odds with its practices and outcomes, they have not given adequate attention to the heterogeneity of these systems, and their consequences. Contradictory logics within the prison system are an under-recognized mechanism of mass incarceration: they prolong the sentences of a disproportionately African American and Latino group of prisoners and contribute to the racial imbalance of the prison population.

Turning next to collective efforts to challenge California's parole policies, I provide partial support for the theoretical assertion that inclusion in institutionalized politics encourages institutionalized forms of political action. Comparative studies have shown that access to institutional channels leads organizations to choose institutional rather than disruptive tactics (Kriesi et al. 1995; Zdravomyslova 1996; Meyer 2004). But this framework has struggled to explain why organizations use different tactics to pursue similar goals in the same political context. Rather than turn to an overly fixed concept of ideology to explain this variation (see Dalton 1994; Brulle 2000; Zald 2000; Dalton et al. 2003), I show the significance of *perceived* inclusion. This argument builds on the framing perspective (Snow et al. 1986; Snow and Benford 1988; Benford and Snow 2000) by broadening its applicability to understanding how groups choose between disruptive and non-disruptive strategies. By showing how CLAG members' constrained access to information shaped their path, my findings corroborate Carmin and Balser (2002) and Meyer's (2004) emphasis on the experiential backgrounds of organizational

leaders and members in shaping interpretive orientations, and therefore organizational group trajectories.

I also examine whether and how the choice of formal legal channels tempers goals. Like other socio-legal and penal scholars, I find that legal arenas moderate pursuits of justice. At CLAG, adherence to expected legal narratives came in two forms – it disqualified some prisoners from receiving the group’s support and it also affected the narratives that the group’s leader and members made public. While previous research (Cunningham 1989; White 1990; Alfieri 1991; Coutin 2000) has suggested that attorneys are the main force distorting the accounts that people submit to the legal system, I have shown that people do this without legal counsel. In line with previous research on encounters with the penal system outside of the attorney-client relationship (Fox 1999; McKendy 2006; Waldram 2007), I found that with little support from the group’s leader or advisors, CLAG members adhered to expected legal narratives by emphasizing rehabilitation and muting criticisms of the legal system.

Another important question this dissertation addresses is how participants interpret the impact of their collective efforts, and what consequences ensue. I apply ethnomethodological insights on everyday sense-making (Garfinkel 1967: 78; Pollner 1987) to show how advocates interpret information as a ““a document of”” a preconceived notion of efficacy, using various techniques to incorporate irrelevant, ambiguous, and negative information. While scholars have generally emphasized the cooperative nature of this interpretive method, I highlight its contentious nature. Like

adherents of millennial groups whose prophecies have not come to pass (Festinger et al. 1956; Zygmunt 1972; Melton 1985; Tumminia 1998; Dein 2001), activists must grapple with counterclaims to their positive interpretations of their impact. A well-guarded positive outlook can help save a group from the all-too-common quick demise of fledgling groups by keeping members mobilized. But it also sets it on another trajectory described by Blee (2011): adherence to early routines of actions, even if their efficacy is questionable.

CLAG's Future

CLAG's future seemed closely tied to that of its founder and leader, Johnisha. It became unclear what would happen to the group once Johnisha's grant ran out after one and a half years. Even before this point, she was asked to take on significant responsibilities at CLAG's parent organization and this siphoned her time and energy from the group. But, with the dedication of several volunteers and members, the group continued to hold meetings and conduct its advocacy work. Then, with her grant dried up, Johnisha lost her position at the parent organization. After a few months, she resurfaced to hold a CLAG meeting at her house in South Los Angeles. No one anticipated her sudden death a few days later. Her funeral drew an outpouring of respect from the people who had helped her as a prisoner and as an advocate, and whom she had helped and worked alongside. Tiffany, the dedicated volunteer profiled in the introductory vignette, organized the group's next meeting. It had a small turnout, but she was determined to continue. Without Johnisha's expertise, experience, and charisma, the group's fate was uncertain.

Study Limitations

Many of the strengths of this dissertation's findings are the product of a research design that also carries weaknesses. I chose to conduct an in-depth qualitative study of a small group of people over three years. This method proved ideal for gaining enough trust and collecting observations to depict the lived experiences of prisoners' advocates and, to a lesser extent, of prisoners as well. But as a study of a small group challenging the prison system in one state in the United States, there are limits to its generalizability. By being explicit about the individual, group-level, and distinct carceral characteristics at play in this site, I have sought to contextualize this study and enable scholars to refine these claims through comparison with other cases. For although the social movements literature is fatigued with arguments that overgeneralize from one case, scholars also welcome granular accounts of lived experiences (Benford 1997) and have called for studies of nascent organizations to correct the imbalance in scholarly attention to established organizations (Blee 2011).

I followed a process of theoretical reconstruction using a grounded theory approach (Glaser and Strauss 1967; Timmermans and Tavory 2007) – delaying the generation of research questions until after I had begun conducting field work and interviews. I formulated questions and undertook this analysis without the input of my research subjects, in contrast to the approach of participant action research (see Whyte 1991; McIntyre 2008) or public sociology (see Burawoy 2005). This approach helped me to identify and explore theoretical gaps to which my data could speak most strongly.

Specifically, it led to my findings on the complex lived experiences of the incarcerated and their supporters and on the distance between participants' perceptions of strategic opportunities and outcomes and what other observers might see. But this approach is likely to have led me to consider questions that advocates find less relevant and pressing for their everyday work and efforts. It may also reduce the willingness of the group that I studied and others like it to accept the critical feedback in the following section.

Policy and Advocacy Implications

I proceed cautiously in recommending changes for policy and advocacy. The “policy recommendations” section of most social scientific studies appear stunted. Social scientists receive little or no training in social engineering: in particular, of rigorously assessing the ramifications of their suggestions or of considering and addressing the practical challenges in carrying out their vision. This is perhaps especially true when analysts who lack an extensive background in advocacy, activism, or policy creation develop research designs independently from research subjects engaged in political and legal struggles. With these qualifications in mind, I reflect below on the practical implications of this study for policy makers and advocates.

The experience of California's life-term prisoners reveals that reducing the prison population and eliminating its racial disproportionality cannot be achieved through a shift toward or away from indeterminate sentencing. Following an earlier era of disillusionment with rehabilitative philosophies and their associated indeterminate sentencing schemes, scholars and advocates now point to the increased reliance on

determinate (fixed term) sentencing as the cause of longer prison terms (Mauer 2001: 11). During the 1970s, conservative and liberal politicians, advocates, and scholars converged on Martinson's (1974: 48) provocative conclusion that "nothing works" when it comes to reforming prisoners (Garland 2001; Petersilia 2003; Mauer 2006). Indeterminate sentencing – wherein judges evaluated a prisoner's readiness to be released – came under attack from both sides of the political spectrum. Conservatives bemoaned permitting sympathetic judges to grant short sentences and liberals decried the inequities discretionary sentencing created. With this consensus, states shifted their criminal justice systems away from promoting rehabilitation towards achieving the goals of incapacitation, punishment, and deterrence. For example, in 1976 California limited indeterminate sentencing to prisoners sentenced to life with the possibility of parole. But as states reduced the discretion of judges – by following federal sentencing guidelines and implementing mandatory minimum sentences and truth in sentencing laws – prison sentences got longer. Now, rehabilitation is back in vogue. Many prison systems have re-embraced the goal of rehabilitation after having dispensed with it in the 1970s – as illustrated by the 2005 re-launch of the California Department of Corrections as the California Department of Corrections *and Rehabilitation*. And indeterminate sentencing is seen by many scholars and advocates as a remedy for the ails created by determinate sentencing (see for example Mauer 2006: 170; Wacquant 2009: 65). But this study should serve as a reminder that indeterminate sentencing can prolong sentences and exacerbate the racial imbalance of the prison population.

More important than the choice between determinate and indeterminate sentencing, therefore, are questions of how sentence lengths are determined – in the case of determinate sentencing – and at whose discretion prisoners are released – in the case of indeterminate sentencing. When discretion is at the hands of a governor – an office that is extremely sensitive to public perceptions of being “soft on crime” – and his or her appointees to the parole board – a select group of people primarily from law enforcement backgrounds – then indeterminate sentencing offers little to be desired. Parole decisions should be depoliticized and evidence-based. But ultimately, to address problems with crime, the focus must shift away from the blunt and reactive tools of the criminal justice system to the more precise and preemptive tools of economic policy. The disproportionate murder rate in economically disadvantaged communities begs for not just an improved safety net and stronger gun control, but also economic revitalization (see Brown et al. 2003). While this point far exceeds the focus of this dissertation, it is important to recognize that some of the problems of mass incarceration, and its solutions, lie beyond carceral policies.

How can prisoners’ advocates benefit from this study? These individuals and groups know that the prison system is a formidable opponent. This study highlights a mechanism by which prison systems prolong sentences that may be difficult for people immersed in them to detect. Prison systems’ inconsistent stances on intimate relationships at once promote and reward intimate ties while punishing them when they exceed permitted parameters. Individually, prisoners’ advocates can do much to help prisoners to meet the requirements of their release. But they must keep their guard up and resist

temptations to engage in forms of intimacy that provide the parole board with reasons to deny parole. As a lifer, Douglas, bleakly wrote to me about the parole board: “Their performance is designed to find us unsuitable and that’s it.” Prisoners and their advocates must struggle to avoid falling in this double bind and giving parole boards reasons to deny parole.

Douglas’ remark raises another important issue for activists tackling mass incarceration, and for members and leaders of emergent advocacy groups more broadly: which tactics to use and how to evaluate their impact. Groups must critically assess how much to rely on institutional channels to pursue their goals. For groups like CLAG, this means determining whether to work within the confines of the existing parole apparatus or to go beyond it and even to try to change that apparatus. It is difficult to disagree with Douglas’ conclusion: the parole board and, until recently, the governor have erred towards maximizing prison sentences and finding reasons to deny parole. Working outside of institutional channels – such as through rallies, protests during public meetings, or hunger strikes – may help to shift the scales. Pursuing structural change – for example by seeking to remove the additional layer of gubernatorial oversight over the parole board’s decisions, shifting the appointment of the parole board away from the governor to the legislature, or even shifting parole decisions to judges – may have a more widespread and longstanding impact.

To effectively choose between this and other goals and tactics, groups must implement decision-making procedures to help them more objectively weigh the

opportunities and constraints that they face, and to evaluate their impact. As Blee (2011) has shown, several mechanisms cause advocacy groups to fall short of aspirations for their internal democracy: homogenized memberships and internal hierarchies discourage dissenting views, while group cultures silence discussions of internal problems. Group leaders can self-consciously instill practices to avoid these pitfalls, and members can sometimes prompt these efforts (Blee 2011). This study suggests that advocacy groups should be especially attuned to internal practices when it comes to setting strategies and evaluating impact. Groups can consider soliciting dissenting views about strategic options and outcomes from members, perhaps even by inviting the critical feedback from the members and leaders of competing groups. Seriously weighing strategies and evaluating outcomes requires willingness to change course. Groups might also benefit from adopting multiple tactics – such as using both disruptive and non-disruptive tactics at once – to sustain a diverse membership, and benefit from both approaches and opportunities to evaluate them. Managing internal dynamics in this way may help to remain agnostic when assessing opportunities and impact. In the long run, strategic catholicity may have the downsides of promoting internal strife or spreading the group too thin. But if used at an early stage, an eclectic approach may help avoid a path dependent course that inhibits many nascent advocacy groups.

A final question raised by Douglas' statement is how to how to maintain hope in the face of such a low probability of success. Instead of conceding defeat, the people associated with CLAG took on the challenge of mass incarceration. Their positive outlook propelled and sustained the group's advocacy – this led to their institutional

approach and helped them to persevere in spite of limited evidence of success. Why should advocacy risk destabilizing this interpretive foundation by instilling procedures that raise doubts? Because doing so can maintain or even strengthen the conviction that regular people can take on a powerful opponent. Critical discussions of strategy or efficacy can be demarcated from motivational messaging. These issues need not be fully hashed out at general group meetings. They can instead be considered by a smaller segment of the membership that later apprises other members. Although some advocates would be exposed to more negative reflections, the potentially improved strategies and outcomes generated from these internal changes would support continued mobilization.

APPENDIX: INTERVIEW GUIDES

Interview Guide for Prisoners' Advocates

1) What brought you to CLAG?

2) When was your child/partner/etc. incarcerated and what was their sentence?

How does the time they've served compare to the time they expected to serve?

For partners only: when and how did you meet them?

3) Can you give me an overview of your experience with incarceration / victimization / employment in the criminal justice system: You, your child, your family, friends, acquaintances (dates). [If respondent has criminal record, later ask relevant questions from Interview Guide for Former Prisoners]

4) Could you describe the prisoner's conviction?

5) Could you describe their life before the conviction – were they caught up in crimes, were they caught for some crimes?

6) Could you describe the period from his arrest to conviction?

How was your experience with the criminal justice system – police, judge, jury, attorneys?

7) Could you describe the period since his conviction?

How have you handled the incarceration, how has it affected you? What did you expect and what's surprised you? What changes if any have occurred?

Could you describe the routine you've established for being in contact with him?

Could you tell me about his decision to use or not use a cell phone? When and how did he get the phone? How often and long are the calls? Have there been any consequences?

Could you show me some mementos?

8) How has his experience been in prison?

How has he handled the incarceration, how has it affected him? What did you

expect and what surprised you? What changes if any have occurred?

9) What has been the impact his of incarceration on your and his relationship with friends, family, church, community?

10) Tell me about your efforts to get him released?

What organizations or groups have you turned to? How did you learn about CLAG. What have been your impressions? How does it compare to your other efforts?

11) How has this experience affected your views on human nature, politics, religion, etc.?

12) Do you know others in a similar situation as you? How is their experience similar to or different from yours?

13) Do you consider yourself an activist? How much do you think about or work on these issues outside of work? For example, do you discuss this with friends or family? Have you brought friends/family to any events sponsored by the organization?

14) What is the prisoner's age, race, and place of birth? What is your age, race, and place of birth? Education? Occupation? Children?

Interview Guide for Prisoners

1) Describe daily life, what's a typical day like? How has this changed over time?

2) How has prison changed over the time you've been there? What variation have you experienced across prisons?

3) How has being in prison compared to your expectations?

4) Could you describe yourself and your life history? What should people know about the type of person you are and the experiences you've had? And could you describe your life during your incarceration?

5) How have you changed during your time in prison?

6) How would your life be without this conviction and sentence?

7) Tell me about the people you are close with inside and outside? How often are you in contact? How do you think you are affected by this contact? How has this changed over time? How representative is this of others with your sentence?

- 8) Can you tell me to what extent the people you know have been incarcerated or victimized? Your family, friends, acquaintances.
- 9) Tell me about your case. Tell me how you would evaluate your conviction and sentence. What would have been a just outcome and why didn't it happen? How long did you expect to serve?
- 10) Tell me about the crime?
- 11) Tell me about your efforts to get released. Which, if any, people, groups or organizations have helped you?
- 12) Tell me about your experience with the parole board. How does it compare to others you know?
- 13) Who gets out and why?
- 14) What else should I know?
- 15) What is your age, race, and place of birth? Education? Current/previous occupation? Number of children? Romantic relationships/marriages?
- 16) What's the best way to proceed – phone or letters?

Interview Guide for CLAG Staff and Volunteers

- 1) When did you begin working with people with criminal records or with families of those in prison? How did you decide to do this work? [If respondent mentions criminal record, later ask relevant questions from Interview Guide for Former Prisoners]
- 2) Do you consider yourself an activist? How much do you think about or work on these issues outside of your paid/volunteer work? For example, do you discuss this with friends or family? Have you brought friends/family to any events sponsored by the organization?
- 3) What do the people you are helping have in common? What problems do they face? How are they similar to or different from people who avoid incarceration?
- 4) What is your analysis of why this problem is so prevalent? How has your analysis changed over time, if at all?
- 5) Can you tell me about your organization's work?

- 6) How did your organization decide to focus on this population and on the projects you're working on?
- 7) Could you describe how this focus compares to other organizations working in this field? How about the effectiveness?
- 8) Do you work jointly with other organizations on certain projects? Are there ones you struggle with?
- 9) Could you describe some of your organization's successes?
- 10) Could you describe some of your organization's unsuccessful campaigns?
- 11) How would you evaluate the work you've done so far? Where do you see the organization in the future?
- 12) What has surprised you about this work? What has met your expectations?
- 13) What is your age, race, and place of birth? Education? Occupation? Children?

Interview Guide for Former Prisoners

A) Could you describe your life history? What should people know about the type of person you are and the experiences you've had? [Ask remaining questions if not brought up here.]

1) When were you incarcerated and what was your sentence?

How did the time you served compare to the time you expected to serve?

2) Could you describe your conviction? Do you describe what happened differently to some people?

3) Could you describe your life before the conviction – were you caught up in crimes, were you caught for some crimes?

4) Can you give me an overview of your experience with incarceration / victimization / employment in the criminal justice system: You, your child, your family, friends, acquaintances (dates).

5) Could you describe the period from your arrest to conviction?

How was your experience with the criminal justice system – police, judge, jury, attorneys?

6) Could you describe your experience with incarceration?

What did you expect, how was it similar or different? What was your routine? How did it affect you? What effect did it have on your family?

7) Could you describe how much contact you had with friends and family while incarcerated?

Could you tell me about your decision to use or not use a cell phone? When and how did you get the phone? How often and long are the calls? Were there been any consequences?

8) Tell me about your efforts to get released?

What if any people, groups or organizations helped you?

9) Could you describe your experience since your release?

What did you expect, how was it similar or different? What people, groups or organizations have helped you with this transition?

What was your experience with getting housing, a job, receiving public assistance, with rekindling relationships? Have you tried to expunge or seal your case? Was this effective in addressing the problems you described? What other organizations have you worked with to help you with this criminal record and how has that experience been?

Where do you see yourself in a year? In ten years?

10) Do you know others in a similar situation as you? How is their experience similar to or different from yours?

11) How has this experience affected your views on human nature, politics, religion, etc.?

12) Do you consider yourself an activist? How much do you think about or work on these issues outside of work? For example, do you discuss this with friends or family? Have you brought friends/family to any events sponsored by the organization?

13) What is your age, race, and place of birth? Education? Occupation? Children?

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