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"It's Like Living in a Black Hole": Women of Color and Solitary Confinement in the Prison Industrial Complex

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Angela Tucker awoke at six a.m. cowering in the corner of her cell, shaking uncontrollably, unable to breathe. A fifty-four year old African-American woman, Tucker suffers from hypertension, diabetes, and asthma. Though she was confined alone in this cold, dark cell for six months, she finally had reached her limit. She repeatedly called for guards to help her, but they refused to respond. A few hours later, she was subjected to a strip-search and taken out of her cell to the shower. When she returned from the shower, she refused to re-enter the cell. She begged to be placed in a larger space, to be put in a cell with another prisoner. She explained that she was claustrophobic, and that since she had been placed in solitary confinement both her blood pressure and her blood sugar had risen to dangerous levels. Her pleas were ignored. Instead she was confronted by a cadre of fourteen guards who threatened to use physical force against her, including shooting her with rubber bullets, if she refused to enter her cell. She chose to comply, but insisted that she be placed on the medical doctor's visiting list. A couple of days later a psychiatric doctor came to her cell and prescribed a combination of Prozac and Buspar, two psychotropic medications, to cure her "anxiety problems." She remains in solitary confinement and has received no medical attention for her serious medical conditions. As someone who has been in and out of the prison systems for fifteen years, she says, "I thought I had seen most of what they can dish out. But this here is the worst. I never seen anything like it. Living in here is like nothin' you could ever begin to

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imagine. It's like living in a black hole."¹

I. INTRODUCTION

Angela Tucker's experience in solitary confinement in a women's prison is not unique.² It reflects the increasing brutality in prisons, particularly in prisons for women. This paper examines the emerging use of the control unit, the prison within the prison, as the ultimate expression of the regulation of the female body, often a racialized female body. This paper is a challenge to the masculinist manner in which control units are generally discussed. The analysis specifically addresses the gendered and racialized use of the control unit and its effect on female bodies.

This analysis explores the implications of state regulatory practices that have resulted in an almost 400% increase in the rates of incarceration for women since 1980, a large number of whom are women of color and who are imprisoned for nonviolent, economic offenses.³ This rise in incarceration is tied to several interrelated factors: (1) a political economy that creates expendable populations and relies on sustained societal fear of crime and of certain classes of individuals as criminals; (2) inflammatory media and cultural representations of criminality; and (3) legislative and judicial systems that consistently deploy a model of total punishment when dealing with citizens who fail to live up to prescribed behavioral norms.⁴

One of the largest women's prisons in the world is Valley State Prison for Women (VSPW) in Chowchilla, California.⁵ This article draws upon the author's experiences as an attorney working for women

1. Interview with Angela Tucker, Valley State Prison for Women, in Chowchilla, Cal. (Feb. 6, 1998).

2. Most of the factual statements in this article are based on information gathered by the author during interviews with women incarcerated at the Valley State Prison for Women, in Chowchilla, Cal. The names of interviewees and the dates of interviews have been altered to protect the privacy and safety of the women. Specific information has been included only with the permission of the women interviewed.

3. See BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS—1996 516 fig.6.2, 533 tbls.6.35, 6.36 (1997) [hereinafter SOURCEBOOK]; see also JOHN IRWIN & JAMES AUSTIN, IT'S ABOUT TIME: AMERICA'S IMPRISONMENT BINGE (2d. ed. 1997).

4. See generally KATHERINE BECKETT, MAKING CRIME PAY: LAW AND ORDER IN CONTEMPORARY AMERICAN POLITICS (1997) (discussing the ascendance of the get-tough approach to crime); see generally KATHERYN K. RUSSELL, THE COLOR OF CRIME (1998).

5. See *supra* note 2.

imprisoned at VSPW and focuses in particular on women housed in the control unit, the Security Housing Unit (SHU). As a staff attorney for a non-profit organization that provides legal services for women prisoners, this author regularly conducts interviews with women in California state prisons. Though this analysis is limited to interviews of women prisoners in California, California's prison system is the largest in the country and contains the two largest women's prisons in the world.⁶ As such, it provides a blueprint for the nation; thus, this analysis of control units is applicable to other prison systems as well.

This analysis of the prison is grounded in and shaped by the experiences of women prisoners. This is especially important given the almost complete silence around contemporary prisoners' perspectives. Although this article looks at racialization practices and solitary confinement conditions for women prisoners, the analysis also draws connections between their experiences and the political economy of the prison industrial complex as well as the larger history of solitary confinement practices.

II. CONTROL UNITS

Control units represent the penultimate synthesis of technology and space in the service of social control and dehumanization within the prison. For women at VSPW, this punishment regime consists of twenty-three hours a day of isolation in cramped, cold, dark cells, sometimes involving total sensory deprivation.⁷ These cells are approximately eight feet by six feet, the size of an average bathroom.⁸ Women in the SHU are allowed nine hours outside a week.⁹ This is the only opportunity they have to interact with other women.¹⁰ Although the cells originally were designed with small windows, the institution recently blacked out these windows,¹¹ removing any sense of a world outside.

Control units are also referred to as security housing units (SHUs), violence control units (VCUs), or maxi-maxi facilities.¹² There is a frightening trend in prison construction toward building separate "supermax" prisons, that is, entire institutions modeled on the control

6. See *supra* note 2.

7. See *supra* note 2.

8. See *supra* note 2.

9. See *supra* note 2.

10. See *supra* note 2.

11. See *supra* note 2.

12. See Russ Immarrigeon, *The Marionization of American Prisons*, NAT. PRISON PROJECT J., Fall 1992, at 1, 1-2.

unit.¹³ Forty states, the federal system, and the District of Columbia all have at least one control unit.¹⁴ Women have generally been confined in control units within already existing women's prisons, but the increasing brutality in those institutions indicates that female supermax facilities are likely in the not-so-distant future. Whether free-standing units within an existing institution, or prisons built specifically for housing prisoners in solitary confinement, conditions in these spaces and the effects on the individuals housed within them are strikingly similar. The expanding use of control units reflects the increasingly repressive character of prisons. It is important to note that isolation and sensory deprivation are now used to some degree in most penal institutions, including many county jails.¹⁵ Control units are specifically designed for these purposes,¹⁶ but many prisons do not require a separate unit to employ these tactics.¹⁷

This trend has been called the 'Marionization' of American prisons, referring to the increasing brutality in prisons in general, many of which use the control unit strategy and the repression at USP Marion as a model for policies and practices.¹⁸ The legal system periodically has determined that such confinement amounts to cruel and unusual punishment.¹⁹ In the current political climate of increasing state surveil-

13. See *id.*

14. See Daniel Burton-Rose, *Buried Alive: New control units put prisoners in extreme isolation*, BOULDER WKLY, Jan. 6, 1997, at 8.

15. See Immarigeon, *supra* note 12, at 1.

16. See generally Immarigeon, *supra* note 12, at 1.

17. See *id.* at 2.

18. See Immarigeon, *supra* note 12, at 1-2 (discussing The Human Rights Watch report on Prison Conditions in the United States). The history of USP Marion will be covered in greater detail in a later portion of this paper. See *infra* text accompanying notes 133-37.

19. See generally Maria A. Luise, Note, *Solitary Confinement: Legal and Psychological Considerations*, 15 NEW ENGL. J. ON CRIM. & CIV. CONFINEMENT 301 (1989) (discussing the application of the Eighth Amendment to solitary confinement). Generally, courts focus on whether prisoners are denied basic necessities when making a determination as to whether a condition amounts to cruel and unusual punishment. See *id.* at 304. Psychological considerations are rarely taken into account. See *id.* at 302. Contrast this with the court's opinion over one hundred years ago, in *In Re Medley*, 134 U.S. 160 (1890), in which the court wrote about the Walnut Street Jail:

A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others, still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service [I]t is within the memory of many persons interested in prison

lance and punishment of women, however, such violations of human rights are more systematic and routine.²⁰ Although courts often find certain aspects of solitary confinement unconstitutional, such decisions are made institution by institution; therefore, each new prison requires a new legal challenge.²¹ Due to the recent passage of the Prison Litigation Reform Act (PLRA),²² it is increasingly more difficult for prisoners' lawyers to bring lawsuits on their behalf.²³ This is part of a trend by national policy makers to limit the rights of prisoners. In light of recent repressive Congressional legislation against poor people in the United States, including the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, also known as the "welfare reform act,"²⁴ it is not melodramatic to view the PLRA as a calculated first step toward dismantling civil rights in arenas outside of

discipline . . . and its main feature of solitary confinement was found to be too severe.

Id. at 168.

20. See Immarrigeon, *supra* note 12, at 3; Burton-Rose, *supra* note 14, at 8.

21. See, e.g., Madrid v. Gomez, 889 F. Supp. 1146 (N.D.Cal. 1995). Chief Judge Thelton Henderson ruled that solitary confinement of certain subgroups, including mentally ill prisoners, violates the prohibition against cruel and unusual punishment of the Eighth Amendment to the U.S. Constitution. See *id.* at 1279-80. This lawsuit was filed on behalf of male prisoners at Pelican Bay State Prison in California. See *id.* at 115. A substantial portion of the lawsuit concerned conditions in the SHU. See *id.* at 1227. One of the most disturbing examples of the brutal conditions in the Pelican Bay SHU concerned a mentally ill African-American man named Vaughn Dortch. See *id.* at 1166. Dortch was removed from his cell by guards and placed in a bath of scalding hot water. See *id.* Guards scrubbed his burning body with a wire brush while making racist comments. See *id.* As a result of this treatment, he sustained third degree burns over eighty percent of his body. See *id.* at 1167. Opened in 1989, Pelican Bay was designed as a state-of-the-art facility. See *id.* at 1155; see also Sally Mann Ramano, *If the SHU Fits: Cruel and Unusual Punishment at California's Pelican Bay State Prison*, 45 EMORY L.J. 1089 (1996). Though conditions in the SHU at Pelican Bay are similar to those in the SHU at Valley State, Pelican Bay SHU is operated almost completely by use of remote control. See *id.* This means that prisoners never interact with other human beings, including guards, except when meals are brought to them. See *id.* at 1102. Each prisoner exercises alone on a cement enclosed yard the size of a dog run at a kennel. See *id.* at 1102-03.

22. See 18 U.S.C.A. § 3626 (West 1997).

23. The Prison Litigation Reform Act (PLRA) was passed as a rider to a 1996 Appropriations Bill. See 18 U.S.C.A. § 3626 (West 1997). Its provisions include: a two-year time limit on consent decrees; a limitation on the power of Special Masters; and a cap on attorneys' fees, reducing them to one third of what plaintiffs' lawyers usually receive. See *id.* These provisions make it virtually impossible for legal advocates to bring class action lawsuits on behalf of prisoners.

24. Pub. L. No. 104-193, 110 Stat. 2105 (1996).

prison as well. Given the common national disdain for prisoners, such an assault on civil rights can begin there.

III. WOMEN IN CONTROL UNITS

Prisoners and advocates for prisoners see the increasing use of control units as instruments of gender domination and torture.²⁵ As the provided examples will illustrate, this is clearly the case at VSPW. Women prisoners are political subjects and consequently do become aware of themselves, in this case their actual physical bodies, as sites of political struggle and resistance. Women do resist: they speak up; fight back; or participate in individual and class action lawsuits, which represent individual and collective challenges to the conditions of their confinement. Such challenges, however, are viewed harshly and often result in confinement in the SHU, the sole objective of which seems to be to break women. Little else explains such oppressive structures within women's prisons.

According to the women interviewed by this author at VSPW, women in the SHU are under constant surveillance and denied any privacy.²⁶ The cell doors are designed to allow guards to see in at all times.²⁷ This makes the women extremely vulnerable to sexual harassment and abuse. Male guards watch women in the showers, often turning off the water if the women complain.²⁸ The toilets are located in the cells, within view of the guards, who often harass women while they are on the toilet.²⁹ When guards conduct pat searches they are supposed to act in a professional manner and avoid embarrassing inmates,³⁰ however, women prisoners report that male guards regularly grope them with the palms of their hands.³¹

Though male guards are not permitted to conduct strip-searches, they are often present when such searches occur.³² The presence of

25. See *supra* note 2; see also Mary O'Melveny, *Portrait of a U.S. Political Prison — The Lexington High Security Unit for Women*, in CAGES OF STEEL: THE POLITICS OF IMPRISONMENT IN THE UNITED STATES 112, 112-22 (Ward Churchill & J.J. Vander Wall eds., 1992); Susan Rosenberg, *Reflections on Being Buried Alive*, in CAGES OF STEEL: THE POLITICS OF IMPRISONMENT IN THE UNITED STATES 128, 128-30 (Ward Churchill & J.J. Vander Wall eds., 1992).

26. See *supra* note 2.

27. See *supra* note 2.

28. See *supra* note 2.

29. See *supra* note 2.

30. See CAL. CODE REGS. tit. 15, § 3287(a)(b) (1997).

31. See *supra* note 2.

32. See *supra* note 2.

this level of sexual harassment creates an environment which inevitably leads to even more serious sexual assault and abuse. A story was recently reported to this author by three women in the institution about a woman who is housed in the SHU, who was allegedly raped by a guard while living in general population.³³ The rape resulted in pregnancy and because she refuses to have an abortion, she has been sent to the SHU.³⁴ Due to their relative lack of power, women prisoners are vulnerable to such attacks by guards. This is especially true when they are isolated from other women. The sense of entitlement male guards feel as a result of their status in a masculinist institution within a patriarchal culture, coupled with the subordinated status of female prisoners as women and as "property of the state," promotes such abuse. The cult of silence preserved by the masculinist guard culture protects guards from anything but the lightest disciplinary sanctions.³⁵

Any time a women leaves her cell in the SHU - to take a shower, see a legal visitor, or to go to court - she is handcuffed and strip-searched.³⁶ The women describe this process as unbearably humiliating and unnecessary. Yvonne Smith, a twenty-one year old African-American prisoner confined to the SHU because of a suicide attempt, said:

They don't do this because of "safety and security of the institution," they do it for humiliation. Some of them really like it. There is nothing we can do between our cells and the shower, no way we can pick anything up. They're with us, watching us, the whole time. They are just tryin' to break us down.³⁷

Claudia Johnson, a fifty-two year old white woman in the SHU, stated that she refuses to be stripped out.³⁸ The institution sends in an "extraction team" to force the strip-search on her when she has to go to

33. Interview with Jean Davis, Valley State Prison for Women, in Chowchilla, Cal. (Mar. 6, 1998); Interview with Melva Daniels, Valley State Prison for Women, in Chowchilla, Cal. (Mar. 6, 1998); Interview with Bessie Reynolds, Valley State Prison for Women, in Chowchilla, Cal. (Mar. 6, 1998).

34. *See id.*

35. When guards are caught engaging in "inappropriate behavior" with female inmates, they are usually "walked off the yard." This means they are relieved of their post at the prison, often only to be transferred to another institution. *See supra* note 2. In many instances, this transfer is to another women's institution. *See supra* note 2. This information is also based on the author's communication with the personnel office of the California Department of Corrections.

36. *See supra* note 2.

37. Interview with Yvonne Smith, Valley State Prison for Women, in Chowchilla, Cal. (Dec. 5, 1997).

38. Interview with Claudia Johnson, Valley State Prison for Women, in Chowchilla, Cal. (Oct. 30, 1997).

court.³⁹ This team consists of eight men in riot gear who enter her cell and hold her down while a female guard rips off her clothes and conducts the search in their presence.⁴⁰ Claudia Johnson reported that during the searches male guards make vulgar comments and threats, and they videotape each incident.⁴¹

The use of extraction teams is a routine practice in supermax facilities; women are not exempt from it.⁴² For women, however, this treatment is uniquely traumatic because male guards usually perform the extraction. The incidents are highly sexualized: women are rendered immobile, placed in a position of extreme vulnerability, stripped of all of their clothing, and then subjected to a full body search.⁴³ Because about sixty percent of women in prison are survivors of some form of physical or sexual abuse,⁴⁴ cell extractions for many of them are not only traumatic in the moment, but result in a re-experiencing of past trauma.⁴⁵ Claudia Johnson said, "It is about humiliation and total loss of dignity, and I don't care what they call it. I call it rape."⁴⁶

Johnson reported that when she first began to refuse to strip out, the male guards locked her in the cold shower for two days without food, water or a blanket.⁴⁷ They periodically passed by the shower and yelled that when she decided to comply with the strip-search, they would give her food and water and let her return to her cell.⁴⁸ Several other women who overheard the incident corroborated her story.⁴⁹ After two days, the guards finally released her.⁵⁰ They now use the ex-

39. *See id.*

40. *See id.*

41. *See id.*

42. *See* HUMAN RIGHTS WATCH, COLD STORAGE: SUPER MAXIMUM SECURITY CONFINEMENT IN INDIANA 52-56 (1997); *see supra* note 2.

43. *See supra* note 2.

44. *See* Sushma D. Taylor, *Women Offenders and Reentry Issues*, J. PSYCHOACTIVE DRUGS, Jan.-Mar. 1996, at 85, 86.

45. *See supra* note 2.

46. Interview with Claudia Johnson, Valley State Prison for Women, in Chowchilla, Cal. (Oct. 30, 1997).

47. *See id.*

48. *See id.*

49. Interview with Denise Jones, Valley State Prison for Women, in Chowchilla, Cal. (Oct. 30, 1997); Interview with Julia Shaw, Valley State Prison for Women, in Chowchilla, Cal. (Oct. 30, 1997); Interview with Jean Davis, Valley State Prison for Women, in Chowchilla, Cal. (Oct. 30, 1997); Interview with Robin Little, Valley State Prison for Women, in Chowchilla, Cal. (Oct. 30, 1997).

50. Interview with Claudia Johnson, Valley State Prison for Women, in Chowchilla, Cal. (Oct. 30, 1997).

traction team to force strip searches on her.⁵¹

Control units are built without any concern for the detrimental effects they have on the women within them. Solitary confinement has a particularly devastating effect on mentally ill women, many of whom are sent to the SHU because they "act out" in general population as a result of their mental illness.⁵² Many women are prescribed psychotropic medications, but most receive no meaningful psychiatric treatment.⁵³ Within penal institutions, the medicalization model is widely used against women.⁵⁴ This author has interviewed women who can barely speak because they are so heavily drugged and has been told about others who rarely move from their bunks because the medication virtually immobilizes them.⁵⁵ Some women talk to themselves or yell incessantly at their cell doors, while others experience paranoid delusions and hallucinations.⁵⁶ Many cover themselves in urine and feces.⁵⁷ These behaviors represent stages of psychological breakdown that have been observed in prisoners of war.⁵⁸ For these women, their own bodies become their primary sites of resistance. Unfortunately, this behavior perpetuates the guards' perceptions of them as violent and legitimizes longer sentences in the SHU.

Such (mis)treatment is tied to commitment of women to mental institutions as a form of social control, as well as the diagnosis of mental illness in women who have rational, sane responses to injustices in their lives.⁵⁹ This has historically been a tactic used more often against women than men.⁶⁰ For those women who do need mental health treatment, appropriate mental health institutions and programs are increasingly non-existent, especially for poor women.⁶¹ Prisons become the

51. *See id.*

52. *See supra* note 2.

53. *See supra* note 2.

54. *See generally* Pat Carlen & Chris Tchaikovsky, *Women in Prison*, in *CRIMINAL WOMEN* 182, 182 (Pat Carlen ed., 1985) (discussing the regimes in women's prisons).

55. *See supra* note 2.

56. *See supra* note 2.

57. *See supra* note 2.

58. *See* Stuart Grassian, *The Psychopathological Effects of Solitary Confinement*, 140 *AM. J. PSYCHIATRY* 1450, 1450 (1993).

59. *See generally* PHYLLIS CHESLER, *WOMEN AND MADNESS* 164 (1989) (discussing the history of patriarchal social construction of women's mental illnesses).

60. *See id.*

61. *See* 2,000 *Protest Mental Health Budget Cuts*, *L.A. TIMES*, May 19, 1992, at 14.

spaces in which to warehouse these women.

IV. CONTROL UNITS FOR WOMEN AS RACIALIZED SPACES

The prison is a site for social control of all women, but solitary confinement is a space reserved for particular women. Of the fifty-two women in the SHU at VSPW, 61.4 percent of them are women of color.⁶² Over 40 percent of the women are "Black," 21 percent are "Hispanic/Mexican,"⁶³ and 5.9 percent are categorized as other.⁶⁴ Though the dehumanization processes in the SHU replicate that which happens in the larger prison, the purpose of which is to produce docile bodies,⁶⁵ these processes are more extreme and have more detrimental effects on women housed in the SHU.

In general, discipline for women in prison is extremely harsh, especially in comparison to discipline for men.⁶⁶ Women are far more likely than men to be sentenced to the SHU for minor infractions.⁶⁷ While men are confined to control units for allegedly attacking guards, participating in gangs or selling drugs in the institution, women are placed in the SHU for spitting at guards, for fighting with other women, or for attempting suicide.⁶⁸ A central function of prisons in general is to punish women who fail to subscribe to a model of femininity that historically has been (re)produced in discourse as white, pure, passive, heterosexual, and located in motherhood.⁶⁹ When women operate outside of this model, even slightly, they are disciplined harshly for doing so.⁷⁰

Women of color in prison face a double bind in this regard. As Kimberle Crenshaw points out, black women have never been perceived to fit this description of patriarchal notions about femininity, because racism denies them access to these norms.⁷¹ Black women are prefig-

62. See California Department of Corrections Data Analysis Unit, *Monthly Report of Ethnicity* (visited Apr. 15, 1998) <<http://www.cdc.state.ca.us>>.

63. See *id.*

64. See *id.*

65. See MICHEL FOUCAULT, *DISCIPLINE AND PUNISH: THE BIRTH OF THE PRISON* (Alan Sheridan trans., Vintage Books 1979) (discussing theories of punishment across the early modern and modern periods).

66. See Dorothy McClellan, *Disparity in the Discipline of Male and Female Inmates in Texas Prisons*, WOMEN & CRIM. JUST. J., June 27, 1994, at 71-97.

67. See *supra* note 2.

68. See *supra* note 2.

69. See generally ESTELLE B. FREEDMAN, *THEIR SISTERS' KEEPERS: WOMEN'S PRISON REFORM IN AMERICA, 1830-1930* (1981) (discussing Victorian ideology around the purity of white women and the function of prisons to develop and maintain it).

70. See *supra* note 2.

71. See generally Kimberle Crenshaw, *Demarginalizing the Intersection of Race*

ured as aggressive and recalcitrant; guards, therefore, are predisposed to view them this way and discipline them accordingly.⁷² This analysis can be extended to Latinas and Native American women in prison. Latinas are perceived to be loud and belligerent, sexually aggressive, or immigrants who are unable to speak English.⁷³ Native American women are perceived as backward, savage and/or primitive, especially when they seek to preserve religious rights while imprisoned.⁷⁴ These views of women of color rely on stereotypes of white femininity as a model against which to judge "other" women.

Beyond the racist politics of the SHU, as represented by the disproportionate confinement of women of color there, the dehumanization practices that take place within it can also be read as racialized. Women are degraded, sexually humiliated, and denied minimal medical care and any meaningful human contact.⁷⁵ Women are often denied basic necessities, such as food and hygiene supplies.⁷⁶ They are made to beg for sanitary napkins and toilet paper and are often told during the last week of the month that the prison has "run out."⁷⁷ Such practices resonate with larger histories of racism that dehumanize people of color.

The institution consistently deploys racially coded discourses when interacting with the women in the SHU. Guards regularly accuse women of being dangerous, manipulative, or malingering, especially when women seek medical treatment.⁷⁸ Guards speak to and about the wom-

and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics, in 1 FEMINIST LEGAL THEORY 443 (Frances E. Olsen ed., 1995) (discussing the tendency to treat race and gender as mutually exclusive categories of experience and analysis). Though Crenshaw speaks about Black women only, I extend this argument for purposes of my analysis to include Latinas and Native American women.

72. A more complex analysis, which incorporates and critiques heteronormative notions of sexuality, is also warranted here. Homophobia plays a significant role in guards' expectations of and reactions to women prisoners. Unfortunately, there is not enough space in this paper to include this analysis in sufficient detail.

73. See generally JUANITA DIAZ-COTTO, GENDER, ETHNICITY, AND THE STATE: LATINA AND LATINO PRISON POLITICS (1996) (discussing Latino/Latina prisoner politics).

74. Luana Ross, Healing While Imprisoned, Address Before the "Unfinished Liberation: Policing, Detention and Prisons" Conference at the University of Colorado at Boulder (Mar. 15, 1998).

75. See *supra* note 2.

76. See *supra* note 2.

77. See *supra* note 2.

78. See *supra* note 2.

en as though they are subhuman.⁷⁹ A pamphlet, produced by the Warden's office, is given to women when they enter the SHU and lists times for daily "feedings."⁸⁰ Guards constantly use racial epithets, many of which are gendered, to refer to the women. They call the prisoners "dogs," "niggers," "bitches," "whores" and "black bitches;" women refer to their cells as "cages."⁸¹ When women are denied privileges, they are put on what guards refer to as "dog status."⁸² "Privileges" in the SHU amount to very little, but include: showers three times a week; possession of property, like writing implements and paper; time spent outside; and permission to purchase hygiene supplies from the commissary.⁸³ All of these are rights accorded to women by law,⁸⁴ but the institution often withholds them as punishment, transforming them into "privileges." Denise Jones stated: "They treat us like animals. No, you wouldn't treat an animal the way they do us here. I am sure they don't treat their dogs the way they treat us."⁸⁵

The consistent relegation of women prisoners to a subhuman status reflects the intertwined histories of the subjugation of women and the dehumanization of people of color. Control units are designed to remove agency and humanity from people they target. The fostering of a perception of prisoners as less than human allows state employees to deny the women any semblance of dignity and to abuse them without compunction. This discourse of subhumanity evokes connections to slavery and the manner in which slaves were dehumanized in order for slave owners to treat them like chattel. The economy of the prison is fueled by such notions, as women bodies can be more easily reduced to the mere property of the state.⁸⁶

79. See *supra* note 2.

80. See VALLEY STATE PRISON FOR WOMEN, ADMINISTRATIVE SEGREGATION/SECURITY HOUSING UNITS, INMATE ORIENTATION PAMPHLET (n.d.) (on file with author) [hereinafter INMATE ORIENTATION PAMPHLET].

81. See *supra* note 2.

82. See *supra* note 2.

83. See *supra* note 2; see also INMATE ORIENTATION PAMPHLET, *supra* note 80.

84. See INMATE ORIENTATION PAMPHLET, *supra* note 80.

85. Interview with Denise Jones, Valley State Prison for Women, in Chowchilla, Cal. (Dec. 5, 1997).

86. See generally Patricia J. Williams, THE ALCHEMY OF RACE AND RIGHTS 216-36 (1991).

V. PURPOSES OF THE CONTROL UNIT

One purpose offered by the state for control units is the reduction of violence within the prison.⁸⁷ The reality is that in 1985 a Congressional Oversight Committee found that eighty percent of people housed in the Marion Control Unit did not require such a high level of security.⁸⁸ Research indicates that women *are* more prone to violent behavior as a result of confinement in solitary units, but violence against *themselves*.⁸⁹ Many women in solitary confinement release their frustration and anger by engaging in self-harming behavior, including suicide attempts and self-mutilation.⁹⁰ Regina Morris, an African-American woman housed in the SHU, has multiple scars on her wrists and arms from this self-abuse.⁹¹ Teresa Brown, another African-American woman in solitary confinement, explained why she had recently slit her wrists: "I have asthma, and I just couldn't take it bein' locked up like that. They wasn't listenin' to me when I couldn't breathe. I couldn't take it anymore. I needed some relief."⁹² Confinement in the SHU has devastating psychological effects on most women housed there.⁹³ Extended periods of idleness and social isolation result in vicious mood swings, crying spells, and intense feelings of paranoia.⁹⁴ Many women express fear that their confinement will make it more difficult for them to adjust to placement in general prison population or to life outside of prison.⁹⁵ The effect of rendering women unable to function in the world outside of prison increases the likelihood of recidivism, which in turn provides a constant source of revenue for the prison system. The fact that prison authorities expect women to commit crimes when they leave prison can be used to justify the maintenance of prisons as harsh and

87. See Fay Dowker & Glenn Good, *From Alcatraz to Marion to Florence: Control Unit Prisons in the United States*, in CAGES OF STEEL: THE POLITICS OF IMPRISONMENT IN THE UNITED STATES, *supra* note 25, at 131, 142.

88. See Erica Thompson & Jan Susler, *Supermax Prisons: High-Tech Dungeons and Modern-Day Torture*, in CRIMINAL INJUSTICE: CONFRONTING THE PRISON CRISIS 303, (Elihu Rosenblatt ed., 1996) (citing *Oversight Hearing Before the Subcomm. on Courts, Civil Liberties and the Administration of Justice*, 99th Cong. 33-39 (1985)).

89. See RUSSEL P. DOBASH ET AL., *THE IMPRISONMENT OF WOMEN* 147 (1986).

90. See *supra* note 2.

91. Interview with Regina Morris, Valley State Prison for Women, in Chowchilla, Cal. (Oct. 30, 1997).

92. Interview with Teresa Brown, Valley State Prison for Women, in Chowchilla, Cal. (Feb. 13, 1998).

93. See *supra* note 2.

94. See *supra* note 2.

95. See *supra* note 2.

brutal places.

A second professed reason for control units is to reduce expenses - isolation means fewer people allowed access to vocational and educational programs and to rehabilitative, religious and recreational services.⁹⁶ Diminished access to these programs in control units is linked to the trend of dismantling programs in the prison system in general.⁹⁷ This move away from rehabilitation and toward punishment is now the prevailing trend in prison administration.⁹⁸ Control units are one part of this move toward repression and brutality. The reality is that expenses are not reduced as a result of the introduction of control units. It is actually much more expensive to maintain control units than those units that house the general population, because of the level of security involved and the increase in health-related expenses.⁹⁹ Illinois and Wisconsin have recently begun constructing their first "Supermax" facilities at a cost of sixty million and ninety million dollars respectively.¹⁰⁰ Each control unit cell costs \$74,000 to build.¹⁰¹

A deeper look reveals other, more disturbing and probably more accurate, readings of the purpose of control units. Former Warden of USP Marion, Ralph Arons has stated: "The purpose of the Marion Control Unit is to control revolutionary attitudes in the prison system and in the society at large."¹⁰² There is an interesting connection between Arons' statement and history - the first control unit opened at Marion in 1972, one year after the Attica uprising in New York.¹⁰³

A 1989 Prison Discipline Study found that the most common disciplining strategy used against jailhouse lawyers was solitary confinement.¹⁰⁴ This study found that jailhouse lawyers were found to be

96. See Immarigeon, *supra* note 12, at 2-3.

97. See Dan Morain, California's Prison Budget: Why is it so voracious?, L.A. TIMES, Oct. 19, 1994, at A1, A15.

98. See *id.*

99. See Immarigeon, *supra* note 12, at 3.

100. See Burton-Rose, *supra* note 14, at 8.

101. See Immarigeon, *supra* note 12, at 2.

102. See Dowker & Good, *supra* note 87, at 131, 143 (quoting Steven Whitman, *The Marion Penitentiary - It Should be Opened Up, Not Locked Down*, S. ILLINOISIAN, Aug. 7, 1988, at 25). It is interesting to note that Arons does not refer to *acts*, but to *attitudes*. See *id.*

103. See Robert Perkinson, *Shackled Justice*, in CRIMINAL INJUSTICE: CONFRONTING THE PRISON CRISIS, *supra* note 88, at 334, 335.

104. See *The Prison Discipline Study: Exposing the Myth of Humane Imprisonment in the United States*, in CRIMINAL INJUSTICE: CONFRONTING THE PRISON CRISIS, *supra* note 88, at 92, 92-97. "Jailhouse lawyers help other prisoners, many of whom are illiterate, to participate in formal grievance and appeal procedures both within the

by far the largest number of those in control units.¹⁰⁵ Other categories of prisoners who were found to be placed in solitary confinement in disproportionate numbers were: blacks, mentally disabled individuals, gang members, political prisoners, Latinos, gays and lesbians, and people with AIDS.¹⁰⁶

Many prisoners are sent to control units for filing grievances or organizing other prisoners to respond to prison conditions.¹⁰⁷ Patricia Smith reported that she was sent to the SHU for retaliating against a guard who had repeatedly forced her to have sex with him.¹⁰⁸ She filed an inmate grievance against him; he responded with a "115," which is a serious disciplinary write-up, claiming that she attacked him.¹⁰⁹ That "115" resulted in a SHU sentence.¹¹⁰

Denise Jones is a thirty-three year old African-American woman at VSPW who came to prison as an eighteen year old and has been incarcerated for fifteen years.¹¹¹ In 1996, she was brutally beaten by a male guard while his superior officer watched.¹¹² She filed a civil rights lawsuit against the guards involved.¹¹³ She has repeatedly received threats and harassment as a result.¹¹⁴ She recently organized an HIV peer education group in the prison.¹¹⁵ These were women who were committed to educating themselves, leading workshops and producing theater pieces about HIV prevention and treatment on all four of the prison yards.¹¹⁶ According to Jones, several of the guards told her they did not like the level of freedom she now had in the facility.¹¹⁷

prison and in the courts." *Id.* at 92.

105. *See id.* at 96 tbl.5, 97 tbl.7.

106. *See id.* at 96 tbl.5. This report was based on responses to a questionnaire distributed nationally to prisoners, prison administrators, guards, and to prisoners' family members and visitors. *See id.* at 92.

107. *See supra* note 2.

108. Interview with Patricia Smith, Valley State Prison for Women, in Chowchilla, Cal. (Apr. 15, 1997).

109. *See id.*

110. *See id.*

111. Interview with Denise Jones, Valley State Prison for Women, in Chowchilla, Cal. (June 5, 1997).

112. *See id.*

113. *See id.* The parties in this lawsuit are being kept anonymous to protect the prisoner's safety.

114. *See id.*

115. *See id.* There is no other such program at this institution.

116. *See id.*

117. Interview with Denise Jones, Valley State Prison for Women, in Chowchilla, Cal. (June 5, 1997).

She explained that on the night before her peer education theater group began rehearsals for their performance, she was taken to administrative segregation pending an investigation into her alleged drug trafficking - apparently a trumped up charge.¹¹⁸ In her administrative hearing before the Institutional Classification Committee, Jones had no right to an attorney and no right to have witnesses testify on her behalf.¹¹⁹ She was allowed to collect witness statements, but the presiding officer did not have to take those statements into account.¹²⁰ There was no evidence presented against her, and another woman who actually confessed to the "crime" was released to general population.¹²¹ Prison officials sentence people to serve time in the SHU, not courts of law.¹²² Denise is now serving one year in the SHU,¹²³ clearly as a result of her organizing activities and her willingness to fight back against guards who brutalized her.

VI. THE HISTORY OF THE SHU

These cases are only two of many that illustrate the importance of uncovering the increasing and hidden use of the control unit as a disciplining strategy of the prison, particularly against women of color. In order to understand the growing trend toward repression in women's prisons, it is important to discuss the history out of which the SHU at VSPW arose. Solitary confinement was introduced in 1829 by Quakers, who believed isolation and self-reflection would promote penitence and reform.¹²⁴ It quickly became apparent that instead, such isolation often led to mental breakdown.¹²⁵ As a result, solitary confinement was abandoned as a general practice; however, it remains a method of social control against specific prisoners.¹²⁶ In the 1950s and 1960s, Dr. Edgar Schein of Massachusetts Institute of Technology conducted research

118. *See id.*

119. *See* CAL. CODE REGS. tit. 15, § 3320 (1997).

120. *See id.*

121. Interview with Denise Jones, Valley State Prison for Women, in Chowchilla, Cal. (June 5, 1997).

122. *See* CAL. CODE REGS. tit. 15, § 3335 (1997).

123. *See supra* note 2.

124. *See generally* FOUCAULT, *supra* note 65, at 235-36 (discussing "complete and austere institutions").

125. *See generally id.*; *see also In re Medley*, 134 U.S. 160, 171 (1890) (describing solitary confinement as "punishment of the most important and painful character").

126. *See generally* Mike Ryan, *Solitude as Counterinsurgency — The U.S. Isolation Model of Political Incarceration*, in CAGES OF STEEL: THE POLITICS OF IMPRISONMENT IN THE UNITED STATES, *supra* note 25, at 83 (discussing prison isolation).

on the Chinese model of "reeducation" deployed by Koreans against U.S. Prisoners of War.¹²⁷ From interviews with American servicemen repatriated to the U.S., he distilled a model of mind control that he then presented to key representatives from the Bureau of Prisons at a conference in 1962.¹²⁸ Transcripts from his speech and the discussion following reveal interest on the part of prison officials in using the research to suppress the beliefs and organizing efforts of Black Muslims and conscientious objectors.¹²⁹ In 1970, Dr. James V. McConnell published an article entitled "Criminals Can Be Brainwashed Now," in which he argued for the application of sensory and perceptual deprivation and social isolation to prisoners.¹³⁰ During the 1970s, numerous behavior modification programs were instituted in US prisons which implemented these strategies, sometimes combined with use of psychotropic medications.¹³¹

The first control unit prison emerged in 1983 at USP Marion, a federal prison for men in Illinois.¹³² USP Marion became the model for the current wave of control units and solitary confinement strategies throughout the country.¹³³ Ostensibly in response to a violent incident, the entire prison was locked down.¹³⁴ That lockdown has never been lifted, effectively transforming the entire prison into a control unit.¹³⁵ The tactics developed at Marion have been applied at prisons all over the country. These tactics were instrumental in the design of the high-tech federal control unit at Florence, Colorado, which houses 550 people in permanently locked down cells.¹³⁶

The only control unit specifically designed for women political pris-

127. See *id.* at 84-85.

128. See *id.* at 92.

129. See *id.* at 92-94.

130. See *id.* at 94 (citing James V. McConnell, *Criminals can be Brainwashed Now*, PSYCHOL. TODAY, Apr. 1970, at 18, 74).

131. See *id.* at 96-98.

132. See Bill Dunne, The U.S. Prison at Marion, Illinois: An Instrument of Oppression, in CAGES OF STEEL: THE POLITICS OF IMPRISONMENT IN THE UNITED STATES, *supra* note 25, at 38; see also Immarigeon, *supra* note 12, at 1-2.

133. See Immarigeon, *supra* note 12, at 1-2.

134. See Dunne, *supra* note 132, at 38. A lockdown means that the prisoners are confined to their cells 24 hours a day without human contact. See *id.* at 52; see also Immarigeon, *supra* note 12, at 1.

135. See Dunne, *supra* note 132, at 78.

136. See Ray luc Levasseur & Daniel Burton-Rose, *From USP Marion to ADX Florence (And Back Again)*, in THE CELLING OF AMERICA: AN INSIDE LOOK AT THE U.S. PRISON INDUSTRY 200, 205 (Daniel Burton-Rose et al. eds., 1998).

oners was opened at Lexington Federal Prison in Kentucky in 1986.¹³⁷ The unit employed multiple tactics to destroy the women's senses of self and to break down their political convictions through sensory deprivation and small-group isolation.¹³⁸ The unit housed three political prisoners: Alejandrina Torres, Puerto Rican *independentista*; Susan Rosenberg, North American anti-imperialist; and Silvia Baraldini, Italian national and anti-imperialist.¹³⁹ The structure was built underground and the interior was entirely white,¹⁴⁰ which resulted in reports from the women of hallucinations of black spots and strings on the walls and floors.¹⁴¹ The women were made to wear large, shapeless clothing and were forbidden to hang anything on the white walls.¹⁴² What little contact they had with their jailers was often in the form of disembodied voices addressing them through loud speakers.¹⁴³ They had only occasional contact with the outside, mostly with their lawyers.¹⁴⁴ After an intense campaign waged by a broad coalition of concerned people, the unit was shut down in 1988.¹⁴⁵ The legal decision was based on the political nature of the placements - the court determined that the women were housed there as a result of their political beliefs and that such placement was unconstitutional.¹⁴⁶ Although the courts came close to admitting that there are political prisoners in the United States, the decision did not declare that such *treatment* rises to the level of cruel and unusual punishment.¹⁴⁷ The decision was undermined when the U.S. Court of Appeals ruled that prisons are free to use political associations and beliefs to justify different and harsher treatment.¹⁴⁸ Since Lexington closed, other units, modeled on Lexington, have opened in other parts of the country.¹⁴⁹ Women in the federal prison at Marianna, Florida, for example, and other prisons across the country,

137. See O'Melveny, *supra* note 25, at 112.

138. See *id.* at 114-16.

139. See *id.* at 113-14.

140. See Rosenberg, *supra* note 25, at 128.

141. See Dr. Richard Korn, *Excerpts from — Report on the Effects of Confinement in the Lexington High Security Unit*, in CAGES OF STEEL: THE POLITICS OF IMPRISONMENT IN THE UNITED STATES, *supra* note 25, at 123, 123.

142. See Rosenberg, *supra* note 25, at 128.

143. See *id.*

144. See *id.*

145. See O'Melveny, *supra* note 25, at 117-19.

146. See *id.* at 118 (citing Baraldini v. Meese, 691 F. Supp. 432 (D.D.C. 1988)).

147. See *id.*

148. See Baraldini v. Thornburgh, 884 F.2d 615 (U.S. App. D.C. 1989).

149. See O'Melveny, *supra* note 25, at 119.

are reporting increasingly brutal, similar conditions.¹⁵⁰ Where once such units housed mostly political prisoners, now all prisoners are potentially subject to this level of social control.¹⁵¹

VII. CURRENT TRENDS IN PRISON CONSTRUCTION

VSPW is the newest and most repressive women's prison, representing the current model in prison construction and the increasingly brutal conditions in prisons. The design incorporates some of the most disturbing examples of modern prison technology, despite the fact that women are rarely violent in prison. The vast majority of women (approximately eighty percent) are imprisoned for non-violent offenses.¹⁵² Approximately sixty percent of the women are serving time for drug-related offenses, most often for the mere possession of drugs.¹⁵³ There have been no recent escape attempts by women prisoners in California and no organized sustained violent uprisings. Valley State is surrounded on all sides by two thirty foot-high barbed wire fences topped with huge coils of razor wire.¹⁵⁴ Despite the presence of a guard in the watchtower with a high-powered rifle and the reality that these fences would be physically impossible for an escaping prisoner to cross without being slashed to bits, the institution erected an electric fence that stands between them.¹⁵⁵ The fence has enough electricity coursing through it to kill small animals.¹⁵⁶ Sometimes women prisoners are forced to clean dead birds out of the fence.¹⁵⁷ Women have described this chore as a form of psychological torture because they know that the guards regard them with utter disdain, and they fear the guards might be inclined to "forget" to turn off the electric current.¹⁵⁸ These technologies and the ways in which they are deployed against the wom-

150. See *id.*

151. See *id.*; see also *supra* note 2.

152. See SOURCEBOOK, *supra* note 3, at 533 tbl.6.36; see also BARBARA BLOOM ET AL., CENTER ON JUVENILE AND CRIMINAL JUSTICE, WOMEN IN CALIFORNIA PRISONS: HIDDEN VICTIMS OF THE WAR ON DRUGS 3 (May 1994).

153. See SOURCEBOOK, *supra* note 3, at 456 tbl.5.34.

154. This is based on the author's own observations while visiting Valley State Prison for Women in Chowchilla, Cal.

155. See *id.*

156. Interview with Luz Rodriquez, Valley State Prison for Women, in Chowchilla, Cal. (June 28, 1997); Interview with Denise Jones, Valley State Prison for Women, in Chowchilla, Cal. (June 28, 1997); Interview with Harriet Lewis, Valley State Prison for Women, in Chowchilla, Cal. (June 28, 1997).

157. See *id.*

158. See *id.*

en are not designed for the safety of the institution, but instead are used mainly to induce fear in women.

Prisoners are often used as human trials for new technologies prior to adequate testing. New "beanbag" bullets were recently introduced in California prisons.¹⁵⁹ Maria Hernandez, a woman imprisoned at VSPW, was the test case for these bullets.¹⁶⁰ In direct violation of protocols concerning the use of these weapons,¹⁶¹ a guard fired directly into her back. The bullets exploded on impact, bore into and burned her skin, leaving large and permanent scars on her back.¹⁶² In the first week that these bullets were used at VSPW, five women were shot with them.¹⁶³

In addition to using prisoners as human trials, new security systems are being tested on those who visit the prison. There are plans to place x-ray machines in the visitor centers in all California prisons within the next year.¹⁶⁴ No lead vests are provided, despite the fact that these machines commonly are understood to be carcinogenic and can cause birth defects and genetic damage.¹⁶⁵ Unlike x-rays performed during a dental examination, which is a localized low dose of radiation, these devices require the visitor to pass through three times in order to check the entire body.¹⁶⁶ This exposes the visitor to an excessive amount of radiation. Such technology contributes to the climate of fear around prisoners; the public is made to believe that such measures are necessary. These devices serve to erect yet another barrier to visitors from the outside, contributing both to the isolation of prisoners and the secrecy around the brutality of prison life.

There is currently a state enforced media ban against face-to-face interviews of prisoners by journalists.¹⁶⁷ This ban is part of a growing

159. See *supra* note 2.

160. Interview with Maria Hernandez, Valley State Prison for Women, in Chowchilla, Cal. (July 8, 1997).

161. A guard must issue a verbal warning first. See CAL. CODE REGS. tit. 15, § 3276 (1997).

162. Interview with Maria Hernandez, Valley State Prison for Women, in Chowchilla, Cal. (July 8, 1997).

163. See *id.*

164. Telephone Interview with Dr. Corey Weinstein, California Prison Focus (Apr. 2, 1998).

165. See *id.*

166. This author's experience as a visitor at CCWF.

167. See Michael Taylor, *Many States Curtailing Media Interviews of Prisoners*, S.F. CHRON., Jan. 10, 1996, at A12; Michael Taylor, *State Inmates Barred from Media Interviews*, S.F. CHRON., Dec. 28, 1995, at 1.

national trend to prevent representatives of the media from interviewing prisoners.¹⁶⁸ This insures that only prisoners and their supporters are witness to the brutality of prisons, thus denying the larger public information about the reality of prison conditions. This lack of information makes it much easier for people to believe in stereotypes about criminals and to see themselves as separate from them. Because of the current state of secrecy around prisons, it is necessary to have personal communications with prisoners in order to uncover at least some of what is happening inside.

VIII. THE EMERGING PRISON INDUSTRIAL COMPLEX

The growing isolation of prisoners through the use of the control unit and the isolation of knowledge about prison life facilitated by state sponsored actions like the media ban, are reinforced by strategies of isolation deployed outside of prison. In *City of Quartz*, Mike Davis identifies a new "fortress" mentality that informs urban spaces and planning practices.¹⁶⁹ As a result of this mentality, poor communities of color are increasingly isolated from wealthy white neighborhoods, through planned "gated communities" with high-tech security systems.¹⁷⁰ Repressive policing tactics in poor neighborhoods result in the cordoning off of people of color into areas of extreme poverty and isolation.¹⁷¹

The level of repression in the emerging isolationist model both within and outside of the prison is tied to the economic and political effects of the national investment in the military industrial complex. This investment in militarism increasingly informs policing and imprisonment practices. The US government is currently selling surplus surveillance equipment and weapons, including tanks, to police departments in cities in the U.S.¹⁷² In 1997, law enforcement agencies purchased 1.2 million pieces of military hardware from the Department of Defense.¹⁷³ Communities as small as 75,000 people are policed by officers in full riot gear riding in armored personnel carriers.¹⁷⁴ Black urban neigh-

168. See Taylor, *Many States Curtailing Media Interviews of Prisoners*, *supra* note 167.

169. See MIKE DAVIS, *CITY OF QUARTZ: EXCAVATING THE FUTURE IN LOS ANGELES* 223 (1992).

170. See *id.* at 226-28.

171. See *id.* at 228-31.

172. See Peter Cassidy, *Police take a military turn*, BOSTON GLOBE, Jan. 11, 1998, at C1, C2.

173. See *id.*

174. See *id.*

borhoods are the most frequently targeted areas for this paramilitary activity.¹⁷⁵

Though military bases in California have closed in the last ten years almost at the same rate that prisons opened,¹⁷⁶ the illusion of the demilitarization of the defense industry disguises the reality of a continuous military buildup. The military budget still enjoys a privileged position in United States government spending; President Clinton's 1998 proposed discretionary budget includes \$265 billion for the military.¹⁷⁷ The distant second in allocation of funds is education: approximately thirty-one billion dollars.¹⁷⁸ In this post-Cold War era, the military buildup now stretches to domains outside of the traditional military purview, like prisons. High-tech weaponry and military hardware are modified for use in the prison industry.¹⁷⁹ Along with smaller companies, former defense contractors like Westinghouse and General Dynamics are now designing prison technology in the service of expanding the military industrial complex through the development of a prison industrial complex.¹⁸⁰

Corrections officials and guards now take a wholly combative stance toward prisoners, rather than a rehabilitative or even a custodial one. They receive training in military combat techniques and the use of high

175. *See id.*

176. *See* David Theo Goldberg, *Surplus Populations: The Political Economy of Prisons*, Paper presented to the "Unfinished Liberation: Policing, Detention and Prisons" Conference at the University of Colorado at Boulder (Mar. 15, 1998) (on file with author).

177. *See* Edward S. Herman, *Privileged Dependency and Waste: The military budget and our weapons culture*, *Z MAGAZINE*, Nov., 1997, at 41, 41.

178. *See id.*

179. *See* Paulette Thomas, *Making Crime Pay: Triangle of Interests Creates Infrastructure to Fight Lawlessness*, *WALL ST. J.*, May 12, 1994, at A1, A8.

180. *See id.* The phrase "prison industrial complex" was coined by Mike Davis. *See* Mike Davis, *Hell factories in the field: a prison-industrial complex*, *NATION*, Feb. 20, 1995, at 229. Angela Davis has recently developed an expanded definition:

The concept of the prison industrial complex . . . attempts to capture not only the phenomenal expansion of prisons and jails and the enormous increase in the numbers of people of color subject to the surveillance and supervision of the criminal justice system, but also the increasingly symbiotic relationship between the corporate structure and the prison industry, the relationship between corrections and economic vitality in many communities, and the mounting political influence of the correctional community.

See Angela Y. Davis, *Encyclopedia of Violence, Peace and Conflict, Crime and Punishment, Changing Attitudes Toward* (forthcoming n.d.). This author would add to this the economic impact of militarization in the United States and the transformation of high-tech weaponry and military hardware for use in the prison industry.

tech weapons. One recent example of this growing militarism is the videotape of the "training" in a private prison in Texas which showed guards brutalizing prisoners.¹⁸¹ Every aspect of guard culture is modeled on the military. Guards dress in fatigues and combat boots and subscribe to a military hierarchy. At VSPW, guards force women to march in single file lines around the prison.¹⁸² In the administration building at VSPW, a trophy case in the lobby contains memorabilia of the Special Emergency Response Unit (SERT), a cadre of guards who are trained in special military techniques to be used in crisis situations at VSPW.¹⁸³ A photograph of this unit shows twelve men in camouflage fatigues and grey berets.¹⁸⁴ In place of the patch that usually reads "Army," is a patch which says "VSPW."¹⁸⁵ The trophy case also contains a plaque, with a bullet casing attached to it, inscribed with the name of the "Top Gun," the most skilled "sharpshooter" in the unit.¹⁸⁶

The growing militarism in prison does not result from an actual need for such excessive punishment - after all, as already stated, eighty percent of women are in prison for non-violent offenses and a vast majority of them are never violent within the prison.¹⁸⁷ Prisons on the *whole* do not reduce violence.¹⁸⁸ Despite the imprisonment binge, the rate of violent crime has in fact remained steady.¹⁸⁹ Prisons do *perpetuate* violence, however, in the form of destruction of families, and in the wholesale destruction of economic and political power in the communities in which those families live. Prisons also provide economic opportunities for corporate and government systems, which thrive on the violence they perpetuate against those communities.

181. See Sam Howe Verhovek, *Texas Jail Video Puts Transfers Programs in Doubt*, N.Y. TIMES, Aug. 22, 1997, at A1.

182. See *supra* note 2.

183. This is based on this authors own observations while visiting Valley State Prison for Women in Chowchilla, Cal.

184. See *id.* Guards wear camouflage despite the fact that VSPW is located in the arid, dusty Central Valley of California.

185. See *id.*

186. See *id.* Eight guards at Corcoran State Prison were recently indicted for violations of civil rights in a lawsuit brought on behalf of the family of a prisoner who was shot to death by one of the guards. See Robert B. Gunnison, *8 Guards at Corcoran Indicted: Civil rights charges in slaying of inmate*, S.F. CHRON., Feb. 27, 1998, at 1. The guards were accused of setting up a series of "cockfights" between rival prisoners, betting on who would win, and then shooting one of the two prisoners involved. See *id.*

187. See *supra* notes 3, 153-54 and accompanying text.

188. See IRWIN & AUSTIN, *supra* note 3, at 139-52.

189. See *id.*

A central example of corporate involvement in the prison industrial complex is the Corrections Corporation of America. It is currently the most profitable company in the privately-run prison industry.¹⁹⁰ American Express and General Electric have contributed to private prison construction.¹⁹¹ Financial powerhouses, such as Merrill Lynch & Co., Inc., Smith Barney Shearson, Inc., and Goldman Sachs & Co. are currently underwriting prison construction through the sale of private, tax-free bonds which require no voter approval.¹⁹² Furthermore, the construction industry is not the only private interest profiting from prisons. Everything from Dial Soap to AT&T is marketed to corrections officials.¹⁹³ Health care companies and food service providers compete for lucrative prison contracts.¹⁹⁴

Annual expositions provide a forum for companies to market products ranging from stun guns to razor wire. A startling example of such technology is a computer tracking system designed by Que-Tel Corp., which would require institutions to issue scanners to guards and attach bar codes to prisoners.¹⁹⁵ The introduction of a device such as a bar code is the ultimate material semiotic manifestation of the marriage of economy and technology in the prison - the prisoner's body symbolically inscribed as commodity.¹⁹⁶

Perhaps most disturbing about this political economy is the growing exploitation of prison labor. As growing numbers of women are arrested and imprisoned, they increasingly become a part of this exploited class of laborers. Prisoners work to produce shrink wrap packages for

190. See Ken Silverstein & Alexander Cockburn, *America's Private Gulag*, COUNTERPUNCH, Jan. 1-15, 1997, at 1, 1. Corrections Corporation of America is also involved in global expansion of its operation; the company currently operates prisons in Britain and Australia. See *id.* at 2.

191. See *id.* at 8.

192. See Thomas, *supra* note 179, at A1.

193. See Kevin Helliker, *Expanding Prison Population Captivates Marketers*, WALL ST. J., Jan. 19, 1995, at B1.

194. See *id.*

195. See *id.*

196. This image is now circulating in popular cultural representations of criminals, though in a counter-hegemonic way. See, e.g., Joe Davidson, *Caged Cargo*, EMERGE, Oct. 1997, at 36, 39. While most images of criminals appear in popular culture as menacing black (male) bodies or usurious black or latina (female) bodies, the image of a prisoner as property of the state also circulates as a mode of radical critique. EMERGE recently published an article about prison labor illustrated with a full-page image of a black male body behind a barcode, representing confinement behind prison bars, but also alluding to the commodification of prisoners and their labor. See *id.*

Microsoft and handle reservations for TWA.¹⁹⁷ California voters passed Proposition 139, the Inmate Labor Initiative of 1990,¹⁹⁸ which paved the way for inmates to be leased out to private industry, reinstating slavery through the explicit repeal of the principle that prison work would be voluntary. The initiative states in part: "The people of the State of California find and declare that inmates who are confined in state prison or county jails should work as hard as taxpayers for their upkeep, and that those inmates may be required to perform work and services."¹⁹⁹

In California, a semi-autonomous state agency called the Prison Industry Authority (PIA) was created to make industries within the prison self-sustaining and profitable.²⁰⁰ The PIA mission statement no longer refers to rehabilitation or training; it focuses only on maximizing profits.²⁰¹ Ultimately, prisoners find that they do not learn marketable skills in prison and are rarely able to find jobs similar to the ones they performed inside (or any job at all, for that matter). A gendered division of labor exists within prison industries; women have generally worked in laundry, upholstery, fabric production and data entry, while men have worked in metal and wood production, automotive shops, dairies and slaughterhouses.²⁰² At VSPW, women prisoners produce eyeglasses for LensCrafters through PIA-Optical.²⁰³ These women are paid less than one dollar an hour, are forced to work overtime or risk losing their jobs, and are prevented from organizing against dangerous and exploitative work conditions.²⁰⁴

Prison labor practices in the United States are analogous to neo-imperialist, transnational corporate practices in the world outside. The hypermobility of capital creates large populations of unemployed free people in the United States. Corporations can seek out low-cost laborers: prisoners provide such cheap, local labor power. The result is the commodification of prisoners; not only is their labor commodified, but their very bodies now represent profits. These bodies, most often racialized and increasingly female, are bought and sold on the stock

197. See *supra* note 2.

198. See Julie Browne, *The Labor of Doing Time*, in CRIMINAL INJUSTICE: CONFRONTING THE PRISON CRISIS, *supra* note 88, at 61, 68.

199. *Id.*

200. See *id.* at 66.

201. See *id.* at 67.

202. See *supra* note 2.

203. See *supra* note 2.

204. See *supra* note 2.

market, as the prison industry requires a steady supply to maintain profits. This demand for prisoners is met through public policy decisions which encourage the incarceration of greater numbers of people. Prison labor represents the ultimate alienated labor; for prisoners there is no longer even the illusion of choice. The disregard for the humanity of imprisoned women and men, and the unadulterated joy in the possibility of profiting at their expense is summed up in a brochure for a conference on private prisons.²⁰⁵ This conference was organized by the World Research Group, a New York-based investment firm, whose marketing motto was: "While arrests and convictions are steadily on the rise, profits are to be made - profits from crime. Get in on the ground floor of this booming industry now!"²⁰⁶

IX. RACE, GENDER AND THE PRISON BOOM

The material reality of this "booming industry" is the proliferation of prisons. In the last ten years, twenty prisons have been built in California.²⁰⁷ Three were prisons for women.²⁰⁸ This expansion is part of

205. See Silverstein & Cockburn, *supra* note 190, at 1.

206. See *id.*

207. See Goldberg, *supra* note 176. It is significant to note that in the same period, only one university campus was constructed. See *id.* In 1995, the state budget for the Department of Corrections exceeded the budget for higher education in California. See Fox Butterfield, *New Prisons Cast Shadow Over Higher Education*, N.Y. TIMES, Apr. 12, 1995, at 21. In 1980, 2% of the state budget was dedicated to corrections in California; in 1994 that percentage rose to 9%. See G. Pascal Zachary, *Economist Say Prison Boom Will Take Toll*, WALL ST. J., Sept. 29, 1995, at B1. The Rand Corp. estimates that corrections will consume 18% of the budget in 2002 if imprisonment continues at this pace. See *id.*

208. California now maintains four prisons for women. See *Monthly Report of Ethnicity*, *supra* note 62. California Institution for Women (CIW) in Frontera opened in 1952. See CALIFORNIA INSTITUTION FOR WOMEN, INSTITUTION PROFILE (1997). It is designed to hold 1,026 women; it now holds 1,706. See *id.* Thirty-five years later, in 1987, Northern California Women's Facility (NCWF) in Stockton opened. See NORTHERN CALIFORNIA WOMEN'S FACILITY, INSTITUTION PROFILE (1997). It was designed for 400 and holds 721. See *id.* This was quickly followed by Central California Women's Facility (CCWF) in Chowchilla in 1990 and Valley State Prison for Women (VSPW) in Chowchilla in 1995. See CENTRAL CALIFORNIA WOMEN'S FACILITY, INSTITUTION PROFILE (1997); VALLEY STATE PRISON FOR WOMEN, CHOWCHILLA, INSTITUTION PROFILE (1997). CCWF was designed for 2,004 women, but holds 3,148 and VSPW was designed for 1,980, but holds 2,960. See *id.* These prisons are located across the street from each other in the Central Valley and are the two largest women's prisons in the world. See *Prisons: Pressure*, L.A. TIMES, Oct. 17, 1994, at A1, A21. CCWF proudly advertises this fact. Materials issued by the prison announce

a national historical trend. Though only two or three women's prisons were built per decade between 1930 and 1950, there were seven built in the 1960s, seventeen in the 1970s, and thirty-four in the 1980s.²⁰⁹ Scholars and activists who address issues of imprisonment seldom acknowledge the expanding population of women prisoners and the proliferation of women's prisons. This expansion is not insignificant: while the number of men in prison has doubled in the last decade, the number of women has more than *tripled*.²¹⁰ Thus, women play an ever-growing role in the increasingly profitable punishment industry, an industry in which the financial stakes are incredibly high.

The United States now incarcerates approximately two million people, a number equivalent to the population of a large city and more than any other industrialized country in the world.²¹¹ Though women comprise only about 7.37 percent of those incarcerated, or about 113,000 people, they are the fastest growing population in prison.²¹² Prisons today constitute elaborate warehousing systems into which members of the expendable classes, such as the poor, unemployed, homeless, mentally ill, and drug-dependent, are dumped.

The defunding of social services and the effects of global capitalism contribute to the impoverishment of greater numbers of people,²¹³ an increasing number of whom are women of color and poor women of all

it as "The Nation's Largest Female Prison." See *supra* note 2. The trend toward decreasing the emphasis on rehabilitation and increasing repression in prisons is reflected in the names of these institutions, which have changed from "institution" to "facility" to "prison" over a period of 40 years. It is important to note that these prisons are all located in isolated, rural areas, which makes visits from children, other family members and friends difficult, especially for those who are poor. See *supra* note 2.

209. See Meda Chesney-Lind, *Sentencing Women to Prison: Equality Without Justice*, Paper presented at the Seventh National Roundtable on Women in Prison, American University, Washington, D.C. (June 17-20, 1993).

210. See SOURCEBOOK, *supra* note 3, at 516 fig.6.2.

211. See SOURCEBOOK, *supra* note 3, at 510 tbl.6.11; see also, Marc Mauer, *Americans Behind Bars — A Comparison of International Rates of Incarceration*, in CAGES OF STEEL: THE POLITICS OF IMPRISONMENT IN THE UNITED STATES, *supra* note 25, at 22, 25 tbl.3.

212. See *Women in Society: Statistics on the Condition of Women*, in CRIMINAL INJUSTICE: CONFRONTING THE PRISON CRISIS 130, 132 (Elihu Rosenblatt ed., 1996). In 1980, there were approximately 13,000 women in federal and state prisons. See *id.* By the end of 1992, that number had risen by almost 300%. See *id.* This rise is largely attributable to the "war on drugs" in the 1980s and concomitant mandatory-minimum sentences and "three strikes" laws. See Angela Y. Davis, *supra* note 180.

213. See *generally* WOMEN, THE STATE, AND WELFARE (Linda Greene ed., 1990) (discussing the "Feminization of Poverty").

ethnic backgrounds.²¹⁴ Racist notions about women are discursively produced outside of, as well as within, the prison system, contributing to a damaging environment, specifically for women of color. Consistently, women of color are stereotyped as hyper-sexualized females, excessively reproductive welfare recipients and/or crack addicts.²¹⁵ As a consequence, they are targeted for surveillance and monitoring by the police and child protective services. They are disproportionately arrested, convicted, and incarcerated for crimes such as prostitution, petty theft, embezzlement, and drug possession and sales.²¹⁶

Prevailing political investments in "tough on crime" measures result in longer, harsher sentences that discriminately affect communities of color.²¹⁷ As a result, the prison itself is increasingly a racialized space, thus, affecting women in unique ways. Approximately thirty-five percent of women in prison are African-American and twenty-four percent Latina, numbers significantly larger than their respective representation in national demographics.²¹⁸ About eighty-percent of these women have at least two children.²¹⁹ Thus, there is also a largely unexamined impact on communities of color, especially children in those communities, who are also effected by the "imprisonment binge".

Historically, fear has played an important role in the perpetuation of racism, and remains vital to the anti-crime rhetoric now circulating in the national imaginary.²²⁰ Media and cultural representations of criminality pander to racial stereotypes of criminals and perpetuate the false notion that crime is everywhere at all times. Despite the fact that violent crime constitutes only twelve percent of all crime, it is repeatedly headlined in mainstream, corporate-sponsored print media and nightly news programs.²²¹ Research indicates that individuals who are least

214. *See id.*

215. *See* PATRICIA WILLIAMS, *THE ROOSTER'S EGG* 185 (1995).

216. *See* Nancy Kurshan, *Behind the Walls: The History and Current Reality of Women's Imprisonment*, in *CRIMINAL INJUSTICE: CONFRONTING THE PRISON CRISIS*, *supra* note 88, at 136, 151-53.

217. *See generally* KATHERYN K. RUSSELL, *THE COLOR OF CRIME* 26-46 (1998) (discussing "whether racial bias affects the informal stages of the criminal justice system and thereby infects the formal stages").

218. *See supra* note 62 and accompanying text; *see also* BLOOM ET AL., *supra* note 152, at 3. Black women comprise about 35% of the California population and Latinas comprise about 16.6%. *See id.*

219. *See* BLOOM ET AL., *supra* note 152, at 5-6.

220. *See generally* Angela Davis, *Race and Criminalization: Black Americans and the Punishment Industry*, in *THE HOUSE THAT RACE BUILT* 264 (Wahneema Lubiano ed., 1997) (discussing racism in the prison industrial complex).

221. *See generally* IRWIN & AUSTIN, *supra* note 3, at 4-7 (discussing perceptions

likely to be affected by crime are those who are most afraid of it.²²² Reality-based television programs like *Cops* and *America's Most Wanted* conflate news and entertainment and contribute to national paranoia about the omnipresence of crime.²²³ These media practices, which create and sustain fear of crime, are closely tied to the creation of public policy and government funding decisions, like the passage of the 1995 Crime Bill or the California Three Strikes Initiative.²²⁴ Ideas about the ease of prison life are cultivated in order to legitimize increasingly brutal prison conditions and punishment practices. Misperceptions about the availability of rehabilitation in prison belie the reality that a regime of punishment has completely replaced even the slightest gesture toward rehabilitation. As Angela Davis has argued, the prevailing racist logic allows for the assumed criminality of black and brown people, rather than the recognition that the inordinately high number of incarcerated people of color is evidence of structural racism.²²⁵

X. IMPRISONING AMERICA

The rise in incarceration and the increasing repression in prisons is connected to the economic and political restructuring of America. In order to understand what that political project entails, it is necessary to unmask the ways in which the prison remains excluded from the rest of society because it is a racialized space. As police chief of Atlanta, Eldrin Bell asks:

If we started to put white America in jail at the same rate that we're putting black America in jail, I wonder whether our collective feelings would be the same, or would we be putting pressure on the President and our elected officials not to lock up America, but to save America?²²⁶

of crime circulating in American political and popular culture).

222. The increase in incarceration has not had any significant impact on crime rates. Though violent crime did increase in the 1980s and 90s, this was the same period in which imprisonment rates were at their highest levels. See IRWIN & AUSTIN, *supra* note 3, at 12-13. The reliance on inflammatory and unnecessary hype about violent crime creates a demand for greater state surveillance and imprisonment for non-violent offenders.

223. See generally Margaret DeRosia, *The Court of Last Resort: The Racialization of Bodies in America's Most Wanted*, *MEDIATION* (forthcoming n.d.).

224. See Hallye Jordan, "3 Strikes" *Jamming Justice System, Jails*, S.F. DAILY J., Jan. 9, 1995, at 1; Elliot Currie, *What's Wrong with the Crime Bill*, NATION, Jan. 31, 1994, at 118.

225. See generally Davis, *supra* note 230 (discussing racism in the emerging prison industrial complex).

226. See ROBIN ANDERSON, *CONSUMER CULTURE AND TV PROGRAMMING* 196

Though Bell's statement reinscribes a black/white dichotomy that fails to fully address the racial constitution of the prison, the sentiment it expresses is extremely important. He describes two Americas, black and white. This author would argue that what is also relevant in his statement is the division between two other notions of America - one inside and one outside. Through the space of the prison, there is a contest over what it means to be American. Racism is a constitutive piece of this construction.

When individuals are imprisoned, they are no longer considered national subjects; they lose most of their rights as citizens and are thus perceived to be outside of the national body. This is especially true if, in addition to transgressing prescribed societal norms through activity that is deemed criminal, they are racialized subjects. Many people express no opposition to the diminishing civil rights of prisoners, in large part because they believe that individuals forfeit those rights when they commit criminal acts. Individuals outside of prison define themselves as "good" citizens in contrast to those inside. They fail to acknowledge the heavy hand that racism plays in determining which citizens are targeted by the state for arrest and conviction.

Prisoners thus represent the abject of the nation, in large part because a majority of them are people of color. For women of color this expulsion compounds a pre-existing invisibility. Not only are they absent in discourses about race, gender, and prison, but their very bodies are hidden by the state thus rendering them completely invisible. The invisibility of women of color is exacerbated by prison walls and their humanity is lost within them.

XI. CONCLUSION

Angela Tucker's analogy to the black hole with which this article began is an apt description of the control unit and, as such, serves as a structuring metaphor for my discussion of women of color in solitary confinement. In scientific discourse, a black hole is defined as:

a region of space, created by the total gravitational collapse of matter, whose attractive gravitational force is so intense that no matter, light, or communication of any kind can escape. [It is] difficult to observe for two reasons. First, [it is] 'black' - no light from inside can escape to make it visible. Second, [it is] a very small object. Thus, it can be

"observed" only by deducing its presence from the effects that its gravitational field has on matter lying outside the black hole . . . Time and space are warped; time is slowed down and space stretched out near a black hole . . . [The pressure in a black hole is so great that] a person [encountering it] would be ripped to shreds . . . Black holes are predicted to occur at the endpoint of the evolution of sufficiently massive stars.²²⁷

In terms of the SHU, this analogy to the black hole is multi-layered: the "blackness" of the SHU is reflected in both its racialized nature and the darkness of the cells themselves; the degree of force within the SHU is experienced by the women through physical brutality and sexual violence; the space of the SHU is oppressively small;²²⁸ mental stability is warped; the experience of passage of time is transformed; and communication flowing both into and out of the SHU is severely restricted.²²⁹ There is also a connection between the massive expansion of the prison industrial complex and the SHU. The prison industrial complex is now so comprehensive and far-reaching that it distorts everything around it. It creates a political system which thrives on the implementation of "tough on crime" measures and an economic system which relies on demonizing and terrorizing entire communities of people. As a result, our society is increasingly a "carceral" one; a high level of surveillance is present in all of our lives. The "endpoint of the evolution of a sufficiently massive" project such as the prison industrial complex is the imprisonment of entire communities and the isolation and dehumanization practices of the SHU.

As concerned members of the national community, we must interrogate the stereotypes we receive from our government and through the media about criminals and demand information about the status of prisoners in our nations' prisons. We must recognize the importance of women in prison and commit ourselves to organizing against their increasing incarceration. The silence around this issue and the increasing invisibility of women in prison will allow for the vast expansion of the prison industrial complex and the infliction of repression on greater numbers of women. As scholars, lawyers, activists, and researchers, it is necessary to develop new directions for critical analyses of women's imprisonment. This article is a contribution to that process. As the argument has outlined, the prison industrial complex affects women in unique ways. As advocates for prisoners, we must develop new ways of

227. See generally 4 THE ENCYCLOPEDIA AMERICANA INTERNATIONAL EDITION 33-34 (1992); 4 COLLIER'S ENCYCLOPEDIA 238-39 (1997).

228. The prisoners often refer to it as "the hole." See *supra* note 2.

229. See *supra* note 2.

thinking about the gendered and racialized dimensions of imprisonment. If we fail to address the boom in the imprisonment rates of women and the increasingly repressive character of prisons, the devastating effects on women and their families and communities will be impossible to overcome.