



## Why Incarcerated People Hold the Keys to Prison Reform

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Prisons themselves are an overlooked source of the alarming rise of U.S. mass incarceration since the early 1970s. Over time, wardens, correctional officers, and tough-on-crime politicians have dismantled the limited opportunities incarcerated people had to engage in shared governance and self-improvement activities — opportunities they had previously won through lawsuits, protests, and other means. Prisons have thus become meaner as well as bigger, as programming opportunities plummeted while sentences and hours spent in cells have increased. Prison work is scarce, barely compensated, and rarely meaningful.

Today, American prisons run on idleness. As Toussaint Losier and I describe in *Rethinking the American Prison Movement*, prison officials opted for this approach a way to undercut prisoner initiatives. But the results are bad for society as well as prisoners. To help incarcerated people prepare for life after prison and reduce recidivism, prisoners should be given more opportunities for constructive activity and greater control over their circumstances.

### Experiments in Prisoner Self-Governance

Throughout the 1960s and 1970s, incarcerated people worked to give meaning to the concept of rehabilitation. They fought for religious freedom, contested racial segregation, published exposés of prison conditions, and resisted physical and sexual violence. Fighting such battles took them from the prison yard to the courtroom to the front page of newspapers. There were also consequences for prisons themselves. As inmates pursued legal protections, they also worked together to exert a measure of democratic control over their lives.

Their efforts varied, in part due to how much support they received from officials. Some sympathetic administrators in the Department of Corrections enabled incarcerated people at select facilities to develop models of shared governance among prisoners, guards, and administrators. That approach facilitated self-governing bodies in the prisons at Stateville, Illinois; Walla Walla, Washington; and Walpole, Massachusetts. Less dramatic reforms also gave incarcerated people dignity, purpose, and self-worth that often translated into better conditions. Study groups, self-taught legal collectives, labor unions, and civic organizations were examples of such reforms that happened in Alabama, California, Maine, North Carolina, Pennsylvania, Texas, and elsewhere around the country. In each case, self-organized collectives of incarcerated people worked to better themselves and their surroundings.

### Guards versus Prisoners

Prisoner self-governance gained ground just as the demographics of incarceration shifted, sparking conflicts that set overwhelmingly white rural guard forces against prison populations that were increasingly Black,

Native American, and Latino. In state after state, guards or wardens fought prisoner initiatives — which were often defanged before becoming defunct. Guards in Illinois, Massachusetts, and Washington went on strike to oppose prisoner self-government. In Illinois, officers refused to let prisoners out of their cells while going over the head of the warden to plead directly for the Governor to intervene. In Massachusetts, officers let prisoners out — and then walked off the job, effectively leaving prisoners in charge of the facility for several months.

In Washington state, prison officials limited the authority of the “Resident Governing Council.” The body survived in title for several years, but was unable to respond to inmate needs. After a 1979 riot left one guard and one prisoner dead, the prison implemented a four-month lockdown leaving all prisoners in their cells — after which the Council was shuttered and never replaced.

## **Battles in the Courts**

Until the 1996 Prison Litigation Reform Act curtailed incarcerated people’s ability to access the legal system, prisoners filed thousands of lawsuits between 1965 and 1995 in efforts to improve conditions and allow self-organization. The results were mixed. Prisoner-led lawsuits fundamentally transformed some prison conditions in the 1970s and 1980s, as courts found conditions so appalling that they routinely placed entire state prison systems under federal control for years on end. Judges found that many prisons exhibited pervasive use of physical and sexual violence. In response, courts often required states to modernize prison methods and ensure a modicum of religious freedom and bodily safety for those in custody.

But the story for self-governance was different, because courts tended to hold institutional security as paramount. States modernized prisons by creating more atomized and isolated units of confinement. As long as prisons met a base level standard of preventing cruelty, both courts and state legislators gave wardens and guards wide administrative authority. This approach undercut possibilities for self-governance among incarcerated people, who typically lost opportunities to interact with the entire prison population. Indeed, prisons built since 1980 — including the “super maximum security” prisons of Florence, Colorado; Marion, Illinois; Pelican Bay, California; and Red Onion, Virginia — have made widespread use of long-term isolation. Incarcerated people are held in clean cells, can receive the Koran, and send and receive mail. But they cannot shape prison policy or easily hold a book club meeting or file a joint lawsuit.

## **Toward an Inclusive Reform Agenda**

By now, America’s system of mass incarceration is widely regarded as a failure. Many Democrats and Republicans agree that something must be done to reform state and federal prisons. Nevertheless, despite the efforts of advocacy groups led by formerly and currently incarcerated people, politicians and criminal justice professionals remain in charge of the agenda. This disempowers the people who would be most affected by any enacted reforms — spurring direct action by many prisoners. Since 2010, tens of thousands of prisoners around the country have gone on labor or hunger strikes. Each time, they have laid out proposals for prisoners to take greater control over their lives and gain more access to levers of law and government. The current system treats prisoners as mere wards of the state to be despised, contained, and controlled, denying them all opportunities to prepare for life after prison. Many are set up to fail on reentry to society and end up back behind bars. The United States will not make progress toward the end of mass incarceration until incarcerated people themselves are given leadership and a measure of control over their own affairs.

Read more in Dan Berger and Toussaint Losier, *Rethinking the American Prison Movement* (Routledge, 2018).