

America's Army of the Incarcerated *

Eugene Dey

America's Army of the Incarcerated, standing loud and proud at 2.3 million is the largest assemblage of imprisoned people in the world (Sabol and Couture, 2008). Entering the eighth year of war in the Middle East, a perfect storm is brewing. Soldiers already have a hard time adjusting to civilian life in times of peace, with prolonged and repeat deployments abroad causing even more problems at home. In the era of a two-front war with no end in sight, at-risk veterans are being greeted by a society that embraces an unprecedented culture of incarceration.

The prison-industrial complex, a huge network of justice agencies and industries, will gladly accept a few good men the military no longer needs. With a draconian justice system regularly handing out lengthy and life sentences in the era of the open-ended war on drugs – and people – veterans will continue to be among the many subjected to the all-inclusive 'lock 'em up' methodology.

Eric Swisher served three tours of duty in the Middle East. Now serving a life sentence for second degree murder, Swisher is forced to perform a 'fourth' tour – as a 'lifer'. An Aircraft Structural Mechanic and Senior Airman in the Air Force, Swisher, age 27, recounts with pride how "we kept those planes in the air". Already enlisted when Operation Enduring Freedom brought him to Afghanistan in 2001, Swisher's next two tours took him "all over the Middle East".

Swisher's life had been held in abeyance for six years, the last two due to the Stop-Loss Policy¹ enforced by the Bush administration. When he received an honourable discharge in 2005, Swisher never imagined being buried alive in an asylum mired in sectarian conflict – especially not one run by the state.

The California Department of Corrections and Rehabilitation (CDCR) is packed with murderers, gang members and drug dealers. Two-thirds of the population are addicts of some sort, many of whom are suffering from high rates of mental illness. Relative calmness regularly gives way to all out race and gang-based warfare that provides a steady diet of fights, stabbings, and riots, exacerbated by mind-bending boredom, isolation and hopelessness.

The CDCR is like a nightmare that never ends. Swisher's new home, the California Correctional Center (CCC) in northern California, is one of two enormous state prisons built right next to each other. Over 10,000 state

prisoners added to the more than 1,000 prisoners in the federal penitentiary in nearby Herlong, Lassen County which has one of the largest concentrations of incarcerated people on the planet, dubbed Prison Town in a documentary about the prison-industrial complex (Galloway and Kutchins, 2006). Illuminated by huge light poles, the razor wire topped fences and evenly spaced gun towers are reminiscent of an enormous military base cut right into a mountainous landscape. This is the setting in which Swisher and other veterans live with American society's most violent felons.

Small framed and meticulously groomed, Swisher is friendly and polite. Picking his words carefully in an environment where profanity and insanity permeate the atmosphere, Swisher's route to prison reads like an American tragedy. "A few months after my [military] commitment ended, I took a job as a personal trainer – just a way to work my way through college. I earned an Associate degree in Aircraft Structural Engineering while I was in the service", said Swisher, who was stationed in Beale Air Force Base in Sacramento. "I planned to earn a BS in Biological Chemistry and take the MCAT [medical competency aptitude test] and enrol in medical school", said Swisher, who added, "I wanted to be a doctor". Then all hell broke loose. Swisher hit and killed a pedestrian while driving home from work. With a blood alcohol level double the legal limit of .08, the former Airman found himself facing a charge for which he had no defence. "I tried to go around a slow moving van", said Swisher, who takes full responsibility for his actions. "It was an accident".

Rather than a lengthy prison term for vehicular manslaughter, his eventual conviction for murder carried a penalty of 15 years to life. Unless the murder conviction is reduced to manslaughter on appeal, Swisher will likely never get out of prison. In California, life means life.

As of 2004, the Bureau of Justice Statistics reported 140,000 veterans incarcerated nationally.² Possessing more education, shorter criminal records and less likely to have used drugs, veterans are locked up at about half the rate of the general population. While they do commit more violent crimes, including sex offences, they also experience more mental problems than prisoners who have not served.

In 2008, the Department of Defense estimated that 30 percent of returning veterans have been afflicted by post-traumatic stress disorder (PTSD) (Saxon *et al*, 2001),³ with another 150,000 suffering from mild traumatic brain disorder. Such ailments, if left untreated, can lead to antisocial behaviour

like substance abuse, depression and suicide – factors that also produce trouble with the law.

Veterans For Common Sense, an advocacy group, accused the Veterans Administration (VA) of failing to provide adequate mental health services. Overwhelmed by hundreds of thousands of mental health applications, the group says the VA had become too adversarial in the face of such a crisis. Moving forward on improved mental health screening, services and benefits, the VA claims to be doing the best they can.

With the largest number of soldiers returning from war in history, the high rates of suicides among veterans and active duty soldiers are unmatched. How these tangibles are amalgamating with America's culture of incarceration have morphed into another sad chapter in a dark opus. Being permanently incapacitated in a violent state prison is a bitter pill to swallow, but man's will to survive is powerful. Rather than succumb to depression and suicide, many incarcerated veterans, exactly like prisoners of war, must learn to make the best of a bad situation.

Richard Dolmer, a sergeant in the Army during the era of Vietnam, now serves a life sentence for murder. Still a physical specimen at 56-years old, Dolmer is college educated, articulate and as friendly as he is enormous. "We remind everyone that we might be stinking felons now, but served our country honourably", said Dolmer, the leader of a veterans' self-help group at CCC. Service, honour and patriotism are foreign concepts to many prisoners. People of colour, the poor and the systemically disadvantaged, many of whom embrace critical views of America, are overwhelmingly represented in the nation's correctional facilities. Incarcerated veterans, however, do not share those values. Despite spending the last 20 years in prison with no end in sight, Dolmer is still proud to be American. "I don't truly understand how anyone could not be patriotic. I love my country so much that I gave my favourite son to its military", said Dolmer. His son, Christopher, 23, served two tours in Iraq as a sergeant in the Calvary Division of the U.S. Army.

Dolmer, a respected elder in the prison subculture, long ago made the psychological transition into a lifer. Swisher, by contrast, is still a new guy at the beginning of a bad trip. "I hate prison", Swisher uncharacteristically blurted out. "Even if you had to basically put your life on hold in the service, you can still move forward in your life and career in some fashion". Swisher happens to be in one of the few prisons with a pilot college program.

Working in the education department as a college tutor while studying for an Associates degree in Liberal Arts, Swisher takes some comfort in the fact he “can help others and myself at the same time”.

Just like during war, doing hard time is more about physical and psychological survival, not mainstream goals like college degrees and personal accomplishments. Prison is a full-blown war zone that explodes on a regular basis – no heroes are forthcoming, only waves of chaos and insanity. On the precipice of being placed into federal receivership due to murderous medical and mental health practices⁴ this overcrowded hellhole is made worse by the nation’s highest rates of violence, recidivism, and suicide.

The gulags of the Golden State are a quagmire. “No matter how bad it got in the Middle East, at least we were in it together”, said Swisher, in reference to the horrid environment of the CCC and CDCR. “Everyone is ready to take you down a notch, but even worse is the fact I am not trusted”. “The military is more like a brotherhood”, said Swisher. And the brotherhood of the U.S. Armed Forces is stretched thin due to open-ended engagements in the Middle East. Already utilizing a stop-loss statute to keep servicemen beyond the low end of their commitments, as well as trying to entice recruits with bonuses, benefits and money for college, the need for ‘fresh’ troops is paramount.

In 2008, the Pentagon expressed a desire to expand the Marines by 27,000 and the Army by 65,000. Moreover, the Obama administration believes it is necessary to deploy a greater number of troops to Afghanistan. Further, during the summer of 2008, military recruiters began interviewing prisoners at CCC for possible service when they parole. “These felons will never be able to serve in the Combat Arms Division”, said Dolmer, “but they could serve some valuable roles”. Swisher may be of the same opinion that “some could serve”, but wonders “how beneficial the service would be for them”. Like Dolmer, Swisher believes “being able to serve is a privilege” while recognizing why “the military should try and maintain a standard”.

Wars are fought by the same people of colour and disadvantage who populate the nation’s correctional facilities. Swisher, understandably, is more “concerned about servicemen who become convicts”, especially after serving their country. “For me, it was somewhat difficult to make the transition into a civilized [life] after putting my life on hold for six years”, said Swisher, who didn’t have PTSD or problems finding a job. “I know

other servicemen who had a much more difficult time”, Swisher explained, like the tank operator whose training left him ill-prepared for employment. “Most military jobs just don’t transfer into a commercial world”.

The global recession that led to double-digit rates of unemployment in the summer of 2009 has enabled the military to exceed previous recruitment goals. Some of these economic refugees, however, are destined to serve in America’s Army of the Incarcerated.

Failed relationships and financial strains are the leading causes of anxiety and depression, exacerbated by repeat deployments and PTSD. These soldiers are ideal candidates for homelessness, prison and suicide. All the while, the nation remains fully engaged in the domestic war on drugs – and people – that voraciously consumes lives and resources. The fact so many at-risk veterans find themselves entombed in these correctional asylums is a national tragedy.

“I think the bigger, more important question we should be asking is why are so many in prison and what is our responsibility to them?”, asked Swisher. In the spirit of brotherhood, Swisher remains concerned about his comrades rather than fixating on self.

ENDNOTES

- * Editors’ note: As a phenomenon, the incarceration of veterans of the campaigns of the so-called war on terror is not limited to the American context. For example, as part of its summer 2009 ‘War at Home’ series, the *Toronto Star* ran an article entitled “An Afghan Veteran’s Rage: When Canadian Military Training Backfires ... On Us”. The article, written by David Bruser (*Toronto Star*, June 13, 2009), tells the story of Private Matthew Charles Keddy, a veteran of Canada’s war in Afghanistan who has had a series of encounters with the law stemming from his difficulties adjusting to post-deployment civilian life. During a recent court appearance, a judge expressed frustration that the military had not sent a representative to take responsibility for Private Keddy, particularly as regards his need for psychological assistance. The article goes on to describe several examples of returning veterans coming into conflict with the law and the lack of support provided for these individuals by the government.
- ¹ The Stop-Loss Policy allows the U.S. government to retain soldiers beyond the terms of their contract in times of a national emergency.
- ² Due to the high number of incarcerated veterans the Department of Veterans Affairs has introduced ‘incarcerated veterans re-entry specialists’ at each of the 21 Veteran’s Integrated Service Networks.
- ³ The authors note that the percentage of incarcerated veterans who suffer from PTSD is higher than non-incarcerated veterans.

- ⁴ On February 9, 2009, in *Coleman / Plata v. Schwarzenegger* (2009 WL 330960), the United States Court of Appeals, Ninth Circuit, issued a tentative order that overcrowding has made it literally impossible to bring constitutional medical and mental health treatment within a humane level of care. The court indicated a population cap is forthcoming and the state has said they intend to appeal.

REFERENCES

- Galloway, Katie and Po Kutchins (2006) *Prison Town, USA*, Lock Pictures.
- Sabol, William J. and Heather Couture (2008) "Prison Inmates at Midyear 2007", *U.S. Department of Justice: Bureau of Justice Statistics Bulletin* – June, retrieved from <http://www.ojp.usdoj.gov/bjs/pub/pdf/pim07.pdf>.
- Saxon, Andrew J., Tania M. Davis, Kevin L. Sloan, Katherine M. McKnight, Miles E. McFall and Daniel R. Kivlahan (2001) "Trauma, Symptoms of Posttraumatic Stress Disorder, and Associated Problems Among Incarcerated Veterans", *Psychiatric Services*, 52: 959-964.

ABOUT THE AUTHOR

Eugene Alexander Dey, serving a life sentence for a non-violent drug offence, is incarcerated at the California Correctional Center in Susanville, California. Dey is a freelance writer, a self-taught appellate practitioner and a college educated activist. Above winning three writing awards from PEN American Center in 2006, 2007 and 2008, Dey has placed numerous pieces in the *JPP* and previously served as an inside reporter for the *Metroactive Newslink* from 2004 to 2006. To see some of the links to Dey's published works, please go to www.myspace.com/eugenedey.

To write:

Eugene Dey (P-37864)
P.O. Box 2210 (L2-116)
Susanville, CA 96127-2210
U.S.A.