

Prison Tours as a Research Tool in the Golden Gulag

Eugene Dey

As the only participant from California, the capital of mass incarceration, I believe the lack of unfettered and confidential access between prisoners and the public enables government malfeasance to go unchecked – impeding the possibility of meaningful reforms. Since much of Loïc Wacquant’s (2002) evidence about ‘the carceral’ originates from the Gulags of the Golden State, I enter the *JPP’s Dialogue* about the viability of prison tours as a research tool from the perspective of being a California prisoner.

INTRODUCTION

In the California Department of Corrections and Rehabilitation (CDCR), prisoners are not afforded access to the public, except under extremely controlled circumstances.¹ The right to confidential access to the media and researchers was taken away in 1996 (Dey, 2004). The truth in all its ugliness is now hidden behind layers of legal vernacular like ‘safety and security’ and ‘penological interest’. Secretive by virtue of its closed nature, the public is not privy to the truth of the penitentiary.

Back in the day, I was advised to “watch, listen, and learn” in order to learn the ropes. If it takes a ‘new guy’ about a year or more just to learn the basics of doing time, then how long will it take for a researcher to understand how we act, interact and react? Some are better than others, but only part of the tale is being told. Due to this lockdown on free speech, rarely are the circumstances favourable to generating meaningful written works about the ‘belly of the beast’ – points underscored in California.

Professor Wacquant’s hellish trek through L.A. County Jail was predictably adverse. Jail is always worse than prison, but the snapshot generated by this tour still made a powerful impression. The professor’s “sentiment of embarrassment, of dirtiness, to have infringes on the dignity of human beings” (Wacquant, 2002, p. 381) hammers home the point that America is a prison-police state. From the ‘belly of the beast’, it is common knowledge L.A. County Jail is considered the worst jail in the state.

While I appreciate the professor’s quest to get “in-and-out”, the fear permeating from his article only adds another facet to the body of written works about the prison-industrial complex that “were written without even interviewing or talking with prisoners” (Richards *et al.*, 2007, p. 114).

The last thing we need is more fear. What Wacquant's piece needed, and the professor would undoubtedly agree, are the first person accounts by prisoners to balance the escorting deputy's commentary and analysis.

Wacquant's tour of the jail, however, does provide me better insight into the cultural shock outsiders feel when they see, hear and smell how many of us are forced to live. What the professor experienced in his tour of the jail is damning evidence of how such conditions serve to prepare a prisoner for the corrupting influence of the 'beast'.

THE BEAST

An overcrowded hate factory packed to the precipice of overcapacity, the CDCR harbours some of the nation's most violent felons. A myriad of racial, gang and geographic lines of overlapping demarcation maintains an atmosphere permeated with intolerance, conflict and hate. Peace is always temporary and life is cheap. Paranoia and suspicion rule the day.

I walk among the warring factions like a veteran war correspondent while vigorously practicing law without a license. Permanently incapacitated in a region mired in sectarian conflict, I am a product of my environment. Forced to survive, I live by the code of the convict. I approach my jailhouse journalism and lawyering like my activism, as a lifetime member of a voiceless demographic.

To prisoners, institutional tours are an aberration. In the last ten years, I have interacted – completely spur-of-the-moment – with only a handful of 'tourists'. I find tours to be hypocritical because I experience them from afar. Since I often hear about them after they have passed, I am left with the feeling some fraud has been perpetrated. Those who operate the Gulag Archipelago have their view and we have ours. The truth is always somewhere in the middle. Often the truth is lost due to layers of denial, rhetoric and misdirection. The problem is that we never get the chance to participate in the debate. They get to shape the direction of the 'dialogue'.

I have a skewed view from the 'belly of the beast'. It is to the victors in this war on drugs, crime and deviance that go the spoils of controlling the 'dialogue'. They define who we are as people. They speak for us to the media. As an oppressed person, I reject anything and everything that ever comes out of the mouths of my oppressors – even when it is the truth. It is a sad state of affairs.

As a 'jailhouse' journalist, litigator and activist, I embrace a code of ethics loyal to my cohort. I refuse to compromise my values. They lie and break the rules as much as we do. While we are convicted felons, they have taken an oath to uphold the Constitution. The captains of the prison industry, like the overzealous agencies of law enforcement regularly prostitute the integrity of their professional and ethical codes. Justice is a façade. When the lawman's disdain for the law is so blatant, who then is the criminal? I can admit I am a lawbreaker, can they? Never.

THE STATE OF THE STATE

With a media embargo firmly in place, the CDCR is an out-of-control agency of unprecedented proportions (see Wacquant, 2002, pp. 379-381). A number of converging class action lawsuits covering the unconstitutional conditions of medical and mental health deliver in the CDCR has the state facing a prison population cap.² If the prisoners' class prevails and a mass release takes place, the capital of mass incarceration could inevitably lead the nation into a new direction on crime and punishment. It is a struggle of epic proportions.

If the embargo on free speech is lifted or dramatically amended, a tour as a tool could begin to serve a vital role within a larger reform movement. From death row to the Security Housing Unit (SHU) – both of which are in abundance in California – from Level IV to Level I (maximum to minimum), ample exposure to all levels of wards is required. Exposing the public to the society of incarcerated men, women and children offers a rare glimpse into what has literally become the unknown.

Thriving in spite of these impediments is the Alternatives to Violence Project (AVP) (Dey, 2008a). The community volunteers who donate their time to AVP have no ties whatsoever to the CDCR. They make a huge sacrifice by investing meagre resources to facilitate workshops in non-violent conflict resolution. Rather than "in-and-out", AVP facilitators spend three days conducting intense workshops. Anger management is hard work and the process of learning is a reciprocating practice that takes time. Over a period of years, we learn to learn to trust each other.

In order for a tour to become a viable research tool, concerned parties must be given confidential access to a wide range of prisoners. Groups like AVP invest years training prisoners to become facilitators, a method rooted in trust. The lack of effective scholarly activity is due to an absence of long-term and intensive fieldwork.

A TOUR LADEN IN ETHICS

Despite these conditions – and my acidic views – I would participate in a tour if certain minimum requisites were met. In order to produce meaningful results, the main condition would be confidential sessions with researchers in a secure part of the institution. However, staff cannot handpick the convicts – ever! Otherwise, the ethical integrity of the tour has been compromised. Purely on philosophical grounds, I reject all prisoners suggested by prisoncrats. In fact, prisoners the prison administration despise – gang members, jailhouse lawyers and others they deem troublemakers – would better serve observers.

Answers to scholarly questions do not necessarily lie within the hearts of hardened individuals, but these people are some of the prison's most reliable sources of accurate information. Too often the most disruptive prisoners are also the most vociferous. Prison officials prefer their captives subservient, complacent and docile. Those who resist are frequently targeted for elimination and jailhouse lawyers are at the top of this list (Dey, 2008b).

Every prison has a department that handles prisoner grievances. One of the most direct paths to uncovering the realities of any correctional facility can be found in these 'appeals'. These litigants who file these grievances are an excellent source – I should know as I am one of them. The rest are my 'colleagues' who come to me in droves for assistance and advice as the resident expert on prison law. Incarcerated activists are one of the last bastions of resistance to the myriad injustices of 'the carceral'. While such conduct is legal behaviour, many members of a prison's staff hate jailhouse lawyers and the feeling is mutual.

An ethical prison tour, at least from my perspective, would include prisoners we deem trustworthy. If researchers endeavour to better understand what the government has created over the last few decades, then unimpeded access to prisoners is imperative. The carceral is a multifaceted topic, and the vastly different views between convicts and guards could produce interesting tangents to underreported subjects.

PENOLOGICAL DARK AGES

In their present form, researchers would be poorly served by a prison tour in the CDCR. While Convict Criminologists could produce meaningful works

(see Richards et. al, 2007), too few educated ex-cons exist to consider this an acceptable option. If the researcher is not street smart – prison smart – and only book smart, then, at best, s/he will add yet another chapter to the body of criminal justice (mis)information that often misses a key ingredient: the prisoner.

The *JPP* and *Convict Criminology* regularly present first person views of the carceral from prisoners, ex-prisoners and academics. However, they are the exception. Moreover, those of us who contribute to various publications from the CDCR do so in spite of the media embargo and often do so at great personal risk. Like the *Convict Criminologist*, the educated convict is also a rarity. An academic who is not ‘street smart’ is not likely to produce anything of consequence due to the impediments imposed during the Penological Dark Ages.

Much is written about the carceral. The average prisoner is not cognizant of this body of published works, let alone an active participant in the creation of this knowledge. Prisoners like me struggle as a voice for the voiceless. From the bowels of the beast, activist prisoners are anomalies. For the small number of us who exist, we should be at the forefront of a reform movement. But to the narrow-minded prisoncrat, ‘prison activist’ is synonymous with ‘prison assassin’. I take pride in the fact they would deny this ‘fact’. I am the criminal, yet they stand fast in their refusal to admit the truth.

ILLUMINATION OF PRISONDOM

The restoration of unfettered and confidential access to the ‘media’ and ‘academia’ is the key to undoing the “eclipse of prison ethnography”. When researchers are allowed to do their work, then the restoration of accountability and human rights can begin. Tours are worthless when the officials who advocate carceral ideologies control them.

The people who run and operate prisons, like any law enforcement agency, are a tight-knit community. They do not like it when outsiders tell them what to do or how to do it. To them, maintaining the status quo of 2.3 million prisoners is mere collateral damage in the war on domestic terrorism. Arrogance founded on fraud, the success of their industry is built on a body of lies. Elitists always dehumanize the masses of lower classes.

Due to these conditions, the realities of prison remain hidden from the public. Whether it is Eugene V. Debs at the beginning of the 20th Century

(2000), George Jackson in the middle (1994[1970]) or *Prison Legal News* at the turn of the millennium, the flow of horrors and oppression transcends time. Once the embargo is lifted as part of an overall movement, then meaningful work that transcends the ‘oppression’ and ‘horrors’ can begin.

I am unconvinced this free flow of information will begin anytime soon, but anything is possible. However, the “Dialogue” is imperative. With the ‘man’s’ jackboot on our collective throats, I fight the good fight as I await the beginning of a Renaissance of Reformation.

ENDNOTES

- ¹ “News media and non-news media representatives shall be allowed to interview inmates in person in accordance with the visiting requirements of sections 3170 and 3176.3” (California Code of Regulations, Title 15; 15 CCR 3261.5(b)). “During an interview conducted pursuant to subsection 3261.5(b), news media and non-news media representatives shall be allowed to bring up to three (3) pens, three (3) pencils and one (1) pad of paper into the facility” (15 CCR 3261.5(b)(2)). “News media and non-news media representatives may be permitted random face-to-face interviews with inmates... such interviews shall be conducted as stipulated by the institutional head” (15 CCR 3161.5(f)).
- ² *Coleman v. Schwarzenegger*, Nos. CIV S-90-0520, C01-1351, 2009 WL 330960 (E.D. Cal. Feb. 9, 2009) – a tentative order for the release of large numbers of the State’s prisoners due to unconstitutional mental and medical health conditions. *Kelso v. Schwarzenegger* (2009, DJDAR 4554) – the state unsuccessfully appealed the actions of the court appointed receiver. These are the latest decisions in an on-going saga in the federal courts that could change how government deals with corrections. Under the *Prison Litigation Reform Act*, the state intends to appeal all of these interwoven matters directly to the United States Supreme Court.

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