

The Proliferation of Control Unit Prisons in the United States

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INTRODUCTION

The term 'control unit' was first coined at United States Penitentiary (USP) at Marion, Illinois in 1972 and it has come to designate a prison, or part of a prison, that operates under a 'super-maximum security' regime. Control unit prisons may differ from each other in some details but all share certain defining features:

- 1 Prisoners in a control unit are kept in solitary confinement in tiny cells (6' by 8' is common) for between 22 and 23 hours a day. There are few, if any, work opportunities, no congregate dining, no congregate exercise, and no congregate religious services.
- 2 These conditions exist permanently (temporary lockdowns occur at almost every prison) and as official policy.
- 3 The conditions are officially justified not as punishment for prisoners but as an administrative measure. Prisoners are placed in control units in administrative moves and since there are no rules governing such moves (in contrast to punitive moves), prisoners are denied any due process and prison officials can incarcerate any prisoner in a control unit for as long as they choose, without having to give any reason.¹

This article is structured as follows. The first section will begin with a discussion on the imminent replacement of Marion by a new, purpose-built control unit prison in Florence, Colorado. The second section will document the proliferation of control units, modeled on Marion, in state prison systems across the country. In the third section, we will analyze the function of control units, contrasting the official claims with the facts. In the fourth section, we broaden the analysis to look at imprisonment in the United States as a whole, and we draw conclusions as to the true purpose of prisons. The fifth section describes the state of public opinion on issues regarding prisons, and the role of the media in shaping and maintaining that opinion. The last section is a brief summary.

MARION TO BE REPLACED BY FLORENCE

USP-Marion was not originally built as a control unit prison. It has thus been inadequate for the task of implementing the even tighter control of prisoners which Bureau of Prisons (BOP) Director, J. Michael Quin-

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lan, in testimony before a Congressional subcommittee in the fall of 1989, said it would constitute an improvement upon Marion's existing regimen (Lehmen 1990: 36-7). The BOP has decided to replace Marion with a control unit prison in Florence, Colorado, specifically designed to achieve this goal. Scheduled to open in 1993, the prison's state-of-the-art technology will help to eliminate even the minimal levels of human contact prisoners have at Marion. It has proved very difficult to find out exact details of the new control unit prison to be built at Florence. When a Freedom of Information Act request for information on plans for Florence was submitted to the BOP, the BOP denied the request on the basis that the plans did not yet exist.² If that is the case, then the local newspapers appear to know more about the new prison than its designers. The following information comes from such newspapers (Miniclier 1991: A1; O'Keefe 1991; Chronis 1990: B1; Harmon 1991: B2; Associated Press 1990; Ritter 1991: 13).

The Marion replacement is one of a complex of four federal prisons being built just south of Florence. The control unit will house 550 prisoners and it is designed so that one guard will be able to control the movements of numerous prisoners in several cell-blocks by way of electronic doors, cameras, and audio equipment. 'We'll be able to electronically open a cell door, shut it behind the inmate and move him through a series of sliding doors,' according to Russ Martin, project manager for the Florence prison. Prisoners will be even more restricted than at Marion, according to the Pueblo, Colorado *Chieftain*: 'Inmates won't have to travel nearly as far in the new Florence prison.' At Marion, the prisoners can at least shout to each other through their bars. At Florence, solid cell doors will make that difficult or impossible, and there will be no windows in the cells.³

Just five miles from the prison site, in Lincoln Park, is the Cotter Corporation, a uranium milling company owned by Commonwealth Edison of Chicago, Illinois. The area surrounding the mill and nearby railroad has been extensively contaminated with radioactivity. Uranium tailings dumped in unlined ponds have poisoned the underground aquifer and the nearby Arkansas River. Dried radioactive dust is carried for miles by the high winds. The contamination of the water alone has caused the Lincoln Park area to be on the Environmental Protection Agency National Priorities List since 1984, and it has been designated a Superfund site for contamination clean-up (O'Keefe 1991: 10).

The political landscape around Florence is equally bleak. Florence is in Fremont County where more than one in ten of the work force is employed by the Colorado Department of Corrections in the nine prisons clustered around Canon City (*ibid.*: 10). Prisoners constitute more than ten percent of the population of the county (Miniclier 1991: A1).

Florence itself is an economically devastated community of 3,000 where unemployment stands at seventeen percent and the prospect of about 1000 temporary and 750-900 new permanent jobs has proved irresistible. Ninety-seven percent of respondents to one local mail-in poll were in favor of the building of the Florence complex. The citizens raised \$160,000 to purchase the 600 acres for the site; 400 locals gathered for the ground-breaking; t-shirts bearing a map of the site were 'sold out' at \$7.99; a housewarming barbecue, hosted by the BOP, was attended by 1000 local residents. Now, Pueblo Community College is offering criminal justice courses customized to suit the needs of the federal prison.

PROLIFERATION OF CONTROL UNITS

The model for the new control unit at Florence is the Security Housing Unit (SHU) at Pelican Bay State Prison in California (Wilson 1991: 2). The SHU, which opened in December 1989, was designed as the ultimate facility for the implementation of Marion-style repression. Built to hold 1,056 prisoners in near-total isolation, it is already 20% over capacity (Smith 1991: 1). Prisoners are confined to their 8' by 10' cells with solid steel doors for 22.5 hours a day. They are allowed out only for a ninety minute 'exercise' period alone in an empty concrete yard the size of 3 cells with 20' high walls and metal screens overhead. Guards open the sliding doors by remote control, and they use loudspeakers to direct the prisoners in and out. Prisoners, moved off the cell-block for any reason, are shackled and flanked by two guards wielding truncheons. Except for the sound of a door slamming or a voice on a speaker, the SHU is silent. Prison officials, not the courts, 'sentence' prisoners to SHU terms (Corwin 1990: A1). Often, confidential tips from other prisoners serve as the basis for a disciplinary hearing to determine whether to send the prisoner to the SHU, and these hearings have few safeguards of due process. Many prisoners are sent there for filing grievances, lawsuits, or for otherwise opposing prison injustices (Weinstein 1990). SHU prisoners report the use of 'hog-tying' (the intertwining of handcuffs and ankle-cuffs on a prisoner), 'cock-fights' in which guards double-cell enemies or otherwise allow them to attack each other, and forced cell moves using Taser stun-guns, 38 mm guns, and batons.⁴

Conditions, such as those at the SHU and Marion, are replicated in state control units throughout the country. Many of these prisons feature their own innovations in controlling and dehumanizing prisoners. At a second California control unit prison at Corcoran, armed guards patrol the Plexiglas ceilings over the cells, and peer in at prisoners through Plexiglas cell walls (Wilson 1991: 2). At Colorado's Centennial Prison in Canon City, the administrative segregation unit has been expanded to include the whole prison (Foster 1990; Ruark

1991). A priest hired by the prison delivers communion through a small, knee-high food slot in a solid steel cell door. 'If you ain't wrapped too tight, 23-hour lockdown can be enough to make you explode,' says the priest. Guards are armed with 'nut-guns,' wide-bore guns that fire wildly caroming, acorn-sized 'nuts' at prisoners from close range. 'It's a miniature cannon,' the priest explains. 'The recommended technique is to fire at the floor so that the acorn ricochets.' Prisoners hit by the nuts can be maimed. 'One guy lost his eye, and since I arrived here three years ago, an acorn took off a guy's nose and plastered it to his cheek' (Johnson 1990: 12). A specially constructed, \$44 million control unit prison, scheduled to be opened near Canon City in early 1993, will hold 500 prisoners, with an additional 250 capacity expansion part of the prison's design (Lemons 1991).

At Lebanon, Ohio, prisoners under administrative control are held in 8' by 6' isolation cells. Each cell has a second door so that prisoners can be locked in the extreme back, darkened portion of the cell. A prisoner describes being leg-shackled, having his arms cuffed to a belt about his waist, and being escorted by three guards whenever he is moved from his cell. Other prisoners are forbidden to speak to him (Perotti 1991).

In Missouri, the state prison at Potosi is run by Warden Paul K. Delo, a Vietnam War veteran who, by Missouri law, doubles as the state's executioner since Death Row is at Potosi. Says Delo of his secondary duties, 'One of our officers had an analogy. He said it's just like at your own house. Nobody likes to take out the garbage, but somebody has to' (Uhlenbrock 1991: 1). Perhaps inspired by Delo's army experience, prison officials apply the 'double-litter restraint' to recalcitrant prisoners. The prisoner's hands are cuffed behind his back; his ankles are cuffed; and he is forced to lie face-down on an Army-type cot, his head turned to the side. A second cot is then tightly strapped upside-down over the prisoner and the ends are strapped shut, totally enclosing and immobilizing him. Carl Swope, a 21-year-old sentenced to 7 years for credit card fraud, filed suit after being held in the restraint for three hours (Bryant 1991: A3).

Other state control unit prisons are at Ionia, Michigan; Southport, New York; McAlester, Oklahoma; Baltimore, Maryland; Florence, Arizona (Jacobson 1991); Starke, Florida; Walla Walla, Washington; Westville, Indiana (*Associated Press* 1991a); and Trenton, New Jersey (Page 1991). A survey by BOP found that 36 states now operate some form of super-maximum security prison or unit within a prison (Lassiter 1990: 80). The list continues to grow. Colorado (Lemons 1991) and Connecticut (Cardaropoli 1991) have control unit prisons under construction, and Indiana is building a second control unit prison at Sullivan.

Control unit technology is even trickling down to the local level. The Jefferson County Detention Center in Colorado holds each prisoner in an 80 square-foot cell equipped with a concrete bed with a mattress on

top, sink, toilet, and concrete table. Everything, from the lights to the locks on the doors, is operated electronically by guards in control booths. The jail was designed to allow for a range of control measures, including nearly round-the-clock cell confinement (McGraw 1986). New York City's Central Punitive Segregation Unit on Riker's Island holds 300 people under 21 to 23 hour-a-day lockdown with no television or radio. Most of those in the 'Bing,' as the unit is informally known, are detainees awaiting trial. The city plans to expand the unit to hold 900 (Raab 1991a: 12).

Control unit prisoners have resisted the brutality they are subjected to with the means at their disposal. Prisoners at the Pelican Bay SHU flooded the federal court with over 300 civil rights petitions, forcing an unusual meeting between federal judges and the prison's warden to discuss prison conditions. Lawyers for the prisoners have since filed a class action lawsuit charging, among other things, that the extreme isolation violates constitutional safeguards against cruel and unusual punishment (Mintz 1991). At Southport, New York, prisoners capped months of resistance by taking guards hostage and holding three of them for 26 hours until the prisoners' grievances were aired over local television (Raab 1991b).

Probably the most sustained resistance has occurred at the Maximum Control Complex [MCC] at Westville, Indiana, which opened in April, 1991. Sixteen of the 35 prisoners in the MCC launched a hunger strike in September to expose conditions in the prison: 23.5 hour daily cell time, extremely cold temperatures, denial of mail, constant bright lighting of the cells, and severely restricted visitation. The announced minimum stay in the unit is 3 years. Four of the prisoners continued the strike for 37 days, eating only after prison officials obtained a court order allowing them to force-feed the prisoners (Associated Press 1991b). The hunger strikes continued intermittently. One prisoner severed off his fingertip with a razor, and a second tried unsuccessfully to do the same. The protests garnered coverage in papers across the nation (Associated Press 1991c; 1991d). Prison officials responded by having guards brutally beat prisoners, sometimes while they were in shackles, assigning some of the prisoners to isolation where they are clothed only in their underwear and socks, and obstructing attempts by lawyers to gain entry (Carmody 1992).

THE FUNCTION OF CONTROL UNITS

To understand the reasons for the spread of control units, we must determine what function they serve, what it is that they achieve. We will examine what is claimed about control units by prison officials and compare those statements with what is known. We will analyze 3 specific claims repeatedly made by prison officials, all over the country, and reported in any media coverage of control unit issues:

- 1 Control units contain the most violent prisoners, the 'worst of the worst,' who have proved too violent to be held at other prisons.
- 2 Control units reduce violence at other prisons by isolating the most violent prisoners.
- 3 The reduction of violence allows security at these other prisons to be relaxed.

The first claim is the major one, on which the other two rest; so we will concentrate on it. The facts of Marion show that the claim is false. Federal prisons used to be given a security rating from 1 through 6, 1 being the least secure and 6 being the most secure. In 1984, Marion was the only level-6 prison in the federal system, and prisoners there were supposed to have a corresponding level-6 rating. However, a 1984 report by consultants hired by a Congressional oversight committee stated that 80% of prisoners at Marion did not deserve that level of security according to BOP security and custody classification procedures (Breed and Ward 1985). In fact, prisoners are sent to Marion for a variety of reasons, and sometimes for no reason at all. For example, the US District Court ordered a cap on prison population and as a result, so many prisoners convicted of felonies in the District of Columbia have been moved to Marion to relieve overcrowding that they constituted 17% of Marion's population in 1990 (Lassiter 1990: 80). Virtually all of these prisoners are Blacks.

There is, however, a trend to be seen. While many prisoners have been sent to Marion on accusations, and even conviction, of violent or escape related actions, many others have been transferred for initiating 'too many' lawsuits, for protesting the brutality of the prison system, or for angering prison officials in some other way. In addition, among the many political prisoners who have been in Marion, American Indian Movement leader, Leonard Peltier; Sekou Odinga, member of the Black Liberation Army; Alan Berkman, Tim Blunk, and Ray Levasseur were sent directly to Marion from court (*Can't Jail The Spirit* 1989; O'Keefe 1991) thereby disproving the claim that prisoners at Marion have been violent at other prisons.

The Prison Discipline Study initiated in 1989 by the Prisoner Rights Union of Sacramento, California, investigated the question of which prisoners were most often disciplined and how (Prisoners' Rights Union 1991). The report showed that solitary confinement was the most common disciplinary action. Included in this report were testimonies by prisoners that prisoners exhibiting personal integrity are singled out for brutal treatment. Respondents to the survey described this group as: 'those with principles or intelligence;' 'those with dignity and self-respect;' 'authors of truthful articles;' 'motivated self-improvers;' those 'verbally expressing ... [their] opinion,' 'wanting to be treated as a human being,' and/or 'reporting conditions to people on the outside.' The study shows, therefore, that a practice such as sending prisoners to

control units, that is based on arbitrary and subjective judgments by guards and other officials, will target prisoners who are most likely to be challenging the prison system.

In fact, BOP rules for determining who gets sent to Marion are far broader than the 'violent at other prisons' line given to the media. In the aforementioned '1 through 6' security-rating system, prisoners were assigned their security rating on a number of factors: Type of Detainers, Severity of Current Offense, Projected Length of Incarceration, Types of Prior Commitments, History of Escapes or Attempts, and History of Violence (Breed and Ward 1985: 35). Although this rating system is obviously broader than the 'violent' formula and open to a certain amount of interpretation, the finding that 4 out of 5 prisoners at Marion did not have the required level-6 rating meant the BOP had to find another, more vague system. Therefore, they have revised their rules, and now classify institutions as minimum, low, medium, and high security. Prisoners must be 'high' security to be sent to Marion, which is determined by pre-commitment factors such as severity of offense. In addition, prisoners at Marion should have a 'maximum' custody rating, that is determined by post-commitment criteria such as 'disciplinary record' (Dove 1991). Having revised these rules, the BOP changed the classification of everyone at Marion to 'high-max' (Dunne 1991).

It is admitted at the highest level that a prisoner's political beliefs are basis for assigning that prisoner to a control unit. In a letter to Congressperson Kastenmeier, the then Chair of the Congressional subcommittee that oversees the BOP, Michael Quinlan, the Director of the BOP, stated: 'A prisoner's past or present affiliation, association or membership in an organization which has been documented as being involved in acts of violence [or] attempts to disrupt ... the government of the United States ... is a factor considered in assessing the security needs of an inmate' (Quinlan 1987). We may ask what constitutes 'association' with an organization, or what is meant by trying to 'disrupt' the government.⁵ In a case brought in Sacramento by a prisoner in the Security Housing Unit (SHU) at the California state prison, Chief Justice Karlton made it clear that prisoners are sent to the SHU for reasons that have nothing to do with discipline. He noted that the plaintiff, who was challenging the prison's forbidding him to practice his Native American religion, was in the SHU for being 'an associate' of a prison gang, the Mexican Mafia, and that 'given that [he] is in the SHU by virtue of his status rather than as punishment for a particular act, there is no apparent way for him to work his way out' (*Sample v. Borg*, 675 F.2d 574 [E.D. Cal. 1987]).

As a last point in our argument against the claim that Marion contains the 'worst of the worst,' we note that, for this to be true, all or most prisoners who satisfy their criteria must be at Marion. For example, Oscar Lopez Rivera, a Puerto Rican Nationalist, is in Marion for

'conspiring to escape.' Since he is there, then other prisoners who 'conspire to escape' should be there as well as all the prisoners who actually try to escape, as well as all the prisoners who actually *do* escape and are apprehended. Are they? There are prisoners at Marion who have assaulted guards (not in itself an indication of anything negative, if the guard had been harassing and abusing the prisoner). Are all prisoners who have assaulted guards, or even killed guards, at Marion? Obviously the answer is no.

Finally, let us address the two other claims made by officials about control units. Prison officials claim that Marion, Pelican Bay, and the other control units reduce violence in the rest of the prison system. Since we have shown that the control units do not hold the most violent prisoners, this cannot be true, and there is no evidence that it has happened. Moreover, all the evidence points to the contrary. Most of the prisoners will, however, be released at some stage, either back into the general prison population or into society. It is known that control-unit conditions produce feelings of resentment, rage, and mental deterioration (Korn 1988). Prisoners will have been so deprived of human contact that it will be hard for them to cope with social situations again. The inhumanity of control units cannot reduce violence; it can only increase it. Evidence includes the high level of violence at Marion during the period before the lockdown, when controls were being tightened but not yet to the extent of complete physical incapacitation of the prisoners. The tighter controls certainly did not have a calming effect on the prison. In addition, the guard deaths of 1983 occurred in the Control Unit itself.

The claim that control units allow security to be loosened at other prisons is also invalidated because of the truth about which prisoners go there. And again, there is no evidence that the situation in other prisons has improved. Furthermore, Marion has been the model for the numerous state control units.⁶ A delegation of the US House Subcommittee on Courts, Intellectual Property, and the Administration of Justice that visited Marion in May 1990, cited the need to 'develop a more humane approach to the incarceration of the maximum-security prison population. This is particularly true because the Federal Bureau of Prisons serves as a model for state prisons and for other countries in the world' (Lassiter 1990: 90). Incredibly, similarity to Marion is now a defense against suits brought to contest inhuman conditions at other prisons.⁷ The existence of Marion has not improved conditions at other prisons; its example has dragged them downwards toward greater brutality.

Having disposed of the official claims regarding the purpose of control units, we turn to their true function. Ironically, this was clearly stated, by Ralph Arons, a former warden at Marion, who testified in federal court: 'The purpose of the Marion Control Unit is to control

revolutionary attitudes in the prison system and in the society at large' (Whitman 1988: 25). (Notice 'revolutionary *attitudes*' not 'actions').

This is borne out by the large number of political prisoners who are, or have been, at Marion, and by the Prison Discipline Study. That control of dissent, protest, and liberation movements is the true purpose of control units is also shown by history, most especially the history of the early 1970s. In September 1971, the prisoners at the state prison at Attica in upstate New York rebelled against the inhuman and racist regime there, declaring their solidarity with all oppressed people and demanding their rights. The rebellion, and the consequent brutal murder of 39 prisoners and hostages by New York State Troopers, under the orders of Governor Nelson Rockefeller, rocked the nation. The whole prison system was at a boiling point. Despite the recommendations of the official report into the Attica rebellion that prison conditions be humanized, the response of the New York Department of Corrections was to plan a control unit in which to isolate prisoners, such as those who led the rebellion (Kaufman 1971). It was never built, due to resistance led by Martin Sostre, a Puerto Rican prisoner who had run a radical book shop; groups supporting Puerto Rican political prisoners and POWs; and a defense group headed by Angela Davis (Buhle, et al. 1990). Even corrections experts judged the planned prison to be too brutal and to be counterproductive to the purported purpose of violence control (Tomasson 1971). However, not long after, in 1972, the Control Unit at Marion was initiated.

Starting in the early 1970s, around the time of the opening of the Control Unit at Marion and the Attica rebellion, the prison population in the US started to increase rapidly. Concurrently, there has been an increase in the proportion of prisoners who are people of color. We will document these developments below, but mention them here since they lead us to interpret the proliferation of control units in the United States as an attempt to suppress the increased likelihood of protests and dissent.

IMPRISONMENT AS CONTROL

On Dec. 31, 1990, there were well over 1,100,000 people behind bars in the United States, which makes the US incarceration rate (the number of people per 100,000 of the population) the highest in the world at 455 (Mauer 1992: 3). This is well above the next highest rate which was for South Africa under apartheid (311) and dwarfs rates in the Netherlands (46) and Australia (79) (Mauer 1992: 5). The number of people in prison in the United States has more than doubled over the last decade and it is projected by the government that an additional 300,000 people will be incarcerated by 1995 ('Talking the Town' 1992: 27). Even in 1981 the situation was so bad that New York State Correction Commissioner, Thomas Coughlin, admitted that 'the department is no longer engaged

in rehabilitative and programming efforts, but is rather forced to warehouse people and concentrate on finding the next cell' (Day 1988: 8).

These figures are even more striking when analyzed in terms of race. The incarceration rate for Black men is 3,370 per 100,000 – more than seven times that for White men (Whitman 1991). We do not have current data on the rates of incarceration for other non-white peoples; however, through 1976-78, Indians were arrested at a rate more than 10 times that of White people (US Census of Population, 1976-1978). The United States incarcerates Black men at a rate 5 times higher than South Africa does (Mauer 1992: 1). Just as control units suppress the prison population, so prisons act in our poor, Black, Latin, and Native communities. It is no exaggeration to say that hardly anyone in these communities escapes the shadow of the 'criminal justice system.'

The devastation can be expressed in many ways. Black people are 12% of the US population, 43% of the prison population (Wicker 1991). Using data based on a single day in mid-1989, a study by Marc Mauer for the Sentencing Project in Washington, DC found that about 1 in 4 Black men in their twenties were under some kind of control by the criminal justice system, and about 1 in 12 were actually behind bars (Mauer 1990). In 1985, the US Bureau of Justice Statistics published the results of a 1979 survey that sought to determine the probability that a person in the United States would go to prison in his/her lifetime (Langan and Greenfeld 1985). Using the data in this report, it can be calculated that in 1979 the probability that a Black man would go to prison, sometime during his life, was 22%. In 1992 we can surmise that this is higher, so that, probably, 1 in 4 Black men will go to prison during his lifetime.

What must this mean for the Black community? Families suffer financially and emotionally. Whatever few jobs might have been available to Black men will be further out of reach for an 'ex-con.' Prisoners rejoin their communities from prisons which do not even pretend to rehabilitate and where conditions encourage violence and criminality. Moreover, those pressed to escape poverty and oppression through crime, in the absence of other options, are frequently those with intelligence and initiative and who are less demoralized. Thus, their descent into criminality and imprisonment robs the community of a particularly valuable resource. Having to pay lawyers, spend time on courts and visitation, and preparing for the inevitable confrontations with the various elements of the apparatus of oppression also amounts to a tax on these communities that sucks up time, energy, and scarce resources that might otherwise go into self-development.

Faced with the questions 'Why do Black people go to prison at a rate 7 times higher than White people?' we can answer in three different ways. One is that Black people commit 7 times as much crime and are genetically disposed to do so. The second is that Black people commit

7 times as much crime and something about their disadvantaged social situation is responsible for this. The third is that Black people do not commit that much crime but the criminal justice system is racist enough to make sure they end up in prison that often.

Rejecting the first alternative, the truth must lie somewhere in between the last two answers, and, although it is impossible to determine how much weight to give to each, one cannot escape the conclusion that US society is extremely racist. If the imprisonment rate accurately reflects the crime rate, one is led to conclude that to effectively combat crime, poverty and racism must be eliminated (even if one is not interested in eliminating them for any other reason).

The other alternative, that in fact Black people do not commit such a disproportionate amount of crime, is indicated by much evidence, although it is impossible to calculate the degree of the disparity. For example, the number of crimes committed is so overwhelming that actual imprisonments only account for a small fraction of the people who perpetrate them. The crime rate is difficult to determine and the two major national sources of crime data disagree significantly on both quantity and trends. However, they both show that the magnitude of crime frequency is very high: in 1986, between 13⁸ and 34⁹ million crimes were committed. Thus from a huge pool of potential prisoners, i.e., people who have committed crimes, the criminal justice system singles out those who will go to prison. This is done mainly through policing policy. One major example, that shows how racist this is, is the 'War on Drugs,' in which police target poor, Black neighborhoods even though the great majority of drug users are White people. It is estimated by the government that, by 1995, 69% of people in prison will be drug offenders (Mauer 1992: 7). A front page story in the *Los Angeles Times* said that while about 80% of the nation's drug users are White people, the majority of those arrested for 'drug crimes' are Black people (Harris 1990). Racism also explains why the 1986 Federal Anti-Drug Abuse Act equates selling 5 grams of crack cocaine worth about \$100 with 500 grams of powdered cocaine worth about \$50,000, both crimes drawing mandatory prison terms of 5 years. Black drug users often choose cheaper crack cocaine, while White drug users more often use the relatively expensive powder which is the real profit-maker for the drug trade (McPherson 1992).

Crime is a problem that must be tackled. However, there is no evidence that high imprisonment rates are the answer to the problem of crime. Indeed, study after study shows that prisons do not deter crime (Blumstein, et al. 1978; Visher 1987: 513-54) and, remarkably, we know of no research that indicates that they do. (The only slight reduction in the crime rate due to incarceration is by the incapacitation of those imprisoned, but the conclusion of the studies referenced above is that massive increases in the imprisonment rate have only a tiny effect on the

crime rate). Imprisoning large numbers of people in order to stop crime has been a spectacular and massively expensive failure. Academic research shows this, and even prison officials sometimes admit to the reality of the situation. According to the Director of Corrections of Alabama, 'We're on a train that has to be turned around. It doesn't make any sense to pump millions and millions into corrections and have no effect on the crime rate' (Ticer 1989: 80).

Prisons do not reduce crime, so what do they do? They cause direct suffering to prisoners and their families. More subtly, though more significantly to our discussion, they are a major cause of the deterioration of communities of poor people, especially people of color. If one decides that the purpose of prisons cannot be to stop crime, because they do not and this has been known for many years, then one can conclude that this devastation is the real intention. The consequent suppression of active protest amongst people of color against the injustices of a society based on the maximization of profit is obviously a gain for those with a vested interest in such a society.

CONTROL OF PUBLIC OPINION

Control units seriously violate prisoners' rights. The facts about Marion show that they serve to suppress dissent among the prison population. Imprisonment does not reduce crime but brutalizes entire communities. The 'War on Drugs' has no effect on the problem of drug abuse, but is a war on poor people and especially people of color. These truths never appear on our televisions or in our newspapers, even though crime and prisons are practically a media obsession.

The present system of mass incarceration with the accompanying specter of more and more control units can only be maintained with at least the tacit approval of society as a whole. So it is not surprising that those of the population least likely to experience the brutality of prison are also subjected to appropriate control procedures. We have already described how the media repeat the falsehoods concerning control units. Newspaper articles often do not even bother to attribute claims to prison spokespeople but make statements such as 'Florence will become the inheritor of the worst of the worst in the federal prison system' ('Editorial' 1990: 4A) as if they were facts.

We face a constant barrage of racist anti-crime and anti-drug hysteria from the establishment. Prisoners are portrayed as incorrigible, dangerous, and undeserving of even the most basic human rights. Politicians and the mainstream media never even mention, let alone intelligently discuss, underlying problems of poverty, inequality, and racism. Debate is thus limited to how to manage the ever-increasing flood of prisoners, the necessity of creating such a flood being taken as given.

The reality of the role of control units is carefully hidden from public view. Most control units and other newly constructed prisons are located in isolated, economically depressed, rural areas. This serves several purposes. The ardent support of local people, who rely on the prison for desperately needed jobs, is secured, and prisoners are isolated from their families and friends.

Political figures support increased imprisonment, since most of them thrive on 'tough-on-crime' platforms. Nor can the courts be relied upon. In *Bruscino vs. Carlson*, Marion prisoners sought compensation for the attacks which occurred during the October 1983 shakedown and relief from the ongoing conditions of the lockdown. A 1985 Magistrate's Report for this case was approved by the full US District Court for Southern Illinois in 1987. The decision found that 50 prisoners, who testified to beatings and other brutalities, were not credible witnesses, and that only the single prisoner who testified that there were no beatings was believable. When the prisoners appealed the decision, the ruling of the Seventh Circuit Court of Appeals described conditions at Marion as 'ghastly,' 'sordid and horrible,' and 'depressing in the extreme,' but maintained that they were necessary for security reasons and that they did not violate prisoners' constitutional rights.

Finally, there is no discussion of what should be considered a crime and who is to be considered a criminal. The Black drug addict who sells drugs to keep up his habit, the poor man who robs a drug store at gun point, the woman who kills her abusive husband – they are all sent to prison and considered dangerous. However, the violation of safety codes by slum landlords and mine owners; embezzlement and fraud by savings and loan executives; pollution of land, seas, and atmosphere by oil and chemical company directors; the bombing of schools, hospitals, and water purification plants by US presidents; the aggressive marketing of cigarettes (the most deadly narcotic in the world, causing almost 200 times as many deaths as cocaine in the US in 1988 according to C. Everett Koop, Reagan's surgeon general [Shalom 1992: 15]) across the world by US tobacco companies cause excessively more death, injury, and impoverishment. Yet these crimes are rarely punished by imprisonment. Crimes against humanity and the environment are not illegal if committed by the powerful.

SUMMARY

We have described the development of control unit prisons in the United States and we have shown how this is an attempt by prison authorities to suppress protest and dissent within the prison system. The entire prison system is an attack on oppressed people, the poor, and especially people of color, rendering them less able to organize and struggle for their rights and their liberation.

NOTES

- 1 An example of how this works in practice is the case of an Ohio prisoner who was charged with 'inciting to riot' for getting other prisoners at his medium-security prison to sign a statement of grievances against the prison for bad conditions. The prison disciplinary committee found him guilty and recommended a punitive transfer to a control unit at another prison in Ohio. However, all transfers must be approved at Central Office in Columbus. In this case, the approval was denied, since under the law, the prisoner could not be punished for what he had done by such a transfer. So, the warden at his prison responded by requesting that Central Office approve an administrative transfer instead. The transfer was approved without question (Reed 1992).
- 2 Letter from Wallace H. Cheney, General Counsel for the Federal Bureau of Prisons, to Jan Susler, Attorney for the People's Law Office, Chicago, IL, December 31, 1990. The entire text of the letter read: 'This is in response to your request for information related to the Florence, Colorado project. The issues you enquired about have not yet been decided. Therefore, no records exist at this time pertaining to your request. I trust you [sic] will find this information useful.'
- 3 This assumes that this aspect of the model for Florence, the Pelican Bay State Prison Security Housing Unit, is copied. See e.g. Wilson (1991: 2) and Corwin (1990: A1).
- 4 Letter from Pelican Bay SHU prisoner Thomas Fetters, to the authors, June 30, 1991. Fetters writes that he was transferred to the SHU for filing a lawsuit after being injured by a guard who assaulted him while he was in physical restraints. Letter from SHU prisoner Robert Lee Davenport, to the authors, September 28, 1990. Davenport reports being hog-tied and left on his cell-floor for ten hours and witnessing other prisoners left like that for twenty hours.
- 5 Federal District Judge, Barrington Parker, stated in a decision not long ago: 'It is one thing to place persons under greater security because they have escape histories and pose special greater risks to our correctional institutions. But consigning anyone to a high-security unit for past political associations they will never shed unless forced to renounce them is a dangerous mission for this country's prison system to continue.' On September 8, 1989, the US Court of Appeals in Washington, DC expressly rejected Judge Parker's opinion and reversed his decision.
- 6 See Smith (1991), a full-page plea, masquerading as a news report, for the Illinois prison system to build its own version of Marion.
- 7 For example, in an affidavit filed in the case of *Perotti v. Seiter, et al.* (civil no. C-1-84-1285, US District Court for the Southern District of Ohio, Western Division), in which prisoners alleged that the control unit complex at the Southern Ohio Correctional Facility in Lucasville violates the United Nations' *Standard Minimum Rules for the Treatment of Prisoners*, Stephen T. Dillon, the control unit supervisor and administrator, in defense of the prison officials, stated that the Ohio control unit does not violate prisoners' rights because it 'is based on modern and common corrections procedure and is similar to the ... maximum security facility of the US Bureau of Prisons at Marion, Illinois.'
- 8 'Uniform Crime Reports in *Sourcebook of Criminal Justice Statistics - 1987*, Washington, DC: USGPO, 1989.
- 9 Bureau of Justice Statistics, 'National Crime Survey' in *Households Touched by Crime - 1988*, Washington, DC: USGPO, 1989.

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