

PRISONS, CHANGE, AND FIGHTING GIANTS

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It's a funny thing what turns up in the dregs during a financial crisis. For one thing, people all across this country found out that the various prison systems (local, state, federal, public, private, on-the-map, off-the-map) have eaten a great yawning hole in the government's budget, a hole so big it's swallowing up schools and home health care, hospitals and aid to poor families. In fact, the numbers are upwards of 100 billion dollars a year, adding in the ancillary costs, and that number is set to keep growing as the impact of a generation of "get tough" policies come to fruition. That's real money by anyone's standards.

Another revelation that came out of the recent crisis, perhaps more surprising, is the stranglehold the strong arms of the prison-industrial complex have on the levers of power in this country. Everywhere efforts were made to scale back the extent of the prisons, furious resistance resulted. Only in a few states utterly devastated by the Great Recession were officials successful in achieving substantial prisoner population reductions. Instead, inside most of the prisons, teachers, librarians, chaplains, and other non-custody staff were laid off — the guard corps, thus far, surviving unscathed.

But in all my 32 years of serving time in maximum-security prisons in the state of California, this is the first time I've seen fear in their ranks. Even though the cuts have mostly hurt the rehabilitation end of the system, the formerly endless hours of overtime have dried up, and there is real talk of trimming down the number of guards. The assumption among prisoners, born of years at the heel end of boots, is we'll be eating bread and water before too many guards are standing in line at the unemployment office. The tide has turned, nonetheless.

The trouble for prison reformers will be the vast corpus of punitive laws written for the sole purpose of inflicting pain. Deeper, the bizarre, ahistorical presumption drilled into the American populace that the purpose of prison is to literally inflict pain. As the rest of the industrialized world moved solidly in the opposite direction this country began a mad descent into an open embrace of revenge policies. The prison-industrial complex embraced the victimology movement, provided much of its funding, and pushed its proponents out in front of the cameras to obscure the real costs of mass incarceration. With the assistance of well-funded politicians, whole areas of human conduct were shifted into the area of the illicit. The mere viewing of forbidden images, discussing unacceptable topics, supporting the wrong causes, any and all of these could result in arrest and imprisonment. Serial drug users and habitual shoplifters were elevated to a level of dangerousness requiring lifetime sentences in the harshest of conditions. This is the state of American corrections.

Over the past couple of decades an unlikely, unholy alliance came into being that stymied traditional approaches to prison reform. It's rooted in the politics of unions; essentially, the

guards became Democrats. And not just any Democrats but big money contributors and loyal spokespersons willing to shore up their weak tough-on-crime credentials. Still worse for all of us trying to undo the unchecked growth of the system, the guards' unions achieved acceptance by the other public employee unions. Nurses and teachers, who used to shun the guards' unions as their natural enemies, now march lockstep in the furtherance of unionism and self-interest. Many of us in prison find ourselves in the strange position of rooting for Republicans who, at least, haven't become as addicted to guards' union money.

And, to be perfectly clear to the newly starry-eyed reformers blinded by recent turns of events, when the money crisis is resolved those excessive, punitive laws will still be on the books ready to ensnare another generation of poor, urban, young men and women.

The prison-industrial complex is back on its heels, having taken some serious blows. But just as the laws underpinning its foundation remain in place, no one should become confused that the reformers won any of these scrums head-to-head. Outside of a couple of exceptional cases related to medical and mental health treatment, the system hasn't really lost any fights of consequence. The wind's gone out of their sails right now because the money supply dried up and only because the money supply dried up.

Still, it's a heady time, no doubt. I can remember being rejected by mainstream publications for trying to use the term prison-industrial complex, way back in the '90s, at the start of the great building boon that ended up imprisoning more people, by any measure, than any country on Earth, ever. This was the time when a steady, droning urgency to be afraid, bombarded free society. Every talk show did the obligatory sensationalistic genuflection to the fear-mongers, and all the learned hands fretted about the impending generation of "super predators" prowling the hallways of the local elementary school. The wave of death and destruction predicted never happened, and over the past couple of years, as if by magic, news shows rediscovered genuine reportage involving the local prison. I've even heard apparently rational men, wearing suits and ties, clean-shaven, use the term prison-industrial complex without derision.

It turns out that systems are as capable of being hoisted by their own petards as hubristic humans. The relentless campaign by the guards to convince society they work in the earthly equivalent to hell itself, succeeded in disabusing the false notion that American prisons, by far the worst in the industrialized world, were "country clubs." As anyone who has spent any serious amount of time imprisoned here in the Land of the Free, as de Tocqueville reported on in graphic horror 176 years ago, our prisons are both brutal and ineffective. The upshot of these revelations has been a push to expose the true nature of prison, particularly as a growing swath of society becomes directly impacted.

Bad as they are, they do, nonetheless, provide lots of very well paid, very unionized jobs, as no less than Governor Andrew Cuomo of New York pointed out in a speech defending his closure of a couple of small prison outposts upstate. He held his ground, but suffered withering attacks as a consequence.

This is the heart of the dilemma all of us working to defeat the prison-industrial complex have to address. There is no obvious political gain derived from taking on the system. The Right will march out the victims' rights advocates to tell their tale of woe and insist that the vengeance they crave must be shouldered by society entire. Otherwise, they will argue with practiced rage, they are being re-victimized. The Left will eagerly man the barricades with their new best buddies, fellow public employee union members, the prison guards. Here, the minions of the system will tearfully ask to be treated like any other group of hardworking Americans who seek only to put food on the table as they protect the poor lambs of society from the foul beasts inside. If not no win, this is a damned tough to win situation for any self-serving politician. And it's tougher still for anyone trying to change this dynamic.

It bears repeating, over and over again, that the modest gains of the past couple of years are due to the government running out of easy money. The laws that built the dismal empire have not changed. Society did not wake up from its generation-long induced state of hyper-vigilance to the thug on the corner and blindness to the thugs profiting off their fears. Any strategy that purports to lay out a plan for achieving real, systemic reform must stipulate to these unpleasant facts.

In a similar vein, years of impassioned, well reasoned, and articulate appeals to morality failed to so much as budge the interest of the public. Whether it was the grossly disproportionate incarceration of young minority members, or the obviously illegitimate disparities in the sentencing structure for different classes of drug offenders, or the growing, substantiated reports of abuse of prisoners by the aforementioned hardworking American guards, the only thing that finally resulted in the start, in the thought and serious discussion, of change was no more easy money.

I started writing about the truth of prison back in 1992 after I had served the first dozen years of a life without the possibility of parole sentence for killing a man in a drunken, drugged-up fistfight. In the years since, I've written a book, been published in newspapers and magazines all over the world, been interviewed on radio and television, and to this day I continue to tell the same story and urge the same set of responses to the prison-industrial complex. This course of action has put me in the hole a couple of times, and it's purchased me a certain measure of credibility. What I write about and advocate for is the product of experiential knowledge, earned inside the fences.

This current crack in the walls will only last for so long; it is not a permanent situation. The markets will right themselves eventually. Taxes will be collected again as the wheels of commerce lurch up and out of the ditch. Capitalism ran off the road as it's wont to do from time to time, but it's not dead.

Social reform in this country seems to require crisis. Both the New Deal and the Great Society were products of turmoil and unrest. Each transformed free society in ways so fundamental it's hard to contemplate the modern world without their respective advances, from Social Security to the Voting Rights Act. What is probably less well known is changes in general thinking wrought by these seminal moments in the collective history of this

country really didn't make it into the prisons until years later. Not until the '50s and the late '70s, respectively, did prisoners feel the impact of these social revolutions.

I believe it's possible to speed up the process of pulling the changes on the other side of the fences into the prison world, but we can be neither passive nor irrational. We'll have to use some tactical jujitsu against the power of the prison-industrial complex. Most important, we've all simply got to figure out how to work together. The system has exploited our divisions, not to mention our propensity to fall for all kinds of ruses and feints, to keep us arguing with each other all the way down into the maw of oblivion.

There is nothing resembling a national prisoners' union because we can't get along between different sides of the same city, let alone on a national level. And this isn't just a problem of prisoners. Different legal groups don't get along, different civil rights organizations can't see eye-to-eye, and every religious group seems to only be able to see us as a kind of crop to harvest. If the Left is, more generally, a circular firing squad, then the prisoners' rights/prison reform movement tends to stand in a similar formation, but wears blindfolds and calls each other names before blasting away.

I remain convinced, even in spite of the above, achieving a more unified, coherent, and effective organizational resistance to the prison-industrial complex is possible. There are millions of people directly impacted by prison, and many millions more indirectly affected. Using social media, electronic communication, and the power of numbers to overwhelm the concentrated few who have benefited, a genuine, peaceful movement to upend the system can be sparked.

In my time inside the prison system I've learned that some tactics work better than others when the goal is to achieve real change. First and foremost among these is the minimum requirement that prisoners be fully involved in the process, from the beginning, and that prisoners be included in leadership roles. The traditional model of enlightened outside folks coming in to save the poor, benighted prisoners from their own folly and ignorance won't work. It never has worked. Only in the world of prison, inside the sciences of corrections and criminology, is the vast experiential knowledge of the people most directly impacted virtually ignored. This results in programs and plans written by intelligent and, usually, well-meaning people that are wholly ineffective. Prisoners have to be brought on board from the outset of any plan to achieve systemic, long-lasting reform.

I've also learned that fighting an opponent who is stronger and better organized is not impossible. It is, however, complicated. The most powerful tool, from my experience with combating the California Department of Corrections and Rehabilitation, is outside scrutiny. The prison-industrial complex thrives in the dark, outside of the consciousness of free society. Bringing in light, from a variety of sources, is the strongest, most effective lever with which to move the system.

Groups interested in seeing real reform to the prison-industrial complex have to seize this great, unlikely opportunity to effect change. They must shine as many spotlights on these places as possible. Families and friends of prisoners have to overcome shame and fear to

publicly demand that their loved ones be treated with the dignity that all human beings are entitled, even human beings in prison. Prisoners have to fight against the commodification of their own lives by raising their awareness of what the prison-industrial complex has succeeded in doing over the past generation. Society has to find a way to reject the notion that only pain and suffering can rectify wrongs, or that policies of naked revenge are reasonable responses to victimization. Both of these ideas are simply wrong and will never result in good outcomes — never.

None of this will be easy, and none of this will happen overnight. One of the prime lessons of my life inside has been that reformers tend to run out of gas once it becomes clear that their plans won't come to fruition quickly. Nothing inside the prisons happens quickly. It's one of the iron laws of this experience that change takes longer than it should, and it's resisted more ferociously than it ought to be. But, as the old adage in here goes, "It is what it is."

There are two basic conclusions to this assessment of the prison-industrial complex. The guards and the others who have profited off of the misery of too many are counting on the current turmoil being a minor blip. They are hoping, and planning, to restart the engine of untrammelled expansion once the heat of public disgust dissipates. It's not irrational of them to come to this conclusion because that's what generally happens. People start working again, tax receipts start flowing in again, and pretty soon the public is more worried about what's on the boob tube than what their long-term future looks like. The prisons recede into the fuzzy background noise of a harried life.

If the right actions are taken, and if the advocates for change are willing to put aside their differences, and if all of us interested in seeing the prison-industrial complex dismantled can focus our energies and use all of the levers within our reach, I believe it's possible to change all of this dark, destructive horror permanently.

I offer one last lesson from my lifetime in prison that applies to this situation. When you fight a giant and manage to knock him down you don't offer him a hand up. Too many of my friends on the Left have a tendency to assume they have to fight with the Marquess of Queensberry rules, and that to engage in a street fight would somehow sully their high opinion of themselves. The prison-industrial complex will use whatever tactics it feels are necessary to win, no matter how dirty or unfair. Please keep this in mind in the coming struggle, and don't tie your own hands behind your back. I assure you, from long and painful experience, they won't.