RETHINKING THE AMERICAN PRISON MOVEMENT

Dan Berger and Toussaint Losier

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INTRODUCTION

Prisons are strange places. They are designed to both heal and punish, to remove people from society and yet somehow "correct" them for society through isolation and force. Unspeakable deprivation and violence occurs behind their walls, in ways both mundane—the pain of isolation and separation, the idiosyncratic restrictions on everything from clothing to reading material to communication—and dramatic, in the form of widespread physical and sexual abuse.

Yet, even as the institutions may seem remote, and the people held there helpless, prisons are, in fact, central to the United States. Throughout the country's history, *Rethinking the American Prison Movement* shows that prisons have been central tools of social control. They have incarcerated rebellious, marginalized, or otherwise transgressive individuals. Prisons incarcerate not only people who have violated the law but who lack the means and social standing to escape such punishment. Prisoners have been almost exclusively poor people and disproportionately Black; depending on the region or time, Latino/a, indigenous, and Asian American people have also faced disparate incarceration. And they have not been idle victims. As we recount in this book, prisoners have shaped and reshaped American law, culture, labor relations, and politics more broadly.

The United States incarcerates more people than any other country in the world. In 2009, when incarceration rates hit their zenith, there were 2.3 million people held in prisons, jails, and immigration detention centers scattered throughout the country. Approximately one out of every 100 Americans is in prison. The statistics are more sobering when considering the racial, economic, and gendered disparities. America's incarcerated are almost uniformly working class and disproportionately Black or Latino/a. One in nine Black men between the ages of 20 and 34 was incarcerated in 2014, making their rate of imprisonment six times greater than that of white men, while Latino and Native American men's

rates of imprisonment are three and two times that of white men respectively. In women's prisons, African Americans, Native Americans, and Latinas are also disproportionately incarcerated in comparison to their white counterparts. Although much less data exists about transgender and gender nonconforming people's incarceration rates, a national self-reporting survey in 2011 found one in six of all respondents, and one in two African Americans, had previously served time in jail or prison.[1]

The character and reach of American imprisonment is as stunning and distinctive as is the scale. The United States is alone among industrialized nations in retaining the death penalty, making widespread use of life without parole sentences that function as a crypto-death penalty, charging juveniles as adults and sentencing them to life in prison for crimes committed as teenagers, shackling incarcerated women during childbirth, and holding so many people (between 80,000 and 100,000 as of 2014) in solitary confinement, despite the demonstrated challenges that such isolation places on one's mental and physical health. The United Nations considers more than 15 days in solitary confinement to amount to torture, yet prisoners in the U.S. may spend decades in complete isolation. Since 2009, a Congressional act has required 34,000 immigrants to be detained on a daily basis, which has required arrests to stay apace with deportations.[2]

The problem extends far beyond the prison itself. In addition to the more than two million people incarcerated in prisons, jails, and detention centers, another five million are under some other form of correctional control, such as parole, probation, or house arrest. Upon release, people with felony convictions encounter a dense web of laws that restrict their access to housing, employment, welfare benefits, and political participation. More than six million people were unable to vote in the 2016 presidential elections due to laws disenfranchising people with felony convictions—more than five times the amount in 1976. Felony convictions currently prevent one in 40 otherwise eligible Americans from voting, and one in 13 voting-age African Americans. Such widespread disenfranchisement has likely altered the result of elections at local, state, and national contests. Conviction history also restricts the jobs, educational opportunities, or housing options that formerly incarcerated people may access. Additional fines or fees stemming from conviction may place people in perpetual debt even after their time is served.[3]

These and other "invisible punishments" also destabilize the families, kinship networks, and wider communities and neighborhoods that prisoners come from and to which they may return. For example, despite their exclusion from the political process, prisoners are still counted as part of the overwhelmingly rural and white districts where they are incarcerated rather than the disproportionately urban and Black or Latino districts where they once lived and to where many of them will return. And among the myriad consequences for families is the reality that imprisonment has become a significant driver of foster care cases and permanent losses of parental rights.[4]

Like its impacts, the origins and causes of our current prison crisis are complex and multifaceted. Many scholars have traced the various ways in which prisons, policing, and surveillance assumed an increasingly central role in U.S. society and politics throughout the twentieth century, the period focused on in this book. This process has been variously labeled the making of a "carceral state," a "prison industrial complex," or "mass incarceration."[5] Despite the different inflections, each phase speaks to the outsized role the criminal justice system plays in the United States.

The problem of prisons is less an issue of crime than of criminalization. Crime is a fungible category: its definition and scales of punishment have changed over time. Some things—say, marijuana possession or prostitution—that are illegal in one city or state are perfectly legal elsewhere. Even when the same thing is taboo, the consequences one may face can vary wildly. The same amount of drug possession can lead to a diversion program in one municipality but a life sentence in another. A schoolyard fight could lead to detention or to arrest. All robbery is illegal, but those who rob a grocery store go to prison more often and for longer periods of time than those who defraud company pension plans or investors. Even killing someone may produce vastly different charges and vastly different consequences. The reasons for these discrepancies are varied, yet they all speak to criminalization. Criminalization names the processes institutions use to punish particular activities, behaviors, or people. It refers to the ways police and other agents of the criminal justice system suspect, target, and penalize certain groups of people. Rates of incarceration and prison construction have been surprisingly disconnected from incidents of actual crime. Instead, who goes to prison, for what, and how long reflect the level of criminalization in society in a given historical moment.

Defining the Prison Movement

Given these issues, it should come as little surprise that prisons have generated powerful activism for social justice. Throughout American history, numerous groups and organizations worked to improve carceral conditions by raising public consciousness and advocating the constitutional rights of prisoners and detainees. Prisoners and their advocates have fought for quality health care, religious, labor, and reproductive rights, the end of solitary confinement, and more. The prison movement, as we conceptualize it in this book, encompasses these efforts to safeguard the rights of incarcerated people as well as organized challenges to the ways confinement strips people of any access to rights at all. The fact that prisons have been used to punish dissidents and radicals has facilitated a political interest in prisons from a variety of social movement actors, including anarchists, antiracists, communists, environmentalists, feminists, pacifists, sexual and gender nonconformists, and others. As a result, the history of the prison movement runs parallel to and intersects other social movements. It brings together people in and out of prison around a critique of imprisonment as part of a larger vision of social justice.

What we are calling "the prison movement" is a broad-based human rights movement. It is more capacious than a demand for "prison reform" or even "prisoner rights." As we discuss in the following chapters, some prison reform campaigns have expanded the prison system and trafficked in racist or otherwise problematic assumptions. The prison movement, meanwhile, includes, but is not limited to, efforts to provide more legal protections for incarcerated people. This book centers on activism by, and in concert with, people in prison, which has challenged the criminal justice system as a concentrated expression of social and political injustices. This work has sometimes called itself "prison reform." But it has frequently embraced other labels: "Black liberation," "worker rights," "feminism," or "abolition," among others. We opt for the more expansive framing of "prison movement," the phrase that some of the historical subjects themselves embraced, as a way to situate imprisonment within a larger field of activism. The prison movement has critiqued not just incarceration but the *society* where elites use prison to solve social conflict.

Three features characterize the prison movement: first, it has been centered on the most marginalized sectors of the population. The history of prisons in the United States is the history of inequality and repression—racial, sexual, gendered, economic, and political. Immigrant detention has expanded in periods of acute nativism, whether aimed at Asian and eastern and southern European immigrants in the early twentieth century or Latin American and Muslim immigrants at the turn of the twenty-first. And throughout American history, the poor and working classes have comprised the vast majority of people in prison. Because of the multifaceted ways in which race and ethnicity have structured class position, those defined as nonwhite, and especially those defined as Black, have been disproportionately incarcerated. As a result, it has often been those whose social locations reveal the entwinement of multiple systems of inequality that make up the center of gravity of the prison movement—even as it enlists the participation of an impressive cross-section of society, including artists, journalists, attorneys, educators, and activists of all types.

Second, the prison movement challenges social norms of citizenship and freedom. Prisons deny their captives a variety of freedoms, including those of movement, speech and assembly, and bodily integrity. At times, they have denied the freedom of religion as well—especially Islam. As a result, it is no exaggeration to say that people in prison live outside the parameters of American citizenship, even if the majority of prisoners were born and raised in the country. In the prison movement, we find both poignant denunciations of injustice and bold reimaginings of citizenship and freedom. As we shall see, some of the most global citizen-activists have been confined to a six by nine cell.

Much of the transmission between the prison movement and other progressive and radical social movements stems from the large number of activists that have been incarcerated as a result of their political activities. Each generation of the prison movement has garnered global support for some high-profile political

activists in U.S. prisons. The Geneva Conventions created after the Second World War established legal rights and protections for political prisoners—including people incarcerated for militant or violent actions taken as part of social movements against racist or oppressive regimes. Yet the category of "political prisoner" has always been fraught within the United States. Officials deny that the country incarcerates people for their political beliefs or actions, noting that everyone in prison was convicted of a criminal offense. The prison movement, however, has politicized prison—and prisoners. We use the term "political prisoner" advisedly to refer to two groups. First are those who have been incarcerated for their activism, including those who have broken the law in the process. The other are those who face additional reprisals—such as longer sentences, placement in solitary confinement, or parole denials—for their organizing in prison. (Knowing that criminal convictions often strip people of their citizenship, we avoid the pejorative labels of the criminal justice system, such as "inmate," "offender," and "felon" except in direct quotations. Instead, we opt for the descriptive label of "prisoner" or the more cumbersome "incarcerated person.")

Finally, the prison movement is both episodic and ubiquitous. There is little continuity of individuals, organizations, and groups across the twentieth century American prison movement. The fracturing owed to both victory and defeat; more than anything, it resulted from the fact that the prison movement responded to the prevailing conditions of a given era. The isolation and geographic location of prisons makes it difficult to sustain communication over long periods of time on any kind of broad, cross-institutional scale, and authorities determine how much access journalists, advocates, and others can have to people in prison. Popular attention can often be short, while U.S. prison sentences since the 1970s have grown longer. Hence, each upsurge of social movement activity tends to "discover" anew America's prison problem—even while that problem grew more severe. However, while popular interest in prisons may ebb and flow, prisoners have continually challenged their conditions of confinement despite, and amidst, threats of prolonged and exaggerated punishment. From hunger strikes to work stoppages, from HIV/AIDS peer advocacy groups to print cultures, America's jails and prisons have inspired widespread, collective action. Any regional and national coordination of prisoner organizing efforts hinges on the support of activists on the outside. These "inside-outside" relationships have been a critical element of the prison movement. The media and cultural production of people in prison—especially writing, but also song and visual art—have been important vehicles for garnering national and international attention for local campaigns, and for coalescing local demands into broader social justice agendas.

While carceral institutions and the experience of imprisonment have long interested historians and other scholars, prison activism is an emerging topic of scholarly interest. A new generation of scholarship has challenged the despairing portrait of earlier works that minimized prisoner activism, saw incarcerated people as politically apathetic or devious, or described prison reform as a "forlorn hope."[6]

Without presenting a romantic picture of prisoner activism, this book offers readers a brief overview of the many ways that individuals and organizations have resisted state violence in the form of prisons. We provide a history of the American prison movement in the twentieth century—its political origins and contexts, its defining events and modes of organizing, and its ongoing evolution. It draws upon our own archival research and synthesizes existing studies of organized resistance to incarceration that are largely local or regional in scope, or focus on a particular kind of prison system (county, state, or federal; women's or men's) in order to trace a spiraling arc of protest over more than a century.

Although our focus remains on the twentieth century to the present, prisons and prisoner activism predates the founding of the United States. Historians of slavery have demonstrated that Africans had to become prisoners before they could be enslaved: from capture in Africa to shackled transport on slave ships to the confinement of the plantation, slavery consisted of many forms of captivity. Likewise, the genocide of indigenous populations included not just killings but physical confinement on reservations (even if that confinement offered an ongoing connection to the land that has served as a base of sovereignty). Both processes constructed the idea of a threatening group that needed to be contained, which would be a fundamental component of the *racial criminalization* that has structured the American prison system.

Colonization and chattel slavery, together with the revolutionary origins of the United States in its independence from Great Britain, bequeathed the country a unique legal system that justified severe and degrading criminal punishment. Beginning in the late eighteenth century, American jails and prisons utilized austere tactics of solitary confinement and forced labor that produced mental illness and physical abuse. And from the beginning, prisons and jails incarcerated mostly poor people, a disproportionate number of them people of color. The first things called prisons emerged in New York and Pennsylvania. Their designation as "penitentiaries" reveals the religious origins of their first designers: in eighteenth century Philadelphia, Quakers hoped that prisons, specifically solitary confinement in which prisoners were denied all human contact or interaction, would cause people to reflect on their wrongdoing and repent. Instead, many of them were driven mad from the prolonged isolation. Meanwhile in New York, the early prison at Auburn mixed social isolation with forced labor to promote discipline among the captives. And, reflective of their criminalization, African Americans were amongst the first group of prisoners sent to the early penitentiaries in New York and Pennsylvania.[7]

The history of prisons in America joins the plantation, the penitentiary, and the reservation. The Southern system of chattel slavery, the Northern model of state-sanctioned isolation, and the national structure of reservations and territorial restriction birthed the complex structures of confinement that have come to define the United States. Each one contributed to a prison system characterized by stark racial and economic disparities and run by sophisticated technologies of control.

Plantations, penitentiaries, and reservations have distinct histories but share themes of state control backed by threat of force that define the modern prison.

Modes of Imprisonment, Methods of Resistance

All prisons share some common features: they hold people captive through a combination of armed guard and the built environment (e.g., thick concrete walls, razor wire). Such a design renders physical and sexual violence routine forms of enforcing captivity. Yet the forms of imprisonment have changed throughout American history. The prison is not a static institution that has only grown more plentiful. Rather, the approaches to incarceration have shifted over time. Prison has changed with the times, including in response to what prisoners and their free-world advocates have done. The United States has had at least three primary "models" of imprisonment, what we will refer to as penal managerialism. The types of penal managerialism have a direct bearing on the permutations of the prison movement. Even in launching broadsides against the idea of prisons themselves, the prison movement has both prompted and responded to the specific contours of penal managerialism in a given time and place.[8]

The three models of imprisonment can be thought of as the Workhouse, the Big House, and the Warehouse. Each one references strategies for imprisonment: the Workhouse uses prisoners as free or cheap labor to produce goods and services under threat of force. The Big House claims rehabilitation as its purpose, introducing education programs, religion, and psychotherapy into its regimen. The Warehouse prison seeks only to incapacitate, to remove people from society. These different models may coexist or overlap with each other. Southern prisons held on to the Workhouse model longer than Northern prisons, for instance, and the Big House approach never predominated there. Many Big House prisons have been overcrowded, even if overcrowding is not a design feature of those prisons the way it has been in Warehouse prisons. And under the Warehouse model, a number of prisoners still work for no or little pay for either private or state-run companies—even though labor needs are not the driving factor of imprisonment the way they were in the nineteenth century. In fact, the Warehouse model of imprisonment has accelerated since the 1970s precisely as a way to resolve rising unemployment.

Beginning in the eighteenth century, the first American prisons were institutions of racialized labor discipline. Prisoners were forcibly put to work throughout their confinement. While coerced labor was true of prisons throughout the growing country, the end of the Civil War brought some regional differences. Northern prisons, called penitentiaries, blended forced labor with religious-inspired notions of atonement. (Forced labor was, in fact, an improvement over the first penitentiary, started by Quakers, which confined people in total isolation as a path toward penitence.) The South had no such pretensions. Southern elites used the criminal justice system as a mechanism to reimpose the racial order of slavery as an overwhelmingly Black prison population mined coal and iron,

completed domestic labor, and did other labor that helped industrialize the South. Under the convict lease system, the Workhouse prison expressly utilized the management structure of slavery to confine Black Americans.

Informed by slavery, labor discipline remained a hallmark of Southern prisons well into the twentieth century. Throughout the region and into the Southwest, prisons were run cheaply because they were run so brutally. Many Northern and Western prisons, however, moved to the "Big House" model of imprisonment in the first decades of the twentieth century. Many prisons still forced captives to work, but with a different rationale. Instead of working for the state or private companies, prisoners were put to work on the idea that labor would turn wayward souls into productive citizens. Penal managerialism took on a modern gloss under the Big House model. Institutions provided regimented schedules of activity for their detainees. It was during these years that "rehabilitation" emerged as a central purpose of imprisonment. Things such as parole and probation became dynamic features of a modernizing criminal justice system. This form of imprisonment, which criminologist David Garland labels "penal welfarism," expanded the therapeutic components—recreational programs, literacy efforts, psychological counseling—alongside the diverse forms of physical restraint that have always characterized imprisonment.[9]

The rehabilitative ideal never squared with the punitive reality of confinement in a racially and economically segregated society. As we show in this book, the "correctional institution" model came under withering assault from left and right. Especially after the 1970s, the country embraced the Warehouse model. These prisons are premised on what geographer Ruth Wilson Gilmore describes as "incapacitation." Warehouse prisons gave no pretense at trying to "rehabilitate" or reform its captives. Rather, they returned to the brutalism of early American prisons—which had remained true of many prisons in practice if not in theory. Unlike earlier strategies of penal managerialism, however, labor was not driving the era of mass incarceration. Rather, prison was there to "lock up bad guys," plain and simple. The characteristic Warehouse prison faces severe overcrowding, stern discipline, minimal programming, and limited medical care. The most extreme form of prison under this model is either the "control unit" within a prison or the "supermax" (supermaximum security) prison. Both forms of highly restricted confinement take the incapacitation goal of Warehouse prisons to the logical conclusion. People spend 22 to 24 hours a day locked in their cell and without any human contact, much less any kind of social program. A response to the prison rebellions of the 1960s and 1970s, the Warehouse prison makes it more difficult to organize—even if it cannot fully quell protest, violence, or self-mutilation.[10]

Regardless of managerial approach, prisons are, at root, rigidly hierarchical institutions. Prisons classify people by offense and sentence length. Racial and ethnic identity, sexual orientation and gender presentation, and political and social affiliations often serve as additional forms of classification within the prison hierarchy. Prisons turn such differences into hierarchies, both from guards to

prisoners and between prisoners themselves. Throughout U.S. history, racism has fostered the most explicit division between prisoners. As prisons grew in importance following the formal abolition of slavery, racism remained central to prison managerialism. Both slavery and Jim Crow have informed the structure of American prisons. Until late in the twentieth century, prisons were racially segregated by law. Even after racial segregation ended officially, it still governed many institutions unofficially. Some guards stoked racial division by treating white prisoners better or giving them access to more resources than Black, Latino/a, and other prisoners of color, who also faced routine racial epithets or physical attacks from guards and prisoners alike.[11]

The intensity of such divisions—frequently but not always racial—has been a routine obstacle for the prison movement to overcome. Yet, it has happened. *Rethinking the American Prison Movement* chronicles how prisoners have collaborated with free-world allies to expand their rights, challenge criminalization, and pursue a broad agenda of social justice. Their efforts have changed in response to the prevailing logic of prison managerialism and American society more generally. The prison movement has used the logic of the prevailing system of managerialism against itself. The same acts of physical violence or transferring of people from one institution to another that officials use to stifle the movement have, at times, spread organizing to a larger scale. Workhouse prisons generated fierce labor strikes. Prisoners filed lawsuits and penned trenchant critiques of how violent Big House prisons were, calling into question the possibility for "rehabilitation" in such institutions. Warehouse prisoners have used hunger strikes and campaigns for medical care to ameliorate their plight. To the extent that these *models* of prison blend—many Southern prisons blend the Workhouse and the Warehouse, for instance—*protest strategies* do as well.

Scales of Punishment and Resistance

Most prisons are outside the major population centers where most prisoners come from, and prisons are tightly disciplined institutions that keep people in cages. This book focuses primarily on the experience of people in state and federal prisons. It is these institutions, especially state prisons, where most people are incarcerated and for the longest periods of time. Not surprisingly, these are the places that have generated the most sustained activism. Federal prison populations were quite low in the first half of the twentieth century, and in 2016, they comprised about 10 percent of the overall prison population. There are several different types of carceral institutions: city and county jails (where people are incarcerated awaiting trial or are serving short sentences), state and federal prisons, federal immigrant detention centers, county and state juvenile detention centers, and state mental hospitals. The prison movement has, at different moments, made its mark on each of these sites. Yet it has been concentrated in state prisons, where incarceration itself is most concentrated.

Most prisons in the country are run by the local, state, or federal government rather than by private institutions. While private interests have long intersected with imprisonment, from the nineteenth century convict-leasing system to food and phone-service companies in the twenty-first century, less than 10 percent of U.S. prisons are privately run as of 2016. The one exception is immigrant detention in the twenty-first century, where a small number of companies operate more than 60 percent of all detention centers. Still, decisions about prison construction and management—like those about the classification of crimes and sentencing—are made by local, state, and federal governments. Thus, the prison movement has focused primarily on government-run institutions.

Relatedly, some cities and states loom much larger than others in this book: populous states such as California, Illinois, New York, and Texas have been national trendsetters in criminal justice policy as well as sites of significant social movement activity, and, in turn, have received more scholarly attention. Still, the phenomena we examine are widespread, and we include examples of prison organizing from throughout the country and from many of the aforementioned kinds of carceral institutions. Finally, while this book is focused on a social movement—which is, at base, a collective, sustained effort—it also provides some discussion of the kinds of everyday, often hidden, forms of resistance that historian Robin Kelley terms "infrapolitics."[12] Expressions of individual agency, everyday strategies for survival, and resilience in the face of prison regimes are the conditions of possibility for the kinds of collective action we chronicle in the following chapters.

We trace the evolution of prisoner organizing across several phases of upsurge and recession: prisoner strikes and popular campaigns on behalf of prisoners in the first half of the twentieth century, the wide-ranging prison movement that arose in the decades after the Second World War, the health care and legal activism that incarcerated people waged while the prison population expanded dramatically, and the efforts to curtail mass incarceration in the new millennium. People in prison have always fought for dignity through both small-scale actions and periodic collective uprisings. Such resistance built, often unknowingly, on slave resistance and other forms of opposition to captivity. Yet the four decades after the Second World War witnessed the blossoming of the American prison movement. Reaching its zenith in the 1970s, the prison movement—from lawsuits to rebellions—mobilized, received support from, and provided leadership to efforts outside of prison.

Throughout its long history, the prison movement has offered a trenchant, influential critique of state punishment. The movement has challenged criminalization as the way in which state institutions turn differences of race, class, gender, sexuality, geography, and political ideology into violent hierarchies. Both prisons and the prison movement have changed over time. Prisons, and therefore the prison movement, have evolved in relation to a set of social, political, and economic factors. More than crime, prisons have reflected prevailing ideas about labor, public policy, and the comportment of especially Black poor and

working-class people. Each phase of prison managerialism comprised the punitive arm of how state and federal governments especially controlled urban poverty and left-wing radicalism, particularly as expressed by Black and other racialized people.

Challenging the Social Order of Imprisonment

Like any institution, prisons have a robust social order. Its "rules, routines, and ideology" are shaped by a wide set of actors, including "convicts, wardens, guards, clergy, bureaucrats, and reformers," among many others.[13] The social order of imprisonment is a defining feature of captivity. The social order varies by institution and region, but is always premised on sex-segregated physical confinement. It has, at various times and places, included intense racial segregation, coerced labor, forced isolation, religious persecution (especially for Muslim prisoners), homophobia, and severe medical neglect. The prison movement has therefore had to contend with, and try to overcome, the geography of prisons. Fostering coalitions between incarcerated and nonincarcerated people has been central to diverse kinds of oppositional strategies prisoners have used. Likewise, as the legal system governs who goes to prison and for how long and under what conditions, prisoners have routinely used lawsuits to secure gradients of freedom. Yet, unfavorable rulings are common, and even when victorious, the law could be inconsistently applied. Thus, as we describe in the following chapters, the prison movement has not been limited to legal challenges alone. Any ground the movement was able to capture was both about powerful leftwing movements on the outside and an undercutting of the social order of imprisonment on the inside.

Chapter 1 locates the origins of the prison movement in challenges to prison slavery and political repression in the decades after the Civil War. Although that war abolished slavery, prisons still forced their captives to do free labor. In the South, this policy saw tens of thousands of Black people forced into slave-like conditions; they relied on some of the same mechanisms to resist prison slavery that their relatives or ancestors used to undermine plantation slavery. In the early twentieth century, the criminal justice system also became a key mechanism through which elites sought to repress political radicalism. Diverse leftist movements—anarchists, communists, socialists, and Black nationalists—found themselves facing imprisonment or deportation for their opposition to lynching, labor exploitation, or American militarism. The challenges to prison slavery included several small-scale challenges to captivity, while the widespread arrest or incarceration of anarchists, communists, and others led to major public defense campaigns. This combination of refusing prison discipline and seeking popular support on the basis of civil liberties would become bedrock components of the prison movement.

Chapter 2 chronicles the birth of legal rights for incarcerated people through challenges to "prison Jim Crow." Forced labor, racial segregation, and suppression

of Muslim religious freedom sparked a series of challenges to American prisons in the 15 years after the Second World War. Their efforts secured expanded legal protections for people in prison and began a more than two-decade process of prisoner-initiated lawsuits protesting their conditions. Additionally, such activism showed incarcerated people that they had power to transform their surroundings through collective action. Chapters 3 and 4 examine the crisis of legitimacy that prisons faced in the 1960s and 1970s because of major strikes, uprisings, lawsuits, and publications organized by prisoners and supported by the broad social movements at the time. Chapter 3 focuses on the "prison rebellion years" of 1968 to 1972, when the country witnessed an unprecedented explosion of highly political prison uprisings that often included the taking of hostages. The biggest were concentrated in California and New York and had strong connections to Black Power and other leftwing activism at the time. Chapter 4 explores how these revolts expanded throughout the 1970s as prisoners protested longstanding physical abuse alongside new forms of behavior modification. Their efforts included the formation of unions and prisoner-run governing bodies as well as an expanded feminist opposition to the incarceration of women. Never before the 1960s had incarcerated Americans been recognized so heavily as leaders and theorists of social justice movements. Progressive and radical social movements at the time often supported these efforts, which were led by prisoners themselves.

The prison movement had its biggest impact in these two decades. The uprisings, strikes, and publications coming out of prison shaped a national conversation about whether and how to reform or abolish prisons. Although the overall structure of prisons was left intact, incarcerated people upset the traditional order of American punishment. The response to their efforts gave rise to mass incarceration. Beginning in the 1970s and accelerating over the next four decades, prison officials pursued new models of containment as the number of people in prison mushroomed. Chapter 5 looks at the prison movement in the era of mass incarceration. The period between 1980 and 1998 witnessed a withering of the prison movement through a set of policies that not only sent more people to prison, but kept them incarcerated for longer periods of time in more punitive and isolating institutions. Many of these changes were put in place to counter the success of the prison movement and related campaigns.

Although significantly weakened, the prison movement continued. Dissident prisoners returned to some of the building blocks that had sustained them at earlier moments: campaigns to educate the public and free incarcerated dissidents, agitate for legal relief from excessive punishment, and form mutual aid networks and relationships with free-world allies so that prisoners could protect and support each other. While the format was old, some of its content was new. For instance, prisoners had to organize against institutional neglect when the HIV/AIDS epidemic devastated prison populations at this time. The conclusion highlights some key features of the prison movement historically and how they have reemerged in the twenty-first century.

The issues raised by the prison movement are far from settled. As sociologist John Irwin, who himself spent several years in prison in the 1950s, suggests, "prisoners are human beings who are not treated as human beings, and . . . the outcome of this mistreatment is unnecessary, unfair, and counterproductive."[14] Incarcerated people are not passive victims, however. With mixed results, their activism has altered prison conditions. Equally important, their work has contributed to shaping the United States itself. Reviewing more than 100 years of activism, *Rethinking the American Prison Movement* shows that prisoners have been among the country's most astute, enduring analysts of freedom and justice.

Notes

1 National Research Council. T*he Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, DC: The National Academies Press, 2014; Grant, Jamie M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Washington, DC: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

2 The exact number of people held in solitary confinement is difficult to determine, as states are not required to keep tally and may use different terminology to describe similar modes of prolonged isolation. The figure is drawn from The Liman Program and Association of State Correctional Administrators report, *Time-in-Cell: The ASCA-Lima 2014 National Survey of Administrative Segregation in Prison* (New Haven: Yale Law School, 2015), https://law.yale.edu/system/files/documents/pdf/asca-liman_administrative_segregation_report_sep_2_2015.pdf.

3 Chung, Jean. "Felony Disenfranchisement: A Primer," Sentencing Project, May 10, 2016, http://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/; Uggen, Chris and Jeff Manza. *Locked Out: Felon Disenfranchisement and American Democracy*. New York: Oxford University Press, 2006; Lerman, Amy E. and Vesla M. Weaver. *Arresting Citizenship: The Democratic Consequences of American Crime Control*. Chicago: University of Chicago Press, 2014; Western, Bruce. *Punishment and Inequality in America*. New York: Russell Sage Foundation, 2006; Harris, Alexes. *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*. New York: Russell Sage Foundation, 2016.

4 Mauer, Marc and Meda Chesney-Lind, eds. *Invisible Punishment: The Collateral Consequences of Mass Incarceration*. New York: The New Press, 2002.

5 See respectively Gottschalk, Marie. *The Prison and the Gallows: The Politics of Mass Incarceration in America*. Cambridge: Cambridge University Press, 2006; Thompson, Heather Ann. "Why Mass Incarceration Matters: Rethinking Decline, Crisis, and Transformation in Postwar American History," *Journal of American History* 97: 3 (2010): 703–734; Alexander, Michelle. *The New Jim Crow: Mass Incarceration in an Age of Colorblindness*. New York: The New Press, 2010; and Gilmore, Ruth Wilson. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press, 2007.

6 Cummins, Eric. *The Rise and Fall of California's Radical Prison Movement*. Palo Alto: Stanford University Press, 1997; Sullivan, Larry E., *The Prison Reform Movement: A Forlorn Hope*. Boston: Twayne Publishers, 1990.

7 For American legal culture, see Whitman, James Q. *Harsh Justice: Criminal Punishment and the Widening Divide between America and Europe*. New York: Oxford University Press, 2005. For early American prisons, see Manion, Jen. *Liberty's Prisoners: Carceral Culture in Early America*. Philadelphia: University of Pennsylvania Press, 2015; McLennan,

Rebecca. *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776–1941*. Cambridge: Cambridge University Press, 2008; Reed, Austin. *The Life and Adventures of a Haunted Convict*. New York: Random House, 2016; and Smith, Caleb. *The Prison in the American Imagination*. New Haven: Yale University Press, 2011.

8 We derive the phrase "penal managerialism" from historian Rebecca McLennan and her monumental study of the New York state prison system. We employ the term differently than she does, however. For McLennan, managerialism refers to a "new kind of penal discipline" that administrators introduced in the 1920s to quell dissent with earlier models of governing prisons. We use the term here to describe prison governance itself, to name the prevailing philosophy for the purpose of prison in a given time period. See McLennan Rebecca, "Punishment's 'Square Deal': Prisoners and Their Keepers in 1920s New York," *Journal of Urban History* 29: 5 (2003): 597–619; quote is from 604.

9 Garland, David. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press, 2001, 27–51.

10 Gilmore. *Golden Gulag*; Todd Clear and Natasha Frost, *The Punishment Imperative: The Rise and Failure of Mass Incarceration in America*. New York: NYU Press, 2014; Irwin, John. *The Warehouse Prison*. Los Angeles: Roxbury Publishing Co., 2005; Dayan, Colin. *The Law is a White Dog: How Legal Rituals Make and Unmake Persons*. Princeton: Princeton University Press, 2011.

11 Haley, Sarah. *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*. Chapel Hill: University of North Carolina Press, 2016; Childs, Dennis. *Slaves of the State: Black Incarceration from the Chain Gang to the Penitentiary*. Minneapolis: University of Minnesota Press, 2015. On race as a form of management, see Roediger, David R. and Elizabeth D. Esch. *The Production of Difference: Race and the Management of Labor in U.S. History*. New York: Oxford University Press, 2012.

12 Kelley, Robin D.G. *Race Rebels: Culture, Politics, and the Black Working Class*. New York: The Free Press, 1994, 8–9.

13 McLennan, "Punishment's 'Square Deal,'" 599.

14 Irwin, *The Warehouse Prison*, xi.