

## Keramet Reiter

### The Pelican Bay Hunger Strike: Resistance within the Structural Constraints of a US Supermax Prison

On July 1, 2011, approximately four hundred prisoners in California's Pelican Bay State Prison Security Housing Unit (SHU) went on hunger strike. Over the next three weeks, at least sixty-six hundred prisoners across the state joined the Pelican Bay prisoners, refusing food in solidarity (Streeter 2011).<sup>1</sup> The Pelican Bay SHU is an archetypal US "supermax," holding prisoners in long-term and near total isolation. Most of the prisoners participating in the July hunger strike at Pelican Bay had been in solitary confinement, under conditions of severe sensory deprivation, for five or more years; a few had been in solitary confinement for more than twenty years (Small 2011). (Other prisoners throughout California also protested solitary confinement in other facilities; the state has more than three thousand prisoners in four supermax facilities and an additional eight thousand-plus prisoners in shorter-term isolation units throughout the state prison system.) In isolation, these prisoners experience a bare minimum of human contact. They can shout at one another through steel doors, visit their lawyers behind bulletproof glass, and see a doctor in times of medical need, as long as their feet remain cuffed together and their hands remain cuffed to

“belly chains” around their waists. Correctional administrators, not judges or juries, decide which prisoners deserve or require these harsh conditions of confinement. Correctional administrators assign most prisoners to the Pelican Bay SHU for indeterminate periods—functionally for the duration of their criminal sentence—on the basis of their status as alleged gang leaders. Sixty percent of prisoners in SHUs throughout California are serving indeterminate periods in isolation because they have been labeled gang leaders; 40 percent are serving determinate (or fixed) periods in isolation because they have violated a specific prison rule (Barton 2013). However, scholars estimate that a higher proportion of prisoners in the Pelican Bay SHU (closer to 70 percent or more) are serving indeterminate periods in isolation (Shalev 2009; Reiter 2012a).

The July 2011 hunger strikers vowed to refuse food until five core demands were met. Their demands, each tied to the harsh conditions of supermax confinement, were poignantly simple: end group punishment and administrative abuse, abolish the debriefing policy, comply with the US Commission on Safety and Abuse in America’s Prisons 2006 recommendations regarding an end to long-term solitary confinement, provide adequate and nutritious food, and expand and provide constructive programming and privileges for indefinite SHU status inmates (Prisoner Hunger Strike Solidarity 2011e). In elaborating on these demands, the prisoners specified examples highlighting the narrowness of the concessions they sought, like warm clothes for their one hour per day of outdoor exercise in the “dog run” and permission to make one phone call per week.

California media outlets like the *Los Angeles Times* covered the strike immediately. By mid-July, the strike had attracted the critical attention of the *New York Times* and the *Washington Post*. By late July, at least one prisoner had been hospitalized, and others were suffering serious health consequences as a result of their continued refusal to eat. Scott Kernan, the undersecretary of the California Department of Corrections and Rehabilitation (CDCR), confronted this crisis on July 20, 2011. He traveled the nearly four hundred miles from corrections headquarters in Sacramento, north, to Pelican Bay State Prison, on California’s border with Oregon. Kernan sat down at a table in a closed-door meeting with four prisoner leaders of the strike. For once, no bulletproof glass separated the prisoners from one another, or from Kernan. At this meeting, Kernan agreed to reconsider a prisoner-specified list of SHU policies, and the hunger strike leaders agreed to eat again. In all, the July hunger strike lasted just over three weeks. But reverberations of the

organized power of the strike, the widespread media attention it had attracted, and the unprecedented nature of the prisoner-captor negotiations continue to echo two years later. In the summer of 2013, frustrated by slow progress in implementing the 2011 agreement they had reached with Kernan, the same hunger strike leaders initiated another larger (thirty thousand prisoners participated at the peak) and longer (sixty days) hunger strike.

Drawing on a previously unavailable recording of the July 2011 negotiation between the strike leaders and Kernan, published media interviews and correspondence with hunger strikers and CDCR administrators, and contemporary news reports of the events, this article examines the history, tactics, and implications of the massive hunger strike, centered in California's highest-security prison in the summer of 2011. The article argues that the 2011 hunger strike embodies a *legitimacy paradox*: prisoners condemned their individualized conditions of confinement, without condemning the legitimacy of the broader prison system imposing these conditions. In this way, the hunger strikers situated themselves squarely within the law, successfully countering correctional officials' characterizations of them as "the worst of the worst," undeserving of legal protections, or outside of the law.

The article proceeds in six sections: The first section provides historical context for understanding prison resistance in California from the 1970s onward. The second and third sections situate the Pelican Bay hunger strike in the context of prison resistance, nationally, and hunger strikes, internationally. The fourth and fifth sections explore the legitimacy paradox in detail, analyzing how the US legal structure and the physical supermax structure shaped and constrained both the prisoners' initial demands as well as their subsequent negotiations. These sections interweave analyses of news coverage and blogs of the strike with analyses of the transcript of the face-to-face meeting between the prisoners and correctional administrators that ultimately resolved the strike.<sup>2</sup> The final section analyzes the aftermath of the strike, suggesting that the prisoners' actions revealed, for the first time, the contradictions inherent in the supermax institution and rendered visible the physical and mental scars that the institution was leaving on human bodies. This heightened visibility, in turn, contributed to the first wave of sustained, widespread criticism of the US supermax phenomenon. By invoking the legitimacy of the broader prison system in which they were operating (however counterintuitively), the hunger-striking prisoners actually bolstered the legitimacy of their limited challenges to aspects of this system.

### Roots of the Legitimacy Paradox in 1971

The July 2011 Pelican Bay hunger strike represented the first moment of widely publicized mass resistance to the daily regime in California prisons in forty years. The events of July 2011 contained both echoes and reinterpretations of a less concerted, more violent moment of resistance, at California's San Quentin State Prison on August 21, 1971. On that Saturday, Black Panther icon George Jackson was shot at least once, in the middle of his back, in the yard of San Quentin. He fell to the ground, dead, just outside of the Adjustment Center, where he had been held in isolation, awaiting trial on charges that he had murdered a prison guard. Jackson's death precipitated an immediate media furor and subsequent years of litigation about what had actually happened in the San Quentin prison yard the day Jackson died. Which guard fired the fatal bullet (or bullets) at Jackson, what were Jackson's intentions, what were the prison guards' intentions, who had a gun, and who was threatened—all are open questions susceptible to multiple narrative interpretations.

These debates remain relevant forty years later for understanding the motivations and interpretations of the July 2011 Pelican Bay hunger strikers. Jackson's death pitted correctional administrators against Black Panther radicals and their legal advocates, as they competed to write the story of what happened on August 21, 1971. To some, Jackson was an advocate of racial equality and universal human rights; to others, he was an advocate of wanton violence and death. While the interpretative debates are ongoing, the correctional response was conclusively fixed: prison administrators designed and built supermaxes to eliminate the kind of dangerous, organized resistance that, to them, Jackson epitomized.

So what exactly did happen to Jackson in 1971? A few hours after Jackson's death, San Quentin associate warden James Park (1971) held a press conference and said: "I don't know whether there were any gunshot deaths, other than George Jackson, who was killed from an armed post." No other gunshot deaths were ever established; three prison guards and two white prisoners died from slit throats and other stab wounds (Cummins 1994: 209). Later in the press conference, Park (1971) said: "We can't say who killed who at this point. We're investigating. It'll be a big snarl to unravel." Indeed, the "snarl" was never quite unraveled. As Park (1971) initially argued at the press conference: "This apparently was a carefully planned attempt to break out of the institution—a foolish attempt." But debate persists about whether Jackson was trying to escape from San Quentin when he was shot; some

allege that he was set up for assassination by the Criminal Conspiracy Section of the Los Angeles Police Department (Schwartz 1976: 6).

In the days immediately following the deaths of Jackson, two other prisoners, and three guards at San Quentin, prison administrators retold the conspiracy-to-escape story, claiming that a local lawyer-activist named Stephen Bingham smuggled into the prison, inside a tape recorder, a 9mm Astra M-600 gun and a wig (in which Jackson would conceal the gun). As historian Eric Cummins (1994: 210) has said, “This scenario seems implausible in the extreme.” Incidentally, an Astra M-600 weighs more than two pounds and is a half foot long, somewhat larger than a 1970s cassette tape recorder. The courts ultimately agreed with Cummins’s assessment; lawyer-activist Bingham was charged but later acquitted of playing any part in Jackson’s escape attempt.

Still, the Bingham story and the violence surrounding Jackson’s death remain central to correctional administrators’ memories of August 21, 1971. In oral history interviews, correctional administrators emphasize the racialized violence that characterized California prisons in the late 1960s and early 1970s: “We had this ‘revolution,’ and it manifested itself with a lot of rhetoric—in colleges and jails. The manifestation in colleges was mainly peaceful—a lot of rhetoric and thought. [But] in the prisons, it manifested in a lot of violence. . . . The Black Guerrilla Family and the Black Panthers, they had a political side . . . but they were mostly gangs, mafia” (Larson 2010). That Jackson’s alleged escape attempt involved the deaths of three prison guards—who were “cut ear-to-ear,” as former undersecretary of corrections Craig Brown recalled in vivid detail in an interview in 2010—further undermined any claims that the Black Panther revolutionaries were anything but gang members and mafiosi. Moreover, rioters at Attica State Prison in New York, in September 1971, two weeks after Jackson died, pointed to Jackson as an inspiration for their four-day prison takeover, which ended tragically in thirty-nine deaths, when state troopers and National Guardsmen opened fire on the prison yard.

As with Jackson’s death, the events at Attica precipitated years of litigation and unresolved debates about whether prisoners, guards, social justice activists, or other government officials were responsible for the carnage (Thompson 2011). Historians, along with officials and advocates, have contested the idea that racial tensions motivated the events at San Quentin and Attica. For instance, Joshua Bloom and Waldo E. Martin (2013: 374), in their recent history of the Black Panthers, argue that Jackson’s “leadership was transracial, overriding the racial divisions that set black, white, and Latino

prisoners against one another and kept them under control.” These same interpretive debates—about whether prisoner leaders are violent, racist gang members or cross-racial mediators—have persisted in the CDCR throughout the past forty years, resurfacing again during recent hunger strikes.

Jackson’s political affiliations, however, are not debated. He was a proud member of the Black Panther Party, an acknowledged leader of the San Quentin chapter of the organization, and the best-selling author of the acclaimed letters collected in the books *Blood in My Eye* and *Soledad Brother* (Bloom and Martin 2013: 374). Like the Pelican Bay hunger strike leaders forty years later, Jackson and the Black Panthers invoked a discourse of rights, with special reference to international human rights. Black Panthers aligned themselves with anti-imperialists throughout the world, including Communists in China and Cuba and North Vietnamese soldiers (2–3). Jackson himself “became a powerful symbol for . . . the international human rights movement to free political prisoners” (375). Jackson was a revolutionary, willing to die to combat a system he perceived as fundamentally unjust. Unlike the Pelican Bay hunger strike leaders, he articulated no paradoxes of legitimacy.

Jackson’s revolutionary rhetoric was largely silenced by the mid-1970s. Following his death, portions of San Quentin State Prison were “locked down”; guards ensured that prisoners, especially those who had been active members of the Black Panthers and the affiliated, prison-based Black Guerilla Family and were believed to be associated with Jackson, stayed in their cells on a “round-the-clock basis.” Prison officials argued that these lockdowns were necessary for “management control” reasons, based on “an institutional perception that [the prisoners] pose[d] a threat to the safety of other inmates or staff” (*Toussaint v. McCarthy*, 597 F. Supp. 1388, 1393 (N.D. Cal. 1984), *aff’d in part, rev’d in part*, 801 F.2d 1080 (9th Cir. 1986), *cert. denied*, 481 U.S. 1069 (1987)). In response to in-prison work stoppages, riots, and violence, including the riot at New York’s Attica Prison two weeks after Jackson’s death, more and more facilities in California and across the United States resorted to semipermanently locking prisoners into their cells, all day every day, for months and then years at a time (Reiter 2012a: 81). By the mid-1980s, prison officials in California were making plans to structurally institutionalize these lockdowns—by building a technologically advanced super-max prison.

Pelican Bay State Prison opened in 1989. One of the first supermaxes built in the United States, the Pelican Bay SHU is known as one of the country’s harshest, highest-security prisons. A federal judge in California

described the conditions there as “far harsher than those anywhere else in the California prison system” (*Madrid v. Gomez*, 899 F. Supp. 1146, 1155 (N.D. Cal. 1995)). Dubbed a “prison of the future,” for “the worst of the worst” (Corwin 1990), the Pelican Bay SHU consists of 1,056 poured concrete, windowless cells designed for total solitary confinement. In-cell fluorescent lights remain on twenty-four hours per day. The cells are organized into pods of eight, with one shower and one individual, cement exercise yard attached to each pod; correctional officers, armed with rifles and isolated in central control booths, push buttons to allow one prisoner at a time into the shower or the yard, during the few hours each week when prisoners are allowed to leave their cells. Phone calls and visits are extremely limited; the occasional visit, legal or personal, takes place with the prisoner locked in a bulletproof glass booth. The structure of the building obviates the need for all human contact.

In the 1990s, most states built supermax institutions resembling California’s Pelican Bay SHU, with the intent of maintaining prisoners in long-term solitary confinement. For instance, the Federal Bureau of Prisons opened its own supermax, based on a floor plan and physical structure similar to that at Pelican Bay, in 1994. The Administrative Maximum Facility (ADX), located in Florence, Colorado, is home to prisoners labeled as domestic and international terrorists, like Unabomber Ted Kaczynski, shoe bomber Richard Reid, and Atlanta Olympic Park bomber Eric Rudolph. Supermaxes like the Pelican Bay SHU and ADX were built with the explicit purpose of minimizing all forms of collective resistance.

For twenty years, supermax prisons across the United States largely silenced debates, in and out of prison, about whether George Jackson’s death and the Attica takeover had been part of a social justice movement, the product of unresolved racial tensions, or, simply, unjustifiable violence. But the July 2011 hunger strikers at Pelican Bay reopened these debates. They invoked an international human rights dialogue, echoing the international anti-imperialism dialogue Jackson invoked to defend and legitimize his claims. But the Pelican Bay hunger strikers worked within a supermax institution that was designed to curb exactly this kind of collective resistance.

### **Resistance in the US Supermax Context**

As Crewe (2007) has argued, prison resistance manifests in a variety of forms and typologies, and the US supermax has produced its own distinctive forms and typologies of resistance. Prior to 2011, US supermax prisoners used their bodies as tools of resistance, but the resistance was solitary,

isolated, structured by their surroundings. Indeed, the individual resistance prisoners exert in isolation is so limited that some scholars have argued it should be called “friction” rather than resistance (Rubin 2014). One of the more common examples of supermax-based resistance (or friction, as the case may be) involves using excrement in unusual ways. For instance, anthropologist Lorna Rhodes (2004: 48), who studied Washington State’s supermaxes, describes how prisoners in supermaxes chronically throw and smear their feces, “involving prisoners and their keepers in a persistent round of dirtying and cleaning and keeping everyone engaged in this aversive corporeal ‘conversation.’”<sup>3</sup> Visitors to the US military prison in Guantanamo Bay, Cuba, which contains wings modeled on US supermaxes like California’s Pelican Bay SHU and the federal ADX prison, have noted similar behavior among prisoners there; a 2011 *Miami Herald* article described a prisoner “jamming his own excrement up his nose” to resist force-feeding and raised the question of whether this behavior was an “act of political protest or mental illness” (Rosenberg 2011). Whether motivated by protest or illness, these prisoners have found ways both to redefine the hyperhygiene of excessively well-lit, smooth concrete isolation cells and to render the jobs of their keepers extremely unpleasant.

My own interviews with former supermax prisoners suggest that resistance in a supermax comes in other, individually expressive forms. For instance, some prisoners teach themselves new skills in isolation, as a way to pass the time and as a way to maintain a sense of distinctive individuality. One supermax prisoner described to me how he learned to sew during the five years he spent in isolation in a California supermax facility. Friendly officers would pass other prisoners’ jumpsuits to D. D. (2011), who would tailor the institutional-issue garments to individual specifications: “I got me a sewing needle and thread, and I learned how to sew. . . . I was tapering and altering, hemming pants, and putting permanent creases in them. I was making caps, gloves—so, you know, I charge them \$1, \$2. Give me your jumpsuits, and I hook ’em up for you, because, remember, I got time on my hands.” Not only did D. D. learn to pass the time by sewing, but he used his skills to make institution-issued, identity-erasing white jumpsuits a bit more personal, uniquely tailored to the specifications of prisoners, who themselves were seeking to maintain some sense of individual identity.

Other prisoners described resisting the institutional pressure to submit to mental health treatment or psychotropic medications. For example, prisoners refuse to talk to mental health staff, even though cell-front conversations with such staff constitute one of the only face-to-face human interactions

(albeit conducted through a cell door) to which supermax prisoners have access for weeks and months at a time. As A. R. (2010), a prisoner who spent ten years in the Pelican Bay SHU, said: “They . . . assigned psychologists—psychiatrists—to walk the tiers and talk to inmates so that if [mental health staff] can catch [prisoners], they can kind of convince them not do something stupid. So I used to say, ‘If I talk to a psych, they’ll lock it down and say I’m crazy.’” In other words, A. R. resisted not just by maintaining his sanity but by refusing to engage with the process of evaluating that sanity.

These individual and expressive forms of resistance—smearing excrement, maintaining individuality, resisting treatment—constitute the norm of supermax culture, inasmuch as it is understood. Until the summer of 2011, other forms of more collective or collaborative resistance in the supermax context were short-lived, achieved few concrete results, and attracted minimal media attention, at best. For instance, in 2000, half the prisoners (amounting to a few hundred) in Tamms, Illinois’s then newly minted supermax, went on a monthlong hunger strike protesting their conditions of confinement. The strike briefly attracted the attention of the Associated Press (2000), but it ended without any clear concessions from the Illinois Department of Corrections. In July 2001, nine hundred prisoners in the Pelican Bay SHU initiated a one-week hunger strike to protest both the conditions of their confinement and the policies targeting gang members for indefinite SHU confinement; sixty prisoners reinitiated the strike in October 2002. Again, the hunger strikes received minimal media attention. A LexisNexis news search for the period returned only four articles: an op-ed about the July 2001 strike and a full news story about the October 2002 hunger strike in the *Los Angeles Times* and brief mentions of the October 2002 strike in the *Chicago Tribune* and the *Pittsburgh Post-Gazette* (Cockburn 2001; Warren 2002; Weber and Olsen 2002; *Pittsburgh Post-Gazette* 2002).

Prior to 2011, supermax prisoners also resisted their confinement through legal means. They participated collectively in filing administrative grievances about conditions and policies and in bringing class-action lawsuits in cases like *Madrid*. However, no court found that the conditions of long-term solitary confinement in supermaxes were, in and of themselves, unconstitutional. In sum, throughout the 1990s and 2000s, neither hunger strikes nor lawsuits had much success in altering the fundamental conditions of confinement, attracting widespread national attention, or inspiring public condemnation of supermaxes.

The meager pre-2011 resistance in supermaxes is, perhaps, unsurprising. After all, twenty-first-century punishment theorists note that resistance,

especially collective resistance, is generally a tough proposition within the modern prison. Not only is the modern prison focused, primarily, on risk management (Feeley and Simon 1992; Garland 2001), but it has deployed increasingly refined technological devices to surveil, control, and undermine collective resistance (Crewe 2007: 258; Scott 1990).

What is surprising is that, in July 2011, hundreds of prisoners in the Pelican Bay SHU, and thousands more within the California state prison system, maintained a coordinated, collective action and attracted sustained media attention. Although the 2011 Pelican Bay hunger strike, like other forms of resistance documented in the supermax, involved extreme bodily deprivation, this deprivation was more productive and organized than any seen in the prior twenty years of the United States' experiment with supermax confinement.

Eamonn Carrabine (2005: 906) has noted that "the everyday resistances of prisoners . . . constitute a continuum." On one end of the continuum, resistance is constrained by "the dull compulsion of rituals," which "signify the inevitability of the social structure," but on the other end, the "complexity and diversity of institutional life" allows for "contingency in generating opportunities for collective unrest," even within a legitimate institutional structure (906, 910). The contrast between the isolated resistance in supermaxes prior to 2011 and the collective resistance that took place in July 2011 highlights the extent to which the hunger strike leaders were able to capitalize on complexity and diversity, generating an opportunity for collective unrest. Specifically, hunger strike leaders capitalized on a robust body of legal standards governing conditions of confinement and simple demands focused on physical experiences, to generate a collective hunger strike and achieve reforms to conditions of confinement in the SHU.

### **Prison Hunger Strikes in the Global Context**

Hunger strikes are arguably endemic to prisons themselves. Frustrated prisoners have refused food, and resorted to using their bodies as a tool of resistance, throughout the twentieth century, in prisons across the world. The International Red Cross has even published a typology of prison hunger strikers—dividing them into three categories: reactive food refusers and determined food refusers (both of whom fast to make a point but are not willing to risk death) and hunger strikers (who fast for a cause and, to varying degrees of determination, are willing to die) (Reyes 1998). Prison hunger strikers have included high-profile individuals, like Mohandas Gandhi, who protested the British rule of India in the early twentieth century in a series of

prison-based hunger strikes; groups of political dissidents, like the few dozen Irish Republicans who refused food over a period of months in a British prison in 1981 (ten ultimately died); and Palestinian prisoners, who have refused food in Israeli prisons throughout the 1990s and 2000s.

The Pelican Bay hunger strikers explicitly referenced this international community, reaching out beyond the prison walls to build a “solidarity” coalition. By engaging in this form of collective resistance, the hunger strikers highlighted their participation in an international community, overshadowing some of their more localized race-based and gang-affiliated differences. In public press releases, the hunger strike leaders emphasized the globalization of international resistance tactics. On July 4, 2011, the Prisoner Hunger Strike Solidarity (2011) website reported that Western Australian prisoner advocates and Canadian prisoners, in Kingston, Ontario, publicly expressed solidarity (supporters hung a banner from Kingston City Hall) with hunger-striking Pelican Bay prisoners. In conducting a coordinated and sustained hunger strike, initiated at Pelican Bay, California’s SHU prisoners self-consciously invoked an international symbol of resistance to political oppression.

Pelican Bay hunger strike leader Todd Ashker, in his own writings and discussions about the strike, specifically relied on a number of examples of national and international hunger strikes. He noted that a small group of Ohio prisoners had successfully achieved improvements in their conditions of confinement through a two-week hunger strike earlier in 2011 and that Irish Republican Army prisoner hunger strikers had achieved sustained media attention (O’Hearn 2013; Carroll 2013). In 2009, Denis O’Hearn, a sociology professor from Binghamton University in New York, mailed Ashker a copy of his own book chronicling the hunger strike and eventual death (after sixty-six days) of Irish Republican Army prisoner Bobby Sands. According to a *Los Angeles Times* reporter, “the book made the rounds” of the unit where Ashker and his fellow strike leaders were housed (St. John 2013a). According to a Del Norte County reporter, O’Hearn’s book was especially popular among the notoriously violent Aryan Brotherhood, in which correctional officials allege Ashker is a central leader: “The Aryan Brotherhood began pushing a book about a member of the Irish Revolutionary Army who started a hunger strike in which he and several other inmates died protesting prison conditions” (Skeens 2013). Even as the Pelican Bay prison hunger strike leaders looked to the international community for support, reporters and correctional administrators questioned their motives, characterizing their tactics as gang-based and racialized, echoing characterizations of Jackson forty years earlier.

Indeed, the leaders of the July 2011 Pelican Bay hunger strike were each serving indeterminate periods of time in the SHU, because California correctional officials had “validated” them as gang members.<sup>4</sup> They came from a panoply of racial backgrounds, including white, black, and Latino, and they were allegedly affiliated with a handful of rival gangs, including the Aryan Brotherhood, the Black Guerrilla Family, and the Mexican Mafia. These gangs are renowned, especially in California, as participants, if not leaders, in decades of racially charged enmity (Blatchford 2008; Grann 2004).<sup>5</sup> In other words, the hunger strike leaders lacked the kind of shared political ideology of participants in other, international hunger strikes, like the Irish Republicans, the Palestinian nationalists, or even the Guantanamo enemy combatants (see, e.g., O’Hearn 2009; Feldman 1991; Loveman 1998; Savage 2013). But by invoking an international symbol of resistance, and by referencing international communities, the Pelican Bay hunger strikers and their advocates were able to emphasize solidarity over divisive gang and race-based affiliations.

The Pelican Bay hunger strikers’ references to international hunger strikes also implied a critique of the California prison system as illegitimate. After all, hunger strikers like the Irish Republicans were focused more on protesting the legitimacy of the political processes justifying their incarceration than on protesting the conditions of their confinement (Feldman 1991). In practice, however, the leaders of the July 2011 Pelican Bay hunger strike did not share a preexisting or long-standing and clearly articulated political ideology, such as nationalistic demands for freedom from colonial rule, as articulated by hunger strikers like the Irish Republicans, Gandhi, and Palestinian prisoners. Instead, through their act of refusing food, along with their references to international solidarity, they imbued their demands with an underlying sense of a fundamental political injustice, without articulating an explicit claim to political illegitimacy in the US context. Although the 2011 Pelican Bay hunger strikers ultimately bridged previously rigid boundaries of gang enmity and demanded changes to the basic conditions of their confinement, the supermax context in which they organized limited the political critiques within their demands, especially relative to other international hunger strikes.

### **Paradoxes of Legitimacy**

The events leading up to the July 2011 Pelican Bay hunger strike and the prisoners’ publicly announced motivations for initiating the strike show that

although prisoners experienced individualized injustices and engaged in the often politically critical act of a hunger strike, they did not actively condemn the legitimacy of the prison system. Prison studies scholars have identified the instrumental role of procedural justice, or the sense prisoners have that they are being treated fairly, in maintaining a perception of legitimacy in prison (Jackson et al. 2010) and the role of legitimacy, in turn, in maintaining prison order generally (Sparks and Bottoms 1996; Tyler 2006). This procedural justice literature suggests that a perception of injustice among Pelican Bay hunger strikers would be a motivating factor in their collective food refusal, through which they resisted and disrupted the prison order. But the procedural justice literature also suggests that prisoners' perceptions of injustice, in turn, undermine their perceptions of the prison system as fundamentally legitimate. George Jackson is a perfect example of someone whose experiences of injustice within the US criminal justice system in the 1960s undermined his perception of systemic legitimacy; he protested his individual experiences of racism and injustice, but he also publicly condemned the legitimacy of the entire prison system.

Both prisoners' advocates and correctional administrators attempted to align the Pelican Bay hunger strikers with George Jackson. Prisoners' advocates characterized the hunger strikers as prisoners of an illegitimate system. But correctional administrators characterized the hunger strike leaders as dangerous and violent gang leaders, the "worst of the worst," outside of the law in an overthrow-the-government, revolutionary way, like Jackson. But these administrators were soon caught in the legitimacy paradox: they sought to situate the SHU prisoners outside of the law, undeserving of rights, but the prisoners had already situated themselves squarely within the law, acknowledging the legitimacy of the broader legal system. Unlike Jackson, the Pelican Bay hunger strikers repeatedly alluded to the legitimacy of the broader criminal justice system, invoking established legal norms in California and nationally. Whether the hunger strikers actually believed in the legitimacy of the prison system or whether they were strategically avoiding direct claims of illegitimacy remains an open question. Either way, the extent to which they avoided making any claims of illegitimacy—and instead referenced established case law, national norms for prison operations, and the practices of other state prisons systems, all of which strongly implied an assumption of legitimacy—was surprising compared to other hunger strikes and given what social theorists would have predicted

On April 3, 2011, eleven prisoners housed in the Pelican Bay SHU announced their intention to initiate a hunger strike in July of that year to

protest both the conditions of their confinement and the policies underlying their isolation. Seven of these prisoners were housed in a unit known as the “short corridor,” composed of four pods of eight prisoners (for a total of thirty-two), each of whom had been deemed *the worst of the worst*, each of whom hailed from a different race and gang, and each of whom had been isolated within the SHU since the early 2000s. The “Short Corridor Collective’s” April 3 letter followed quickly on the heels of Judge Thelton Henderson’s March 22 termination of the *Madrid v. Gomez* case, a twenty-one-year-old federal, class-action lawsuit and consent decree, which had provided for consistent oversight of the policies, practices, and conditions at Pelican Bay State Prison, especially in the SHU (States News Service 2011).<sup>6</sup> *Madrid* was one of the first federal cases to address the constitutionality of long-term solitary confinement in supermaxes. In 1995, Henderson found that some policies and procedures at Pelican Bay violated the Eighth Amendment prohibition against cruel and unusual punishment but that the harsh conditions of solitary confinement in the prison were not, by themselves, unconstitutional. The decision legitimized the basic conditions of confinement in the Pelican Bay SHU, and Henderson’s termination of the case reaffirmed this legitimacy, legally and publicly.

The closure of the *Madrid* case left some prisoners feeling hopeless about the ability of legal advocates to win improvements in conditions of confinement. One of the first posts on the Prison Hunger Strike Solidarity website, dated June 20, 2011, and credited to James Crowford, Mutop DuGuya (aka Bow Low), described the *Madrid* ruling as a “failure,” completely ignored or implemented in only minimal, symbolic ways. Crowford (2011), a prisoner who vowed to participate in the hunger strike, justified the protest as a response to the “cruelty of the policy sanctioned by the state that allows the CDCR to place men/women under an indeterminate SHU program.” In spite of his frustrations, Crowford continued to eschew claims of illegitimacy—not condemning the decision in *Madrid* itself but focusing instead on failures of implementation and oversight.

While the hunger-striking prisoners were undoubtedly frustrated with the closure of the *Madrid* case, their claims were simultaneously bolstered by media coverage of another case challenging the constitutionality of the entire California prison system. The *Plata* case, which condemned the “needless suffering and death” of California prisoners, focused critical attention on the state’s prisons and added a backdrop of legitimacy to the critiques the hunger strikers raised (Liptak 2011). On May 23, just over one month after the hunger strike leaders released their demands, the US Supreme Court released its

decision in *Plata v. Brown*, upholding a lower court's finding that California's prisons were so overcrowded that conditions violated the Eighth Amendment prohibition on cruel and unusual punishment.

Both *Madrid* and *Plata*, with their opposing perspectives on the constitutionality of California prisons in the spring of 2011, suggest the importance of law to understanding the hunger strikers' claims. The short-corridor prisoners' announcement of their plans to initiate a hunger strike was sandwiched between two major legal decisions affecting California prisoners—one closed the door on an era of legal oversight of the SHU, but a few weeks later another legal decision opened the door to national scrutiny of the entire California prison system.

The Pelican Bay prisoners' April 3 letter announcing their intent to begin a hunger strike provides many examples of references to a legitimate legal system. For instance, the first two demands referenced already litigated legal questions. Specifically, Ashker and Danny Troxell demanded an “end [to] group punishment and administrative abuse” and the abolition of the existing gang debriefing policy, along with modification of the administrative criteria for determining a prisoner's gang status (Prisoner Hunger Strike Solidarity 2011e). In *Madrid*, the federal district court had ordered reforms to administrative abuses in the Pelican Bay SHU, and in *Castillo v. Alameida*, the CDCR committed to a settlement agreement that limited the ability of correctional officers to rely on either hearsay evidence or evidence provided by confidential informants in gang validation proceedings. The *Castillo* settlement also required regular, six-month reviews to reestablish that “validated” prisoners remained active gang participants, thereby justifying their continued supermax confinement (*Castillo v. Alameida* (2004) No. 94–2874 (N.D. Cal. 2004)).<sup>7</sup> In fact, Ashker and Troxell (2011) noted in their April 3 letter that “gang status criteria” simply did not “comply with state law and applicable . . . regulations.” They situated their demands squarely *within* the law, invoking the legitimacy of existing rules and regulations.

The prisoners' other demands sought a shortening of their terms of confinement, to “comply with the U.S. Commission on Safety and Abuse in America's Prisons 2006 recommendations,” and improvements in the basic, spare conditions of SHU confinement including “provision of adequate and nutritious food” and provision of “constructive programming and privileges for indefinite SHU status inmates,” such as allowing sweatpants and watch caps for outdoor exercise, wall calendars, one photograph per year, and proctored exams for correspondence courses (Prisoner Hunger Strike Solidarity 2011e).

Later, in justifying their demands to prison officials, the hunger strike leaders first compared the Pelican Bay SHU to other prison systems in the United States, like Colorado's and Ohio's, and, second, referenced existing, legitimate rules and case law governing California prisons, to bolster their claims (Strike Summit 2011). For instance, in arguing for behavior-based reductions in durations of solitary confinement, Ashker contrasted California's harsh policies with the more lenient policies in the federal prison system and in the Ohio state corrections department: "In a lot of other states, I got the paperwork right here for Florence, Colorado supermax, I have the paperwork right here from OSP [Ohio State Prison] in Ohio, where they differentiate. Each one of those prisons have different levels of what the prisoner's status is, and according to those levels, they have programming type, privilege things, available to them. And it's not based on needing to be an informant in order to have that. It's based on behavior" (Strike Summit 2011). Ashker strategically deployed references to legitimate aspects of the US prison system; whether or not he actually believed in the legitimacy of the system, he certainly avoided any claims of fundamental illegitimacy.

Even when the hunger strike leaders criticized procedures in the prisons or in the courts, they focused on superficial incompetence or inadequate attention to existing, legitimate rights. As Ashker explained: "When thousands of 602 appeals (prison-based grievances) are basically nothing but a rubber stamp, the courts are, are ignoring shit, then I mean, hey, we feel like we have no choice" (Strike Summit 2011). Ashker focused on rule-enforcement failures, not fundamentally illegitimate rules or governing structures.

While the Pelican Bay SHU prisoners ultimately did resort to using their bodies as tools of resistance, they did not resist (or condemn) the legitimacy of the entire prison system or even the subset of the prison system that was the SHU. They did not demand the abolition of the SHU entirely. The hunger strikers' demands are the first indication of this legitimacy paradox: they delineated the individual injustice they experienced in the SHU, without condemning the broader legitimacy of the SHU, the state prison, or the national justice system. The hunger-striking prisoners situated their individual claims of unfair, illegitimate treatment within the broader context of the potentially legitimate superstructure of imprisonment (in states like Ohio) and judicial oversight (in theoretically enforceable cases like *Madrid* and *Castillo*).

The strikers' focus on individual rights reflected the uniquely isolating context of the supermax. Locked alone in small cells for twenty-three or more hours every day for months and years on end, they were most inti-

mately familiar with individual experiences of injustice, and their five core demands vividly reflected the total deprivation of these personal experiences. The individual simplicity of the strikers' claims, however, laid bare, for the media, lawmakers, and citizens of California, the stark conditions of SHU confinement.

In spite of the prisoners' focus on individualized claims of procedural injustice, the initial public discussion of the strike, external to the prison, focused on fundamental questions of the legitimacy of the SHU. The strikers' most vocal advocates outside of prison explicitly condemned the SHU—and challenged the overall legitimacy of the California prison system. Ashker and Troxell sent their hunger strike announcement to antiprison organizations in the San Francisco Bay Area. A coalition of these organizations, including California Prison Focus and Legal Services for Prisoners with Children, published the prisoners' demands in the spring of 2011, on the newly created Prisoner Hunger Strike Solidarity website. California Prison Focus (2013) advocates abolition of “the California prison system in its current condition,” especially through investigations of “human rights abuses with the goal of ending long term isolation.”

As the initiation date for the strike approached, Prisoner Hunger Strike Solidarity (2011a) posted an update on June 22, 2011: the CDCR had “taunted” hunger-striking prisoners with promises of ice cream and strawberries (unheard of delicacies in the California prison system generally and especially in the SHU) to celebrate the Fourth of July. The prisoners' advocates characterized the SHU and the taunt as oppressive, not necessarily serving legitimate penological goals: “This tactic of repression demonstrates the purpose of Security Housing Units—to crush [the] prisoner's capacity for building relationships and collective resistance” (Prisoner Hunger Strike Solidarity 2011a). Although the hunger strikers' demands focused on proposed refinements to the existing system of SHU incarceration, their advocates questioned the very foundations of this system.

In response to news of the hunger strike, CDCR also focused on the fundamental legitimacy of the SHU itself, rather than on the specific SHU policies and procedures at issue for the striking prisoners. Terry Thornton, the corrections department spokesperson, explained in the *New York Times*: “The department is not going to be coerced or manipulated. . . . That so many inmates in other prisons throughout the state are involved really demonstrates how these gangs can influence other inmates, which is one of the reasons we have security housing units in the first place” (quoted in Lovett 2011b). On the surface, Thornton's comment demonstrates the

tendency of US prison administrators to characterize prisoner resistance as dangerous and provoking, rather than nonviolent.<sup>8</sup> And Thornton's comments echoed correctional officials' characterizations of Jackson's death as the result of Mafia- and gang-inspired violence thinly veiled behind claims of racial injustice or political illegitimacy. More strategically, though, Thornton's comment refocused the conversation from the legitimacy of the particular details of the treatment of individual prisoners to the legitimacy of the SHU itself, which she characterized as a necessary cog in the functioning wheels of the massive California state prison system.

Local and national news sources, along with Prisoner Hunger Strike Solidarity press releases, both countered Thornton's claim that the Pelican Bay hunger strike epitomized the manipulative tactics of dangerous gang leaders and questioned the legitimacy of the SHU itself. These sources noted that the strike appeared to represent peaceful cooperation among rival gang leaders, alleged members of prison gangs like the Aryan Brotherhood, the Black Guerrilla Family, and the Mexican Mafia. The Prisoner Hunger Strike Solidarity (2011e) website argued that the CDCR was actually an agent (rather than a victim) of this racially charged enmity, describing the strike as "an inspiring show of unity across *prison-manufactured* racial and geographical lines" (emphasis added). Thornton's rhetoric, however, repackaged the peaceful protest as evidence of the dangerous influence of gangs—reinforcing the need for supermaxes and reasserting the power of corrections officials to define prison rules. This initial contestation over who had the right to define the rules governing conditions of confinement would persist throughout the next few weeks of the strike.

Indeed, Thornton soon found herself caught up in the legitimacy paradox the hunger-striking prisoners had created. On the one hand, Thornton sought to establish that the Pelican Bay SHU prisoners were "the worst of the worst" most dangerous prison gang members, uncontrollable and deserving of the harshest conditions of confinement in the state. As such, they existed on the edge, if not entirely outside, of the law; they had been stripped (legitimately, as Thornton argued) of all human contact and of all but the barest rights—with limited access to the sparest possible amount of food, shelter, and clothing. But with their demands, the Pelican Bay SHU prisoners had situated themselves squarely *within* the law, focusing on specific, individual reforms, contextualized as refinements of a legitimate system.

This legitimacy paradox left the hunger-striking prisoners and CDCR officials at an impasse. Although the prisoners' five initial demands

left room for the CDCR to modify policies and procedures in the context of maintaining and promoting legitimacy, the response of CDCR officials, characterizing prisoners as dangerous gang leaders who constituted a fundamental threat to the legitimate prison order and who might be further empowered by any correctional concessions, left little room for compromise. The hunger-striking prisoners, however, had demonstrated both that they understood the law and that they were quite adept at functioning within it—organizing and controlling a nonviolent protest, with constant reference to their existing legal rights.

The situation continued to escalate. By mid-July, thousands of prisoners were still refusing food throughout the California prison system, and many were displaying the first signs of physical illness. Prisoner advocates, quoted in the *Los Angeles Times*, reported that striking prisoners had lost between twenty-five and thirty pounds by late July and that dozens of prisoners were treated in prison infirmaries for health complications associated with fasting (Dolan 2011). Advocates and prison officials began to speculate about whether attempts might be made to force-feed prisoners. The strike attracted widespread media attention, both in California and throughout the United States.<sup>9</sup> On July 11, Ian Lovett (2011b) of the *New York Times*, writing about the strike, described it as the product of an out-of-control prison system: “The hunger strike is only the latest problem for a state prison system that has lurched from one crisis to another in recent years.” Indeed, as the strike wore on, the Pelican Bay SHU prisoners, collaborating across racially charged gang divisions and repeatedly asserting the simplicity of their demands, seemed increasingly rational and reasonable. They were not demanding abolition of the SHU (though some of their advocates supported abolition). And they were behaving in a way that did not physically jeopardize anybody’s safety but their own (though the CDCR, represented by Thornton, argued otherwise).

### **Reembodying the Supermax**

Acknowledging the legitimacy impasse, the condemnation from the media, and the deteriorating health of striking prisoners, Kernan, then undersecretary of corrections, reached out to the prisoner hunger strike leaders in the Pelican Bay SHU on Thursday, July 14, via conference call. Kernan and the strike leaders discussed implementation of immediate reforms, but prisoners were dissatisfied with the memo summarizing the meeting, and so continued refusing food.

So Kernan met with the prisoners in person. On July 20, in the late morning, Kernan sat down at a conference table, large enough to fill the small fluorescent-lit room at Pelican Bay State Prison. As he waited, four prisoners were brought into the room, one at a time, each escorted by two correctional officers. Each prisoner was dressed in a wrinkled white jumpsuit, held together with three neat bow ties down the front, and each was bound up in chains—at the ankles, around the waist, and at the wrists. The first prisoner who entered was Latino, the second African American. The third and fourth were white. The fourth man escorted in was Ashker, one of the signatories on the initial April 3 letter announcing the intention of the Pelican Bay SHU prisoners to go on hunger strike.

In an interview a few months later, reflecting back on his decision to sit down at a table with the hunger strike leaders, Kernan recalled growing up on the grounds of San Quentin State Prison, where his mother was employed. As he learned on the prison grounds: “Talking to inmates and understanding their situations puts a human face to it, and you quickly lose that stigma of the criminal that I think is prevalent in the public” (Kernan 2011). Kernan demonstrated this faith in the human side of inmates when he left his Sacramento office and drove the hundreds of miles north to sit down face-to-face with the very prisoners other members of his department had identified as dangerous and manipulative gang leaders. The transcript of this conversation reveals the basic, practical dignity that Kernan and the prisoners brought to the table; it reaffirms the simplicity of the prisoners’ demands and the extent to which they sought individual, procedural justice within a broader system that both sides agreed to accept as functionally legitimate.

During a five-minute-long introduction, to explain his in-person presence at Pelican Bay, Kernan said: “We’re not negotiating stuff. You guys know that. We’re not negotiating stuff. We’re trying to do what we think is right” (Strike Summit 2011). Over the next hour of conversation (not negotiation), Kernan would repeat some variation of “I am not negotiating” nine more times. The statement symbolized Kernan’s assertion that he was part of a well-ordered, fair, and legitimate prison system that would not be manipulated by prisoner resistance tactics. It also reminded the prisoners that, by participating in the conversation, they were participating in the correctional hierarchy, in which guards and administrators like Kernan exerted total power over inmates, listening openly to prisoners in this case, trying to keep them safe and healthy, but having the ultimate power to decide both individual fates and institutional policies. One of the prisoner leaders, about forty minutes into the conversation, questioned Kernan on his resistance to

negotiating: “Let me ask something real quick. Are you saying the reason that you can’t negotiate with us is because we bring nothing to the table?” (Strike Summit 2011).

Kernan replied: “Not at all.” He elaborated: “What I’m saying is that anybody worth their salt who has worked in prison, and I know you got this on your side, is you can’t negotiate, we’d have hunger strikes all day long, every day, for everything somebody has a bitch about” (Strike Summit 2011).

Kernan and the prisoner continued to dialogue, about whether the prisoners had a right to negotiate or whether allowing them to negotiate would create chaos, would in essence undermine the legitimacy of the institution and the department. After a few minutes of back-and-forth, the prisoner finally summed up for Kernan: “You’re doing your job” (Strike Summit 2011).

This idea that both the prisoners and the prison official were acting out roles, doing their jobs, representing their constituencies, highlights again how both sides were presuming the legitimacy of the system they were working within and seeking to reach agreement on how to refine and maintain this preexisting legitimacy. Kernan focused on the legitimacy of the constitutional rules governing his job, explaining: “We’re trying to do this thing in constitutional limitations” (Strike Summit 2011).

Ashker refocused the conversation on the most specific and individualized details of these “constitutional rules,” asking Kernan to define every term, to specify how each proposed change would be applied in individual cases. For instance, Ashker inquired: “And we want to know . . . what is the definition going to be of ‘earnable privilege’? Because as far as we are concerned . . . most of us [have gone] ten, fifteen years, or more, without being found guilty of a single, serious rule violation . . . how come . . . we haven’t been . . . given . . . our due process?” (Strike Summit 2011).

As with their initial list of five core demands, the hunger strike leaders continued to emphasize individual rights over any systemic critiques. The striking prisoners did not demand that all the hunger strikers be released from the SHU; rather, they demanded a clearly delineated right to earn a few more privileges. Ashker specified these privileges, too, asking for the right to have a single handball in the SHU exercise yard and the right to “proctored exams, the watch caps, and the sweats, and the wall calendars” (Strike Summit 2011). This focus on identifying particular rights, defining them, and specifying the process by which they would be bestowed on individual prisoners highlights again how focused the hunger strikers were on individual experiences of confinement and individual-level improvements.

If the prisoners sought any systemic change, it was not a change to the political regime of the prison but a change of perception within the broader US society. Indeed, Ashker explained to Kernan that the prisoners wanted not just basic rights but the public acknowledgment and recognition associated with rights: “None of us ever wanted to have to take this food break here, but . . . we all know we’re dead already. We’re dead here. None of us are going nowhere. So what do we have to lose? . . . We have no other way . . . to expose what’s really been going on to the public, the main street public” (Strike Summit 2011). Ashker’s statement emphasizes that the striking prisoners did seek something bigger than a few specific compromises in the extremely restrictive standards of their confinement; they sought a public recognition of their existence, not just by prison officials, but by the “main street public,” too. Again, this claim to recognition was not a political challenge to Kernan’s authority or a condemnation of the system he represented. Rather, Ashker’s plea sounded more like an individual cry for the comfort of recognition—“We’re dead here. None of us are going nowhere.” For Ashker, and those he represented, this recognition might provide a life after death, or at least a reaffirmation of their existence.

In the end, Kernan invited the prisoners to rewrite the memo he had drafted, identifying the changes the CDCR would make and those it would consider making, in response to the demands articulated by the prisoners during the hunger strike. As Kernan (2011) later said: “I was pleasantly surprised when I came back from lunch and they had reworked the memo and had not appreciably changed what I said. So it was just a communication barrier.” His last sentence provides an important characterization of—and summation to—the hunger strike: “It was just a communication barrier.” After the prisoners spent two hours “in a holding cell” revising the memo, Kernan retyped the revisions and distributed the memo throughout the California prison system, and the hunger strike ended, on July 22 (Lovett 2011a).<sup>10</sup>

In sum, the hunger strikers’ demands focused on day-to-day details of existence, like whether prisoners would be able to order pickles from the prison canteen, whether they could have a handball during their five weekly hours of exercise. The very banality of the terms of negotiation between the hunger strikers and their guards suggests that the US prison context of an extreme isolation institution like Pelican Bay severely mitigates the power of even the most dangerous (individually and socially) tools of resistance. As Michel Foucault ([1977] 1995) has argued, modern punitive apparatuses act on the soul, rather than the body. Supermaxes, like the Pelican Bay SHU, exemplify this “no-touch” torture (McCoy 2006). The hunger strikers successfully

gained political traction in part because they revealed the uncomfortable bodily experience of supermax confinement, in two critical ways. First, the simplicity of their demands for better food and warmer clothing emphasized physical experiences and sensations. Second, the act of refusing food turned their bodies into tools of resistance, which could hardly be ignored.

### **Conclusion: Translation and Proliferation?**

The end of the hunger strike, after the meeting with Kernan on July 20, 2011, did not mark the end of the attention Pelican Bay was receiving; the SHU continued to be the subject of media and political attention, as well as renewed legal scrutiny. On August 23, one month after the strike concluded, Tom Ammann, chair of the California Assembly's Public Safety Committee, hosted a daylong hearing on conditions in the Pelican Bay SHU. In November, Amnesty International (2012) sent a delegation of human rights and prison experts to visit Pelican Bay, following the United Nations Special Rapporteur on Torture's (United Nations 2011) public condemnation of the practice of prolonged solitary confinement. Journalists were welcomed in to tour the prison and talk to prisoners; one called this degree of access highly "unusual" (Bauer 2012; Montgomery 2013). Unlike prior US prison hunger strikers, the prisoners in the Pelican Bay SHU had quickly attracted widespread and sustained media and political attention.

In May 2012, the Center for Constitutional Rights (2012), a national civil liberties nonprofit, filed a lawsuit in federal court, alleging that the conditions of "prolonged solitary confinement" at Pelican Bay, which the hunger strikers had experienced and protested, violated the Eighth Amendment and amounted to torture. Ashker is the named plaintiff in the case: *Ashker v. Brown*. As of 2014, the allegations of constitutional violations had survived the CDCR's motion to dismiss, and the plaintiffs' lawyers were preparing to move forward in certifying a class of affected plaintiffs and preparing for a trial (Center for Constitutional Rights 2013). The lawsuit seeks two major reforms: implementation of greater due process procedures for prisoners accused of being gang leaders and limitation of the existing indeterminate terms of solitary confinement to maximum terms of ten years (*Ashker v. Brown*, Case No. C 09-5796 CW (N.D. Cal. 2013), Order Denying Motion to Dismiss, Docket No. 160, filed April 9).<sup>11</sup> As with the hunger strike itself, this lawsuit seeks incremental reform, working within the context of the presumed legitimacy of the broader system of federal oversight and administrative isolation.

The *Ashker v. Brown* case and assembly member Ammiano's hearings have facilitated ongoing media attention to the Pelican Bay SHU. In February 2013, Ammiano held a second hearing about conditions in the SHU. At this hearing, CDCR officials reported that they had reviewed 144 case files of gang-validated prisoners in California's SHUs: seventy-eight prisoners had been released back into the general prison population; fifty-two had been placed in transitional programs in preparation for release back into the general prison population; and ten had agreed to formally dissociate from gangs and become informants. According to CDCR officials, "an additional seven" prisoners were kept in segregation for their own safety. These numbers add up to 147, and the discrepancy was not accounted for at the hearing or in the news reports (St. John 2013b). The 144 prisoner case files that had been reviewed as of February 2013 represent only about 10 percent of the supermax population at Pelican Bay State Prison and less than 5 percent of the state's overall supermax population (Reiter 2012b). And prisoner advocates point out that the seventy-eight prisoners who have been released from the SHU prove the inaccuracy and injustice of indefinite supermax confinement (Small 2013).

Prisoner members of the original hunger strike at Pelican Bay have been frustrated with the slow pace of change. They conducted a second strike in September and October 2011 and a third strike in July and August 2013. This third strike started out thirty thousand prisoners strong, with prisoner participants from across California. Close to one hundred prisoners continued to refuse food for the duration of the strike: a medically dangerous sixty days. At the start of the strike, the hunger strike leaders argued that their original five core demands had still not been achieved.

This most recent hunger strike was significantly more polarized than the 2011 strike. No correctional officials sat down with the prisoners to discuss their demands; Kernan, who facilitated the resolution of the first strike, retired in October 2011—some say under pressure from a department that did not support his decision to engage with prisoner hunger strikers in a conversation that looked a fair amount like a negotiation (Mullane 2011). The newly appointed secretary of corrections, Jeffrey Beard, made clear that he would not negotiate with the 2013 hunger strikers under any circumstances. In an op-ed published in the *Los Angeles Times*, Beard (2013) described the hunger strike leaders (the same ones who initiated the 2011 strikes) as "convicted murderers who are putting lives at risk to advance their own agenda of violence." Beard could have used those same words to describe Jackson's

actions at San Quentin in 1971; in August 1971, however, Beard's claim of "lives at risk" would have been backed up by dead bodies.

Also during the 2013 hunger strike, the CDCR filed affidavits in the Center for Constitutional Rights case challenging prolonged solitary confinement at Pelican Bay. Multiple affidavits alleged that a number of prisoners, who participated in the 2011 hunger strikes, had since dropped out of their gangs and subsequently claimed that the strikes were manipulative attempts to escape the SHU. For instance, one prisoner alleged: "We were trying to get out of the SHU to further our gang agenda on the mainline" (*Ashker v. Brown*, Case No. C 09-5796 CW (N.D. Cal. 2013), Declaration of J. Bryan Elrod in Support of Defendants' Opposition to Plaintiffs' Motion for Class Certification. Redacted, Docket No. 249, filed July 18, at para. 42).<sup>12</sup> The transcript of the strike summit conversation analyzed above would suggest otherwise; the strike leaders' demands and points of dispute had little to do with getting out of the SHU.

During the eighth week of the 2013 strike, correctional officials obtained an order allowing the "refeeding" of hunger-striking prisoners "at risk of near-term death or great bodily injury," in some cases even if the prisoners had signed "do not resuscitate directives" (*Plata v. Brown*, Case No. C01-1351-TEH (N.D. Cal. 2013), Joint Request for Order Authorizing Refeeding under Specified Conditions and Order Thereon, Docket No. 2696, filed August 19).<sup>13</sup> This option, dubbed "force-feeding" by some prisoner advocates, had not been seriously considered in 2011.

The 2013 strike ended when assembly member Ammiano promised to hold additional legislative hearings regarding conditions and policies at the Pelican Bay SHU. The tone of the "Statement Suspending the Third Hunger Strike" was resigned; the strike leaders said: "Our decision to suspend our third hunger strike in two years does not come lightly. This decision is especially difficult considering that most of our demands have not been met (despite nearly universal agreement that they are reasonable)" (*Ashker et al.* 2013).

In spite of the slow pace of change and the frustrations articulated by prisoners and their advocates in the aftermath of the July 2011 Pelican Bay hunger strike, the strike played a critical role in drawing local, national, and international attention to the practice of long-term solitary confinement in the United States. This attention, in turn, led to concrete changes in the prisoners' conditions of confinement, from the provision of handballs in the exercise yards and the permission to have at least one photograph per year to the reviews of prisoners' case files and reductions in the

amount of time individuals spent in the SHU. A number of forces coalesced to facilitate this attention and these changes.

First, the sheer scale of the strike in terms of the thousands of participants and the weeks-long duration, along with the timing of the strike following on the heels of the major Supreme Court decision condemning conditions of confinement in California prisons, paved the way for widespread public interest in the plight of the prisoners. Second, the prisoners' focus on the body rendered the SHU newly visible to the public. The stark conditions of confinement in the supermax had previously rendered the tortured experience of living in total solitary confinement doubly invisible, by leaving no physical scars on the prisoners' bodies and by hiding those bodies within the windowless cell blocks of a prison within a prison. In conducting the hunger strike, the SHU prisoners rendered both their bodies and their prisons visible. Third, their visibility and their claims to individualized rights and justice were sufficiently restrained so as to avoid threatening the legitimacy of the existing system. The strikers evoked international resistance tactics, with reference to political hunger strikers in Ireland. But they confined their own demands to specific, individually applied rights, rather than invoking systemic critiques of the legitimacy of the SHU or the US prison overall. Their claims of individual experiences of injustice amplified the United States Supreme Court's holding, in *Plata v. Brown*, in May 2011, that California prisons were, constitutionally speaking, out of control. The media attention to the hunger strike, then, rendered visible a previously invisible aspect of California's prison system, at a time when people were already predisposed to be critical.

Just as the hunger strike was well timed, legally speaking, providing the kind of "contingency in generating opportunities for collective unrest" that Carrabine describes, so did it end up being well timed, nationally speaking, to galvanize a national conversation about uses of solitary confinement. Just as the California legislature, Amnesty International, and the *New York Times* continued to pay attention to the Pelican Bay SHU for months, and then years, following the conclusion of the July 2011 hunger strike, other politicians and social critics turned their attention to solitary confinement elsewhere. In the summer of 2012, the Senate Judiciary Committee held a hearing about uses of solitary confinement throughout the United States, and the Federal Bureau of Prisons promised to review its own solitary confinement procedures. In January 2013, Illinois closed its one state supermax. It joined a small but growing number of states attempting to reduce their uses of solitary confinement, including Maine and Mississippi (Tapley 2013). In Febru-

ary 2013, George F. Will, a well-known conservative columnist, condemned solitary confinement as torture, suggesting that the issue of solitary confinement, unlike many other criminal justice and tough-on-crime issues in the United States, is decreasingly partisan. In December of 2013, an article in the *Nation* dubbed 2013 “the year of the hunger strike,” documenting hunger strikes in prisons and detention centers from Palestine to Russia to Vietnam to Guantanamo Bay to California; the article noted a ripple effect whereby some strikes in places like California and Guantanamo successfully attracted media attention, which in turn encouraged strikers in other places (Mizner 2013).

The analysis in this article of the hunger strikers’ recorded (written and audio) justifications for their resistance does not definitively reveal whether their demands and subsequent actions arose out of a sense of last-ditch, hopeless frustration, a strategic plan to achieve specific reforms, or some combination of these two extremes. Lisa Guenther (forthcoming) has suggested that the collective resistance of the Pelican Bay hunger strikes was overtly political, “(re)claiming and (re)creating the possibility of a common world.” Indeed, whatever their individual and collective motivations, the hunger strikers achieved some political change, both in terms of increased attention and dialogue and in terms of small but concrete improvements to the conditions of their confinement. The strikers’ focus on individual rights, in place of claims to systemic illegitimacy, facilitated a focus on their bodily experiences of solitary confinement, which in turn highlighted—in an extended and widely publicized way—the harshness of their conditions of confinement. But the strikers’ subsequent frustrations, and their decision to engage in additional, more extended hunger strikes, raise the question of whether systemic change can be achieved without systemic critique.

Nonetheless, in contrast to prior prisoner hunger strikes, and other forms of resistance in US supermaxes, the hunger strikers achieved a series of concrete results, including sustained media attention, correctional reevaluation and revision of SHU policies, a renewal of legal reform efforts, and the initiation of a national dialogue about the ethics of solitary confinement.

## Notes

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- 1 The California Department of Corrections and Rehabilitation documented fifty-three hundred prisoners refusing meals at nine prisons on July 1 and sixty-six hundred prisoners refusing meals at eleven prisons on July 3 (Lovett 2011b). According to members of Prisoner Hunger Strike Solidarity (2011b, 2011c), many more prisoners participated.
- 2 Ben Crewe (2007: 259) highlights the importance of accessing “hidden transcripts” of prison life and resistance. This article focuses on just one such literal, hidden transcript. Crewe and James C. Scott use this term to refer to the hidden transcripts of extended ethnographic interactions, especially among prisoners, “in isolated social space beyond the surveillance of superordinates” (Crewe 2007: 265, quoting Scott 1990: 120).
- 3 According to another supermax scholar, all twenty-eight “gassing” incidents—when “inmates throw a mixture of urine and feces in officers’ faces”—documented in the California Department of Corrections in 1998 and 1999 took place in supermax units (Shalev 2009: 73).
- 4 Correctional officials “validate” prisoners as members of recognized gangs on the basis of three documented “independent source items . . . indicative of association with validated gang members or associates” (California Code of Regulations (2009), title 15, sec. 3000, 3341.5, 3378(4)). Independent source items “might include tattoos associated with gang members, notes passed between prisoners believed to be gang members, or documentation of association with other prisoners believed to be gang members” (Reiter 2012b: 542). Once a prisoner is “validated” as an affiliated member of a recognized gang, that prisoner is automatically assigned to an indefinite SHU term. Once validated, he can be “invalidated” only if he either “debriefs,” proving that he is no longer a member of the gang by “snitching” on gang activity, or remains uninvolved in gang activity for a minimum of six years (California Code of Regulations (2009), title 15, sec. 3341.5(C)(5)). California’s department of corrections is in the process of revising these gang validation and debriefing policies, in light of the criticisms raised during the 2011 hunger strike.
- 5 Philip Goodman (2008: 766) has argued that race in California prisons consists of “patterned, negotiated settlements” and that “racial categorization, and later segregation, is a fundamental element of how California currently punishes those it incarcerates.” In other words, he argues that correctional administrators play as much of a role in constructing race as prisoners or gang leaders do.
- 6 Lawyers at a nonprofit law firm based in Berkeley, California, the Prison Law Office, which had advocated for the rights of California state prisoners since the late 1970s, had been regularly monitoring conditions at Pelican Bay since the 1990s (Aleaziz 2013). The Prison Law Office lawyers agreed with Judge Henderson that, as of 2011, the prison was functioning within constitutional limitations.
- 7 Settlement agreement on file with author.
- 8 For instance, as discussed earlier, prisoners’ actions, like smearing excrement on their cells, might be interpreted by prison administrators as an act of resistance deserving of punishment, but it might be interpreted by prisoners’ advocates as signs of deteriorating mental health (Rhodes 2004: 48; Rosenberg 2011; Shalev 2009: 73).
- 9 Until the strike actually began, though, news coverage and popular awareness of it was limited. A LexisNexis search of all US newspapers and wires produced only one result referencing the planned hunger strike prior to July 1, 2011: a June 4 letter to the editor in the *Contra Costa Times*. As early as the first week in July, the media began

paying attention to this growing hunger strike. Between July 1 and August 31, according to a LexisNexis search of local California sources, thirty-one separate articles and letters appeared in newspapers across the state, including local newspapers like the *San Jose Mercury News*, the *Eureka Times Standard*, and the *San Diego Union Tribune* and major papers like the *Los Angeles Times*. And, nationally, eleven additional stories and op-eds appeared in the *New York Times*, the *Washington Post*, the *Philadelphia News*, and the *Buffalo News* during that same period. The search terms used were “Pelican Bay” and “prison.” The resulting articles were reviewed for topicality and redundancy.

- 10 As described above, prisoners at the meeting with Kernan were handcuffed but sitting around a table. Whether the conditions in the “holding cell” were similar, or whether prisoners were separated by glass or cages, is unknown.
- 11 Document on file with author.
- 12 Document on file with author.
- 13 Document on file with author.

## References

- A. L. (former Pelican Bay prisoner). 2010. Author interview, San Mateo, CA, July 20. Transcript on file with author.
- A. R. (former Pelican Bay prisoner). 2010. Author interview, Stockton, CA, June 20. Transcript on file with author.
- Aleaziz, Hamed. 2013. “Firm Has Spent Decades Fighting for Prison Reform.” *Daily Journal*, May 17.
- Amnesty International. 2012. *USA: The Edge of Endurance: Prison Conditions in California's Security Housing Units*. AMR 51/060/2012. London: Amnesty International Ltd.
- Ashker, Todd, et al. 2013. “Statement Suspending the Third Hunger Strike.” Prisoner Hunger Strike Solidarity, September 5. [prisonerhungerstrikesolidarity.wordpress.com/2013/09/05/statement-suspending-the-third-hunger-strike](http://prisonerhungerstrikesolidarity.wordpress.com/2013/09/05/statement-suspending-the-third-hunger-strike). Copy on file with author.
- Ashker, Todd, and Danny Troxell. 2011. “Final Notice: PBSP SHU D-Corridor Hunger Strike.” April 11. Document on file with author.
- Associated Press. 2000. “Last of Tamms Inmates Call off Hunger Strike.” *Southeast Missourian*, June 6.
- Barton, Robert (Inspector General). 2013. Testimony at the Joint Assembly and Senate Public Safety Committee Hearing, Sacramento, CA, October 9. Notes on file with author. Summary available online at [www.whatthefolly.com/2013/10/26/key-statistics-on-solitary-confinement-in-california/](http://www.whatthefolly.com/2013/10/26/key-statistics-on-solitary-confinement-in-california/).
- Bauer, Shane. 2012. “Solitary in Iran Nearly Broke Me. Then I Went Inside America's Prisons.” *Mother Jones*, November/December.
- Beard, Jeffrey. 2013. “Op-Ed: Hunger Strike in California Prisons Is a Gang Power Play.” *Los Angeles Times*, August 6. [articles.latimes.com/2013/aug/06/opinion/la-oe-beard-prison-hunger-strike-20130806](http://articles.latimes.com/2013/aug/06/opinion/la-oe-beard-prison-hunger-strike-20130806).
- Blatchford, Chris. 2008. *The Black Hand: The Story of Rene “Boxer” Enriquez and His Life in the Mexican Mafia*. New York: HarperCollins.
- Bloom, Joshua, and Waldo E. Martin. 2013. *Black against Empire: The History and Politics of the Black Panther Party*. Berkeley: University of California Press.

- Brown, Craig (former undersecretary of the California Youth and Adult Correctional Authority). 2010. Author interview, Sacramento, CA, January 22. Notes on file with author.
- California Prison Focus. 2013. "Uplifting Prisoners' Rights to Preserve Human Rights." [www.prisons.org/index.htm](http://www.prisons.org/index.htm) (accessed May 18, 2013).
- Carrabine, Eamonn. 2005. "Prison Riots, Social Order, and the Problem of Legitimacy." *British Journal of Criminology* 45, no. 6: 896–913.
- Carroll, Rory. 2013. "California Prison Hunger Strike Leader: 'If Necessary We'll Resume. This is War.'" *Guardian*, September 27. [www.theguardian.com/world/2013/sep/27/california-prison-hunger-strike-todd-ashker](http://www.theguardian.com/world/2013/sep/27/california-prison-hunger-strike-todd-ashker).
- Center for Constitutional Rights. 2012. "Lawsuit Challenges Solitary Confinement at California Prison." May 31. [ccrjustice.org/newsroom/press-releases/lawsuit-challenges-solitary-confinement-california-prison](http://ccrjustice.org/newsroom/press-releases/lawsuit-challenges-solitary-confinement-california-prison).
- Center for Constitutional Rights. 2013. "Judge Refuses to Dismiss Pelican Bay Solitary Confinement Case." April 10. [ccrjustice.org/newsroom/press-releases/judge-refuses-dismiss-pelican-bay-solitary-confinement-case](http://ccrjustice.org/newsroom/press-releases/judge-refuses-dismiss-pelican-bay-solitary-confinement-case).
- Cockburn, Alex. 2001. "Commentary: Going Insane in the SHU Box." *Los Angeles Times*, July 15.
- Corwin, Miles. 1990. "High-Tech Facility Ushers in New Era of State Prisons." *Los Angeles Times*, May 1.
- Crewe, Ben. 2007. "Power, Adaptation, and Resistance in a Late Modern Men's Prison." *British Journal of Criminology* 47, no. 2: 256–75.
- Crowford, James, Mutop DuGuya (aka Bow Low). 2011. "Why Prisoners Are Protesting: Pelican Bay State Prison Security Housing Units Peaceful Protest Hunger Strike Starting July 1, 2011." Prisoner Hunger Strike Solidarity, June 20. [prisonerhungerstrikesolidarity.wordpress.com/voices-from-inside/why-prisoners-are-protesting](http://prisonerhungerstrikesolidarity.wordpress.com/voices-from-inside/why-prisoners-are-protesting).
- Cummins, Eric. 1994. *The Rise and Fall of California's Radical Prison Movement*. Stanford, CA: Stanford University Press.
- D. D. (former prisoner of Corcoran State Prison, California). 2011. Author interview, Los Angeles, February 11; author phone interview, San Francisco, March 16. Transcripts on file with author.
- Dolan, Jack. 2011. "Prisoners' Hunger Strike in Third Week: Forty-Nine Inmates Who Have Lost at Least Ten Pounds Are 'Being Monitored Closely.'" *Los Angeles Times*, July 19.
- Feeley, Malcolm M., and Jonathan Simon. 1992. "The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications." *Criminology* 30, no. 4: 449–74.
- Feldman, Allen. 1991. *Formations of State Violence: The Narrative of the Body and Political Terror in Northern Ireland*. Chicago: University of Chicago Press.
- Foucault, Michel. (1977) 1995. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. New York: Vintage.
- Garland, David. 2001. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.
- Goodman, Philip. 2008. "'It's Just Black, White, or Hispanic': An Observational Study of Racializing Moves in California's Segregated Prison Reception Centers." *Law and Society Review* 42, no. 4: 735–70.
- Guenther, Lisa. Forthcoming. "The End of the World and the (Re)Birth of Resistance: Notes on the California Hunger Strikes." *Canadian Journal of Human Rights*.

- Grann, David. 2004. "Annals of Crime: The Brand." *New Yorker*, February 16, 156–71.
- Jackson, Jonathan, et al. 2010. "Legitimacy and Procedural Justice in Prisons." *Prison Service Journal*, no. 191: 4–10.
- Larson, Carl (warden of New Prison Design and Activation in the California Department of Corrections). 2010. Author interview, Sacramento, CA, February 22. Notes on file with author.
- Liptak, Adam. 2011. "Justices, 5–4, Tell California to Cut Prison Crowding." *New York Times*, May 24.
- Loveman, Mara. 1998. "High-Risk Collective Action: Defending Human Rights in Chile, Uruguay, and Argentina." *American Journal of Sociology* 104, no. 2: 477–525.
- Lovett, Ian. 2011a. "California: Hunger Strike Has Ended, State Says." *New York Times*, July 22.
- Lovett, Ian. 2011b. "California Inmates Fast to Protest Isolation Cells." *New York Times*, July 8.
- McCoy, Alfred W. 2006. *A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror*. New York: Holt.
- Mizner, David. 2013. "Starving for Justice: From California to Israel, Hunger Strikes Are Erupting around the World—Because They Work." *Nation*, December 4. [www.thenation.com/article/177464/starving-justice?page=0,1](http://www.thenation.com/article/177464/starving-justice?page=0,1).
- Montgomery, Michael. 2013. "Does 22 1/2 Hours Alone in an 8-by-10 Cell Every Day Amount to Torture?" *Center for Investigative Reporting*, February 25. [cironline.org/reports/does-22-12-hours-alone-8-10-cell-every-day-amount-torture-4225](http://cironline.org/reports/does-22-12-hours-alone-8-10-cell-every-day-amount-torture-4225).
- Mullane, Nancy. 2011. "Exit Interview: Prison Official Talks Hunger Strike, Death Penalty." *San Francisco Chronicle*, October 25. [blog.sfgate.com/kalw/2011/10/25/exit-interview-prison-official-talks-hunger-strike-death-penalty/](http://blog.sfgate.com/kalw/2011/10/25/exit-interview-prison-official-talks-hunger-strike-death-penalty/).
- O'Hearn, Denis. 2009. "Repression and Solidarity Cultures of Resistance: Irish Political Prisoners on Protest." *American Journal of Sociology* 115, no. 2: 491–526.
- O'Hearn, Denis. 2013. "My Friend Todd Ashker." *San Francisco Bay View*, September 7. [sfbayview.com/2013/my-friend-todd-ashker/](http://sfbayview.com/2013/my-friend-todd-ashker/).
- Park, James. 1971. Associate warden's statement to the press concerning the death of George Jackson. KPFA, August 21. Pacifica Radio Archives, BC0239.03, compact disc, available at [pacificaradioarchives.org/recording/bc023903](http://pacificaradioarchives.org/recording/bc023903).
- Pittsburgh Post-Gazette*. 2002. "National Briefs." November 4.
- Prisoner Hunger Strike Solidarity. 2011a. "CDCR Taunting Hunger Strikers with 'Fourth of July Menu.'" June 22. [prisonerhungerstrikesolidarity.wordpress.com/2011/06/22/cdcr-taunting-hunger-strikes-with-4th-of-july-menu](http://prisonerhungerstrikesolidarity.wordpress.com/2011/06/22/cdcr-taunting-hunger-strikes-with-4th-of-july-menu).
- Prisoner Hunger Strike Solidarity. 2011b. "Hunger Strike Grows and CDCR Lies about Numbers." July 3. [prisonerhungerstrikesolidarity.wordpress.com/2011/07/03/452](http://prisonerhungerstrikesolidarity.wordpress.com/2011/07/03/452).
- Prisoner Hunger Strike Solidarity. 2011c. "Hunger Strike Reaches Sixty-Six Hundred Prisoners and Continues Going Strong!" July 7. [prisonerhungerstrikesolidarity.wordpress.com/2011/07/07/hunger-strike-reaches-6600-prisoners-continues-going-strong](http://prisonerhungerstrikesolidarity.wordpress.com/2011/07/07/hunger-strike-reaches-6600-prisoners-continues-going-strong).
- Prisoner Hunger Strike Solidarity. 2011d. "Make Some Noise! International Solidarity for Pelican Bay Hunger Strike." July 4. [prisonerhungerstrikesolidarity.wordpress.com/2011/07/04/make-some-noise-international-solidarity-for-pelican-bay-hunger-strike](http://prisonerhungerstrikesolidarity.wordpress.com/2011/07/04/make-some-noise-international-solidarity-for-pelican-bay-hunger-strike).
- Prisoner Hunger Strike Solidarity. 2011e. "Prisoners' Demands." Summary. April 3. [prisonerhungerstrikesolidarity.wordpress.com/the-prisoners-demands-2](http://prisonerhungerstrikesolidarity.wordpress.com/the-prisoners-demands-2).
- Reiter, Keramet. 2012a. "The Most Restrictive Alternative: A Litigation History of Solitary Confinement in U.S. Prisons, 1960–2006." *Studies in Law, Politics, and Society* 57: 71–124.

- Reiter, Keramet. 2012b. "Parole, Snitch, or Die: California's Supermax Prisons and Prisoners, 1997–2007." *Punishment and Society* 14, no. 5: 530–63.
- Reyes, Hernán. 1998. "Medical and Ethical Aspects of Hunger Strikes in Custody and the Issue of Torture." International Committee of the Red Cross. [www.icrc.org/eng/resources/documents/article/other/health-article-010198.htm](http://www.icrc.org/eng/resources/documents/article/other/health-article-010198.htm). Extracted from *Maltreatment and Torture*, edited by Manfred Oehmichen, Research in Legal Medicine 19. Lübeck: Schmidt-Römhild, 1998.
- Rhodes, Lorna. 2004. *Total Confinement: Madness and Reason in the Maximum Security Prison*. Berkeley: University of California Press.
- Rosenberg, Carol. 2011. "Waste Wars: Captives 'Weaponize' Bodily Fluids." *Miami Herald*, June 18.
- Rubin, Ashley. 2014. "Resistance or Friction: Understanding the Significance of Secondary Adjustments." Working paper, on file with author.
- Savage, Charlie. 2013. "Number of Hunger Strikers Surges at Guantanamo." *New York Times*, March 20.
- Schwartz, Mark. 1976. "The Testimony of Louis E. Tackwood: 'Lord, Lord, They Cut George Jackson Down / Lord, Lord, They Laid Him in the Ground.'" *Seven Days*, April 19, 6.
- Scott, James C. 1990. *Domination and the Arts of Resistance: Hidden Transcripts*. New Haven, CT: Yale University Press.
- Shalev, Sharon. 2009. *Supermax: Controlling Risk through Solitary Confinement*. Portland, OR: Willan.
- Skeens, Anthony. 2013. "Inside the SHU Part 3: Hunger Strikes." *Triplicate*, June 27.
- Small, Julie. 2011. "Under Scrutiny, Pelican Bay Prison Officials Say They Target Only Gang Leaders." KPCC, Southern California Public Radio, August 23.
- Small, Julie. 2013. "Prison Officials Tout Changes in Security Unit Policies, But Inmate Advocates Aren't Convinced." KPCC Southern California Public Radio, February 25. [www.scpur.org/news/2013/02/25/36119/prisoner-advocates-demand-end-indefinite-isolation/](http://www.scpur.org/news/2013/02/25/36119/prisoner-advocates-demand-end-indefinite-isolation/).
- Sparks, Richard, and A. E. Bottoms. 1996. "Legitimacy and Order in Prisons." *British Journal of Sociology* 46, no. 1: 45–62.
- St. John, Paige. 2013a. "Prison Hunger Strike Leaders Are in Solitary But Not Alone." *Los Angeles Times*, July 28.
- St. John, Paige. 2013b. "State Continues to Release Inmates from Isolation." *Los Angeles Times*, February 21. [articles.latimes.com/2013/feb/21/local/la-me-ff-state-continues-to-release-inmates-from-isolation-20130221](http://articles.latimes.com/2013/feb/21/local/la-me-ff-state-continues-to-release-inmates-from-isolation-20130221).
- States News Service. 2011. "U.S. District Court Terminates Twenty-One-Year-Old Class Action Lawsuit." March 22. [cdcrtoday.blogspot.com/2011/03/us-district-court-terminates-21-year.html](http://cdcrtoday.blogspot.com/2011/03/us-district-court-terminates-21-year.html).
- Streeter, Kurt. 2011. "Inmate Hunger Strike Continues." *Los Angeles Times*, July 10.
- Strike Summit. 2011. California Department of Corrections and Rehabilitation, DVD recording, July 20. Transcript on file with author.
- Tapley, Lance. 2013. "Whistleblower Returns: Maine a Prison-Reform Model." *Portland Phoenix*, March 27. [portland.thephoenix.com/news/153246-whistleblower-returns-maine-a-prison-reform-model](http://portland.thephoenix.com/news/153246-whistleblower-returns-maine-a-prison-reform-model).
- Thompson, Heather Ann. 2011. "The Lingering Injustice of Attica." *New York Times*, September 8.

- Tyler, Tom R. 2006. *Why People Obey the Law*. Princeton, NJ: Princeton University Press.
- United Nations. 2011. "Solitary Confinement Should Be Banned in Most Cases, UN Expert Says." *UN News Centre*, October 18. [www.un.org/apps/news/story.asp?NewsID=40097](http://www.un.org/apps/news/story.asp?NewsID=40097).
- Warren, Jennifer. 2002. "Pelican Bay on Hunger Strike: Striking Prisoners Spurn Food." *Los Angeles Times*, November 4.
- Weber, Lara, and Patrick Olsen. 2001. "Inmate Hunger Strike Enters Its Third Week." *Chicago Tribune*, November 4.
- Will, George F. 2013. "When Solitude Is Torture." *Washington Post*, February 20. [articles.washingtonpost.com/2013-02-20/opinions/37198669\\_1\\_solitary-confinement-supermax-prison-suicides](http://articles.washingtonpost.com/2013-02-20/opinions/37198669_1_solitary-confinement-supermax-prison-suicides).

