

CRIMINALIZATION

CRIMINALIZATION IS THE PROCESS THROUGH WHICH ACTIONS BECOME ILLEGAL. ACTIONS BECOME CRIMES ONLY AFTER THEY HAVE BEEN CULTURALLY OR LEGALLY DEFINED AS CRIMES. IDEAS ABOUT WHAT IS CRIMINAL REACH FAR BEYOND SPECIFIC ACTIONS. WHAT COUNTS AS CRIME CHANGES ACROSS BOTH TIME AND SPACE, AND SOMETIMES HAPPENS REALLY FAST. OFTEN THOSE CHANGES HAPPEN BECAUSE OF POLITICAL FORCES THAT ARE MANIPULATING PUBLIC FEARS INSTEAD OF RESPONDING TO THEM.

Criminalization is also what happens when entire groups of people are targeted by law enforcement for punishment and control. The criminalization of poverty, for example, includes controlling poor people through laws that make everything from public urination to sleeping in the park to participation in informal economies illegal and punishable. The criminalization of youth of color includes directly folding police forces into school security, as well as laws in many cities that forbid young people from gathering in groups as small as three on the street. The criminalization of immigrants means that "foreign looking" people get stopped on the street and in airports more often and are vulnerable to police brutality.

The process of criminalization is an important piece of the PIC. It is one of the tools that make it possible for police and courts to target specific actions as well as specific groups of people. It sets us up to believe that everyone who breaks a law is a direct threat to us and to our families. Criminalization also adds to the myth that social, political, and economic problems are really law enforcement problems—that safety of all kinds, including economic security, can be guaranteed by watching, controlling and caging the groups of people who suffer most because of poverty or racism.

RADICALISM
UNIONS, FEMINISM,
AND THE CRISIS OF
PRISON MANAGERIALISM,
1972-1980

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RADICALISM

Unions, Feminism, and the Crisis of Prison Managerialism, 1972–1980

For the prison movement, the 1970s was a complicated period of opportunity and adversity, stunning gains and tragic reversals. The continued protests by prisoners, dramatized most severely by the bloody suppression of the Attica rebellion, delegitimized prisons and jails amongst large swaths of the public, pushing forward calls for institutional reform. The prison rebellion years drew the attention of key segments of the left, particularly amongst Chicano, Black Power, and New Left radicals. Even liberal organizations, such as the NAACP Legal Defense Fund and the American Civil Liberties Union, initiated prisoner-rights projects. Behind bars, the movement's emergence prompted a renegotiation of the tacit agreement between keepers that had become the norm of penal managerialism. Fearing that an Attica-style rebellion might occur at prisons similarly afflicted by severe overcrowding, guard brutality, and austere conditions, administrators offered concessions in prison management and incentives for institutional peace that would have been unthinkable a decade earlier. By the end of the decade, however, some of the hallmarks of postwar American prisons, including a contradictory emphasis on "rehabilitation," would be replaced by a tougher, more punitive approach.

One example of how these concessions were implemented, and their broader impact on the prison movement, occurred in Illinois' Stateville prison. Long known as "the world's toughest prison," Stateville had for decades been run on a system of strict discipline, ubiquitous rules, and near total surveillance. Prisoners were expected to march silently in columns of twos or threes from one section of the prison to another. Nearly everything that was not food, clothing, or shelter was considered a privilege and could be revoked for the smallest infraction. Prisoners would be denied earphones, yard time, or mail privileges for leaving a shirt unbuttoned, not finishing their food, or failing to salute an officer. The influx of Black people from Chicago, East St. Louis, and other cities during the 1960s

challenged this system. This influx dramatically changed the racial demographics and political climate of the prison. Many of these new arrivals were members of Chicago's largest street gang organizations. They also forcefully recruited new members from the pool of those already held within the prison's walls.

By the early 1970s, roughly 50 percent of the Stateville population was affiliated with one of the four major street gang organizations—the Latin Kings, the Conservative Vice Lords, the Black Gangster Disciple Nation, and the Black P. Stone Nation. Not only did these gangs have a sense of group solidarity that cut against the norm of each prisoner being punished individually, but they also drew upon a political sophistication cultivated through their engagement with the freedom movements of the era. In just a few short years, these organizations participated in a food boycott, a bloody ambush on prison guards, and a series of violent protests. They proved themselves particularly adept at undermining Stateville's various mechanisms of control.¹

With cellblock discipline deteriorating, administrators took the exceptional step of directly engaging gang leaders in institutional decision making through the Adult Basic Learning Enterprise Project, also known as Project ABLE. Organized by several former community organizers and long-term prisoners, Project ABLE served as an informal inmate council, providing prisoners with a forum in which they could raise and discuss pressing issues with administrators, guards, and clinical staff. Tellingly, "Let's do it different from Attica!" was its slogan. Representation on its executive committee was weighted toward those considered to be the prison population's most explosive elements. There was one representative each from the Disciples, Vice Lords, and Latin Kings, as well as the Black Panthers, the independent white, and independent Black populations. In recognition of its size, the Black Stones was the only organization with two members.²

In other Illinois prisons, officials formally recognized the gangs themselves, providing them with meeting spaces or their own cell houses—all in an attempt to suppress the possibility of mass disruption. In January 1972, Stateville administrators went one step further. The prison's superintendent offered members of Project ABLE's executive council a "special detail," a pass that allowed them almost complete freedom of movement through the maximum-security facility. These representatives could move freely throughout the prison to keep the peace, communicating back prisoner grievances, and diffusing potentially explosive conflicts. This special detail proved effective at preventing further outbreaks of prisoner violence for seven months, although the relative quiet would only prove temporary, Project ABLE's leaders warned, if it was not followed by concrete concessions. With few reforms made on more pressing issues, this unprecedented privilege exacerbated the general sense amongst prison officials that security was deteriorating at Stateville. In July 1972, Illinois director of corrections fired the Stateville's superintendent. His replacement met once with the Project ABLE's executive committee before canceling the controversial experiment. Although its members continued to meet informally, never again would its members have a formal input into policy and decision making at their prison.

63 Berger. *Captive Nation*, 253.

64 In California, this was the 1977 Uniform Determinate Sentencing Act. In Alabama, it was the Habitual Felony Offender Act. The California Prisoners Union bitterly contested these reforms; see Kohler-Hausmann. *Getting Tough*, 250–287.

65 Sayles, James Yaki. *Meditations on Frantz Fanon's Wretched of the Earth: New Afrikan Revolutionary Writings*. Chicago: Spear and Shield Publications, 2010, 28.

66 Losier, Toussaint. "Prison House of Nations: Police Violence and Mass Incarceration in the Long Course of Black Insurgency in Illinois, 1953–1987." Ph.D. diss., University of Chicago, 2014, 159–160.

67 Thompson. *Blood in the Water*, 330.

68 Losier. "Prison House of Nations," 316; "Judge in Pontiac 16 trial denies bias," *Chicago Defender*, August 20, 1980, 1.

69 Losier. "Prison House of Nations," 227–231.

- 42 Law, Victoria. *Resistance Behind Bars: The Struggles of Incarcerated Women*. Oakland: PM Press, 2012, 78.
- 43 Faith, Karlene. "The Santa Cruz Women's Prison Project, 1972–1976," in Howard S. Davidson, ed., *Schooling in a Total Institution (177–183)*. Westport: Bergin & Garvey, 1995; Faith, Karlene. *Unruly Women: The Politics and Confinement of Resistance*. Vancouver: Press Gang Publishers, 1993, 235.
- 44 Díaz-Cotto. *Gender, Ethnicity, and the State*.
- 45 Ibid., 323–334; quote is from 326.
- 46 Law, Victoria. "Sick of the Abuse: Feminist Response to Sexual Assault, Battering, and Self-Defense," in Berger, ed., *The Hidden 1970s (39–56)*. New Brunswick: Rutgers University Press, 2010; McGuire, Danielle L. *At the Dark End of the Street (202–228)*. New York: Alfred A. Knopf, 2010; Davis, Angela. "Joan Little: The Dialectics of Rape," in Joy James, ed., *The Angela Y. Davis Reader (149–160)*. Malden: Blackwell, 1998.
- 47 McGuire. *At the Dark End of the Street*, 224–225.
- 48 "Women Inmates Battle Guards in North Carolina," *New York Times*, June 17, 1975.
- 49 Thuma, Emily. "Lessons in Self-Defense: Gender Violence, Racial Criminalization, and Anticarceral Feminism," *WSQ* 43: 3–4 (2015): 66.
- 50 Unless otherwise noted, information on these three cases comes from Thuma, "Lessons in Self-Defense" and Law, "Sick of the Abuse."
- 51 Thuma, Emily. "Against the 'Prison/Psychiatric State': Anti-Violence Feminisms and the Politics of Confinement in the 1970s," *Feminist Formations* 26: 2 (2014): 26–51.
- 52 Díaz-Cotto. *Gender, Ethnicity, and the State*, 286–287, 331–333.
- 53 Gelin, Deborah. "Susan Saxe Pleads Guilty, Receives 10–12 Year Sentence," *Harvard Crimson*, January 18, 1977, www.thecrimson.com/article/1977/1/18/susan-saxe-pleads-guilty-receives-10-12/; Deming, Barbara. *Remembering Who We Are*, 157–95, 201–204. Tallahassee: Pagoda, 1981.
- 54 Burton-Rose, Daniel. *Guerrilla USA: The George Jackson Brigade and the Anticapitalist Underground of the 1970s*. Berkeley: University of California Press, 2010.
- 55 Mead, Ed. "Men Against Sexism," in Joy James, ed., *The New Abolitionists: (Neo)Slave Narratives and Contemporary Prison Writings (117–130)*. Albany: SUNY Press, 2005; Kunzel, Regina. *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. Chicago: University of Chicago Press, 2008, 211–213; McCoy, John. *Concrete Mama: Prison Profiles from Walla Walla*. Columbia: University of Missouri Press, 1981, 135–140; Burton-Rose, Daniel. "The Anti-Exploits of Men Against Sexism, 1977–78," in Don Sabo, Terry A. Kupers, and Willie London, eds., *Prison Masculinities (224–229)*. Philadelphia: Temple University Press, 2001.
- 56 Shakur, Assata. *Assata: An Autobiography*. London: Zed, 1987; Williams, Evelyn A. *Inadmissible Evidence: The Story of the African-American Trial Lawyer Who Defended the Black Liberation Army*. Chicago: Lawrence Hill, 1993.
- 57 Shakur, Assata. "Women in Prison: How It Is With Us," *The Black Scholar*, April 1978, www.historyisaweapon.com/defcon1/shakurwip.html.
- 58 Hanley, Robert. "Miss Chesimard Flees Jersey Prison, Helped by 3 Armed 'Visitors,'" *New York Times*, November 2, 1979, 1; Lubasch, Arnold H. "Killer Says He Helped in Chesimard's Escape," *New York Times*, December 2, 1987; Berger. *The Struggle Within*, 11–14.
- 59 Thompson. *Blood in the Water*, 319.
- 60 Ibid., 330.
- 61 In 2000, the State of New York reached a settlement agreement that paid \$8 million to the surviving Attica Brothers and the families of those killed during the retaking of the prison. This agreement also included \$4 million for the Attica attorneys who had largely funded the civil case out of their own pocket. Ibid., 501.
- 62 Berger. *Captive Nation*, 226.

While prisoners attempted to build upon the opportunities opened up by Project ABLE, Stateville's guards would challenge these efforts. On January 27, 1973, an estimated 75 percent of 300 guards on the day's first and second shifts refused to let Stateville's 1,900 prisoners out of their cells, effectively locking down the facility. One by one, they refused to follow the warden's direct orders and walked off the job, collectively abiding by a recent vote by the American Federation of State, County, and Municipal Employees (AFSCME) to keep the facility locked up until state officials considered their demands regarding matters of security. Rather than simply press their demands on the warden, AFSCME organizers appealed directly to the Illinois governor's office, which swiftly dispatched one of its top officials to negotiate a resolution.³

This startling job action was prompted by a series of events. Three days earlier, some 300 prisoners had reported all at once to sick call, a move interpreted by guards as a show of strength by Stateville's gangs. More importantly, no progress had been made on determining who had fatally stabbed a guard and then thrown his body 40 foot from a cell house tier two weeks prior, the first death of a guard in the line of duty since 1946. Seizing the initiative, the union's professional organizers increased their agitation amongst the guards, encouraging them to assert their influence. "By 1973," sociologist James Jacobs argues, "the union had become a potent force in Illinois prisons."⁴ Although recognized by state officials seven years earlier, the union's membership had only just grown to include lieutenants and captains. The upper ranks of the guard staff used the union as a means by which to press for regular shakedowns and lockups of the facility, expressing fears that the prison was unsafe, discipline was deteriorating, and officials were too deferential to prisoners' concerns.

Just as prison organizers sought to build a working unity amongst the prison's various gang organizations, guard union organizers were also effective at overcoming the hierarchy amongst the custodial staff and gaining the membership of a majority of the guards at every rank. Out of deference to the union's power, Illinois' director of corrections ordered monthly meetings between union officials and prison management throughout the state. He also continued regular discussions with AFSCME's executive council. By the winter of 1975, state officials had ratified the first collective bargaining agreement with the guards.

At roughly the same time, former members of the Black Panther Party and other militant organizations had reorganized themselves. As successive state governments tacked further away from the goals of individual rehabilitation and therapeutic treatment, these prison organizers would play a lead role in the Illinois' prison movement. Over the next several years, its members sought to politicize fellow prisoners, mainly by mobilizing campaigns against deteriorating living conditions and in support of prisoners accused of, and indicted for, assaulting prison guards. At the same time, these prisoners deepened their links to the politics of revolutionary Black nationalism, redefining themselves as the New Afrikan Prisoners Organization (NAPO). At the end of the decade, these prison organizers

would play a lead role in defending the Pontiac Brothers, 17 prisoners, nearly all of them high ranking members of Chicago street gangs, accused of conspiring to foment a rebellion and murder several prison guards. By drawing on the lessons learned during previous defense campaigns, NAPO cadres and their outside supporters succeeded in defending the Pontiac Brothers, but failed to forestall the adoption of a set of harsh sentencing reforms that set Illinois on the trajectory of a decades-long climb in its prison population.⁵

The emergence of these contending forces within Stateville was a microcosm of the surprising advances and incipient backlash that the prison movement would face during this period. In state and federal facilities across the country, prisoners pressed for, and won, signal reforms. These reforms went beyond the introduction of rehabilitative services and the creation of inmate councils. In roughly a dozen states across the country, federal court judges followed the lead of prison litigants in declaring individual correctional facilities, and in some instances, entire state correctional systems, in violation of the Eighth Amendment prohibition against cruel and unusual punishment. With greater legal and community support on the outside, prisoners organized around issues of labor rights and human dignity, winning not only official recognition but also the political space to demand more radical solutions to the problem of incarceration. Yet, in case after case, these gains would face a drive for new mechanisms of control by prison guards and administrators. As the prison movement developed through the 1970s, it provoked a backlash that it was not fully able to counter. By the end of the decade, the forces of reaction had begun to seize the upper hand.

Prisoner Unions and Cellblock Democracy

The impact of the Attica uprising stretched well beyond Stateville. During the days and weeks that followed, men and women held behind bars revolted in sympathy and solidarity. These protests, hunger strikes, and hostage-takings shook prisons across the country, with prisoners expressing outrage at the retaking of D yard, while raising their own particular demands. In contrast to earlier periods of unrest, this wave of protest also touched the jails in some of the country's largest cities with people explicitly drawing their inspiration from Attica.⁶

Although most of these rebellions had run their course by the end of 1971, they would have a profound effect on a generation of correctional officials who sought more radical solutions to the crisis of incarceration. Rarely were these officials able to make changes to the basic brick and mortar reality of imprisonment, but they were inclined to embrace progressive demands that afforded prison organizers greater room to maneuver. Just as in Stateville, many of these reforms would be short lived. But they did provide an opening, however brief, for radical experiments in bottom-up decision making through, for instance, inmate councils, labor unions, and Black Power organizations. With limited outside support, prison

- Joshua. *The Toughest Beat: Politics, Punishment, and the Prison Officers Union in California*. New York: Oxford University Press, 2011, and "Prison Officer Unions and the Perpetuation of the Penal Status Quo," *Criminology and Public Policy* 10: 3 (2011): 735–770. For a dissenting view, which sees the guard union power in California as exceptional rather than constitutive, see Thompson, Heather Ann. "Downsizing the Carceral State: The Policy Implications of Prison Guard Unions," *Criminology and Public Policy* 10: 3 (2011): 771–779. Thompson argues that correction officer unions are a miniscule player in the rise of mass incarceration that can be won over to progressive, class-based critiques of the carceral state. See also McCoy, Austin. "Prison Guard Unions and Mass Incarceration: Prospects for an Improbable Alliance." *New Labor Forum* 26: 1 (2017): 74–83.
- 25 Abu-Jamal, Mumia. *Jailhouse Lawyers: Prisoners Defending Prisoners v. the U.S.A.* San Francisco: City Lights, 2009, 60.
- 26 Fliter. *Prisoners' Rights*, 69.
- 27 Gilmore, Kimberly E. "States of Incarceration: Prisoners' Rights and U.S. Prison Expansion After World War II." PhD diss, New York University, 2005, 209.
- 28 Perkinson. *Texas Tough*, 267.
- 29 Gilmore. States of Incarceration, 219.
- 30 Fliter. *Prisoners' Rights*, 114.
- 31 Gilmore. States of Incarceration, 121.
- 32 Losier. "Prison House of Nations," 56.
- 33 Fliter. *Prisoners' Rights*, 94.
- 34 Tibbs. *From Black Power to Prison Power*, 178–179; Hughett. "Silencing the Cell Block."
- 35 Theriault v. Silber, 452 F. Supp. 254 (1978), as quoted in Dubler, Joshua and Vincent Lloyd. *Break Every Yoke: Religion, Justice, and the Abolition of Prisons*. Princeton: Princeton University Press, forthcoming; manuscript in author's files. See also Dubler, Joshua. "The Secular Bad Faith of Harry Theriault, Bishop of Tellus," in Vincent W. Lloyd and Elliot A. Ratzman, eds., *Secular Faith* (44–75). Eugene: Wipf and Stock Publishers, 2011.
- 36 *Africa v. Pennsylvania* 662 F.2d 1025 (1981), quoted in Dubler and Lloyd. *Break Every Yoke*; McCoy, Craig R., "Who Was John Africa?" *Philadelphia Inquirer*, May 8, 2010, www.philly.com/philly/news/Who_was_John_Africa.html. Frank Africa was imprisoned on a weapons charge stemming from a 1977 altercation. He was incarcerated during the August 8, 1978, standoff with Philadelphia police in which one officer was killed and nine MOVE members sentenced to life in prison. He was one of 11 MOVE members killed in 1985 when the police dropped a bomb on its house during another standoff. See Anderson, John and Hilary Hevenor. *Burning Down the House: MOVE and the Tragedy of Philadelphia*. New York: Norton, 1987. See also Osder, Jason. dir., *Let the Fire Burn*, 2013. New York: Zeitgeist Films.
- 37 Hill. *Men, Mobs, and Law*, 20; Berger. *Captive Nation*.
- 38 Diaz-Cotto, Juanita. *Gender, Ethnicity, and the State: Latina and Latino Prison Politics*. Albany: SUNY Press, 1996, 347.
- 39 Thuma, Emily. "Lessons in Self-Defense: Gender Violence, Racial Criminalization, and Anticarceral Feminism," *WSQ* 43: 3–4 (2015): 52–71; Harris, Jean. *They Always Call Us Ladies*. New York: Scribner's, 1988.
- 40 Ward, Stephen. "The Third World Women's Alliance: Black Feminist Radicalism and Black Power Politics," in Peniel E. Joseph, ed., *The Black Power Movement: Rethinking the Civil Rights – Black Power Era* (141–142). New York: Routledge, 2006.
- 41 Alpert, Jane. "Mother Right: A New Feminist Theory," first published in 1973 and available http://library.duke.edu/digitalcollections/wlmpc_wlms01022/; Randolph, Sherie M. *Florynce "Flo" Kennedy: The Life of a Black Feminist Radical*. Chapel Hill: University of North Carolina, 2015, 203.

Notes

- 1 Jacobs. *Stateville*, 146.
- 2 *Ibid.*, 170.
- 3 Haramija, Frank. "Guards Rebel at Stateville," *Chicago Tribune*, January 27, 1973, 1.
- 4 Jacobs. *Stateville*, 193.
- 5 *Ibid.*
- 6 Thompson. *Blood in the Water*, 259–260.
- 7 Murray, Christopher. *Unusual Punishment: Inside the Walla Walla Prison, 1970–1985*. Pullman, Wash: Washington State University Press, 2016; UPI. "Inmates Plan Prison, Seek Financing," *St. Petersburg Times*, January 18, 1972, 6-A; Burnett, Tom. "Views Unshaken by Prison Tour," *Spokesman-Review*, March 5, 1972, 20; Dan Berger interview with Mark Cook, November 14, 2012. "People's Park" referred to the effort by a group of students and other young activists took over an abandoned parking lot owned by the University of California and turned it into a park. Governor Reagan sent local and state police to evict the park occupants by force on May 15, 1969; police killed one student in the process.
- 8 Bissonette, Jamie. *When the Prisoners Ran Walpole: A True story in the movement for Prison Abolition*. Cambridge, MA: South End Press, 2008, 11, 25.
- 9 Chard, Daniel S. "SCAR'd Times: Maine's Prisoners' Rights Movement, 1971–1976." M.A. Thesis, University of Massachusetts Amherst, 2010, 73.
- 10 Chard, Daniel S. "Rallying for Repression: Police Terror, 'Law-and-Order Politics, and the Decline of Maine's Prisoners' Rights Movement," *The Sixties* 5: 1 (2012): 47–73.
- 11 Tibbs. *From Black Power to Prison Power*, 155; Perlmutter, Emanuel. "Prisoners' Union Formed Upstate," *New York Times*, February 8, 1972, 1, 39.
- 12 Tibbs. *From Black Power to Prison Power*, 156.
- 13 *Ibid.*, 155.
- 14 *Ibid.*, 156.
- 15 Bissonette. *When the Prisoners Ran Walpole*, 21.
- 16 *Ibid.*, 78.
- 17 *Ibid.*, 132. Dual power describes efforts that simultaneously challenge and build alternatives to state authority.
- 18 *Ibid.*, 133.
- 19 *Ibid.*, 132.
- 20 Bissonette. *When the Prisoners Ran Walpole*; Baird, Jane B. "The Prison Industry: How Guards Ended Reform at Walpole State Penitentiary," *The Harvard Crimson*, January 14, 1974, www.thecrimson.com/article/1974/1/14/the-prison-industry-prisons-are-the/?page=single.
- 21 For more on the Prisoners Union, see Kohler-Hausmann, Julilly. *Getting Tough: Welfare and Imprisonment in 1970s America*. Princeton: Princeton University Press, 2017, 211–249; Cummins. *The Rise and Fall of California's Radical Prison Movement*, 187–221; and Berger. *Captive Nation*, 185–192.
- 22 Tibbs. *From Black Power to Prison Power*, 151. For a more robust account of the North Carolina Prisoner Labor Union and its connection to the long arc of carceral politics in the state, see Hughett, Amanda, "Silencing the Cell Block: The Making of Modern Prison Policy in North Carolina and the Nation." Ph.D. diss., Duke University, 2017. More generally on the shift in prisoner organizing strategies at this time, see Kindig, Jessie, ed., "Organizing the Prisons in the 1960s and 1970s," a three-part roundtable published on the Organization of American Historians blog, *Process*, September 20–22, 2016, www.processhistory.org/prisoners-rights-1/.
- 23 *Ibid.*, 153–154.
- 24 Hill, Rebecca N. "'The Common Enemy is the Boss and the Inmate': Police and Prison Guard Unions in New York in the 1970s–1980s," *Labor* 8: 3 (2011): 65–96; Page,

organizers drew on the legacy of Attica's D yard to push for an innovative form sort of cellblock democracy.

Several prisons responded to Attica and other such rebellions and lawsuits with new experiments in shared governance between prisoners, guards, and wardens. In states as diverse as Maine, Massachusetts, Illinois, and Washington, officials revived mechanisms of prisoner-led governance, often called Inmate Councils. These bodies were the most radical examples of a larger shift in prison administration: the proliferation of officially sanctioned political organizations among prisoners. Prison officials had long allowed some nonpolitical organizations to exist inside, and, of course, dissident prisoners were intimately acquainted with forming covert study groups or collectives. Reform-minded prison officials hoped that formalizing the process through which even political organizations operated within prison would limit their propensity for rebellion. The Inmate Council model took this rationale a step further: its purpose was to participate in the running of the prison itself.

In Washington state, for instance, a 1970 Christmas strike by prisoners in Walla Walla penitentiary led to the creation of a "Resident Governing Council" (RGC) over the next four years. The RGC began with co-presidents, one Black and one white, in honor of the multiracial character of organizing at the prison. The council named the area of the prison yard where it held its meetings as "People's Park." The name not only honored the 1969 Berkeley student struggle to reclaim vacant land, it also suggested that prisoners could genuinely take control of parts of the prison. Members of Walla Walla's Black United Front and BPP prison chapter took part in writing the group's platform. The group participated in a 1971 sit-down strike demanding more staff and funding for prisoner health care in the chronically overcrowded facility. It also opposed the death penalty and advocated that men on death row be allowed to join the council. It was not a purely radical entity. One of its signature proposals involved a 1972 plan to build a 100-person prison in Seattle for repeat offenders to keep offenders closer to their home communities. Prisoners drafted the plan, designed the building, and requested \$1 million from the government to build it. The council had some darker elements, too. It functioned as a kind of ad hoc police force within the prison, with some reports of members assaulting other prisoners to impose their will; some officials also suspected RGC members of participating in Walla Walla's thriving drug economy. It was disbanded in 1975.⁷

Across New England, the National Prison Reform Association (NPRA) used union organizing to build the power that incarcerated people had over their lives. Formed in 1972 at the Adult Correctional Institution in Cranston, Rhode Island, the NPRA defined prisoners as workers and sought to organize prisoners across the country into bargaining units to push a more radical vision of prison reform. "Through a labor union," author Jamie Bissonette argues, "prisoners could shift discussion of their issues out of the disputed framework of prisoners' rights and into the accepted and legally protected framework of workers' rights."⁸ The union

sought not only to improve their working conditions, but also to become a recognized bargaining unit. Since their workplace was also their living quarters, their efforts to build a democratic workplace challenged the authoritarian structure of the prison itself. As the idea of prisoner unionism gained traction, the NPRA established a national office outside of prison in Providence and sought to gain footholds across New England.

The Inmate Advisory Council (IAC) at Maine State prison began in September 1971, following a two-day strike to protest the poor food and abusive conditions at the prison. The strike occurred less than a week after the Attica rebellion, which surely contributed to the warden's willingness to authorize the council and agree to an initial demand: removing the glass barrier that separated prisoners from their loved ones in the visiting room. As the IAC continued to press for a number of changes, however, the prison grew more intransigent. It abruptly transferred council member Gus Heald, a strike leader and prodigious jailhouse lawyer, to the harsh federal prison in Marion.

As the IAC continued, formerly incarcerated people began pressing for change in concert with their incarcerated comrades. Together, they formed the Statewide Correctional Alliance for Reform (SCAR). SCAR had chapters in and out of prison. Although not a large group, its chapters were in both rural and urban parts of the state. While the state's prison population was only a few hundred people and largely white, its prisons faced some of the same issues found elsewhere. These included solitary confinement, rampant physical abuse, substandard medical care, censorship of political materials, and forced unpaid labor. SCAR pressed for change through petitioning and protesting; it also published a newspaper and opened a radical bookstore and meeting space. On the inside, several SCAR members occupied seats on the IAC.

Maine prisoners won some moderate reforms, including Heald's return from Marion to Maine in 1973. Most promising, if inconsistently followed, were the legal challenges that SCAR pursued in concert with IAC demands. Their victories, as historian Daniel Chard recounts, included rulings about prison officials:

[They] could not arbitrarily censor prisoners' mail, prevent inmates' groups from obtaining legal counsel, bar prisoners from meeting with journalists, or hold prisoners in solitary confinement on disciplinary grounds for periods exceeding thirty days for major offenses or ten days for minor ones."⁹

SCAR continued advancing a radical platform regarding prisoners until personal differences and police violence tore it asunder. As had happened with other such leftist groups, after the organization folded, some members of SCAR went underground and engaged in armed attacks against the U.S. government until they were arrested in the 1980s.¹⁰

Surveying their conditions, many prisoners concluded that they needed a union. In addition to the California Prisoner Union, prisoners in upstate

courthouse, and, during a crucial moment in the trial, hold rallies in Chicago and other cities across the country in support of the Pontiac Brothers.

The outcome of the case hinted at both the prison movement's strengths and weaknesses. The jury deliberated for just four hours before returning a not guilty verdict on all 57 charges for the ten Pontiac Brothers. Several of the jurors made it clear that they identified with the Pontiac Brothers, even going so far as to congratulate them and their supporters after the verdict was read. The stunning decision led to the release of three of the Pontiac Brothers who had completed their sentences during the course of the trial as well as the prosecution's announcement that it would not pursue charges against those defendants still waiting to go to trial.

Yet, in spite of these stunning victories, the defense campaign was ultimately unable to capitalize from its success. Three years of persistent and strategic organizing had saved the Pontiac Brothers from the electric chair, but also taxed the capacities of outside and inside organizers. They were no closer to repealing the Class X law, a sign of the openly repressive atmosphere of the new decade. With Ronald Reagan now in office, new threats to prisoners and their communities drew away the attention of outside supporters. And, in addition to the hostility of guards unions and conservative judges, the movement would be done in by the difficulty of maintaining a working unity amongst prisoners. In Illinois, prisoners were directing much of the campaign's momentum into the now prison-based street gang organizations. While the idea of Brothers of the Struggle as a community-oriented gang coalition would continue to inspire some support, it would not be enough to overcome the violent prisoner-on-prisoner conflicts these groups fostered, much less new legislation and case law mandating longer sentences, more restrictive confinement, and fewer early release options, all marking the turn to mass incarceration.⁶⁹

Across the country, it was evident that the prison movement was in decline by the early 1980s. After more than a decade of prominence, prisoners occupied a more complicated and contradictory place in the public's imagination. For their part, radical groups that had helped to win the movement broader popular attention, such as the Black Panthers and the Weather Underground, enjoyed limited political influence or had folded altogether. Many of the defense committees faded from view once the cases were resolved. While the federal courts remained open to *pro se* petitions and class action suits, the Supreme Court had already signaled a shift away from judicial intervention and back toward the policy of institutional deference in force prior to *Cooper v. Pate*. State officials increasingly dismissed experiments in prisoner unionism and inmate advisory councils. Both sides of the ideological spectrum had undermined the legitimacy of rehabilitation as a correctional philosophy. What would replace it? Prisoners continued to organize, file lawsuits, seek coalitions with people outside of prison, and hold study groups. But as the 1980s continued, their visions of transforming or ending prisons receded. After some years of success, the movement's strategies for challenging state repression and garnering public attention to abusive prison conditions had begun to unravel.

The legal side of the Pontiac Brothers case extended some of the key lessons radical activists had learned over the past decade, including the importance of a fair jury selection process. In the immediate aftermath of the Pontiac rebellion, PLO lawyers and paralegals canvassed the town of Pontiac, taking affidavits from residents regarding their ability to hear any future criminal case impartially. Capturing the sense of fear and anger amongst the local residents, these affidavits would prove pivotal during later efforts to request a change of venue for the death penalty trial. In fighting to stop the executions, supporters drew directly on the lessons of the ABLD. Former Black Panther party members used the example of New York state appropriating funds for the Attica defense to get Illinois to partially fund the Pontiac Brothers legal defense team, making it possible for a number of Black criminal defense attorneys to join the case.

Similarly, several PLO attorneys had gained a wealth of experience by participating in the Attica cases, particularly in the use of pretrial motions to seek discovery and the innovative Fair Jury Project. The sort of investigative effort regularly conducted by federal prosecutors, this project required the defense campaign to canvass to create a large community network that could provide insight into how a potential juror might view prisoner defendants. As historian Heather Ann Thompson has demonstrated, this ABLD Jury Project sampled hundreds of voters in New York's Erie County, surveying them about their political affiliations, religious beliefs, and personal habits.⁶⁷ The PPSC would combine this investigative technique with a robust Jury Education project, informing potential jurors—through mass leafleting at churches, large factories and office buildings, and government agencies—about the facts of the Pontiac Brothers case, the racist nature of the death penalty, and the legal technicalities associated with qualifying to serve on a “death qualified” jury. These efforts played a lead role in securing a jury panel of seven Black and five white Cook County residents for the first group of defendants.⁶⁸

Emblazoned on banners and leaflets, “Put the State on Trial” was the main slogan of the Pontiac Brothers defense campaign. It recalled previous defense campaigns and referenced the prison movement's focus on exposing to the public the harsh reality of life behind bars. In the capital murder trial of the Pontiac Brothers, this slogan also pointed to a core legal strategy of highlighting the state's lack of credible witnesses, the inhumane prison conditions that sparked the rebellion, and the coercion and bribery that marked the subsequent investigation. When the death penalty trial of the first ten Pontiac Brothers began on March 4, 1981, prosecutors had the advantages of having already convicted a handful of prisoners for less serious crimes committed during the rebellion and secured the cooperation of one of the Pontiac Brothers themselves. Despite these hurdles, the remaining Pontiac Brothers maintained a unified defense while their lawyers picked apart the prosecution's case. As the lawyers prepared their closing arguments, each part of the broader coalition, including the gangs within Brothers of the Struggle, mobilized their members to attend the trial, picket outside of the

New York founded the Prisoners' Labor Union at Green Haven Correctional Facility during the summer of 1971. Drawing on the assistance of the New York Legal Aid Society's Prisoners' Rights Project, the union prepared a constitution and circulated authorization cards. While these organizing efforts initially faced hostility from prison guards and officials, much of this overt harassment decreased after the Attica rebellion. It requested and received affiliation with District 65, Distributive Workers of America. In 1972, over half the facility's 1,800 prisoners had signed authorization cards, but its broader organizing efforts would be undercut by the decision by Public Employees Relations Board of New York to deny it recognition and for the right to collective bargaining.¹¹

In a similar vein, support from the ACLU helped to further the growth of the Ohio Prisoners' Labor Union (OPLU). After a 1972 hunger strike led to a shutdown of prisons across Ohio, prison organizers at the London Correctional Institution formed the state's first inmate council, and then, when the council proved unsatisfactory, a labor union focused on issues of wages and working conditions. Building from the lessons of the California Prisoners' Unions, the OPLU opened a headquarters in Columbus, OH, and worked to spur organizing efforts in prisons across the state, recruiting members and petitioning the governor for recognition.¹²

At roughly the same time, NPRA formally launched its own organizing efforts, gaining its own private office with an unmonitored telephone line at the Cranston prison. Within a short period of time, it claimed more than 1,000 dues paying members across New England, a region where it was the sole union effort. As the years passed, the NPRA would remain committed to a vision of prison abolition. It viewed alternatives to incarceration, improved prison conditions, and collective bargaining rights as means to that end.¹³ Aided by these examples, prisoners launched labor unions in seven other states and the District of Columbia, quickly gaining membership in one institution or another. By the mid-1970s, prison labor unions boasted more than 11,000 prisoners, demanding not only small reforms, but also broader changes in prisoners' rights and institutional governance.¹⁴

The most audacious experiment in prisoner governance happened at the Massachusetts Correctional Institute at Walpole. Opened in 1956, this maximum-security facility was located in a sparsely populated area of eastern Massachusetts. An earlier round of reform had left it with a robust prison industry program that employed much of the population. But years of cronyism and mismanagement had led to one of the worst homicide rates in the country. Walpole soon became home to the largest branch of the NPRA. “Wielding the ultimate power of ‘the strike,’ the NPRA exposed prison labor as slave labor,” notes Bissonette. “It also demonstrated that prisons functioned because prisoners worked – and that working was cooperation with their confinement. Prisoners could control their environment if they controlled their level of cooperation with it.”¹⁵ Collective bargaining would ensure this cooperation, effectively building upon the routine, yet unofficial bargaining between prisoners and prison officials that lay at the core of the prevailing prison order.

As in other states, the Walpole and Norfolk IACs launched a series of demonstrations to show solidarity with Attica and call attention to their own poor conditions. Rather than pacifying further unrest, the resulting official investigations only drew greater public attention to the harsh conditions of the state's prisons. It galvanized outside supporters and lent credence to more progressive approaches to punishment. By early 1972, the governor had announced a six-point prison reform program and the appointment of John Boone, a reform-oriented correction professional and the state's first Black Commissioner of Corrections. His most prominent reform would be Massachusetts's novel furlough program that allowed prisoners to leave the facility for brief periods of time while they completed their sentence. The program reflected Boone's commitment to decreasing the state's prison population through a process of decarceration.

Rather than relying on state officials to dictate a reform agenda, a diverse group of civic and community organizations called the Ad Hoc Committee on Prison Reform served as a conduit between prison organizers and the broader public. They pressed Boone and others to go further than they might have initially anticipated. Within a year of Attica, the legislature had passed a unique prison reform bill and allowed the press to meet directly with prisoners. When prisoners rioted on St. Patrick's Day 1972, Boone met directly with prison organizers before announcing that guards had instigated the unrest. As his relationship with the line staff deteriorated, Boone reiterated his commitment to a reform agenda and took the rare step of reversing the longstanding policy barring outside NPRA organizers from the prison.¹⁶

By September of 1972, Walpole prisoners had voted to establish an NPRA chapter. In contrast to some prisoner labor organizing efforts, this was an above ground group with the twin goals of both prisoner self-determination and prison abolition. The IAC organized a secret ballot election to determine which group would negotiate with the administration. The union received an overwhelming majority of the votes. After 80 percent of prisoners signed unionization cards, NPRA lawyers filed an application with the state labor relations board.

The union's unlikely emergence was predicated on a fragile truce hammered out between contending factions of the prison population as well as the active participation of the facility's Black prisoners. Held in a majority-white facility, they had forged links with the Boston chapter of the Black Panther Party through a weekly Black History course taught by its members. Out of this rigorous political education, participants formed Black African Nations Towards Unity (BANTU), the state's first cultural organization for Black prisoners. Like the NPRA, it had both an external and internal board. It would play a key role in undercutting racist divide-and-rule tactics and ensuring racial parity within the union's 21-member board. When officials called a lockdown hours before BANTU's Kwanzaa celebration, prisoners took the initiative and refused to leave their cells. For nearly three months, they held the line in the face of inhumane conditions and brutal beatings.

alleging that its conditions violated their constitutional rights. Rather than relying solely on litigation, they primarily sought to take advantage of the openings that it created—principally, a federal court order within days reinstating limited attorney visits through which they could pass information back to outside supporters. In August 1978, the transfers of these plaintiffs to the Chicago's Federal Metropolitan Correctional Center to prepare for trial offered NAPO and PPO cadres an opportunity to meet in person and craft a statement of unity between the two groups. Together, they established a "Pontiac-Stateville Coordinating Committee," launching what would become the Pontiac Brothers defense campaign based upon a strategy devised by prisoners themselves.

Drawing on their experience in the Stateville Four case, as well as the model of the Attica Brothers Defense Campaign, they encouraged the Pontiac Brothers and their outside supporters to make it a political case that shifted the public discussion from prisoner brutality to larger problems of racial oppression, prisoners' rights, and state repression. Most controversially, NAPO and PPO directed the emerging defense committee to establish itself as a federation of coalitions. Rather than a single committee, they proposed a separation in organizing efforts that mirrored Chicago's pattern of stark racial segregation. Made up of the parents and relatives of the Pontiac Brothers, the Concerned Family and Friends of Prisoners (CFFP) took on the task of grassroots organizing those within the city's Black community. Its key organizers included several Black feminists politicized by the Joan Little case as well as a recently released NAPO member. A joint effort by the families of the Pontiac Brothers helped to win the Pontiac Brothers themselves to the idea of working together across their gang divisions, leading to a community-oriented gang coalition they called Brothers of the Struggle.

For its part, the Pontiac Prisoners Support Coalition (PPSC) would bring together the prisoners' white supporters, guiding their efforts to educate the public, conduct legal research, and strengthen connections to other progressive causes. In particular, PPSC benefited from the contributions of several full-time organizers who had cut their teeth on prior defense efforts, chief among them Alabama's Atmore-Holman Brothers struggle. (In 1972, nearly 1,200 people at Alabama's Atmore Prison Farm went on strike for four days to protest routine beatings, racist assaults, and poor conditions—the men were even denied eating utensils. Prison officials transferred hundreds of people to other facilities, yet the unrest and subsequent legal battles lasted for years.) Although it tossed aside the usual show of "interracial unity" for the substance of specific functions and grassroots political work, it ultimately furthered efforts to build a diverse and experienced defense campaign, while, at the same time, strengthening the capacity of prisoners' families to organize in their own communities. Reflecting the importance of print culture for the prison movement, each of these components of the larger defense campaign produced their own newsletter. One of the Pontiac Brothers even wrote his own collection of poetry. By the early 1980s, these families and their supporters would draw nationwide attention to what would be the largest death penalty trial since the Scottsboro Boys case.

during the late 1970s that sought to curb parole and indeterminate sentencing in an effort to “get tough” on criminals. In 1977 alone, states as varied as Alabama and California passed harsh sentencing laws that led to further overcrowding, and, eventually, prison construction.⁶⁴ In Illinois, the new bill also empowered guards to effectively lengthen prison sentences by citing prisoners with disciplinary tickets that took away good conduct credit. Rather than preventing further unrest, they argued, this new law immediately helped to heighten the increasingly charged relationship between the prisoners and their keepers. Similarly, the head of the IDOC described the Pontiac rebellion as having occurred in an atmosphere of overly strict discipline, where the warden encouraged guards to revoke “good time” for the most minor offenses. The question in his department was not whether there would be unrest, but when and where.

Prison organizers approached these moments of unrest as an opportunity to rebuild a movement that seemed to be at low ebb. In both prisons, small collectives of Black Panthers, unaffiliated Black Power militants, and other politicized prisoners had been studying together and agitating against guard violence and other pressing issues within the broader prison population, before organizing themselves into a more structured organization. In 1977, one of these groups had played a lead role in coordinating the defense of the Stateville Four, a group of politically active prisoners prosecuted in the stabbing death of one guard and the wounding of another. Calling themselves the Stateville Prisoners Organization (SPO), this group’s cadre secured legal representation from the Chicago-based Peoples Law Office (PLO), and drew in the support of outside activists, mapping out a legal strategy that would help to win their acquittal.⁶⁵

On the heels of this victory, the SPO cadre began a process of political study that would see its politics gravitate toward the sort of revolutionary Black Nationalism articulated by the Republic of New Afrika. They renamed their group the New Afrikan Prisoners Organization (NAPO) and presented themselves as committed revolutionary nationalists. They sought to popularize their new political orientation through a series of prisoner publications, including *Notes from an Afrikan P.O.W.* (later *Vita Wa Watu*), the *Fuse* (originally *Stateville Raps*), and later, *Crossroad: A New African Captured Combatant Newsletter*. These efforts put into practice ideas that James “Yaki” Sayles, NAPO’s ideological center, had once put forward as a suggestion for the prison movement. Writing under another pseudonym, Atiba Shana, Sayles argued that Black prisoners had to take a greater leadership role in the movement, developing first prison, and then statewide organizations, formations that could not only change prison policies, but also reinvigorate revolutionary Black nationalist politics more broadly.⁶⁶

As rebellion and deadlock rocked Stateville and Pontiac, these experienced prison organizers were among the first to respond. Within days, more than a dozen plaintiffs, most of them members of NAPO or the newly formed Pontiac Prisoners Organization (PPO), filed a class action lawsuit against the deadlock,

With this outside support, NPRA and BANTU forced the warden’s resignation as well as Boone’s agreement to a set of demands, including granting access to a group of civilian observers. Already hostile to Boone’s leadership, the guards’ union balked at this concession. On March 9, 1973, the day after the civilian observers entered Walpole, the union launched an illegal strike, walked off the job, and called for Boone’s resignation. By the day’s end, they had effectively left the prisoners in charge of the facility.¹⁷

Remarkably, the NPRA, with the strong support of BANTU, other prisoner organizations, and host of outside supporters, filled in the gap. With the final decision by the state labor relations board pending, NPRA was motivated to demonstrate its ability to function as a labor union. For the next several months, it took responsibility for running the prison. Its ability to do so was due not only to ingenuity of the NPRA’s leadership, but also the robust organizational structure they had developed earlier in the year and then maintained during the course of the Kwanzaa lockdown. In addition to its internal and external boards, NPRA had also built what board member Robert Dellelo called “an army of committees,” directly linked to NPRA’s leadership in a system of dual power.¹⁸ According to Ralph Hamm, an NPRA and BANTU board member, this structure reflected NPRA’s longstanding commitment to prisoner self-determination and cellblock democracy:

Each member of the internal board of directors for the NPRA was assigned as overseer of at least one committee. The committee itself was usually headed by a cellblock representative or his assistant, with the board member as the chair. The committee head was accountable to the chair, the chair was accountable to the board of directors, and the board of directors was accountable to the general prison population (membership of the NPRA). The committee chairman and his designee had total access to this area of concern (e.g. school, hospital, 9 Block, 10 Block, chapel) any time within reason, day or night. A committee report had to be typed and submitted to the board of directors twice a week, except in cases of emergency when matters had to be decided upon and dealt with immediately. The education, furlough, vocational training, legal and visiting committees were oriented toward research and program implementation.¹⁹

Although the state police maintained their control of Walpole’s perimeter, NPRA block leaders held the keys to all the cells, putting into practice the union’s goal of prisoner self-determination. In this spirit, they designed and ran a set of programs to meet their basic needs of their members, from recreational activities and basic education, to canteen and a substance abuse program. Even as a corps of newly trained guards arrived at Walpole, NPRA leaders worked feverishly to settle disputes and maintain a sense of sense of calm in what had previously been a highly volatile environment. Yet, this responsibility for the day-to-day management

of the prison ultimately obscured NPRA's ability to make progress on its broader commitment to moving beyond prisons.

In late March, state officials foreclosed the opportunity to move toward abolition when they announced that Walpole would be placed on lockdown. Just as in Attica, officials tasked state police with retaking the facility by force, shaking down prisoners, and brutally reasserting their dominance. With the prison on lockdown, they targeted the NPRA's leadership, particularly the white members of its board of directors, for vicious beatings and solitary confinement. By the summer of 1973, the guards had reasserted their preeminent role, sidelined the civilian observers, and helped to force Boone's resignation. While NPRA would continue to function, winning reelection as the prisoner negotiating body, it failed to win recognition of the state labor relations commission. The decision left the group in crisis, and it negotiated an unenforceable contract with state officials. By late 1974, the union's Walpole chapter was defunct.²⁰

Around the same time that NPRA took over day-to-day prison management, inmates held at Raleigh's Central Prison moved to form the North Carolina Prisoners' Labor Union (NCPLU). Although the developments in Massachusetts reflected the most advanced example of prisoner organizing, the NCPLU drew inspiration and initial organizational support from the national office of California's Prisoner Union (PU). As early as 1971, the PU had begun using the *Outlaw*, initially an underground newspaper in San Quentin, to broadcast a method of prison labor organizing to a national audience. In response, more than 12,000 prisoners across the country indicated their membership interests, with requests for the PU to serve as an official bargaining agent.²¹

A significant number of these inquiries came from North Carolina, where the repression of Black Power activists had helped to call attention to a host of prison issues. Unbeknownst to many, the state also had a significant history of prisoner organizing. In 1968, for instance, roughly 500 prisoners in the Central Prison launched a sit-down strike to protest inhumane conditions. Within less than an hour, a team of riot police had killed six prisoners and wounded 77 others, with the warden refusing to allow collective action to compromise security. Despite this past, PU organizers made North Carolina a key part of their national tour and by 1973, worked with local prison organizers to collect more than 5,000 membership cards and lay the foundation for a statewide union. Yet, within a few months, a PU organizer had embezzled the funds, leaving North Carolina prisoners to pick up the pieces on their own.

Chastened against an over reliance on outside supporters, the NCPLU relaunched in September 1974, developing an internal leadership, recruiting members, and electing prisoners to serve on the board of directors. In contrast to NPRA, this organizing effort concerned itself not with the larger questions of penal reform but with a strict focus on labor rights for people in prison. Rather than using prison labor as a framework from which to build power and compel negotiations, the NCPLU embraced a rights-based framework as a matter of course.

long turned to this sort of print culture to assist their organizing efforts, it took on an even greater importance during the second half of the 1970s. With less public backing and little in the way of a mass movement to support them, prisoners used media to sustain connections with other prisoners and with sympathetic outsiders. As collective action became more difficult, writing and editing provided an opportunity to continue working collaboratively with others on both sides of the prison walls.⁶² Much of this cultural production was based in Illinois, California, or New York, each a key movement center. In addition to prisoner-initiated newspapers and theoretical analysis, letter writing and poetry also played a key role. Writers such as Raúl Salinas (Raúl R. Salinas) and Ethridge Knight drew attention to the problem of prisons during their incarceration and following their release. These uses of print culture would also play a key role in the case of the Pontiac Brothers, arguably the most ambitious defense campaign of the late 1970s.⁶³

In the summer of 1978, men held in two of the Illinois Department of Correction's (IDOC) most secure maximum-security prisons rebelled. On July 19, 430 Stateville prisoners took control of two cell houses and released a list of grievances describing what they called inhumane conditions. Prison guards put down this rebellion with no major injuries, but that would not be the case further down state at Pontiac prison. Three days later, more than 1,500 prisoners took over a cell house and the main yard. They methodically destroyed the commissary, the clothing store, and the laundry building. No demands were issued. When a riot force of 250 local and state police officers retook the facility, they found three guards stabbed to death and one severely wounded.

In their initial public statements, state officials, including the Governor and the Director of the Department of Corrections, termed it a spontaneous response to overcrowded conditions and the summer heat. Earlier that summer, the state prison population had topped 10,000 and administrators had taken to routinely holding to two or three people in the 9-by-5½ foot cells designed for one man. Yet, beginning that evening, officials placed both prisons on an open ended "deadlock" (i.e., lockdown) confining the men their cells for 24 hours a day in preparation for an extensive investigation. Within several days, they announced that they would begin interrogations to identify those prisoners responsible for property destruction and guard deaths. After months of these punishing conditions, prosecutors indicted dozens of Black and Latino prisoners for an assortment of crimes, while singling out 17 prisoners, many of them high ranking gang members, for prosecution under the newly reinstated death penalty. (The death penalty had been declared unconstitutional in 1972 but reintroduced in 1976.)

Critics pointed to the way in which Pontiac's already overcrowded and austere environment had been exacerbated by the recent passage of a "Class X" law that established stricter standards for the granting of bail to defendants, increased the mandatory minimum terms for certain classes of felonies, and substituted the good conduct system for parole eligibility. Signed into law by a former "law and order" prosecutor turned governor, Class X was part of a wave of state laws passed

the country, the chant called for solidarity with the Attica Brothers—the thousands of prisoners who had survived the suppression of the decade's most well-known rebellion. Nowhere was this more evident than in Buffalo, New York, as the office of the State's Attorney pressed forward with the prosecution of crimes allegedly committed by prisoners, but not by guards and state police officers, amidst the rise and fall of the rebellion. In early 1975, state prosecutors took up the most high profile of the nearly 1,300 crimes charged, principally the killing of the sole correctional officer to die prior to the retaking of D yard, in 42 indictments of some 62 Attica Brothers.⁵⁹

For its part, the robust legal team that came together as the Attica Brothers Legal Defense (ABLD) had used the intervening years before these trials to develop a sophisticated strategy. This strategy married broad research on potential jurors and extensive witness interviews with filing a flurry of pretrial motions aimed at forcing prosecutors to turn over as much material on how officials responded to the rebellion as possible. "They hoped, in effect, to 'put the state on trial' in the Brothers' criminal trials, and also, one day, to use this evidence in a civil case against the state," explained historian Heather Ann Thompson. "Such evidence of trooper violence could also mobilize people outside of the courtroom to support the Brothers."⁶⁰ From the outset, Attica Brothers such as Akil Al-Jundi, Frank "Big Black" Smith, and Jomo Jaka Omowale played a central role in rallying public support. Although prosecutors quickly scored a handful of convictions and guilty pleas, this strategy would set the ABLD on track to highlight the brutality of the rebellion's suppression and, thus, to secure a set of non guilty jury verdicts. By the end of the 1975, it was evident that this defense campaign was scoring victories not only in the halls of justice, but also in the court of public opinion.

In a few short years, ABLD's strategy of "Putting the State on Trial" raised serious questions—and ultimately, insider revelations—about a high-level cover-up of the beatings, torture, and killing of prisoners and hostages in D Yard. Under mounting public pressure, New York's new Democratic governor announced that in addition to vacating all indictments and granting clemency to Attica Brothers already found guilty, he also brought to an end all investigations into potential illegal activities by those acting under the authority of then Governor Rockefeller. Made in late 1976, this announcement fulfilled a core demand of the Attica Brothers defense campaign and cleared the way for a civil suit against state officials, but it was also a pyrrhic victory, in that it shielded those involved in retaking the prison from any criminal accountability. Moreover, these civil suits cases would take years to litigate. In contrast to organizing momentum that rallied around the defense of the Attica Brothers during the years following the rebellion, their civil case would drag on over the next quarter century, with only a skeleton crew of lawyers—Liz Fink, Michael Deutsch, and Dennis Cunningham—dedicated to, and ultimately successful in, winning them some monetary compensation.⁶¹

Amidst this declining interest in prison issues, movement organizers increasingly turned to writing and distributing print publications. While dissident prisoners had

This focus on traditional labor issues in this historically anti-union state reflected in part the fact that officials routinely failed to pay prisoners for their work. In addition to reasonable compensation, the NCPLU also sought workers' compensation, timely medical treatment, and unemployment insurance. Instead of open confrontation with prison authorities, the union built a broad coalition that included the ACLU and local chapters of the nation's largest trade union federation, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), as well as progressive clergy and lawyers to help it make its case directly to the state legislature. Within a year and half, its membership had grown from 540 to more than 5,000 card-carrying members.

According to the legal scholar Donald Tibbs, much of this early growth came, ironically, as a consequence of the ways in which prison officials tried to frustrate the NCPLU's activities. Officials refused to acknowledge the overt harassment of prison organizers and pointed to the recently established Inmate Grievance Commission (IGC) as the only legitimate means by which complaints could be addressed. A feature of state law, the IGC reframed issues that had previously been matters of prisoners' rights litigation or, potentially, questions of collective bargaining, as simply complaints up for administrative review. Prison organizers prepared a federal lawsuit challenging its constitutionality and filed a series of grievances to demonstrate the new system's weaknesses as well as the routine illegal harassment and transfer of those who tried to make use of it. "Every time an inmate filed a grievance he was transferred to another prison; and most inmates who filed grievances were actually NCPLU members testing the IGC for a potential lawsuit," reasons Tibbs. "In other words, in less than one year, NCPLU organizers and members were routinely transferred from Central Prison" to other facilities within the North Carolina Department of Corrections (NCDOC) system.²²

Transfers were the routine mechanisms officials used to punish organizers. Yet, every forced move created other opportunities. Organizers gained access to new facilities, where they could organize a union chapter and recruit members. The prison officials also moved to deny paralegals supporting the NCPLU access to prisons and censor union materials sent through the mail, policy matters that had all been the subject of a 1974 Supreme Court decision in *Procunier v. Martinez*. By March 1975, officials banned union meetings and stopped the bulk mailing of union newspapers, without applying these new policies uniformly to other organizations. The union did not strike. Instead, its lawyers filed a complaint and preliminary injunction in federal court, alleging violation of prisoners' right to organize and join labor unions. The move effectively put the future viability of prison labor organizing in the hands of an increasingly conservative federal judiciary.²³

These forms of prisoner governance became a mainstay of the prison movement in the early 1970s, with prison unions formed in 13 different state prison systems. Yet, they were controversial from the beginning and never received the

support to survive. As the Walpole example demonstrates, guards in these facilities almost uniformly opposed such power-sharing models. What happened in Walpole was repeated in Maine, Washington, and elsewhere. As prisoner efforts at democracy were smashed or forced underground, guards reasserted control in more punitive ways. A sign of the increasing political activism that prisoner guard unions took up at this time, some guards walked off the job rather than participate in shared governance with prisoners. While some of these guards were punished or fired for their obstinacy, ultimately, they won. Correctional officer unions comprised a core constituency in the public-sector union movement. The number of guards grew considerably throughout the 1970s and beyond, often in response to prisoner efforts. Especially in big states such as California and New York, they joined with the growing power of police unions to oppose prisoner activism. They solicited politicians for more weaponry, greater authority, and more solitary confinement in prison; later, they advocated for building more prisons. By the end of the decade, many of the progressive wardens, superintendents, and even criminologists had been removed from their positions.²⁴

Restructuring America's Prisons

During the early 1970s, prisoners and their free world allies looked to the federal courts for assistance in challenging the conditions of their confinement. For nearly a decade, district court judges had been forced to pay particular attention to the needs of state prisoners. Beginning with the *pro se* complaints of NOI converts, federal district court offered these jailhouse lawyers a unique venue in which they could air their grievances as matters of constitutional rights and, in some instances, win changes in correctional policies. Political prisoner Mumia Abu-Jamal notes:

The 1960s and 70s marked a wave of civil suits addressing a plethora of unjust conditions ... These cases are legendary, recounting incidents of prison staffers filing false disciplinary charges, locking prisoners down under suspicious charges, delaying or denying transfers, denying parole to those who were eligible, and the like, in direct retaliation against jailhouse lawyers for their lawsuits.²⁵

In the wake of Attica, jailhouse lawyers increasingly found the courts amenable to considering a broader range of deprivations associated with incarceration as tantamount to "cruel and unusual punishment." Prodded forward by the demands of prisoners themselves, district court judges would carve out for themselves the authority to declare not only specific policies, but also whole prisons and, in some instance, entire state prison systems, as fundamentally unconstitutional.

While many of the most sweeping decisions were made at the lower district level, it was the U.S. Supreme Court that helped to signal support for prisoners' rights. Under the leadership of Chief Justice Earl Warren, the court had made a

men from situations where they were about to be raped. They also confronted some of the abusers, demanding under threat of violence that they stop their predatory actions. MAS nearly eliminated the occurrence of sexual violence in prison. It also provided a positive gay visibility in an institution where gayness was stigmatized and imperiled.⁵⁵

Arguably the most famous incarcerated revolutionary of the mid-1970s was Assata Shakur. Formerly known as Joanne Chesimard, Shakur joined the New York Black Panther Party and was one of those who went underground after the Panther 21 trial. Prosecutors described her as a leader of the BLA. She was arrested on the New Jersey Turnpike in May 1973 after state troopers pulled over the car she was traveling in. Shakur was shot with her hands up; her friend Zayd Shakur and State Trooper Werner Foerster were both shot and killed. Sundiata Acoli—a Panther 21 defendant who had been a NASA engineer—was also arrested. Represented by her aunt, attorney Evelyn Williams, Shakur stood trial for six unsolved bank robberies over the next four years. Evidence was sparse or specious, however, and all of them ended in acquittal or mistrial. Yet, she was convicted of Foerster's death and sentenced to life in prison.⁵⁶

From the time of her arrest, Shakur was often held in solitary confinement. For several months, she was even held in a men's prison. Yet, Shakur remained a potent symbol of resistance. A spirited defense committee supported her and distributed posters with her image on it. Shakur gave birth to a daughter in prison, fathered by another BLA member standing trial with her. Shakur authored an influential article entitled "Women in Prison: How It Is With Us," which appeared in the *Black Scholar*. The essay detailed pretrial detention at Riker's Island. She described the prisoners as all Black, without much politics or unity, and struggling to survive as much in prison as they struggled on the streets. Viewing this landscape, Shakur called for a "strong Black women's movement."⁵⁷

Between the dire conditions of her imprisonment and the string of charges she faced, Shakur feared for her life in the increasingly punitive landscape of American prisons. On November 2, 1979, three BLA members entered New Jersey's Clinton Correctional Facility for Women as visitors. They then drew their guns, briefly took two guards as hostages, and exited the prison with Shakur. She ultimately surfaced in Cuba, where she was granted political asylum and would later write a popular autobiography. BLA members had attempted other escapes earlier in the decade, many of them quite dramatic. But Shakur's was the most successful, even if a handful of activists accused of helping her escape were arrested and imprisoned in the 1980s. Her flight came as other aspects of the prison movement, including defense campaigns, labor unions, and prisoner collectives, seemed to be on the decline.⁵⁸

Reaction on the March

By the middle of the 1970s, the chant, "Attica Means," with the spirited response, "Fight Back!" was a fixture at prison movement demonstrations. Taken up across

empty buildings in protest. The BLA attacked police officers directly, killing several, especially in New York. And many of the groups funded their actions with bank robberies, a number of which resulted in shootouts with police. Several antiracist feminists offered public support for these women during police efforts to find them, even going to jail for refusing to cooperate with grand juries investigating the far left. Black nationalists and white antiracists also united in forming defense committees once these revolutionaries had been arrested. Upon arrest, the women themselves—several of whom had been on the FBI's Ten Most Wanted List—offered strong feminist critiques of the US government.

Susan Saxe was a white lesbian feminist arrested in 1975 after five years underground for participating in a bank robbery in which a police officer was killed. Saxe's group also took files from the Massachusetts National Guard Armory that outlined scenarios for incarcerating activists if the state ever declared martial law. Saxe pled guilty but refused to testify against her codefendants or give any information to the government about the women's communities who protected her while she was underground. "My feminism does not drive me into the arms of the state, but even further from it," Saxe told the court before being sentenced to ten to 12 years in prison. She elaborated in another statement:

I do not recognize the right of the state to a single day of my life, but I do recognize its power to take that and more. I will never abandon my political commitments in exchange for favors from the system.⁵³

Anticarceral feminism, as Saxe's case demonstrates, intersected with the gay and lesbian movement. One of the most auspicious examples of this intersection could be found in Washington state. In the mid-1970s, the George Jackson Brigade (GJB) carried out a series of bombings in the Seattle area to protest prison conditions and corporate malfeasance. It was the only underground organization of the time that was multiracial and working class with prominent gay leadership. Founding member Ed Mead, who had been in and out prison since he was a teenager, was arrested in 1976 following a failed bank robbery in which one of his comrades was killed in a shootout with police. Sentenced to two life terms, Mead was sent to Walla Walla state prison. Sexual violence governed the prison: weak or effeminate men, gay and straight, were raped often. Some were held in sexual slavery by other prisoners, who forcibly prostituted them.⁵⁴

Mead, who was bisexual, gathered a group of prisoners to confront the widespread sexual violence. The men formed a subcommittee of the RGC, which they called Men Against Sexism (MAS). With the support of the AFSC and local gay and lesbian groups, MAS aimed to educate other prisoners about the problem of rape. It screened documentaries about sexism, masculinity, and the Vietnam War. More dramatically, however, the group intervened to prevent sexual violence. MAS members had assembled a variety of makeshift weapons, including a shotgun and even a grenade. On several occasions, MAS members physically removed

series of important contributions to the concept of prisoners' rights. Especially with its intervention in *Cooper v. Pate* (1964), the court greatly expanded access to the courts, undercutting the longstanding hands-off policy of federal court intervention in administration of state prisons. In a succession of cases, including *Trop v. Dulles* (1958) and *Robinson v. California* (1962), the Supreme Court first established a flexible standard for judging the Eighth Amendment prohibition against "cruel and unusual punishment," and then, formally broadened its application to include the states.

This growing concern for prisoners' treatment was demonstrated in *Brooks v. Florida* (1967), where the court invalidated a confession used to convict a prisoner held in Florida's Raiford State Prison with participating in a food riot. Although this was not an Eighth Amendment case, the court's determination that officials had held suspected rioters in sweatbox cells for two weeks before forcing them to give confessions it deemed involuntary reflected a growing concern with inhumane prison conditions. Similarly, in *Johnson v. Avery* (1969), the Warren Court found that unless prison officials provided adequate legal assistance, they could not block the assistance provided by jailhouse lawyers, and sided with a prisoners' challenge to a Tennessee State Penitentiary regulation. While acknowledging the importance of maintaining a safe and secure prison, the court determined that administrative regulations could be invalidated if they violated prisoners' fundamental legal rights. "Beyond those accomplishments, however, the Warren Court did little to expand the substance of prisoners' rights in areas such as religious freedom, medical care, overcrowding, and prison conditions," argues legal scholar John Fliter.²⁶ Instead, lower federal courts would be responsible for taking up this task during the 1970s and 1980s.

Although prisoners' rights lawsuits had first gained traction in the Northeast and Midwest, they would have their greatest impact in the southern and western states, the so-called "sunbelt." To some degree, this would be due to the way in which austere state budgets and outdated guidelines, combined with a deep history of racial terror and a developing movement infrastructure helped to spark and sustain prisoner resistance. In Arkansas, a group of prisoners held at the Cummins Prison Farm and the Tucker Intermediate Reformatory were the first to find their efforts gain traction. They filed class action petitions that accused the state prison system, rather than specific policies or individuals, of violating the Eighth, Thirteenth, and Fourteenth Amendments. Their complaints built upon a succession of media investigations as well as constitutional rights lawsuits, all of which had drawn federal court attention to the use of whippings, electroshock, and even more deadly forms of corporal punishment during the late 1960s. The shooting of 24 prisoners during a work strike in 1968 brought even further scrutiny.

The following year, the same federal court even found features of the two prisons unconstitutional and laid out a set of recommendations to achieve compliance. When handwritten petitions and officials reports confirmed that

conditions had actually deteriorated, the District Court took up a range of complaints, combining them with the ongoing lawsuit. This consolidated class action suit detailed, among other things, the prisons' reliance on long hours of unpaid farm labor, supervision by teams of often corrupt trusty guards, and confinement of prisoners to barracks that were effectively left unguarded at night. In 1970, the District Court handed down a landmark ruling, finding that the "totality of conditions" in the Arkansas system were unconstitutional and necessitated extensive reform under continued judicial review.²⁷

Reported widely in the news, this landmark decision would open up a golden age of prisoners' rights litigation. This "totality of conditions" ruling would be enormously influential. It went beyond previous findings of fault and orders for compensations and, instead, mandated a set of reforms and placed the states' correctional system under outside oversight until these mandates had been met. "Nothing of the sort had ever been attempted by a federal judge before, but this far-reaching style of 'institutional reform litigation,' based on the Eighth and Fourteenth Amendments and crafted through section 1983, soon became a trend," historian Robert Perkinson maintains. "Other judges ruled prison systems unconstitutional in Mississippi, Oklahoma, Florida, Louisiana, and Alabama, and before long the process broke out of Dixie."²⁸ Although they benefited from growing public awareness and outside legal support, prisoners themselves were responsible for initiating this process and pushing it forward. The decision in *Holt v. Sarver II* (1970), simply gave them hope that their claims might be considered while inspiring a new commitment among federal judges to address the prison conditions as a matter of political urgency and constitutional significance.

In Mississippi, for instance, the longstanding allegations of plantation style labor and abuse at Parchman prison would be grouped together as *Gates v. Colliers* (1974). Like *Holt*, this ruling found that the trusty system and the seemingly routine physical abuse it engendered constituted cruel and unusual punishment, with the final determination coming from the Fifth Circuit Court of Appeals. This same appeals court would also affirm the lower court ruling in *Pugh v. Locke* (1976), a class action lawsuit prisoners brought against the entire Alabama correctional system, leaving it under judicial review for more than a decade.²⁹

The most far-reaching lawsuit on the conditions of confinement would emerge out of David Ruiz's handwritten petition detailing rampant overcrowding, lack of access to health care, and an abusive tender system. Going beyond *Holt*, the District Court judge consolidated Ruiz's petition with those of seven other prisoners and invited the Department of Justice's Civil Rights division to join the suit. During the first two weeks of the 1978 trial, thousands of prisoners in roughly a half dozen Texas Department of Corrections (TDC) facilities refused to work, a large-scale strike that ended only after the District Court judge issued a statement urging their return to work and indicating that their demands would be taken up during the trial. Issued in 1980, the final 125-page ruling in *Ruiz v. Estelle* (1980) found that the conditions in the Texas Department of Corrections were

women. Anticarceral feminists, however, held that prisons were themselves a form of violence against women. The criminal justice system failed to keep women safe from violent men, punished women who resisted such violence, and enforced rigid gender norms based in white middle-class conceptions of womanhood.

While publications such as *No More Cages* provided a national clearinghouse for this kind of feminist activism, the organizing was most evident in local coalitions. Anticarceral feminists fought against new prison construction and supported the organizing and lawsuits incarcerated women pursued. Several states attempted to open new maximum-security units for women in the late 1970s. The federal government opened one at Alderson's women's prison, although a broad coalition anchored in the ACLU succeeded in closing it in 1978 after reports of significant civil liberties violations. California feminists gathered more than 2,000 signatures—including 400 from incarcerated women—to oppose such a unit at its women's prison in 1976. In Boston, the Coalition to Stop Institutional Violence (CSIV) challenged the state's plans for the Center for Violent Women at Worcester State Hospital. Fighting what it called the "prison/psychiatric state," CSIV targeted the proposed behavior modification unit as the latest example in a long history of subduing rebellious women through psychiatric institutionalization and medicalization. Its program brought together advocates for the rights of mental patients, prisoners, and women. Through a combination of protests, petitioning, and lobbying, the coalition succeeded in preventing construction of the center.³¹

The combination of behavior modification, physical violence, and substandard medical care continued to generate opposition in New York's women's prison at Bedford Hills. Throughout the 1970s, the state defended its continued use of subduing women with heavy doses of unnecessary medication. A 1976 grand jury declared that the state should build more women's prisons to prevent another "August Rebellion." While the state did not build any new women's prisons for several years, the legacies of the August Rebellion continued to play out in the courts. Two 1977 class action lawsuits protested the unique conditions of women's prisons. *Forts v. Ward* concerned the presence of male guards within housing units. About one-quarter of the guards at Bedford Hills were men, and women testified to male guards observing them in the shower and on the toilet. After the DOC declared that men had to announce their presence and allow women 15 minutes of privacy when dressing or using the toilet, an appeals court sided with the state against the women. Another suit, *Todaro v. Ward*, had more promising results: a District Court found that health care at the prison was "unconstitutionally defective." It ordered "temporary court monitoring of medical services" until they were improved, prompting years of court oversight.³²

A final thread of anticarceral feminism in the 1970s came from the incarceration of several revolutionary activists, especially women. Women comprised key participants in several of the underground guerilla organizations of the 1970s, including the Black Liberation Army (BLA) and Weather Underground (WUO). These and similar groupings carried out armed attacks against the government or major corporations to protest war and racism. Most attacks consisted of bombing

significance as they educated a nation about the brutal convergence of racism and sexism, and expanded the legal protections for women's self-defense.⁵⁰

In 1972, a Colville Indian woman named Yvonne Wanrow killed a man who had attempted to molest her son and had raped her friend's seven-year-old daughter. At Wanrow's trial, the judge excluded mention of the man's history of sexual abuse and the testimony of witnesses who would have provided the context for Wanrow's actions. She was convicted of murder and sentenced to 25 years in prison. Indigenous activists and feminists around the country formed defense committees to support Wanrow, and the Washington State Supreme Court granted her a new trial in 1977. Ultimately, she pled guilty to reduced charges and received a suspended sentence, probation, and community service.

In Soledad, California, two men raped Inez Garcia on March 19, 1974. When they later threatened to kill her, Garcia got her gun and killed one of the men. Her case immediately garnered support from Bay Area activists, and Black Panther attorney Charles Garry defended her at her trial. However, Garry did not claim self-defense, and the judge told the jury to disregard her rape as a factor in her actions. The jury convicted her and at least two jurors subsequently said that the case convinced them that rape was protected by law. Yet, activists continued to insist she be freed. One hundred women protested in front of the jail where Garcia was held, demanding that the judge be jailed instead. Four months after her sentencing, 38 people were arrested trying to present a petition for Garcia's freedom to the governor of California. Her supporters also included members of the Black Panther Party, the United Farm Workers, TWWA, and the Gay Latino Alliance of San Francisco. Little's acquittal emboldened the "Viva Inez campaign," who chanted "Inez will be free because Joan is free." With the help of feminist attorney Susan Jordan, Garcia won a new trial in 1976 and was acquitted on the grounds of self-defense in March 1977. After her release, she spoke at a rally with the freed members of the San Quentin Six, continuing the kind of radical antiracist coalition building that had earned her—and their—release.

A fourth case, that of Dessie Woods, failed to garner the same kind of national attention as the other three. Nevertheless, anticarceral feminists viewed it as of a piece as the others. Woods and a friend were hitchhiking outside of Atlanta when a white man who had given them a ride attempted to rape them at gunpoint. In the ensuing struggle, Woods shot the man with his own gun. Woods was arrested and tried in rural Georgia. The judge, seeking to avoid the publicity that accompanied Little's case, limited access to the courtroom for both media and political supporters. In February 1976, Woods was sentenced to 22 years in prison. A dedicated core of activists, primarily Black nationalists, took up her case. They formed the National Committee to Defend Dessie Woods, which championed her case until she was freed on appeal in 1981.

These cases provided a feminist framework to oppose prisons. Such activism countered the more prominent feminist groups, which supported expanded police powers or prison sentences as a strategy to eradicate violence against

fundamentally unconstitutional and detailed the sweeping reforms that would need to be carried out. With this decision, Texas joined 31 other states with their prison systems either under an existing court order or facing federal court litigation.³⁰

This emergence of judicial intervention came with its own set of problems. For as much the federal courts ameliorated pressing human and constitutional rights violations, they largely did so through modernizing rather than transforming prisons. In most instances, the courts forced officials to abandon the building tender system and the profit-oriented plantation model it served, adopting instead a uniform reform model committed to the development of correctional bureaucracies that administered facilities organized according to particular security classification. In doing so, "they set off a pattern of classification and correctional bureaucracy that inalterably solidified mass incarceration as the primary method for dealing with the inter-related problems of crime, poverty, and deindustrialization."³¹

Rather than laying the foundation for the NPRA's goal of abolition or even Boone's program of decarceration, judicial intervention brought U.S. prisons into the twentieth century, smoothing out their rough edges while leaving their fundamental structure intact. Prisons became more bureaucratic and their violence more administratively managed, just as a host of "tough on crime" politicians and criminologists succeeded in demanding stiffer punishments and more prisons.

The contradictory effects of judicial intervention could be found in places that had previously been the incubators of penal reforms. While some detainees sought to broaden the rebellion that began in August 1970 through the New York City jail system, a group of Tombs prisoners developed what would become the *Rhem v. Malcolm* (1977) class action lawsuit against the city's jail administrators. With the assistance of the Legal Aid Society, they attempted to demonstrate how the rampant abuse of detainees, as well as the Tombs' physical conditions, deprived them of their First, Sixth, Eighth, and Fourteenth Amendment rights. After a protracted series of negotiations failed to resolve these allegations, a District Court judge determined that the physical structure and current operation of the city's most iconic jail violated the constitutional rights of inmates. In 1973, city officials signed a consent decree that outlined a series of reforms, but then reneged on these commitments, citing budgetary constraints. In response, the court took the exceptional step of ordering the closure of the Tombs. Yet rather than resolving the problem of inmate abuse, judicial intervention only removed it further from public awareness. Tombs prisoners were transferred to Rikers Island, which would soon become the hub of the city's jail system. Previously considered an unattractive option because of its distance from lower Manhattan, Rikers expanded to hold thousands of people at a time.³²

Equally troubling was the manner in which judicial intervention began to shape organizers' strategic thinking. Attempting to engage federal courts came to dominate key aspects of prisoner organizing at the exact moment the U.S. Supreme Court began to take a more conservative view of prisoner litigation.

Following President Richard M. Nixon's appointment of four new justices, including Chief Justice Warren Burger, the court had a stronger conservative bloc that was "expected to promote tough law and order policies." Indeed, asserts Fliter, "it was widely believed that the Burger Court would narrow or overturn Warren Court decisions that favored prisoners and criminal defendants."³³ Although far from a full reversal of this record, the Burger Court had by the mid-1970s taken a marked shift away from prisoners' rights.

Perhaps this is best exemplified in the case of the NCPLU. Within weeks of its formal incorporation, it sought to counter the NCDOC's repressive policies with a federal district court filing. In 1976, it seemed to have been successful as a three-judge panel ruled in the NCPLU's favor. Raising a strong argument for the protection of First Amendment rights, the court's order authorized the union's right to organize by striking down policies implemented by prison officials to hinder its activities on the pretext of prison security. Yet what the court gives, it can also take away. In short order, the NCDOC appealed the case directly to the U.S. Supreme Court and strengthened its claims regarding prisoner unions as a security threat. The NCDOC supported this argument with its own interpretation of several recent Supreme Court decisions, *Procunier v. Martinez* (1974) and *Pell v. Procunier* (1974). Both of these had been First Amendment cases originating in California and dealing with denying the press access to prisons and jails. The majority opinions offered greater deference to the expertise of prison administrators, a line of reasoning that the NCDOC amplified to its advantage.

For its part, the NCPLU failed to effectively overcome the NCDOC's central contention that its activities would inevitably undermine prison security. The NCPLU placed its complaint in the broader context of the prisoner union movement by highlighting the presence of labor unions in 13 different state prison systems by 1975 as an indication of its positive impact on matters of prison security. The Supreme Court under the leadership of Chief Justice Burger found this reasoning wanting. In a 7-2 ruling, the justices overturned the district court's ruling, finding that it did not give appropriate deference to the decisions of prison administrators and the unique circumstances of incarceration. "A prison is not a public forum," wrote Justice William Rehnquist in *Jones v. NCPLU* (1977). "The fact of confinement and the needs of the penal institution impose limitations on constitutional rights including those derived from the First Amendment," he continued, "... perhaps the most obvious of which is associational rights that the First Amendment protects outside of prison walls."³⁴

While not an outright reversal of the precedent established in *Cooper*, it was an early indication that concerns for prison security would increasingly come to outweigh those of prisoners' rights. Unfortunately, this shift in legal reasoning came as a surprise to those in the NCPLU, as its organizing strategy had largely been dependent on beating back the NCDOC's policies in court. But the nation's highest court affirmed that those policies greatly hindered its organizational capacity. The NCPLU would continue to operate for several years as a

force her into performing oral sex on him. She got the ice pick from him, stabbed him, and fled. Although Little had no activist history before that point, a myriad of activist groups rushed to her defense. Much like Davis's case had done three years earlier, Little's case provided a rare coalitional space for groups who did not usually work together. These included traditional civil rights organizations such as the Southern Christian Leadership Conference, Black Power groups like the Black Panther Party, and numerous feminist and lesbian organizations opposed to rape and prison violence.⁴⁶

The case captured international attention to prison as a continuation of the unique structures of state violence Black women experienced. The Black feminist a capella group Sweet Honey In The Rock recorded, "Joan Little," a song about her case. Angela Davis, by then a visible public intellectual, wrote an influential article about the case as the continuation of slave-era rape of Black women. Little's trial seemed to confirm Davis's assertion. The prosecution described Little as a "calculating criminal who, bent on escape, lured the jailer into her cell with a promise of sexual favors." Her attorney, a white man named Jerry Paul with a history of civil rights cases, cast Little as a symbol of an ongoing Black freedom struggle. "God chose Joan Little like he chose Rosa Parks," to end the "domination of southern Black women by white males." The jury took only 75 minutes to acquit Little—although she had to finish the sentence of her original conviction for breaking and entering. Nonetheless, her victory established significant precedent for self-defense as a legal rationale for women resisting rape.⁴⁷

Little's case accelerated the growth of anticarceral feminism. In the Raleigh-Durham area, home to vibrant activist tradition within the Tar Heel State, women prisoners staged a series of peaceful strikes throughout 1974 and 1975 that served to deepen connections between feminists on both sides of prison walls. These coalitions included Alliance for Forgotten Women on the outside of prison and Sisterhood for NCCCW, an organization of people incarcerated at the North Carolina Correctional Complex for Women. Half of the prison population went on strike weeks before Little's trial. Prison guards broke up the strike violently; when the women fought back with volleyball net poles, chunks of concrete, and hoe handles, prison officials called in more than 100 guards from neighboring prisons to end the rebellion.⁴⁸ With the rebellion ended, dozens of participants were held in solitary or "temporarily transferred to the state's maximum-security men's prisons." However, the popular attention Little's case brought to the conditions of North Carolina jails and prisons meant that officials granted at least some of the women's demands, including an end to the reprisals women faced for the strike.⁴⁹

Outside of North Carolina, Little's case influenced those of several other women of color standing trial for violently resisting sexual violence. In particular, activists linked Little's case with those of three other women—Yvonne Wanrow, Inez Garcia, and Dessie Woods—who fought back against men who abused them or their children. Collectively, these cases, spread across the South and West Coast, took on national

prisoners were allowed to do (such as use profanity). Further, women who violated prison rules faced not only the reprisals men faced—namely, beatings and solitary confinement—but also forced drugging and involuntary commitment to a mental hospital. Bedford Hills also brought in male guards from nearby facilities to impose physical punishment, which often carried with it the threat of sexual abuse.⁴⁴

A number of these issues came to head in 1974, after the beating and isolation of a Black prisoner named Carol Crooks. She had an altercation with guards who had denied her medical care; in segregation, Crooks reported that male guards came into her cell, stripped her clothes, and beat her while handcuffed. She sued, and the court found in her favor that summer. In response, however, guards once again beat her and placed her in isolation. Women in her housing unit witnessed the violence and refused to go back in their cells. When the prison called in 200 armed guards from the neighboring men's prisons, the women took seven staff members hostage for two and a half hours. Ultimately the guards prevailed. In what became known as the "August Rebellion," 28 women were beaten and placed in solitary for a week without mattresses or showers.

The August Rebellion generated a series of legal and political battles over Bedford Hills. The prisoners were represented by Florynce Kennedy and Stephen Latimer, a legal aid attorney, and supported by a coalition of Black nationalists and white antiracist (and predominantly lesbian) feminists. The prisoner newspaper, *Midnight Special*, reported on their case, often with articles authored by the prisoners themselves. The incident also generated several lawsuits that would stretch throughout the rest of the decade. Crooks and 22 other women were transferred to the Matteawan Complex for the Criminally Insane after the rebellion, where they were "forced to take high doses of behavior modifying drugs." While most of the women were transferred back to Bedford Hills after a federal lawsuit on their behalf, struggles over the prison continued as women reported ongoing abuse. With support from the Legal Aid Society Prisoners' Rights Project, a multiracial group of women sought to address this and other issues through a succession of class action lawsuits. In *Powell v. Ward* (1975), the courts affirmed that guards used violence and ignored due process concerns in disciplinary hearings. But judges determined that women had to file grievances with the institution before they sought relief from the courts. Despite attracting public scrutiny and judicial intervention, officials continued to isolate rebellious prisoners—including through tranquilizer drugs.⁴⁵

While the battles at Bedford Hills raged on, they garnered scant attention beyond New York. The major turning point marking prison as a feminist issue nationally came from North Carolina—the state also on the frontlines of prisoner unionization efforts. On August 24, 1974, a 62-year-old prison guard at North Carolina's Beaufort County Jail was found dead in a cell, naked from the waist down. The person occupying that cell, a 21-year-old woman named Joan (pronounced JoAnne) Little, was nowhere to be found. Eight days later, she turned himself in. She claimed that the guard, Clarence Alligood, had used an ice pick to

quasi-underground group. But increasing pressure from the NCDOC to curtail its activities and the limited experience of its outside supporters led to its demise. By 1981, it had ceased operation.

The NCPLU was not the only victim of an increasingly conservative judiciary regarding incarcerated people. At the same time as the Supreme Court denied prisoners the right to unionize, other federal courts limited what had been such a vital element of prisoner rights: religious freedom. The Church of the New Song (CONS) formed at the federal prison in Atlanta and revolved around the ideas of prisoner Harry Theriault, who called himself the "Bishop of Tellus." The group blended Protestantism with New Age spirituality and a defiant mood; it opposed the prison chaplains for usurping the authority of incarcerated people themselves. Theriault won religious recognition for CONS in a 1972 lawsuit, after which chapters sprouted up at several other prisons. But higher courts overturned the ruling in 1975 and again in 1978. The court found that CONS used religion as "merely a front for what is essentially a political 'union' or organization with primary goals of establishing a unit to bargain with prison officials and ultimately to establish a new social order."³⁵

A similar fate befell the MOVE organization, a Philadelphia-based Black naturalist organization established in 1972. MOVE was based on the teachings of a man who took the name John Africa (born Vincent Leaphart). Although he had just a third-grade education, Africa was a charismatic autodidact whose philosophy combined Black radical opposition to police brutality with veganism, environmental and anticonsumer consciousness, and a rigid hostility to the existing order. His followers all adopted the surname of Africa. Their confrontational approach resulted in the frequent arrests of MOVE members and escalating tensions with the Philadelphia police department. One member, Frank Africa, sued the state in 1981 demanding that it provide him with vegan food in concert with his religious beliefs. Once again, the federal court found that MOVE was too political to be a religion. Its members would not be accorded any First Amendment protections for their beliefs in prison.³⁶

The demise of NCPLU and CONS, along with the ongoing legal troubles faced by MOVE, presaged how an increasingly conservative reaction would begin to roll back the prison movement's achievements.

Anticarceral Feminism

Unions represented one auspicious, if ill-fated arm of the prison movement in the 1970s. Another came from a wing of the thriving feminist movement. Women had always comprised a large percentage, often a majority, of outside support groups organizing on behalf of prisoners. Whether the romantic partners or mothers of accused or condemned men working to save their loved ones or activists motivated for broader social justice reasons (including several of the radical attorneys who took up prisoner cases in the 1960s and 1970s), women have been the bedrock of opposition to punishment. Alongside explicit political activism, women

also worked to maintain social and familial ties—and sometimes added economic duties—disrupted by imprisonment. And as historian Rebecca Hill shows, even when done by men, the work of antiprison activists is “typically gendered female.” Supporting prisoners requires education and financial, political, and emotional nurturance of people, families, and organizations threatened by incarceration. Likewise, within prison, organizing combines direct action strategies with a host of political and emotional nurturing to foster the needed collectivity to resist punishment from within.³⁷

Antiprison activism has always been defined by this kind of “women’s work,” going back to Black women’s involvement in antilynching and antiprison work in the nineteenth century. In the 1970s, Black women and other antiracist feminists were overrepresented in the ranks of defense committees supporting the Soledad Brothers, the Attica Brothers, and many others. Increasingly, they made a feminist argument for opposing prisons. Scholar Emily Thuma calls this development of the 1970s and 1980s “anticarceral feminism.” It provided a specifically feminist approach to prisons, focused on women in prison and the issues they faced. Women dealt with many of the same kinds of physical violence incarcerated men did, but they also faced sexual attacks and were more likely than men to be subject to forced drugging. Women’s prisons were tasked with inculcating their wards into prevailing gender norms even more than men’s prisons. Officials also used the threat or reality of cutting off family visits to keep women, many of whom were mothers in single-parent households, in line. “They would attack people through their emotions,” a formerly incarcerated woman said of the guards.³⁸

Anticarceral feminism also deepened the public understanding of how all prisons function. Explicitly antiracist and with many queer participants, anticarceral feminism joined opposition to prisons with the movement to end violence against women. Anticarceral feminists saw prisons as a form of state violence that exacerbated interpersonal violence. Both constituted forms of institutional violence. Anticarceral feminists also targeted psychiatric institutions because politically or sexually transgressive women were as likely to be incarcerated in mental institutions as in prisons.³⁹

Anticarceral feminism had to overcome the opposition of other feminist groups. One of the first indications of these different interpretations of feminism concerned the case of Angela Davis. While Davis was still underground in August 1970, Black feminists from the Third World Women’s Alliance (TWWA) marched in a Women’s Liberation Day demonstration with a banner reading “Hands Off Angela Davis.” One of the leaders of the National Organization for Women, the predominant liberal feminist organization, told TWWA members that Davis “has nothing to do with women’s liberation.” TWWA cofounder and former civil rights worker Fran Beal offered a sharp response. “It has nothing to do with the kind of liberation you’re talking about but it has everything to do with the kind of liberation we’re talking about.” The TWWA worked with Davis’s defense campaign and carried news of her case in its publication, *Triple Jeopardy*.⁴⁰

These disagreements continued after the Attica rebellion. Most dramatically, a white woman named Jane Alpert, whose partner was among those slain at Attica, announced her conversion to antileft feminism wrote in *Ms.* magazine that she would “mourn the loss of 42 [sic] male supremacists no longer.” Some other feminists adopted similar positions, if less stridently so. Floyrnce Kennedy was not having it. The legendary Black attorney had played a leading role in a landmark abortion rights case in New York prior to *Roe v. Wade* and was one of few Black women visible in many New York City feminist groups. She was adamant on Attica as a feminist issue: “We don’t support Attica! We *are* Attica! We are Attica or we are nothing!”⁴¹

Some feminists avoided such debates by working with incarcerated women directly. With popular attention focused on men’s prisons, incarcerated women lacked even the scant resources that were sporadically available at some men’s facilities. These direct service efforts included educational programs and legal aid. In California, University of California Santa Cruz professors Karlene Faith and Jeanne Gallick launched the Santa Cruz Women’s Prison Project (SCWPP). It was “the first program to ever offer university courses in a women’s prison.”⁴² SCWPP offered a variety of classes at the California Institute for Women over the next four years. Yet it was a struggle: the program was suspended and Faith banned from the prison early in SCWPP’s existence. The women circulated petitions, organized a work strike, and held a sit-in at the warden’s office to demand that Faith and the program be reinstated. Women there also staged a protest in 1975 after authorities cancelled family visits and packages on Christmas. Women gathered in the yard, broke windows, and made a bonfire out of the prison’s Christmas trees.⁴³

In Michigan, a collective of attorneys helped five female prisoners to file *Glover v. Johnson* (1979), a class action suit against the state’s Department of Corrections. In it, they alleged violations of their equal protection and due process rights by failing to provide adequate treatment programs, from library facilities and educational opportunities to prison industry and vocational training, on par with male prisoners. The plaintiffs won in federal court, establishing a standard that other states would be compelled to follow and their case led to more than 20 years of federal court oversight to ensure implementation of reforms outlined in a signed consent decree.

In New York, the efforts revolved around legal access. Some sympathetic attorneys and law students at NYU established the Women’s Law Project in 1972. The project established a legal library at Bedford Hills, which was then the state’s only prison for women, and taught women how to use it. The Department of Corrections only sanctioned the project once attorneys agreed not to sue the state. Yet, the agreement did not quell resistance at Bedford Hills. Despite a number of reforms to men’s prisons after the Attica rebellion, Bedford Hills remained a particularly retrograde institution. As sociologist Juanita Díaz-Cotto contends, women were offered fewer educational or vocational programs, allowed only limited communication with family members, and faced punishment for things male