

**THE LESSONS OF
MARION**



**The failure of
a maximum
security prison:**
a history and analysis,
with voices of prisoners

AMERICAN FRIENDS SERVICE COMMITTEE

The American Friends Service Committee (AFSC) is a Quaker organization devoted to building a just and peaceful world. The AFSC's work reflects the beliefs of the Religious Society of Friends (Quakers). Men and women of many races, nationalities, and religious backgrounds participate in the AFSC as staff and committee members. All are united in their belief in the infinite worth and equality of each human being. This belief leads the AFSC to search for creative ways to challenge injustice and war. In communities throughout the country, the AFSC works with people to bring an end to poverty, exclusion and denial of recognition and rights.

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maximum security
prison: a history and
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The Failure of a Maximum
Security Prison: A History and
Analysis, with Voices of Prisoners

by the AMERICAN FRIENDS SERVICE COMMITTEE

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FREE TO PRISONERS

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Introduction to the 1993 Edition

In 1985, when *The Lessons of Marion* was first published, federal and state prisons held 502,000 inmates. By 1991, the most recent year for which figures are available, that number had increased 64 percent to 823,000. Add the people held in local jails and we have more than 1.2 million Americans behind bars.

This massive increase in the number of prisoners has had surprisingly little impact on crime. In fact, the overall picture shows continuing high levels of both violent and property crime. And, despite periodic government announcements of new “anti-crime” measures, hardly anyone feels safer now than in 1985, even with an additional 321,000 offenders in prison.

In many respects it is not surprising that record rates of incarceration have had little impact on crime. At best, the criminal justice system can apprehend and convict only a small percentage of offenders. Also, many property and drug crimes are committed by groups of young men; incarcerating one member of the group does not usually make the remaining members stop committing crimes. Finally, a disproportionate number of crimes are committed by 16-to-24-year-old males. Unless we address the life circumstances and options of these young people, the pool of “potential” offenders entering these “crime-prone” years will continue to replace and exceed the relatively few who are incarcerated.

On the positive side, a growing number of criminal justice officials and policymakers recognize that the criminal justice system can play only a limited role in providing safe communities. Prompted mostly by budget constraints, more and more leaders now conclude that they “can’t build their way out” of a

prison overcrowding crisis. In many jurisdictions, this realization is leading to a reconsideration of alternative responses to crime.

But reform efforts face a dilemma: Two decades of "get tough" policies have created conditions that make alternative options very difficult to implement. The advent of mandatory sentencing laws, the impact of the "war on drugs," and the vast increase in prison capacity have put into place policies and constraints that create a momentum for ongoing expansion of the prison system.

In 1985, this report demonstrated that ever-increasing levels of repression in prison would not provide safety. The same is true today. Despite record numbers of people behind bars at tremendous financial and human cost, promises of crime control remain illusory. That is why more and more people are now calling for policies and programs that provide for public safety by addressing the complex factors that create crime. If these voices continue to grow, we may have an opportunity to address the crime problem while creating a more humane social order.

Marc Mauer
Assistant Director,
The Sentencing Project
Washington, D.C., September 1992

Introduction



The way a society treats people convicted of crimes is an indicator of the human values of that society. For this reason, and because of their belief in the intrinsic worth of all human beings, Quakers have been concerned about the criminal justice system of the United States for more than two centuries.

The American Friends Service Committee (AFSC), an organized expression of the values of Quakers, has conducted programs on criminal justice since 1947. Over these years, AFSC has seen a frightening and counterproductive increase in reliance on repression. Thousands of human beings are locked away out of the sight and mind of the public, the media, even those officials whose decisions put them in prison.

This report examines Marion Federal Penitentiary, which opened in 1962 to replace Alcatraz as the highest level maximum security prison in the federal system. It looks specifically at the killing, in 1983, of two Marion prison guards. It also reviews the history of the prison reform and prisoners' rights movements as they relate to prison conditions.

The way this report developed is noteworthy. It was written by Marc Mauer, a staff member on AFSC's Criminal Justice Program, in consultation with other AFSC Criminal Justice Staff around the country, and with the program's own Criminal Justice Panel.* Copies were sent to seventeen Marion prisoners, to the head of the guards union at Marion, and to the warden at Marion, asking for comments and reactions. Sixteen prisoners responded, including several who were not sent the text

(apparently the document had been passed from hand to hand inside the prison). The warden telephoned and spoke cordially.

The document was then amended to reflect the suggestions and comments received through the development process. The final section, "The Lessons of Marion and Their Implications for New Directions," contains excerpts from a number of the letters from prisoners.

Marion Federal Penitentiary is not unique, nor can it be viewed as an isolated instance. Similar patterns of ever-heightening repression exist in many state prisons around the country. Also, plans exist to replicate the Marion pattern in other federal prisons.

Despite repeated evidence that repression does not assure safety, the authorities at Marion continue to respond to every new threat with an escalation of brutality. A former prisoner at Marion, Akinshiju Ola, comments:

*The present situation in Marion is the result of an ongoing effort by prison authorities to perfect their ideal of absolute control. It is imperative that those of us who are concerned about the repression inside the prisons find ways to effectively confront the situation.*¹

AFSC agrees, and hopes that this report will stimulate action to confront the structures and conditions mirrored by the state prison at Marion.

*Marc Mauer, Justice Communications Coordinator
Jane Motz, Criminal Justice Program, National Community Relations Division, June, 1985*

* Members of the Panel were: **Fay Honey Knopp**, *Prison Research Education Action Project*; **Walter Collins**, *National Moratorium on Prison Construction, a project of the Unitarian Universalist Service Committee*; **Kay Harris**, *Department of Criminal Justice, Temple University*; **Margaret Woods**, *Tri-City Peoples Corporation*; and **Nancie Zane**, *National Prison Overcrowding Project*. In addition, **Russ Immarigeon** provided many useful ideas.

I. Background

In October 1983, two prison guards at the Federal Penitentiary in Marion, Illinois were killed. Ironically, the murders occurred in the Control Unit, the most secure unit in the entire federal prison system. Shortly thereafter, three prisoners were charged with the murders and brought to trial. The three were convicted of killing the guards and of the prior murder of another prisoner. Two received life sentences in addition to the multiple life sentences they were already serving; all three received an additional sentence of 50-150 years.

The story does not stop with the tragic death of the guards and the trial that followed. Immediately after the killing, the entire prison was placed on "lockdown" status. This meant that prisoners were confined to their cells for 23½ hours a day, all visits were suspended, and, until a court order was enforced, even attorneys were denied access to the prison. Under the direction of a new warden, the lockdown was eased in some areas. But stringent and restrictive policies remained largely in effect.

Nor did the reaction end there. Although the murderers were identified immediately, the months following the murders witnessed an emerging pattern of brutal repression against the 350 inmates. Attorneys representing prisoners at Marion charged that 60 additional guards were brought in from other parts of the federal prison system and that they systematically beat and brutalized scores of prisoners.

The events at Marion have had repercussions beyond the prison. In a change of long-standing policy, Norman Carlson,

Director of the Bureau of Prisons, testified before Congress in favor of a federal death penalty for prisoners serving life sentences who are convicted of murdering guards. He has been joined in this by the American Federation of Government Employees, the union representing federal prison guards.

The killings and their aftermath continue to have a major impact on the lives of people connected with the prison. For guards and their families, an already difficult job has been weighed down with even more tension and danger. Prison administrators appear to have chosen a course that favors the continual escalation of repression as a means of control, even though no one can prove that repression brings about those results. And prisoners are caught in an ever-increasing spiral of violence and fear with no clear alternatives.

Several interrelated issues need to be addressed concerning Marion Prison. The first is the social context that fosters greater repression in prison and that creates maximum security institutions. The second is the situation at Marion itself: Can such institutions ever become more "normal" environments, with reduced tensions and greater guarantees of safety and security for all involved? Finally, what can we learn from Marion, and what directions for positive change can we explore?

2. History: the social context for increased prison repression



Prisons do not exist in isolation from society. Political, social, and economic factors play a major

role in determining a society's use of prisons as part of its overall social policy.

Contrary to popular opinion, there is little relationship between crime rates and rates of incarceration.² Rather, imprisonment is a function of social policy and of the interests and perceptions of those who make that policy. The history of imprisonment in the United States demonstrates that prisons have been used as a means of punishing the poor and the racial minorities. An examination of comparative rates of incarceration and the use of the death penalty clearly demonstrates the disproportionate impact the criminal justice system has had on African Americans in particular, and, in growing numbers, on Hispanics.³

The prevailing social climate influences not only the powers that those who operate prisons can assert, but also the means by which prisoners can resist their conditions of incarceration. The interplay of three elements—legal precedent, the presence or lack of an outside support community, and the interest displayed by society—creates the context in which a society imprisons some of its members.

Between 1975 and 1985, we have witnessed a growing acceptance of the idea that our society has an underclass of "expendable" people. These are often categorized as the "hard-core unemployed" or "alienated urban youth." Increasingly, they include members of immigrant groups and lower income women

who are heads of households. Whatever the terminology employed, these people reflect back what society is willing to pay for social and economic policies that result in large-scale unemployment, inadequate levels of social services, poor education, and increasing competition for basic survival.

A significant part of this group—primarily young males of African American or another minority background—receives disproportionate processing by the criminal justice system. To the extent that they commit crimes, these crimes are generally different from those committed by the middle class. Wealthier individuals have the opportunity to commit “white collar” crimes of theft involving embezzlement, fraud, tax evasion, and price fixing. When poor people commit theft, it is “street crime.” And the resources of the criminal justice system are disproportionately geared toward the apprehension and conviction of these “street criminals,” even though the crimes of the middle and upper classes often carry a greater financial cost to society. Thus, these lower-class young males are arrested, convicted, and imprisoned in numbers far greater than their proportion of the general population. Upon entering the criminal justice system, they are subject to labels such as “habitual offender” and “high security risk,” thus creating the context for resistance and repression in our nation’s prisons.

The Rise of the Prisoners’ Rights Movement

In order to understand the current situation, we need to look back to the beginning of the modern prisoners’ rights movement. Starting in the early 1960s, a series of significant changes took place in the American prison system. Before then, “prisoners’ rights” was a foreign concept to most people. Prisoners were “criminals” who deserved the punishment they were receiving and had no reason to expect any of the societal benefits to which

other citizens were entitled. Federal and state constitutions were generally not relevant to the incarcerated.

Three Factors coalesced during that period to bring about the new movement for prisoners’ rights. They were:

The Civil Rights and Anti-War Movements. Originally, jail and prison reform was not a major agenda item for the civil rights and the anti-war movements. But the large numbers of people acting on their consciences by challenging unjust laws and the Vietnam War led to a new way of viewing penal institutions. Rather than “warehouses for criminals,” these institutions came to be seen as having a symbolic political function in a non-egalitarian society. For many whites in particular, the jail experience was their most dramatic exposure to the injustices inflicted upon African Americans and poor people in our society.

The Rise of the Black Muslims. Though the Black Muslim movement had been prominent in some communities for many years, not until the 1960s did it gain large-scale support and media attention. The nation’s prisons and jails became a prime recruiting ground for the Muslim message. Muslim ideology and organization provided the individual support necessary to withstand the prison experience, plus an overall analysis of the role of prisons in an oppressive society. This combination of group cohesiveness with an analytical framework laid the foundation for a prison movement that could challenge the basic indignities and lack of Constitutional protections so prevalent in the prison system.

Community Support. While the various social movements of the 1960s produced an analysis of the role of prisons in society, they also generated a group of activists who viewed the prison struggle as an important source of inspiration and support. The many political trials of the period—the Chicago 7, Panther 21, and San Quentin 6, to name a few—attracted widespread support and sympathy within the civil rights and anti-war movements.

They also led to significant numbers of attorneys and legal workers getting involved in providing the necessary defenses and the challenges to the criminal justice system. Public consciousness and attitudes further led to a judiciary more open to applying the Constitution to incarcerated persons.

The Fall of the Prisoners' Rights Movement

The dramatic rise of the prisoners' rights movement was matched by its rapid decline a decade later. Beginning in the 1970s, public support for prisoners dropped off, court decisions began to erode previously hard-won gains, and prisons and jails increasingly became warehouses for the poor and the minorities. The reasons, more substantial and longer in preparation than they first appeared—included these four:

The Burgeoning of the "Law and Order" Climate. The Presidential election of 1968 was important for subsequent developments in criminal justice issues. The Nixon campaign represents the first modern large-scale appeal to "law and order"—the belief that crime is rampant and that the only possible response is heavy doses of incarceration. For a country divided by a war abroad and social dislocation at home, and in the absence of any alternative proposals, the Nixon campaign's crime and justice themes proved popular with large numbers of people. The not-so-subtle racial overtones of these themes only added to their appeal and their general divisiveness.

Upon taking office, the Nixon administration immediately moved to implement its ideology. Under the guise of reforming the Federal Criminal Code, the Administration took a draft bill prepared under the Johnson Administration and developed the notorious "S. 1," a compilation of some of the most repressive legislation in the areas of civil rights and civil liberties seen in

many years. The newly-created Law Enforcement Assistance Administration (LEAA) accentuated this trend by providing funding for police technology and surveillance techniques.

Economic Decline. The leading role of the American economy in the industrialized world after World War II came to an end in the early 1970s. Outmoded production techniques, the loss of cheap energy and raw materials, and increasing competition from other capitalist nations meant that prosperity was no longer taken for granted. A period of economic and social uncertainty overcame the nation.

Under those circumstances, prisoners came to be viewed as scapegoats, and repressive criminal justice policies became more acceptable. As occurred during the Depression, support for and use of the death penalty climbed substantially, and rates of incarceration increased without any significant relationship to rates of crime. The theory that prisons and jails serve as warehouses for the increasingly larger numbers of unemployed received substantial backing.

Racism. Related to the economic decline was a noticeable increase in the public acceptance of racism and the prevalence of racism in the criminal justice system. The scarcity of jobs, the cutbacks in social support systems, and the rise of the New Right all triggered a dramatically enlarged pool of African American and other minority prisoners. Following the Supreme Court's 1976 ruling that allowed the resumption of executions, Death Rows across the country began to swell with minorities.

Decline of the Prisoner Support Movement. The position of prisoners regarding their ability to organize for change has always been precarious. Hence, they have had to depend on outsiders to create both a climate of support and a legal and financial basis for that support. Various factors contributed to the lessening of prisoner support in the early 1970s:

- The decline of the civil rights and related movements which had displayed a strong concern for prisoners;
- The burnout felt by those actively involved in the prisoner support movement;
- The fatigue and frustration that overwhelmed those attempting to challenge a bureaucracy as entrenched and oppressive as the prison system proved to be;
- The difficulties of life "on the streets" for released prisoners left little time for continuing the struggle;
- The release of the final groups of jailed conscientious objectors reduced the urgency and immediacy of the issue for those in the anti-war movement.

3. The criminal justice system responds



iven the strong emotional and political climate for issues of crime and justice, a wide range of re-

sponses by the criminal justice system was possible. General punitive attitudes, scapegoating, and lack of any political context for community-based responses opened the way for the harsh and repressive criminal justice policies in the mid- to late-1970s. Ironically, many of those new policies developed either with the quiet acquiescence of reformers or through distortion of their ideology. Two examples illustrate this:

1. *Struggle for Justice*, published by the American Friends Service Committee in 1971, presented a strong critique of the treatment model of prisons and argued against the arbitrary nature of the system. Citing prison rehabilitation programs as little more than a means of controlling prisoners and defining the conditions of parole, the book advocated a more voluntary model of access to services. But the message backfired. Its criticisms of rehabilitation were used to justify prison systems where programs of any sort are vastly reduced and tighter mechanisms of control have taken their place. The book's call for determinate sentencing as a means of reducing discretion was used as a rationale for eliminating parole and for establishing longer sentences.

2. Robert Martinson's mid-1970s study, "*What Works?*," attempted to assess the state of current rehabilitation programs. His original conclusion that "nothing works," though subsequently modified, was cited by liberals and conservatives alike in aban-

doing any efforts to achieve prison reforms.

Progressives as well as conservatives have either abandoned the prisoners' rights movement or applauded its decline. What is more, several important trends have manifested themselves in the criminal justice system, and their legacy is still with us. They include increases in incarceration, in prison construction, and in length of confinement, along with more widespread use of labelling.

Increased Incarceration. Both the criminal justice community and the public at large are aware of the vast increase in the size of the prison and jail population across the country. From 1973 to 1985, the number of people locked up in our federal, state, and local jails and prisons has virtually doubled.⁴ This increase resulted from changed policies at all "entry points" to the criminal justice system: increased numbers of arrests, greater numbers of people being sentenced to incarceration, greater numbers of people being incarcerated for longer periods of time, and more restrictive parole policies. Few researchers or advocates foresaw this trend in its early years.

Prison Construction. Accompanying the rise in prison and jail populations has been a massive increase in capital spending for new penal institutions. Even during the period of severe recession, governmental bodies at all levels committed great sums of declining tax dollars to prison and jail construction.⁵ These institutions will be used for at least 50 to 75 years, so the potential is strong for high rates of incarceration.

Longer Sentences. The growing trend to lengthen the term of confinement is creating a large and often unrecognized pool of long-term prisoners. The implications of this have generally not been explored much by either correctional administrators or reformers.

The "Dangerous Offender" People in prisons and jails today are increasingly being labeled as "high risk," "dangerous," or in

some way a serious threat to the community. This leads to "selective incapacitation," the presumption that a certain group of offenders can be scientifically identified as highly likely to commit a large number of crimes and therefore deserves longer prison sentences. Though this approach presents serious problems of both research methodology and ethics, its proponents pursue it vigorously.

4. The reform community adapts



Although support for the prisoners' rights movement declined during the 1970s, remnants of it lived

on into the 1980s. In large part it became centered in the religious community, which has a long tradition of concern for the conditions of incarceration. But this new reform movement, forced to confront developments within the criminal justice system, created issues that future reformers will have to tackle.

In attempting to respond to the new punitive climate, the reform movement frequently adopted positions that represent significant compromises of its stated goals. Thus, in order to gain credibility for proposed alternatives to incarceration, the new reformers advocated those alternatives for the "non-violent" or "non-dangerous" offender. Using the terminology and labeling categories of the criminal justice system, these advocates provided legitimacy for the imprisonment of large numbers of people based solely on the types of crimes they committed. The problem deepened when researchers developed criteria to "prove" that a certain percentage of pretrial detainees or sentenced offenders are "high-risk," and, therefore, not appropriate candidates for alternatives to incarceration.

In a further effort to gain credibility, the reform community took on the goals and language of the system itself, even though it claimed to be organizing projects that were qualitatively different. Thus, the thrust of alternative programs changed; instead of shifting the center of power and the resolution of conflict away from the criminal justice system, it provided alternative "punishment experiences." As a result, the punish-

ment orientation of the justice system is not challenged, and tacit approval is given to the advocates of selective incapacitation.

The reform community has also been hurt by the way that potential funding sources responded to the political climate. In the 1970s, the LEAA provided major funding for alternative programs. Though it aimed primarily at bolstering the criminal justice system itself, LEAA did assist some community-based projects. With the demise of this agency in the early 1980s, the reformers looked toward the private sector for funding.

Unfortunately, this effort has not succeeded. Most foundations are not interested in funding criminal justice programs. When they have shown interest, funding was usually for projects that hold the most promise of “success” and are the least threatening to established interests. Thus, foundations are more inclined to sponsor alternatives for the “non-dangerous” offender than to fund efforts to penetrate deeper into the criminal justice system in order to work with the “difficult” cases.

As a result of this shift in focus and funding, all the interested parties—the criminal justice system, the media, political leaders, and reformers—acknowledge that there exists a group of high-risk offenders who can be relegated to the bowels of the system. The worst fears of the public were confirmed as visions of “hardened individuals”—people who were “born criminals” and had “no redeeming features”—become the justification for any type of punishment. In this context, the events at Marion Prison seem almost reasonable.

5. Marion as the 'end of the line'



For many years, the Federal Prison at Alcatraz was where the “most dangerous” prisoners were sent. When Alcatraz closed, Marion, Illinois became the new “end of the line.”

Since it opened in 1962, Marion has had a troubled history. Its population of about 350 has included federal prisoners from all over the country as well as state prisoners considered to be “institutional problems” or “too dangerous” to be housed in their own state’s institutions. About one-fourth of Marion’s population usually consists of such state prisoners.

Within the prison itself the notorious Control Unit serves as the ultimate place of punishment and sensory deprivation. In this unit, 60 prisoners endure “lockdown,” a unique type of solitary confinement. They are kept within their closed-front cells 23½ hours a day, have virtually no access to recreational or cultural activities, and generally live in the most primitive conditions. Prisoners have spent months, sometimes years, in this isolation. The Control Unit itself has been the subject of much litigation, with prisoners’ rights attorneys assisting prisoners in challenging the conditions of their confinement.

How are prisoners designated as so dangerous or threatening that they require incarceration at Marion? It is hard to say; classification lends itself to a broad range of interpretation. Prisoners can be considered dangerous based on the crime they were convicted of, their behavior in prison, their political beliefs, or their response to authority. For example, a federal court in Alabama unintentionally demonstrated how pliable this selec-

tion process can be. Faced with serious overcrowding in the state prison system, the court ordered a reclassification by an outside group to assess the security requirements of the inmate population. Whereas prison officials had tagged 34 percent of the prison population as requiring maximum security, the outside group recommended this for only 3 percent.⁶

In many ways, Marion Prison is a reflection of maximum security institutions in all other states and of the classification process that designates prisoners for these institutions. What are the professed functions of those institutions, and how are they carried out?

Rehabilitation. Far from being a prominent penal goal, rehabilitation is not even an issue for maximum security institutions. Security is virtually the sole concern of those charged with operating these prisons.

Isolation. Prisons emphasize isolating the dangerous offender from the population at large. But they do little to prevent prisoner-on-prisoner crime or the physical and verbal assaults between guards and prisoners. The tragic deaths at Marion provide ample evidence that increased security and repressive control do not guarantee safety.

Punishment. Prisons do punish, and maximum security prisons punish most severely. But the enormous price this punishment exacts—whether in dollars or in dignity—is apparent to the cost-conscious taxpayer as well as the humanitarian. It can be measured in terms of lost human potential, the failure to impact on crime rates, and the inefficient use of public resources.

Deterrence. As the “end of the line,” Marion is supposed to be a deterrent—a symbol and a threat to prisoners everywhere that their current punishment can always be made worse if they rebel against the system. In fact, the entire justice system uses a series of escalating punishments to coerce people to behave in

certain patterns. Generally the system is not concerned that punishments fail to incorporate any sense of the history behind the criminal action or any attention to reconciliation.

Perhaps the greatest indication of the failure of the Marion model is that even so severe and restrictive an environment has not achieved its attempted goals. Thus, the call for a return of the federal death penalty becomes the only hope left for a system based on repression. Yet, as we know from decades of study, executions do not make us or the prisons any safer.

6. The lessons of marion and their implications for new directions



If we are to avoid tragedies such as the 1983 killings, we must examine the patterns that de-

veloped at Marion and other maximum security institutions and begin to plan for developing alternative models. In undertaking this, we do well to heed the voices of those who directly experienced the conditions in Marion—the prisoners incarcerated there.

These authentic, though rarely-heard, voices must be listened to seriously. Their insights should be incorporated into any alternative planning, not only because they are born of authentic personal experiences, but also because they tell us about the futility of a repressive institutional policy. In the long run, our ability to incorporate prisoners' ideas and experiences will affect not only their lives, but the lives of prisoners and staff in all maximum security institutions.

These, then, are the three "Lessons from Marion," and the way they are reflected in the words of prisoners.

Lesson 1: Repression does not work

Any prison in the world, indeed any involuntary confinement, creates an inevitable tension between the keepers and the kept. While this tension will never disappear, it can be exacerbated or alleviated by the structure and dynamics of the particular institution.

A maximum security prison is repressive; when a given amount of repression does not seem to work, the dosage is increased. Marion represents the highest stage of that repression. Yet the killing of guards and prisoners still occurs, even in this most "secure" of environments. Clearly, the validity of this model must be questioned.

Tom Silverstein, one of the federal prisoners responsible for the 1983 murder at Marion, wrote this from his total solitary confinement in another federal penitentiary:

True I killed a guard, but no one has ever bothered to ask why. They only slammed me in my own prison, go out of their way to make it as tough as possible in the name of security and justice and now what? I never thought of killing anything before I came to prison or H-Unit [Control Unit at Marion]. Although I was sent to H-Unit behind a murder in Leavenworth, it has been reversed because the "rat" who said it was me later confessed he lied to get a transfer to a sweeter joint so he could escape, which he succeeded in doing. So I entered H-Unit with a life sentence I didn't deserve and I am mad about it. It has been a nightmare ever since.

I'd like to see a better way for all, because murder isn't pretty in any language or moral sense.

I am also an example of how prisons avoid dealing with their own backyards. Not only hasn't anyone ever bothered to rap with me, they don't want to deal with it so they have locked me up indefinitely. They have turned Marion into a concentration camp, hurting innocent men and their families with their oscillated "get tough" policies. Which is what got me where I am today. Not all dogs put their tail between their legs when their masters beat them constantly. Some eventually bite back. Men, especially inno-

cent men going through hell for no other reason than being subjected to others overpowering vindictiveness and paranoia will also bite back. So how many more bodies will fall and how many more individual "special housing units" like mine, before they face up to the jobs they get paid well for? More bars and guards are hardly the answer, because I am a living example what the cage and that way of thinking causes.⁷

Another prisoner, still at Marion, decried the dehumanization he experienced there and suggested a more remedial agenda for maximum security settings:

What is happening here should not be allowed to exist, or be portrayed as the panacea to society's ills. Shorter sentences, and the incentives inherent in a program aimed at self improvement and rehabilitation, should be the trend, and not the exception; with education, and not dehumanization, as the rule.

The debilitating effects of this Orwellian program can only result in a further departure from society of those already alienated by virtue of their incarceration and economic backgrounds. The consequences of these effects would be the likes of nothing yet seen in American society.⁸

Yet another prisoner saw Marion as a "gross penological error." He wrote:

The Warden has overlooked the logic that until prisons are first supervised in fairness, everyone — prisoners, activists, and prison administrators — sense a feeling of hopelessness and despair as far as accomplishing any of their goals. However, the Bureau of Prisons fails to acknowledge that the situation that presently exists in this prison is a sign or mark left by a gross penological error and should

act as a warning to the decision makers of prisons that they must rely on sound judgment and not their emotional feelings in making decisions that eventually affect many lives including their own.

The public must begin to examine whether or not alternatives are being utilized to the fullest extent possible to bring about more humane conditions inside the nation's prisons. One thing is for sure, the repression that is constantly being invoked inside prisons cannot be contained just to the inside of these walls, and will eventually overflow into the outside society, and should be of concern to the public.⁹

Finally, one prisoner pointed to the similarities between the keepers and the kept that repressive conditions appear to breed:

I am sure that most of us will agree that society as a whole is largely caught up in its own struggle to survive, with the world as it is today. But society must never lose track of the thought that prisons are today's thermometer that measures its repression tomorrow. Marion can and will only spill back out into society. As the slain guard's wife cries out in anguish, so does the wife and loved ones of the tormented convict weep their tears as they experience his psychological and physical torture. Death and cruelty are no strangers to those who live and work within these cages, as every, every action delivers a reaction.

When one finds himself chained and beaten up against the wall, his actions and thoughts manifest into total madness. This is the situation Marion finds itself in and this view is shared by both the kept and the keeper. No deed is too vile, as all reason and humanity cease to exist.¹⁰

Lesson 2: We need to re-examine the concept of maximum security and to explore the possibility of alternative responses.

Repressive incarceration has not provided safety or a positive environment for either the prisoners or the staff. We need, then, to examine the criteria by which individuals are selected and designated for "more secure" settings, and the principles that support the structure and oversight of such settings.

Society has become conditioned to believe that for certain groups of people who violate the law, incarceration is the natural and only proper response. Rarely do we look behind the media depiction of the crime to analyze the social and personal events that contributed to the antisocial and illegal behavior. Rarely are the relevant questions asked: What social and economic forces impeded the individual's ability to lead a crime-free life? What were the conditions of his or her early history? Family structure? Lack of positive role models? Feelings of powerlessness or rejection? What is the history of this person's exposure to the criminal justice system?

Even for those offenses considered most serious—murder, armed robbery, rape—we now know that society can respond in a less repressive and more remedial manner, while still insisting that the offender take responsibility for his or her behavior. These responses include restitution by the offender to the victim or family, and, where appropriate, reconciliation between the victim and the offender or between the community and the offender. They also include providing the offender with the least restrictive environment that is consistent with the safety of the community, and assisting the offender in ways that relate to his or her specific life history and problems.

These principles hold for all persons who have committed crimes, no matter how serious or reprehensible. Yet the crimes

for which many persons enter maximum security prisons do not always reflect the most serious or heinous behaviors—not all persons incarcerated at Marion and labeled “the most dangerous prisoners in the United States” have earned that title. The nature of the maximum security prison—where the environment is unsafe and dangerous, where the strong and powerful rule by any means necessary—paves the path to Marion for many prisoners. Indeed, prisoners have compounded their assault records as a result of their involvement in the “survival of the fittest” environment of the maximum security setting. Others have been designated as “Marion-bound” because they challenged repressive maximum security conditions.

Within the federal prison system, all institutions are rated by security levels, ranging from a low of “one” to the most secure, Marion, at “six.” Similarly, prisoners are given a security rating which is supposed to determine the type of institution where they are incarcerated. Yet, the nature of the classification process, plus the use of informants to informally upgrade a prisoner’s security level, are such that 80 percent of the prisoners at Marion have a security rating of less than “six,” the level for which the prison was designed.

Testimonies regarding the classification process appeared over and over in correspondence with Marion prisoners. One prisoner put it succinctly: “We are not all choir boys, neither are we gladiators or killers.” He wrote:

I have been transferred from the U.S. Penitentiary in Lewisburg, Pennsylvania because of my religious beliefs and a work strike that occurred when the entire inmate population participated. I am serving a 10-year federal sentence. I have no history of violence while in prisons and my security level is a “four.”...There is no reason to confine a security level “four” inmate in a security level “six” institution. About 40 percent of the inmate population here

is a security level four or lower. We are not all choir boys, neither are we gladiators or killers.

In any event, the inmates that are confined here in Marion, are not as notorious as described. They are no more notorious than your average maximum security prisoner, and if the staff would stop violating individual constitutional rights and show the same respect as they would expect in return, that would solve 99 percent of the problems. After all, we are human too.¹¹

Another prisoner expressed similar feelings:

Briefly, I’d like to share with you my personal circumstances which landed me here in Marion. I feel this will contribute to the fact that not all convicts here at Marion are, as they have been labeled, “The Most Dangerous” convicts.

In December 1983, I was transferred from USP Leavenworth, to here, USP Marion. The transfer was not a disciplinary one, but rather an “administrative” one. Prior to being transferred I was conducting myself in accordance to all rules and regulations set at USP Leavenworth. I was also attending the community college program and participating in other constructive programs as well. The reason given for the transfer was coded as a (323) close supervision. To make a long story short, an informant told the administration I was going to do him harm and on his word alone, I was transferred here. I tried to fight the transfer through administrative remedies but obviously, it did no good.

I am only one of many who are here for similar reasons, reasons which do not justify such cruel and inhumane treatment.¹²

Some Marion prisoners contend that the number of “most dangerous prisoners in the United States” is not determined by actual histories, but by how many beds are available—beds that must be filled to maintain Marion’s population level:

The warden is misleading the public when he states that convicts are sent here because they caused trouble at other prisons. That is unfounded. There are convicts here that were transferred to Marion for the sole purpose of increasing the prison population. If someone would check the files here, it would prove that. Even Michael Lane, the director of the Illinois Department of Corrections said recently that there is “no difference between the convicts at Marion and those found in maximum state institutions,” yet such a prolonged lockdown of a state prison would not be tolerated.¹³

Lesson 3: Prisons cannot be isolated institutions

Correctional administrators who want to operate their institutions without any outside scrutiny do a disservice to themselves and the community. As taxpayers, we all have the right to know how our public funds are being spent. Further, when some people are incarcerated in the name of all of us, we have a moral obligation to examine the conditions of that confinement and to become involved in alleviating the problems resulting from it.

One prisoner at Marion stressed the effects of outside scrutiny on the conditions inside prison:

It appears that it is only public and legal scrutiny that has and is staying the hand of government abuse of prisoners. And as is inherent in legal proceedings, they will eventually run their course and it will be solely public attention and

action that will protect prisoners from needless state brutality—both physical and psychological—and protect the society to which they will ultimately be released from the negative effects of that brutality. Even litigation requires support while it is possible; lawyers, judges, and prosecutors are human and respond to the expressions of their communities. And it is they who interpret the law and decide if and how it will be enforced.¹⁴

Though prisoners at Marion have been convicted of violating the laws of society and may even have engaged in the most reprehensible of behaviors, in a democratic society they are still entitled to humane treatment and to their constitutional rights. We cannot let any incarcerated person experience what Marion prisoners have endured.

7. Epilog



he purpose of this report is not to cast blame, but to ask questions. All too often, governments and bureaucracies take action only when a tragic event occurs. The history of the prison system is replete with examples of such reactions, ranging from Attica to Santa Fe to Marion. Nothing can be done now to comfort the families of the guards and prisoners who suffered through those events. Yet if we are to prevent future tragedies, we cannot stand idle. Perhaps the issues raised in connection with Marion will stimulate dialogue and action by those concerned with the resolution of these difficult matters.

A word of caution is warranted here. The resolution we seek is not a bigger and better prison, a so-called "model" prison. Indeed, legitimate questions have been raised about the very validity of such a concept. What is more, those "solutions" do little to address the immediate issues arising from Marion and similar institutions.

What, then, will constitute fruitful discussion? For the criminal justice system that operates Marion, it should include questioning the system's ability to continue functioning as it has. For congress, fruitful discussion should include exercising congressional oversight authority over the Bureau of Prisons to determine if Marion and other institutions are being operated in the most humane way possible and to require that alternative approaches be employed. For the public, fruitful discussion will lead to the recognition that we are all "wardens" in some sense and that we have a responsibility to gain the facts and to act on that knowledge.

VIII. An update: control units in the 1990s



The term “control unit,” first coined at Marion in 1972, now designates any prison or part of a prison that operates under “super-maximum security” following the Marion model. At least 36 states now have such units. With minor differences, these units share the following features:

1. Prisoners are kept in solitary confinement in tiny cells (usually 6 by 8 feet) for 22 to 23½ hours a day. Thus isolated, the prisoners have no congregate dining, no congregate exercise, no work opportunities, and no congregate religious services.
 2. These conditions exist permanently and as official policy. (Temporary control-unit tactics, called “lock-downs,” occur at almost every prison in the country.)
 3. The conditions are officially justified not as a punishment for prisoners but as an *administrative* measure. Unlike a punishment, which is regulated, an administrative measure has no rules governing it. Thus, prisoners are denied due process; officials can incarcerate any prisoner in a control unit for as long as they choose, without having to give any reason. Often, confidential tips from other prisoners serve as the basis for a disciplinary hearing to determine whether to send the prisoner to the control unit. Many prisoners are sent there for filing grievances or lawsuits, or for otherwise opposing prison injustices.
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New control units

Two examples of the new control units are the Security Housing Unit at Pelican Bay State Prison in California, which opened in December 1989, and the Maximum Control Complex at Westville State Prison in Indiana, opened in May 1991. At the Pelican Bay unit, prisoners are confined to their 80-square-foot cells for 22½ hours a day. For their 90-minute “exercise” period, they are alone in an empty concrete yard (the size of three cells) that has 20-foot high walls and metal screens overhead. Guards open the solid steel doors by remote control and use loudspeakers to direct the prisoners in and out. Except for the sound of a door slamming or a voice on a speaker, the unit is silent.

Pelican Bay prisoners report the use of “hog-tying” (the intertwining of handcuffs and ankle-cuffs on a prisoner), “cock-fights” (guards put prisoners who are enemies in one cell, or otherwise allow them to attack each other), and forced movements using stun-guns, gas guns, and batons. Visiting is allowed, but prisoners must sit behind a plexiglass window. They’re not permitted to embrace or even touch their family or loved ones.

In the Maximum Control Complex at Westville State Prison, people are held in 8x10-foot cells for 23 hours a day. Despite temperatures at just above 50 degrees F., prisoners are often placed on “strip cell status” (clad only in boxer shorts, with bedding removed) for weeks or months at a time. Prisoners are frequently and violently relocated, a practice known as “cell extractions.” Prisoners moved off the cell block for any reason are shackled and flanked by two guards wielding truncheons.

Westville prisoners have been firehosed in their cells with cold water while naked and shackled. They have been strapped face down and naked to their concrete beds with five-way restraints for days at a time. TVs and radios are forbidden and pens are restricted. All of a prisoner’s personal belongings (including legal materials) must fit in an 8½ x 11 inch box.

Nothing may be hung on the cell walls. No clocks or watches are allowed and guards are told to ignore prisoners who ask for the time. Books of any kind are forbidden. Prearranged visits are frequently denied even when families have travelled a long distance.

Marion itself to be replaced

Since it was not built as a control unit prison, Marion cannot accommodate the even tighter control of prisoners which Bureau of Prisons Director J. Michael Quinlan envisioned in 1989. So the Bureau has decided to replace Marion with a control unit prison in Florence, Colorado, specifically designed to achieve this goal. Scheduled to open in June 1993 the prison’s state-of-the-art technology will help to eliminate even the minimal levels of human contact that prisoners have at Marion.

The new control unit is one of four federal prisons being clustered just outside Florence. It houses 550 prisoners, each in an individual windowless cell. It is designed so that one guard can control the movements of numerous prisoners in several cell-blocks by way of electronic doors, cameras, and audio equipment. At Marion the prisoners can at least shout to each other through their bars and see each other as they walk along the corridors. At Florence, solid cell doors make that practically impossible.

The Florence control unit will become the new model of repression in the prison system. Despite the evidence that control units do not reduce violence—and in fact are used to suppress dissent and protest—they continue to spread. And with this spread, the methods of isolation and sensory deprivation become increasingly more sophisticated.

Organizing and Rising to the Challenge

Using whatever means at their disposal, control unit prisoners have resisted the brutality visited upon them:

- Prisoners at the Pelican Bay unit flooded the federal court with over three hundred civil rights petitions, forcing an unusual meeting between federal judges and the prison's warden to discuss prison conditions. Lawyers for the prisoners have since filed a class action lawsuit charging, among other things, that the extreme isolation violates constitutional safeguards against cruel and unusual punishment.
- At the Southport control unit in New York, prisoners got no response from the courts even after months of resistance. So they took guards hostage and held three of them for 26 hours until the prisoners' grievances were aired over local television.
- In Westville, 16 of the 35 unit prisoners launched a hunger strike in September 1991 to protest conditions. Four of the prisoners continued the strike for 37 days, eating only after prison officials obtained a court order allowing them to force-feed the prisoners. The hunger strike continued intermittently. One prisoner cut off his fingertip with a razor, and a second tried unsuccessfully to do the same. The protests garnered coverage in newspapers across the nation. Prison officials responded by having guards brutally beat prisoners, sometimes while they were in shackles.

Prisoners' supporters and anti-control unit activists have also resisted the spread of Marion's isolation techniques. Since 1985, the Committee to End the Marion Lockdown (CEML) has been campaigning to end the brutality at Marion and stop the building of Florence. Protests and demonstrations across the country have succeeded in forcing the Bureau of Prisons to make plans to

change the Marion prisoners' water supply which has been drawn from a toxic waste dump. In May 1992, groups all over the country held demonstrations and events to protest the proliferation of control units.

A national network of opposition to control units is growing, but it needs to grow even faster. And it needs to question not just the units, but the entire system of which they are a central part—a system that warehouses people and makes no attempts at rehabilitation. To resist control units is to say "No" to torture and to the ideology that denies prisoners their humanity.

NOTES

1. Letter to American Friends Service Committee (AFSC) from Akinshiju Ola, March 15, 1985.
2. William G. Nagel, "On Behalf of a Moratorium on Prison Construction," *Crime and Delinquency*, April 1977.
3. See Scott Christianson, "Our Black Prisons," *Crime and Delinquency*, July 1981, and National Moratorium on Prison Construction, *What Color Are America's Prisons?*, 1983.
4. See U.S. Department of Justice, Bureau of Justice Statistics, "Prisoners in 1983," April 1984, and U.S. Department of Justice, Bureau of Justice Statistics, "The 1983 Jail Census," November 1984.
5. Bruce Cory and Stephen Gettinger, *Time to Build? The Realities of Prison Construction*, Eden McConnell Clark Foundation, 1984, p. 7.
6. Stephen Gettinger, "Objective' Classification: Catalyst for Change," *Corrections Magazine*, June 1982, p. 34.
7. Letter to American Friends Service Committee from Thomas Silverstein.
8. Letter to American Friends Service Committee from Manuel Madonaldo, January 15, 1985.
9. Letter to American Friends Service Committee from Beaumont Gereau-Bey, January 5, 1985.
10. Letter to American Friends Service Committee from Parry Mills, December 28, 1984.
11. Letter to American Friends Service Committee, name withheld upon request, January 4, 1985.
12. Letter to American Friends Service Committee from Al Ferris, January 6, 1985.
13. Letter to American Friends Service Committee from George Bustamante, Jr., January 15, 1985.
14. Letter to American Friends Service Committee from William Dunne, March 4, 1985.

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