

Prisoners Transforming the Prisons: The Story of the Hunger Strikes

by Laura Magnani

Something truly historic has been happening in California concerning the matter of solitary confinement. Prisoners and their family members stepped up to lead the movement against solitary confinement, dramatically reducing the number of people held in solitary confinement.

Although the Department of Corrections and Rehabilitation has long claimed they don't use solitary, men and women have been isolated in bathroom size cages indefinitely since the state created a "supermax" unit at Corcoran State Prison in 1988, and then opened Pelican Bay State Prison as a supermax facility in 1989. Despite constant pressure from AFSC, California Prison Focus, and other prisoner rights groups, little changed. More and more prisoners found themselves spending years in a security housing unit (SHU). The Prisoner's Rights Movement, which AFSC has been a part of since the 1950s, was unable to dislodge the narrative that "the worst of the worst" needed to be separated from others in the prison system - permanently. But in 2011 people in these units themselves found ways to bring their plight to the public. The Prisoner's Rights Movement has been increasingly convinced that lasting social change must come from the people directly affected by the issues. With that leadership, and with the courage of hunger strikers, our hope is that that moment is now arriving. As a man in the SHU at Corcoran put it in 2011: "I am a prisoner, not a puppet...A man, not an animal...And although I've endured this hell, I will never accept it."



Laura Magnani, Testimony at California Assembly Public Safety Committee August 23, 2011. Available from [What the Folly](#)

The AFSC has been sounding the alarm about SHUs since they were first introduced by the Federal Bureau of Prisons in 1972. Built for long term solitary confinement, these prisons were originally used largely to isolate perceived political prisoners whose beliefs threatened the established order, or those difficult to subdue. As often happens with systems that rely on weapons and repressive measures, the SHU became the “nuclear option” within the prison system. Though supposedly reserved for the most dangerous prisoners, very quickly its extreme features were applied more and more widely. In California, they have primarily been used for gang management, a designation determined by the prison system based on perceived gang association and racial profiling, not on actual behavior.

While the “hole” has always been a part of prison discipline – a dreaded place one could be sent for bad behavior, SHU transformed the experience into something even more hellish. Most SHU cells are approximately 6 foot by 10 foot in size and often hold two people in bunk beds. The cells are often windowless and lights might be left on -- or off -- for 24 hours a day, contributing to an experience of sensory deprivation. Length of stay often stretches into years. Until 2015, the average length of a SHU stay in California was six years, but over 500 prisoners had been isolated for over ten years, some for over forty. No amount of outside pressure seemed able to crack this inhumane system.

That began to change in California in early 2011. Prisoners who had been locked down 23-24 hours a day for decades, with no contact with anyone except guards, began shouting through their meal tray slots across the “short corridor” at Pelican Bay State Prison to other isolated prisoners. Slowly and painstakingly, these men reached a decision to work with each other across supposed “gang groups.” They choose a revered non-violent tactic, a hunger strike, and agreed on demands for long overdue change. Although we originally thought of these men as “leaders,” that is a dangerous label for anyone in prison because the Department of Corrections and Rehabilitation (CDCR) considers leadership a threat, rarely distinguishing between positive influence and dangerous, coercive behavior. And the men themselves represented different so-called gang groups, and strictly adhered to a policy that all groups needed to be part of all decision-making. They began calling themselves “the Reps.”

Hunger Strikes in History and Now

Hunger strikes have a long and revered history among nonviolent activists. Icons of nonviolence such as Mohandas Gandhi and Cesar Chavez regularly employed the hunger strike to dramatize their issues. Chavez permanently compromised his health as a result of hunger strikes, perhaps hastening his early death. Prisoners have also adopted this tactic to draw attention to their conditions: Irish prisoners went on a historic hunger strike in 1981 that took the life of Bobby Sands and nine other strikers seeking recognition as political prisoners; the imprisoned Nelson Mandela went on a six-day strike of that resulted in

visitation rights for prisoners' children; jailed suffragettes fasted to demand the right to vote prior to World War I. When hikers Sarah Shourd, Shane Bauer and Josh Fattal inadvertently wandered in the vicinity of the border to Iran and were captured by Iranian troops, they were held in solitary and later went on hunger strike to protest their conditions of confinement. The men of Pelican Bay State Prison realized this tactic might work for them too. Their despair found hope in this challenging, but sometimes transformative approach to making change.

A Multi-Pronged Approach

The Reps understood they could not succeed alone. From the beginning the prisoners' strategy was to address issues in as many arenas as possible simultaneously: legislative, administrative, influencing public opinion, and in the courts. Four people, Todd Ashker, Sitawa Nantambu Jamaa, Antonio Guillen, and Arturo Castellanos, sent information to groups throughout the state, including AFSC, saying "we will not be successful if you don't organize to support us on the outside." Then they, with other isolated prisoners behind them, launched what has become a robust movement to change solitary confinement in California and in other parts of the country.



Photo: AFSC / Courtesy Laura Magnani, Originally appeared in an article from Sept. 24, 2015, Laura Magnani, [A big step forward on solitary confinement](#)

Immediately AFSC joined with other anti-prison movement groups to develop strategies and determine what action was possible. The coalition that formed on the outside included a large number of family members who co-founded California Families Against Solitary Confinement (CFASC), and became the backbone of the Prisoner Hunger Strike Solidarity Coalition (PHSS). PHSS has met every Monday night since early 2011, and continues to do so, organizing events, publishing articles, speaking to the press, visiting people inside, meeting with state officials, challenging administrative changes, and advocating wherever we see openings. Although measuring the impact of our activities can be challenging, we have created strong momentum, remained vigilant as conditions shift and change, and became a key part a movement for change.

The men also asked for a Mediation Team to facilitate communication between themselves and the CDCR. Because they were held in such low esteem by the Department, they needed this kind of help, although the function was really not about “mediation” but about communication. The names we compiled included long-term anti-prison activists, including myself, several attorneys, formerly incarcerated people and family members of long-term SHU prisoners. Those names were shared with the Reps to be sure they felt comfortable with our participation.

Though the Department had originally announced that it “didn’t negotiate with prisoners and didn’t recognize the Mediation Team,” they were on the phone to us immediately when the first hunger strike began in early July, 2011. On July 4, the entire Team met by conference call with top CDCR officials for two hours to discuss conditions in solitary and the need for change. Department officials came to Oakland for a second meeting several weeks later.

That first strike ended after 30 days. Hunger strikers won limited, superficial concessions to improve prisoners’ lives – calendars with pictures, knit caps, a picture to send to loved ones – but the biggest gains were in launching a movement. As Todd Ashker, one of the four reps points out “at least 6500 prisoners across the state, and other states participated; it drew global attention...and was a catalyst for breathing renewed life into the prisoner rights-activist movement on the streets.”

A second strike

Isolated prisoners stayed committed to making change. A second strike got underway in September.

This time, the CDCR tried to stall change by shutting external voices out of the strike. At first the Department refused to meet with the Mediation Team and took steps to block two of the attorneys from seeing their isolated clients. Because attorneys have the most direct access inside prisons, this move undermined our ability to speak for the men. Without

communication we were at a standstill for over two weeks. Ultimately, the CDCR recognized that there was no grounds for barring the lawyer's visits and that resolving the strike would take facilitated conversations. As many of us as were available drove to Sacramento to try to find agreement, and a call was arranged between us and the striking prisoners. We were amazed that they were still thinking and talking clearly after nearly three weeks without food. The conversation ended in with two significant agreements. First, the CDCR agreed to hold hearings of people who had been held for such long periods of time – many without any disciplinary write-ups at all. The Department also agreed to create a way for people to be released from SHU without becoming informants for the state.

The agreement was put in writing, but any changes in procedures takes meticulous re-working of policies, vetting with “stakeholders,” drafting and re-drafting. Coalition members participated by giving input on the new regulations, but it was over a year before the administrative regulations governing those changes were issued. It was even longer before hearings were held to allow people to be moved to general population. Some people had been held in isolation for decades without any disciplinary write-ups. Not surprisingly, of the first 750 hearings held, 60 percent of them resulted in a transfer to general population, though those percentages would rise much higher after the court settlement.

Even as gradual change began to happen, incarcerated prisoners kept asking themselves what else they could do to improve their circumstances. In 2012 they issued a [Call to End Hostilities](#), hoping to remove the premise behind the isolation policies by working across assumed “gang” groupings to resolve conflicts in nonviolent ways. Distributing the *Call* became the next challenge. The CDCR did little to promote it, viewing it as another version of gang communication, even though the communication called for peace. Here again, the cooperation between prisoners and their supporters beyond the prison walls made a difference. AFSC put it on our website and published it in our newspaper, *Street Spirit*, with a circulation of 20,000. The *S.F. Bay View*, a newspaper widely circulated inside prisons, published it. Many outside organization mailed it inside.

Still, by 2013 most SHU prisoners were still isolated. The agreement that promised a way to release prisoners without becoming informants had instead become regulations that created a Step Down Program. This unsatisfactory program allowed SHU prisoners to “earn” release without becoming informants, but it consisted of workbooks, filled out in isolation, which were demeaning and never written for prisoners in their circumstances. And this program was designed to take four years to complete!

A third strike

In response to the glacial pace, prisoners at Pelican Bay called for a third hunger strike. Beginning July 8, 2013, 30,000 prisoners of the California prison system (and hundreds more across the United States) refused meals. Over two hundred prisoners deprived

themselves of solid food for 60 days. At least one prisoner died, though the Department could not confirm the cause of death or say it was in any way related to the hunger strike. The fact that alleged gang leaders chose nonviolent action and worked across all groups to reach agreement on their demands, should have been cause for celebration. The CDCR, however, took a dismissive and disrespectful tone in its responses, and placed participating prisoners in even harsher conditions, citing them for disciplinary infractions such as “causing a disturbance.”

The only other group hunger strike that has lasted this long is the one still underway at Guantanamo Bay, where 41 prisoners are still being held, many without charges or trial, indefinitely. Some have been refusing food for four years, and have been force fed twice a day by officials. The realities of Guantanamo are beyond the scope of this article, but it would be unfair to leave them out of an article on prison hunger strikes and on isolation and harsh treatment as forms of torture.

Public and media attention focused on the California strikers and brought their conditions and their demands to wider attention. Family members and formerly incarcerated people were out in the streets and on the news, including Dolores Canales, Marie Levin, Danny Murillo, and Steve Czifra, to name only a few. As word spread, solidarity hunger strikes popped up among prisoners held in isolation units across the country. Pressure mounted.

Thirty days into the strike the Mediation Team was granted one call with the strikers. They were escorted from their cells to another building at Pelican Bay (not knowing where they were going or why), and found themselves in a room with individual cages, a conference phone positioned between them. All eight members of the Mediation Team from California Families Against Solitary Confinement, California Prison Focus, Legal Services For Prisoners, and AFSC were on the other end of the line from San Francisco. Once again astounded by their clear thinking after so many days without food, we recognized with them that no progress had been made on their demands. In the end, they decided to stay the course. This was seen as a “failure” of the Mediation Team (for not “ending” the strike), and so the Department refused us any further contact.

As the days mounted, we grew more desperate to find a way forward, finally proposing to Department officials that we have a call that included the officials themselves. The CDCR granted this request immediately. The strike was in its fifty-eighth day. A deep discussion between the men, the Team, and officials ensued, going over some developments - that the chairs of both the Senate Public Safety Committee and the Assembly Public Safety committee announced that they would hold joint hearings on solitary confinement, and a commitment by the CDCR official that he would sit down with the Reps once the strike ended, to discuss a broad range of issues. However the men said they could not make this decision on their own, they needed to consult with other prisoners. Though the Department initially balked at this request, the following day two other conference calls

were granted, with the Department again participating. Officials watched as the men engaged in a consensus decision making process. After much discussion with other strikers the prisoners decided to suspend the strike. Legislators not only held two hearings subsequently, prison officials sat down with prisoners for two days to discuss the changes they were seeking. We were all cautiously optimistic about these developments.

What has happened as a result of the hunger strikes?

Some of the changes focused on practical issues that affected life in SHU. A new “Property Matrix” was put in place, delineating many more property items available to SHU prisoners who can afford them, and prisoners began to receive the added items. SHU visiting hours were extended to three hours at Pelican Bay, a seven-hour drive from the Bay Area, and twice as long from Southern California. These seemingly small steps made life in SHU slightly more bearable.

Two joint legislative hearings were held in Sacramento, historic events because both the Assembly and Senate Public Safety Committees met together. ([transcripts](#) of both hearings are available.) Strong testimony, research and proposals were presented, making it clear that California is an “outlier” in isolating so many people for such long periods of time. A long line of formerly incarcerated, family members and community groups, each testifying for one minute, became the highlight of the hearings. While each snippet of testimony was too short to develop an argument fully, the overall impact was breathtaking. In the second hearing, this public testimony included more than ten children of incarcerated parents, who delivered prepared testimony and created a drum beat for compassion and a powerful new view of the impact of incarceration.

Legislation was introduced, though most of it was never adopted. AFSC and the Friends Committee on Legislation of California succeeded in getting one provision passed in 2016 that gave prisoners held in long-term isolation access to earned credits if they participated in programs and remained discipline free while in isolation. Even this tiny change seemed too much for the CDCR and it has still not implemented the credit provision in the way it had been written. The Department’s unwillingness to follow legislative requirements, (and often court orders) is shocking, considering that law enforcement is tasked with abiding by laws and punishing people who violate them.

The Lawsuit and Settlement

Hunger strikes and legislative hearings were not the only approach. In 2012 the Center for Constitutional Rights in Washington D.C., accompanied by Legal Services for Prisoners with Children in San Francisco, and other independent attorneys, agreed to take the case on behalf of prisoners who had been kept in SHU indefinitely. There were two constitutional challenges they believed had merit: first that solitary confinement violated the clause

against cruel and unusual punishment and, second, that the process for placing people in long term isolation violated principles of “due process.”

The attorneys incorporated the clients in all the decision making, even though it required lengthy phone calls regularly with people in isolation. When it came time to go to court, the hunger strikers were “in the courtroom” electronically for much of the proceedings. This is a potential game-changer for how class actions cases are conducted with incarcerated clients.

Though prisoners and their supporters deserve much of the credit for maintaining pressure on the CDCR and demanding significant change be made in the system, the most dramatic changes were achieved when their lawsuit was settled in 2016. It is not an easy decision to settle class action cases, rather than bringing them to trial because it means no finding is made on the constitutionality of the issues. Instead, both sides agree to make significant changes, and then the Department is charged with implementing the changes. If implemented, the changes could be dramatic. The settlement requires that:

- Indefinite solitary confinement be eliminated.
- Everyone currently in SHU, and many in the Administrative Segregation population be given hearings to determine if they could be transferred to general population. By January, 2017 the SHU population dropped from 3799 in 2013 to 496. Administrative Segregation numbers dropped from 6773 in 2013 to 2550 in early 2017.
- For people considered unfit for general population a new unit was created, called Restricted Custody General Population (RCGP) which must include programming, time out of cell, and contact visits with loved ones. Cells would be modified to have windows and the exercise yard, rather than being another enclosed cage, must be built outside.
- Prisoners would no longer be sent to security housing units only for gang association. SHU assignment would now require both gang association and accompanying behavior.
- If prisoners do engage in disciplinary violations, those must be deemed to have a “gang nexus” and must carry a fixed length of time in solitary.
- The CDCR would completely overhaul the Step Down Program to be a maximum of two years rather than the original three-year minimum with an possible indefinite term. This would allow isolated prisoners to demonstrate their commitment to relating to a range of prisoners, and to their own growth and development. In addition, prisoners could not “plateau” or “regress” while in the program, forcing them to start over.

- Two years of monitoring of the implementation by the attorneys in the case, including regular involvement of the key prisoner participants. If a pattern of continued violations to the agreement is proven, the judge can order the monitoring to continue beyond two years.

These are huge changes. The hearings alone resulted in an 87% drop in the SHU population, and a 62% drop in Administrative Segregation. Those who have been transferred to general population are renewing family ties, have access to programming in some cases, and have been peace makers in many prisons.

What Has Not Been Accomplished

The biggest “demand” of all three hunger strikes that has not been realized is the elimination of the practice of using “confidential information” to keep prisoners in solitary. Called “de-briefing,” this practice requires people in isolation to prove they are no longer involved in gangs by becoming gang informants. This not only risks the person’s life, it is coerced “information” that violates international law against torture. The process also violates a person’s right to due process because the Department withholds “evidence” gleaned from the de-briefers from the people who have been accused. This coerced evidence keeps prisoners in isolation without any ability to challenge its validity or even know what evidence is being used against them. As long as the Department is allowed to operate by relying on informants – as law enforcement does throughout the country – prison officials have virtual total power and no accountability.

Thoughts for the Future

By far the biggest accomplishment in this work since the hunger strikes first began is that the movement for change in solitary confinement is now being led by the prisoners themselves, at every step of the way, and amplified by groups outside, especially family members.

Though the numbers of people in isolation have dropped dramatically, we know that they can creep up, or even jump up at the total discretion of the Department. In a recent example at Pelican Bay, an incident in general population involved injury to guards. Only a handful of prisoners took part. Yet 140 men have been charged with attempted murder and face very serious consequences. “Hit the ground and keep your head down,” was the order. Anyone who raised his head to see what was happening was considered to be attempting murder – and many who were not so curious as well.

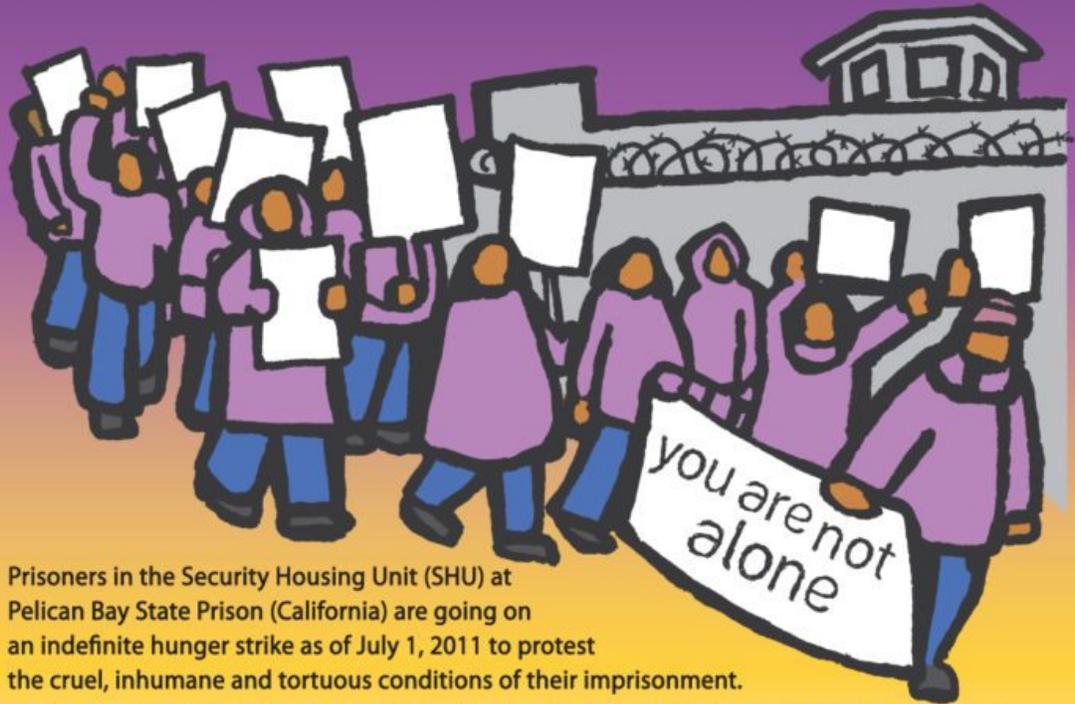
In response, though only 305 people were in the SHU at Pelican Bay in December 2016, that number jumped to 450 in May, 2017. Even if the District Attorney does not choose to prosecute these cases for lack of evidence, the prison system can continue to punish

people by keeping them in isolation and undoubtedly refusing parole when they come up for hearings because of presumed refusal to follow orders. No one, and no entity, should have such unchecked power.

After over 40 years working for change in the criminal justice system I have to wonder if real change is possible. Though we are starting to get modest “wins” in sentencing practices and are beginning to see incarceration totals shrink, the back doors seem to stay open to retrenchment and creative new ways to expand the Prison Industrial Complex.

Because of this, as the deadline approaches that will end the two year monitoring process, it continues to be hard to feel confident that old practices won't gradually find their way back to business as it used to be. (As we went to press motions had been filed by the prisoner's lawyers to extend the monitoring period, but it will be months before judges reach a decision.) Vested interests persist. Power is seductive and addictive. Fear is an ever-present driver of repression and cruelty. The only antidotes to these realities is our own vigilance as people who want to bring about a more just world, and the leadership and commitment of those directly affected. In a segment on 60 Minutes this week, Scott Kernan, the Director of CDCR with whom we have been working on California practices regarding solitary confinement since the first hunger strike, answered the question about how his perspective had changed on this topic by saying: “We've made mistakes by not recognizing the impact these conditions were having on prisoners. I didn't used to see them as people.” That's progress!

SOLIDARITY WITH THE PELICAN BAY PRISON HUNGER STRIKERS!



Prisoners in the Security Housing Unit (SHU) at Pelican Bay State Prison (California) are going on an indefinite hunger strike as of July 1, 2011 to protest the cruel, inhumane and tortuous conditions of their imprisonment.

The hunger strike has been organized by prisoners in an inspiring show of unity across prison-manufactured racial and geographical lines. The hunger strikers have developed these five core demands:

1. END GROUP PUNISHMENT & ADMINISTRATIVE ABUSE
2. ABOLISH THE DEBRIEFING POLICY, AND MODIFY ACTIVE/INACTIVE GANG STATUS CRITERIA
3. COMPLY WITH THE US COMMISSION ON SAFETY AND ABUSE IN AMERICA'S PRISONS 2006 RECOMMENDATIONS REGARDING AN END TO LONG-TERM SOLITARY CONFINEMENT
4. PROVIDE ADEQUATE AND NUTRITIOUS FOOD
5. EXPAND AND PROVIDE CONSTRUCTIVE PROGRAMMING AND PRIVILEGES FOR INDEFINITE SHU STATUS INMATES.

<http://prisonerhungerstrikesolidarity.wordpress.com> art by rini templeton | design by dignidadrebelde.com