

## Resisting Living Death at Marion Federal Penitentiary, 1972

*Alan Eladio Gómez*

The purpose of the Marion Control Unit is to control revolutionary attitudes in the prison system and in the society at large.

—Ralph Aron, Marion warden

Prison is a backyard form of colonialism.

—raúlsalinas, Marion prisoner

The summer and fall of 1972 witnessed a series of mobilizations, political rebellions, and lawsuits by a multiracial group of prison activists at Marion Federal Penitentiary in Illinois. A cadre of third world activists—from the Black Liberation Army, the Republic of New Africa, and a Puerto Rican *independentista* fighter to Muslims, Chicanos, American Indians, and whites—came together that spring in Marion to challenge the very logic of incarceration as a form of permanent living death.<sup>1</sup> According to raúlsalinas (a Leavenworth transferee), the other inmates received this multiracial group of activists “like a liberating army . . . the more we developed and joined hands across color lines, the more we became a threat.” In the 1960s, because of this intense political awakening across the prisons of America, the repression became so intensified it gave rise to what raúlsalinas and others call the prison rebellion years.<sup>2</sup> Such organizing proved crucial to confront the prison authority’s deployment of living death as a strategy to control radical inmates.

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Marion was a dumping ground, the last stop for anybody who resisted the system or who saw something wrong within the prison and struggled against it. During April 1972, the Federal Bureau of Prisons transferred some one hundred federal prisoners from various facilities across the country to Marion. Whereas transferring prisoners was normal disciplinary and administrative policy, federal authorities chose to move these prisoners because of their political organizing and activist work in Attica, Leavenworth, McNeil Island, Terre Haute, Soledad, Atlanta, and other prisons.<sup>3</sup> Identifying these prisoners as leaders or “problem inmates,” prison authorities contended that by isolating them in the same institution and employing a series of behavior-modification techniques, as well as physical and psychological torture, they could control dissent. For inmates, Marion was rumored death: “Whatever existed behind the walls of Marion generated apprehension of a legal form of assassination.”<sup>4</sup>

Instinctively, these prisoners noticed “something weird” about the rehabilitative programs.<sup>5</sup> Designed to “cure” deviants, the behavior-modification programs at Marion functioned to control and forcefully change inmate behavior, beliefs, and thoughts. Including practices as varied as brainwashing, the use of snitches and rumors, pornography, sensory deprivation, arbitrary beatings and sanctions, and complete physical, emotional, and intellectual isolation, prison authorities implemented such techniques to control, dehumanize, coerce and, as one prisoner described it, “legally assassinate” the rebellious—including writ writers—black Muslims, and suspected militants. Each specific institutionalized technique muddled commonplace distinctions between what constituted punishment, rehabilitation, and torture.<sup>6</sup>

As part of an organized struggle to defend their dignity and maintain the creative momentum for political organizing, and in response to these institutionalized techniques, the activists compiled research for a report on prison conditions submitted to the United Nations, organized a third world political cadre out of the Student Union, and linked up with the American Civil Liberties Union (ACLU), the National Association for the Advancement of Colored People (NAACP), the People’s Law Office (PLO), and the local university law school in order to bring the struggle into the legal arena. Responding to the brutal beating of a Chicano inmate by a guard, they (re)organized as the Political Prisoners Liberation Front (PPLF)—and as a result were gassed and beaten, their legal materials confiscated, and their hygiene and exposure to chemical riot control techniques ignored for three days. Authorities isolated them in special units within the H and I Segregation, some in so-called steel boxcars. This form of isolation eventually became the Control Unit (CU), an extreme form of solitary confinement.

The CU was used as a tool of political repression that represented a new category of spatial and juridical incarceration—a state of exception from the rule of prison law within an already existing state of exception from the rule of civil

law—specifically established for activist prisoners in order to break their organization within the prison and to stop communication with the outside world. The CU—and its more recent progeny, Special Housing Units (SHU)—collapsed the legal and physical space between life and politics—and between punishment and death.<sup>7</sup> Introduced during a state of emergency (when inmates went on strike after the Chicano inmate was beaten by a guard), the CU emerged as a weapon, a “death-world,” a “dead zone” marking a particular moment of political repression.<sup>8</sup> Incarceration implies a form of civil death, the deprivation of freedom as punishment. The arbitrary application of administrative segregation by prison authorities (guards and administrators), when combined with the political use of behavior modification and the CU to silence dissent, extended civil death toward the horizon of punishment that categorized isolation and inhumane treatment as preventative detention, in turn not only justifying the violation of basic human rights but simultaneously anesthetizing the public to the horrors of incarceration. The very existence of political activists behind prison walls challenged the logic of advanced capitalism in the United States; resistance was unacceptable, the internal colonial other was to be buried alive, permanently isolated from human contact, sentenced to the punishment of living death.

This essay examines the origins of behavior modification and the CU in the United States, as well as the CU’s relationship to radical political struggles, by focusing on the contradictions inherent in the dialectic of prison rebellions and repression. I locate the CU in the context of the military origins of the medicalization of prison administration, while emphasizing the torturous logic underlying behavior modification as directly related to the suppression of black Muslim prison activists and the emergence of the prison rebellion years.

The essay is divided into three sections: the first, “Breaking Men’s Minds,” introduces the 1961 gathering titled “The Power to Change Behavior: A Symposium Presented by the U.S. Bureau of Prisons” as a key moment in the politicization of institutionalized brainwashing, behavior modification, and torture within the prison regime. The result was a national directive to experiment with these techniques, originally used against American POWs in Korea, on the black Muslim prison population. As a result, since the early 1960s, federal prisons have experimented with low-intensity physical and psychological torture as a means to control political activity. These techniques redefined categories of civil death and definitions of cruel, inhuman, and torturous treatment, completing the legal annihilation of prisoners by attempting to stifle and eliminate any political activity or dissent. I argue that as a political strategy, these techniques constituted a prison-based, Counter Intelligence Program (COINTELPRO)–like set of tactics that included surveillance, infiltration, and disruption. These strategies became the very terrain on which the struggles over the contested meanings of freedom, dignity, and respect were fought.

The second section, “The Prison Rebellion Years,” focuses on the political

formations and the legal strategies—developed in concert with movement lawyers at Marion—linking these actions with the clandestine and aboveground political education circles, ethnic studies classes, and multiracial third world coalitions established at institutions throughout country in the late 1960s and early 1970s. The relationship between collective education and organized action during the prison rebellion years highlights the point that political transformation emerged from an analysis of power grounded in experience and experimented with through struggle. This, in turn, was directly linked to organized campaigns against behavior modification, torture, and the CU.

In the third section, “A Prison beyond the Law,”<sup>9</sup> I demonstrate that the prison’s administration responded to political activism by creating the CU. According to Ralph Aron, a former Marion warden, “The purpose of the Marion Control Unit is to control revolutionary attitudes in the prison system and in the society at large.”<sup>10</sup> Designed as a breathing coffin, the CU was/is a space of permanent living death; even though inmates and lawyers have challenged its existence in court, U.S. courts have found that the CU cannot be used as punishment, but may be used as administrative segregation, thereby confirming its place in the running of American penal institutions. At the heart of the discussion about incarceration in general, and behavior modification and torture specifically, lies exposed the relationship between punishment and death, between law and freedom, and the question of the right to exist—legally and physically.<sup>11</sup> Given their treatment and the nature of their resistance, the detainees of 1972 may perhaps be considered precursors to our present-day “enemy combatants.”<sup>12</sup>

### **Breaking Men’s Minds**

It is necessary to trace the logic behind supposedly scientific approaches to rehabilitation and control, to medicine as the administrator of life, in order to understand what activists challenged in terms of the ideology of incarceration, as well as of its everyday manifestations in the strategies employed to dominate the mind and bodies of inmates.

Prisons are products of reform, and incarceration is just one form of punishment. Reform characterized the nineteenth-century emergence of the penitentiary, as well as mid-twentieth-century “enlightened” penology. Both operated under the assumption that incarceration could rehabilitate inmates if prisons offered a combination of discipline, order, and the right incentives. Since the nineteenth century, the rehabilitative impulse has rarely disappeared, but it often competes with other social and political urges, such as the will to punish harshly. During the 1950s, rehabilitation came to the fore once again. In prison systems across the United States, authorities offered education classes, so-called citizenship models, counseling, and other programs like bibliotherapy, in which expanded libraries were to serve as the “hospitals of the mind.”<sup>13</sup>

James V. Bennett, the director of the Bureau of Prisons from 1937 to 1964, was among the main architects of the mid-twentieth-century rehabilitative prison in the United States. In addition to the funds he lobbied from Congress for vocational and educational classes, he put prisoners to work for low wages by creating what would evolve into Unicolor. Further, Bennett restructured incarceration to include medical programs for drug offenders, facilities for the mentally ill, juvenile centers for those under the age of twenty-two, and he acquired the provision of medical and psychiatric care by the U.S. Public Health Service.

Bennett had always believed that the causes for committing crimes could be “cured” through a medical model of rehabilitation.<sup>14</sup> But in the early 1960s, bibliotherapy and other psychologically based rehabilitation programs fell out of favor. Prison authorities augmented their reliance on science with more controversial techniques: brainwashing, sensory deprivation, medication, and prolonged isolation.

At the same time, there were two formidable forces from the Left struggling against the decrepit conditions and racial violence inside prisons. Black Muslims and writ writers, also known as jailhouse lawyers, helped propel this shift. Organized, studious, and persistent in their attack on the penal and legal systems, these activists battled against the contradictory moral, economic, and political logics of the prison regime. Demanding access to the press through the courts, freedom of religion, and due process, interracial groups of prisoners also organized to desegregate the prisons and went on strike in favor of improved conditions.<sup>15</sup> Another key challenge grew from the political Right, demanding an end to “mollycoddling” prisoners and calling for harsher punishment, as was characteristic of the 1964 Barry Goldwater presidential campaign and Richard Nixon’s so-called war on crime.<sup>16</sup>

As inmates challenged the legal basis for long-term incarceration, new techniques of hands-on behavior modification responded to the need for increased control. Edgar Schein, an associate professor of psychology at the Massachusetts Institute of Technology, helped design the medical-models approach to behavior modification. Schein’s research focused on brainwashing in “totalitarian regimes,” primarily China.<sup>17</sup> In 1953, Schein interviewed recently released U.S. POWs to understand better the Korean brainwashing experience. For Schein, brainwashing techniques used by North Korean and Chinese communists against U.S. soldiers in Korean POW camps offered a solution to the problems of control and rehabilitation within the U.S. federal prison system. In April 1961, Schein presented a paper entitled “Man against Man: Brainwashing” to the staff and senior administrators of the U.S. Bureau of Prisons at a meeting of U.S. wardens and social scientists.<sup>18</sup> Schein argued that “in order to provoke marked change of behavior and/or attitude, it is necessary to weaken, undermine or remove the supports to the old patterns of behavior and the old attitudes.”<sup>19</sup> These techniques included isolation to break or weaken emotional ties, the segregation of leaders and the use of cooperative prisoners in their place, a prohibition of group activities not in line with the brain-

washing objectives, spying on prisoners and reporting back private material, tricking men into writing statements then shown to other inmates, exploiting informers and opportunists, the disorganization of all group standards among prisoners, and seventeen other suggestions. The appropriation of techniques from communist-bloc prison camps at the height of anticommunism reveals the contradictions of behavior modification—the justification for cruel and inhumane punishment against a specific group of inmates to control them and supposedly make society safe. Yet for Schein and his receptive audience the ends clearly justified the means.<sup>20</sup>

The chairman of the symposium, Bertram S. Brown of the National Institute of Mental Health, responded warmly to Schein's presentation; he encouraged prison administrators to experiment with these new techniques on the black Muslim inmate populations on returning to their respective institutions: "What I am trying to say is that we are a group that can do a lot of experimenting and research . . . do things perhaps on your own—undertake a little experiment of what you can do with Muslims. There is a lot of research to do. Do it as individuals. Do it as groups and let us know the results."<sup>21</sup>

Schein designed these programs with Martin Groder, the Marion psychiatrist who would later serve as the director of the Center for Correctional Research at Butner, North Carolina.<sup>22</sup> As a result of Groder's leadership, and in the wake of the 1962 meeting, Marion became an experiment conducted by the Center for the Study of Crime, Delinquency, and Corrections at Southern Illinois University in Carbondale.<sup>23</sup>

The behavior-modification techniques at Marion consisted of four techniques: brainwashing, Skinnerian operant conditioning (a reward and punishment based technique), sensory deprivation, and (overdosed) chemical or drug therapy.<sup>24</sup> One of the programs designed by Schein and Groder at the Federal Medical Facility for Prisoners in Springfield, Missouri, was the Special Treatment and Rehabilitation Training (START), an incentive-based "treatment" designed around "privileges, responsibilities, and opportunities."<sup>25</sup> Schein and Groder stipulated that "to be eligible for the program you must have spent considerable time in segregation for one reason or another. This is a miserable existence and the Federal Government is the first to recognize this situation. . . . We have also been given the responsibility to establish a program in which you can still live by your principles and beliefs, but learn to express them in a manner more acceptable to society than you have in the past."<sup>26</sup> Yet inmate Eddie Sanchez's description casts the actual experience of START in a different light: "They put [inmates] in the hole and they chained them, completely nude. So then the following day they give them a pair of shorts, and then the next day they give them a pencil, but no paper, and each day you progress, and if your behavior is not keeping with what they want it to be, then you start back from nothing. The reward punishment trip is what START was about."<sup>27</sup> START was just one form of physical and psychological torture that would be experimented with

in the early 1970s. These techniques all shared the common strategy that by playing on weaknesses or supposed faults, prisoners were broken down (or broke themselves down) and then were given a new image of themselves. This was a process that essentially amounted to pacification through therapy (including primal scream therapy and programs to “cure” homosexuality).

Other approaches included Schein’s “character invalidation” techniques like Synanon Attack Therapy or “game sessions” and encounter group sensitivity sessions or “marathons.” In the former, members of the group accused a man of lying, insincerity, or being weak, and then barraged him with insults, cussing, and other instigations until the person admitted to the accusation and apologized for forcing the group to such extremes. The latter were all-night versions of game sessions, with the addition of an outside observer being trained in these techniques and the session culminating with “the group then show[ing] its compassion by hugging him and telling him that they love him.”<sup>28</sup> When these therapeutic sessions failed to convince inmate activists to comply, START had its own storm troopers, agent provocateurs, and infiltrating snitches. Known by critical inmates as “Groder’s Gorillas,” these inmates willingly participated in the programs, “doing the Man’s work” by trying to convince other inmates to join START through force and coercion.<sup>29</sup>

From the perspective of the prison administration, there were two competing views. Some prison administrators believed that psychology and other behavioral sciences could cure deviants and that education was the intellectual component to rehabilitation—successful when focused on moral, ethical, and Christian religious issues. Others—notably wardens and prison guards—viewed these attempts at psychological rehabilitation with a degree of skepticism, insisting instead that rehabilitation could not overcome criminality as it was an inherent, permanent disease. For the skeptics, control, discipline, and fear remained vital methods to contain criminal influences and prevent challenges to what they perceived as public safety. From the mid-1960s to the early 1970s, penal governance included a functional mix of these two competing, yet quite complementary, approaches to maintaining control: attempting to secure obedience in life by threatening an ongoing death. Coinciding with the law-and-order politics of the early 1970s and a massive economic recession, a shift occurred, one away from scientific rehab and behavior-modification programs to long-term isolation and low-intensity torture.<sup>30</sup>

### **Prison Rebellion Years at Marion**

Prison rebellions in the United States burned through the 1970s, particularly following the murder of Soledad Brother George Jackson in California’s San Quentin on August 7, 1971. Prison activists in Attica, Leavenworth, McNeil Island, and Terre Haute formed clandestine study groups and ethnic studies classes, organized direct actions like labor strikes, and utilized so-called strategies of fire—setting ablaze

whatever was at hand to burn it down, something akin to practices in ghetto uprisings across the nation.

Guard brutality, arbitrary detentions in the “hole,” inadequate health care, racially biased indeterminate sentences, and the illegal blocking of prisoner access to legal materials and the press all provoked prisoners to organize for change between 1966 and 1975. The cycle of struggle (as understood within the larger national and international currents of social movements) emerged strongest in the early 1970s, particularly between 1971 and 1974, when the legal challenges to the prison regime reached their apex. This does not mean that resistance to inhumane punishment ceased, but, rather, that the response from politicians, the courts, and administrators moved away from treatment and rehabilitation toward more insidious and inhuman treatment and isolation. Prison issues comprised a core of social-justice organizing behind the walls and in the outside world.

During the 1960s, everyday resistances including radical educational projects, the work of writ writers, clandestine self-defense classes, and organized strikes were linked to the legal arena by briefs written and filed by jailhouse lawyers and disseminated to the public by supporters on the outside. These efforts challenged the technologies of control and coercion and constituted political struggles against the logic and function of incarceration as a means to destroy the civil and political lives of America’s subordinated populations. Increasing numbers of prison riots—from five in 1967 to forty-eight in 1972—revealed the circulation and proliferation of prison struggles.<sup>31</sup> Solidarity efforts emerged at local, national, and international levels, both in support of imprisoned activists (political prisoners) and prison activists.

Throughout geographically dispersed state and federal penitentiaries, multiracial coalitions of political activists engaged with issues like the war in Vietnam, third world struggles, Native American sovereignty, and civil and human rights. David Johnson, who—alongside George Jackson, W. L. Nolen, and James Carr—organized ethnic-awareness classes, offered this perspective: “The prison was our battleground, battlefield. It wasn’t in isolation with what was taking place outside because as people start to raise their voice about civil rights violations and human rights violations, then brothers inside through civil litigation, protests, strikes . . . fought to gain their civil rights and human rights.”<sup>32</sup> These activists circulated messages of resistance across political and cultural borders, and, when released, across international boundaries as well.

George Jackson identified prison inmates as “a mighty reservoir of revolutionary potential” that, if properly mobilized across racial lines, could lead third world movements in the United States.<sup>33</sup> Inmate-led ethnic studies classes comprised one such multiracial effort that turned the logic of the so-called rehabilitation programs on its head. The language of rehabilitation created the unintended consequence of untenable expectations among inmates. As one prisoner explained, “Rehabilitation



inadvertently contributed to mounting criticism of itself by promoting a prison intelligentsia. Partly because of the expanded possibilities and the encouragement stemming from rehabilitation, more and more prisoners began educating themselves. Once we freed ourselves from the narrow conceptions contained in the rehabilitative philosophy, we began reading more and more serious literature.”<sup>34</sup>

In both institutionally sanctioned and clandestine study groups, prisoners organized to demand recognition of their right to have rights; only then could they demand protection. Using the prison’s rehabilitative logic and programs, these inmates strove to snatch back their political lives from the machinery of punishment and death. Prisoners seized institutionalized educational opportunities to interrogate and challenge the contradiction between ideologies of rehabilitation and the actual practices of political and educational freedom. Reading and writing did not simply occur to occupy time, but to liberate. Yet participation in institutional education did not necessarily result in release; parole boards continued to deny freedom to inmates who had participated in institutionalized programs, while not all participants undertook radical politics.

Activists’ organized educational classes, both clandestine and sanctioned, focused on minority histories (similar to those institutionalized in university systems and high schools throughout the country in the late 1960s and 1970s). These gatherings functioned as counterhegemonic, “unauthorized” intellectual and political spaces in which inmates collectively analyzed their own conditions of incarceration as a foundation to make political demands and carry out political actions.<sup>35</sup> These underground political formations called for unity across the same racial lines that the regime used to divide inmates:

Some of us cons don’t seem to know which side we’re on. We’re obsessed with nearsighted disputes on race, ideology, group identity and so on. We expend our energies despising and distrusting each other. Don’t be so critical of the other races. All of this is helping the California Department of Corrections. We permit them to keep us at each other’s throats. But a handful of us are calling for unity. This is for a purpose. *We want to crush the empire that has been built upon our suffering.*<sup>36</sup>

Segregation, as the power to divide, is an old form of social control. At the time, Jim Crow was still the law of the land—even in the north. Maintaining racial divides and animosities was central to the logic of the regime. To crush the “empire,” the shared experiences of suffering had to transform those racial differences into points of unity and then made the key to challenging the mechanisms of control.<sup>37</sup>

These activists understood the diverse processes associated with transformation and conscientization. For members of the Political Prisoners Liberation Front at Marion, urgency was tempered with patience; transformation was respected as both collective and individual:

It must be understood, kept in mind, that trying to shape and organize the people around our assumptions is wrong. Each individual has his understanding, his ideas, his way, his degree of commitment, and his values; and these are his truths for however long they last. Day after day, week after week, year after year, we deal out negative judgments about the people, not recognizing, or forgetting, that individual persons are involving themselves in important issues. Even if the involvement is not in concrete action, it is involvement with an idea, and ideas are based on values.<sup>38</sup>

The prisoners recognized that collective action had a greater impact than individual resistance (though they did not dismiss the latter): “Experience has proved to us that attacking those conditions individually are rarely successful, but united action has been, and can be, successful. If men are really concerned about conditions and unity it would seem strategically correct to determine the conditions in this Marion society around which the majority of its population is willing to unite.”<sup>39</sup>

One of the first attempts to establish educational classes that focused on minority communities and histories, predating the ethnic studies movement a half decade later, came in 1963–64 at the San Quentin Education Department. With large enrollment numbers and course titles like “Minorities in the American Culture” and “Afro-American Culture,” political urgency transformed the population of these classes from predominantly black students to include Native Americans, Hindus, Hispanics, and some whites.<sup>40</sup> Similar initiatives were begun at McNeil Island, Attica, and Leavenworth. Activists at McNeil Island Federal Penitentiary in Washington formed the organization Mexican American Self Help (MASH) and initiated a “Mexican American History and Culture Class.” A member of the MASH outside steering committee, “El Profe” Cenobio Macias, explained that the class contributed to a process of change that also required action:

Reading and putting our thoughts together is good but it is only a step to externalizing what we believe. The oral reports and panels [in class] have helped us to organize even more, and enable us to advocate and vindicate our stance when questioned. The visitors to our class from the University of Washington and the nearby community have also presented us with other information that either verified what we already believed, quested [*sic*] us on what we thought to be fact, or make us think and change our previous convictions.<sup>41</sup>

MASH participants also celebrated cultural events, engaged in legal work, and corresponded with other cultural and political organizations throughout the system.

At Leavenworth, multiracial groups formed; Chicanos, *Puerto Riqueños* — specifically the Puerto Rican *independentistas* — black Muslims, members of the Black Liberation Army and the the Republik of New Afrika, and Native Ameri-

can activists began to work together. Between February and October 1970, inmates who had been reading revolutionary materials and meeting clandestinely to discuss their own experiences organized a series of projects: an ethnic studies class titled “Cultural History of the Southwest”; a politico-cultural journal, *Aztlán*, circulated throughout the country; and the organization Chicanos Organizados Rebeldes de Aztlán (CORA) that would play a central role in the political alliances and organized strikes taking place at Leavenworth during these years.<sup>42</sup> These interrelated projects formed a strategy, devised in practical struggle, to engage the state on multiple fronts. The class provided a structured space for participants to learn about and engage with struggles outside the walls, while simultaneously interrogating the technologies of control and violence that the prisoners were subjected to daily. The journal offered an outlet for exploring notions of change and culture, rehabilitation, identity, and dignity, served as a medium to inform inmates about social movements, and provided a gallery for artists (painters, poets, cartoonists). CORA constituted the arena in which analysis and learning could be applied to developing strategies to resist “civil death” and intolerable conditions, guard-on-inmate violence, and access to the court. As José Rubio, a Chicano inmate from Brownsville, Texas, explained, CORA organized against unjust punishment, a rejection, in his words, of “death on the installment plan.”<sup>43</sup> Prison was civil death, but through collective struggle, activist prisoners created a new form of civil life, a way to resist punishment and death by affirming life through the process of political transformation, collective activity, and alliances beyond the prison walls.

### **The End of the Line**

To combat rising radicalism within prisons, authorities transferred prison activists from around the country to Marion. By the late 1960s and early 1970s, “Marion [itself] was an experiment” as the rehabilitation programs developed at the Center for the Study of Crime, Delinquency, and Corrections at Southern Illinois University at Carbondale transformed Marion into a penal laboratory without legal and moral consequences.<sup>44</sup> A description of their violent removal from Leavenworth emphasizes the types of prisoner targeted for transfer. The strike that finally led to the mass transfers from Leavenworth to Marion—there had already been three in 1972—occurred on March 31, 1972, when a multiethnic coalition shut down the brush and clothing industries.<sup>45</sup> This action resulted in a seven-day lockdown of the entire prison. The supposed leaders were locked in solitary confinement, where they then proceeded to flood the place by jamming the plumbing system. As Raúl Salinas reflected, “Once they locked us down we put out the word that we would take them on.”<sup>46</sup> “So we got popped and formed that [Chicano-Black and American Indian] alliance. It formed out of the organizing of the cultural studies classes and production of the journals by Chicanos, Blacks, and American Indians. And once we had that alliance tight, we shut [the prison] down.” The inmates, setting their mattresses

and any other flammable items on fire, threw them into the main hall, starting a fire that “burned the building down.”<sup>47</sup>

In response, as per prison policy, the authorities fired gas containers into the cellblock. The first casualty was *independentista* Andres Figueroa Codero, who immediately became ill and started hemorrhaging: “People were carrying him on their shoulders, we were banging on the walls, the more we banged, the more gas they shoot . . . and they take him out . . . We were just fighting, from shutting down the factory and then resisting the lockdown, resisting the hole, we were just fighting for survival and we were resisting. It was an open rebellion. We were fighting back with whatever we had, which was nothing.”<sup>48</sup> Seven other inmates were hospitalized.

Nine days after the strike, on April 8, 1972, authorities transferred sixty-four inmates out of Leavenworth.<sup>49</sup> A few were left at the medical facility in Springfield, Illinois, while the majority was sent to Marion. On arrival there, all the transferred inmates were immediately taken to the hole.<sup>50</sup>

The Chicano, Puerto Rican, Native American, African American, and white activists coming from Leavenworth arrived at the same time as did people from McNeil Island. Writ writer Lanier “Red” Ramer and Mike Cassidy from McNeil Island joined African American soldiers like Charles Warren from Atlanta, Akinsiju Ola (also known as Ed Johnson) from New Orleans (the editor of *Black Pride*, the black prisoners’ newspaper), and Imari Obadele, the president of the Republik of New Africa, joined with Chicanos like Alberto Mares, Raúl Salinas, and Eddie Sanchez at Marion. Transferred to Marion for a set of specific political reasons, these activists came together for another set of specific reasons: they shared the common bond of having taken a stand against what they called “the empire” by resisting the jail machine in different prisons across the country.

Prison administrators were worried about rebellions throughout the country. Before the Select Subcommittee on Crime in the U.S. House of Representatives, the warden George W. Pickett testified on December 1, 1971, that inmates housed in special units like Marion’s were “felons difficult to control and manage,” transferred from other prisons because of their aggressive behavior.<sup>51</sup> According to the associate warden Charles E. Fenton, “We have a national constituency here. This place is unique in the history of penology.”<sup>52</sup> Marion’s notoriety was already being discussed throughout the system. In 1972, for example, at Terre Haute Federal Prison, “it was not uncommon . . . to hear young prisoners unfold myths about an ‘underground prison’ called Marion, where those who entered would never see the sun again. . . . No one really knew for sure because up until then, no prisoner returned to Terra [*sic*] Haute from Marion. Real or unreal, a dread grew around the myths.”<sup>53</sup> According to Raúl Salinas,

This hole was weird, man—individual cells, your light is on all night, they bring books to read, sheets, they even brought us malts. When they let us out,

they took us before the disciplinary committee and they said, “Well, like here you don’t have to go around . . . dissenting, because here you can let your hair grow a little longer, you can wear a mustache, your shirttail out, you can go eat whatever hour on Sunday, you can get up late, there’s a golf course, and there’s a very good group to get into, in fact we suggest. . . .”<sup>54</sup>

Marion also maintained electronic surveillance equipment, modern chemotherapy and psychotherapy experiments, “and a variety of sickening and ridiculous pacification programs such as: stag films, free popcorn, and porno mags delivered to one’s door on a monthly basis.”<sup>55</sup> Activists like Raúl Salinas saw these mixed messages, coupled with privilege and incentive-based programs, as “very contradictory, therefore very suspicious to those of us who had already dealt with [the] medical system, with the parole laws” as sophisticated, but still repressive, measures of depoliticization.<sup>56</sup>

### **The Theory of Action**

After being let out of the hole, the inmates transferred to Marion “started moving, checking things out,” as there was “all this talent on the grounds.”<sup>57</sup> Relative to other institutions, the environment at Marion was loose and casual. Some inmates explained that conditions and treatment were not that bad. Apparently, Groder’s Gorillas received preferential treatment, and they were the only inmates who received groups from outside. An inmate advisory committee represented the START program’s participants, giving the appearance of a participatory environment. In addition, books were readily available, but only on certain subjects—all nonpolitical. As a result of the different strategies to break prisoners into submission or compliance, according to Raúl Salinas, “a lot of us decided we couldn’t get violent over anything . . . we were being careful and we were trying to convince the other brothers to create that [political] awareness.”<sup>58</sup>

As “everybody was taking college courses, getting carbon paper [for legal documents], hustling for legal work, and all that,” and in order to lobby for political education materials, newspapers, and books “that made a difference,” activists formed a group around the Student Union/Law Library—a space inside the prison library—that evolved into the Federal Prisoners for Freedom of Expression Committee (FPFEC).<sup>59</sup> One of several committees within the larger Federal Prisoners’ Coalition Intra-national, the FPFEC was “a close-knit, unsanctioned/unofficial group . . . , recognized by some prisoners and no officials. The group and its various committees are composed of members who are concerned, responsible individuals seeking constructive change within the nation’s prisons with not too much success!”<sup>60</sup> Operating throughout the system, the FPFEC constituted a key organizing vehicle that worked to link political organizing with legal strategies in the court system. At around the same time of its creation, the administration instituted an inmate council to provide an avenue to communicate the daily problems and con-

cerns of the inmate population. The FPFEC took it on and would use the inmate council to challenge the system, taking advantage of the fact that the representative could move freely through the cellblocks.<sup>61</sup>

For almost three months, the transferred activists refused to participate in the behavior-modification programs, all the while observing and researching the situation at Marion. On June 1, 1972, the Federal Prisoners' Coalition sent a letter to Robert W. Kastenmeier (Wisconsin), the chairman of the United States House of Representatives Committee on the Judiciary, Subcommittee No. 3, outlining that not all the voices concerning prison conditions had been heard. Those missing were the ones of "family members, close friends, and other community-ties"; and those of the federal prisoners themselves. A copy of a report prepared for the United Nations outlining the behavior-modification techniques was also sent to all senators and members of Congress.<sup>62</sup> The coalition invited the subcommittee to Marion: "We are herewith petitioning this Subcommittee for the opportunity to speak on behalf of ourselves as federal prisoners and on behalf of others similarly situated around the nation. We are requesting a day of this Subcommittee's time in which to present our views, attendant statements, and exemplary articles regarding general conditions prisoners uniformly dissent from; and, as well, to have heard some of our recommendations for change."<sup>63</sup> Contrasting the operating standard in the federal prison system with the UN Standard Minimum Rules for the Treatment of Prisoners, coalition members included a proposed agenda that touched on their main issues: repressive, arbitrary, and retaliatory control methods; censorship of mail and outside communication; "subverting or refusing to implement public laws"; inconformity to constitutional requirements for treatment; "post-judicial de facto resentencing"; and a critique of the function of the prison ombudsman.<sup>64</sup> Requesting to participate in the then ongoing public hearings concerning conditions in federal prisons, the Federal Prisoners' Coalition invited the committee to visit the prison and have a hearing inside the facility.<sup>65</sup>

The presentation of the petition to the subcommittee was handled by U.S. Congressman Ron V. Dellums; one of Dellums's congressional aides was Chris Ramer, the wife of one of the authors of the petitions, Lanier "Red" Ramer.<sup>66</sup> In addition to the outside assistance for this petition and report that came from Congressman Dellum and the ACLU, support was also provided by the PLO, the Center for Constitutional Rights, the NAACP Legal Defense Attorneys, the Legal Aid and Defender Society of Greater Kansas City, Missouri, and the Southern Illinois Legal Assistance for Prisoners Project—an initiative of the Southern Illinois Law School.<sup>67</sup> This was the very type of coalition building and extramural support that the behavior-modification programs were designed to stop.

On July 4, 1972, in an attempt to draw attention to conditions in the prison system, the Freedom of Expression Committee of the Federal Prisoners' Coalition Intra-national (Marion chapter) sent a report to the UN Economic and Social Coun-

cil on behalf of all imprisoned people in the United States. The report, which they also sent to the Chicano Movement newspaper *El Grito del Norte* in New Mexico, the Committee for Prisoner Humanity and Justice, and the Michigan Committee for Prisoners' Rights, among other organizations, compiled the results of Schein's and others' research on brainwashing, sensory deprivation, psychological torture, electroshock, lobotomies, overmedication, and physical assaults that were used in state and federal prisons to isolate and punish individuals (particularly "the behavior of so-called subgroups of offenders such as alcoholic felons, minority groups, 'passive inmates,' 'high security risks,' hard cases, and those convicted of sex offenses") under the guise of rehabilitation. It highlighted the negative implications of the construction of the Behavioral Research Center in Butner, North Carolina, built with 14 million dollars of Law Enforcement Assistance Association funds.<sup>68</sup> John Black, the coordinator of mental health services at Marion, did not "dignify the charges with a reply," dismissing the report as "ridiculous."<sup>69</sup>

### **A Prison Beyond the Law**

After having been at Marion only ninety days, activists had already organized on several fronts. Then, on July 15, 1972, a Chicano inmate named Jesse López, the first person to ever escape from Marion (he was quickly captured), had a violent run-in with the prison guard Donald Hilliard, which sent López to the prison's hospital. Witnesses testified that the guard's racist and derogatory comments had provoked López.<sup>70</sup> A multiracial coalition organized a strike on July 17 in response to the beating. They demanded that Hilliard—who carried an illegal blackjack—be fired, closed the prison industries, burned cellblocks, and provoked a week-long lockdown in Marion.<sup>71</sup> López, identified by activists as a "Chicano rebel who happened to be in prison," became the catalyst for a series of events that would lead to the creation of the Political Prisoners Liberation Front (PPLF), the lockdown in the Control Unit, and a series of legal actions. Two days after the beating, the cadre of activists made a call to action:

The convicts of this institution of Marion prison have in the past experienced many difficulties which were resolved by a collective effort. And this collectivism is being called upon for still another serious problem confronting us today that must be resolved by whatever means necessary . . . it is often necessary to remind each other that we're all prisoners and as such, we should be obligated to insure each others' health welfare and life, in this institution. And in addition this could have been you or me that was attacked. So it is important that all of us realize that we should voice a unanimous protest against such brutal and arbitrary treatment, brought upon us prisoners by the warden and his staff: now before it is too late!! Therefore, to deal with our immediate problem, we: the concerned prisoners ask every prisoner to cooperate in a general work stoppage, if Jesse López is not released by 12:00

o'clock today (7-17-72), and if assurance of the prosecution of the officer in question (Hilliard), is not forthcoming.

We ask all concerned prisoners not to let themselves forget those prisoners who will be locked up as a result of their participation in this peaceful demonstration of protest!!!!<sup>72</sup>

Political organizing prior to the strike proved instrumental in preparing the inmates, both politically and psychologically, to risk the strike. Giving meaning to the strike by emphasizing an already successful collective “we” founded on a common experience of state violence and the responsibility to “insure each other’s welfare and life,” these activists gave the institution an ultimatum. But neither demand—López’s release and Hilliard’s dismissal—was met.

The first work stoppage was organized for July 17. Two hundred men who normally worked in the metal furniture plant and the printing plant stayed in their cells, joining about seventy who worked in kitchens and food service, and about fifteen who worked in the hospital.<sup>73</sup>

In response, the administration immediately disbanded the inmate council. Then, during the first days of the strike, guards passed out ballots for inmates to vote on whether or not they would return to work. By July 23, a number of inmates were transferred to segregation units I and H. Stripped of all beds, sinks, and other infrastructure, these units would be transformed into the Control Unit. Red Ramer had been chosen by activists to stay out of the incidents to serve as the prisoners’ contact with the press as well as to utilize the contacts in Congressman Dellum’s office. Ramer’s other task was to smuggle out a questionnaire that the coalition had authored to be used by legal teams when prisoners were being locked up; this document was then brought back to the prison as a legal survey from Dellum’s office.<sup>74</sup>

On July 24, when the work alarmed sounded, about 150 prisoners again refused to work. By six o’clock in the evening, the raids had begun. Raúl Salinas described the conditions in the segregation unit:

11:00 p.m. Arrived at cell #9, on C-Range. Cell has been stripped of all vestiges of habitation, i.e. half, [sic] mirror writing table, and medicine cabinet. All that remains is a commode/sink combo, bunk mattress. By 1:00 a.m., all 18 cells have been filled. There are (coincidentally) 6 Blacks, 6 Anglos, and 6 Chicanos. All were held incommunicado, not allowed to write. Denied writing materials, tobacco and personal hygiene/cleaning supplies. These items are re-issued, always, upon being placed in the H-Block segregation unit.<sup>75</sup>

Before the strike, around forty inmates were held in solitary confinement. By July 26, more than one hundred strike supporters were locked in the hole.<sup>76</sup> And by the time the raids were over, seventy-two men were confined in the I-Block, with another seventy-eight in the H-Block segregation unit.



Until August 16, communication with the outside was entirely cut off. Then, on August 17, after a heat wave had made lockdown conditions that much more unbearable, a fire broke out in the H-Block. Prisoners were forced to flush their heads in the toilets in order to breathe; this option was soon eliminated as the prison administration cut off the electricity and water, while no attempt was made to put out the blaze. “After the fire, approximately forty guards entered H unit equipped with helmets and clubs and removed all personal possessions including clothing, legal papers, medications, glasses and mattresses from everyone. The materials gathered were thrown against a wall in the recreation area and left there. The inmates were forced to strip and suffer[ed] from smoke inhalation.”<sup>77</sup>

Violence continued on August 18, when the assistant warden Charles Fenton and Captain Buzzard, armed with axe handles and sawed-off baseball bats, entered the H-Block, accompanied by about twenty correctional officers with riot sticks and wearing gas masks. Handcuffed and forced to remove their clothing, all the inmates in the A, B, C, and D sections of the H Unit were teargassed with a portable fogger. After the fumes cleared, the officers stripped the cells of all remaining personal possessions and again denied inmates medical treatment. Because prison authorities had turned off the water and electricity, inmates could not clean themselves of the tear gas. The guards left the men naked for three days and refused to remove garbage for an entire week. Authorities both denied access to the mail and prevented the entry of the legal representative of the PLO, the attorney Arnold M. Jochums. It was not until August 22 that Jochums was able to meet with anyone—in this case Dillard Morrison—and that the news about the beating, strike, lockdown, fire, and teargassing began to circulate in the media. The prisoners were not allowed to wash the gas off their bodies until August 23 and August 24.<sup>78</sup> The prison administration then forced all the prisoners to participate in the CARE (Control and Rehabilitation Effort) program also established in 1968 as a technique of behavior modification.

### **The Political Prisoners Liberation Front (PPLF)**

Sometime in August, in the midst of these confrontations, the Political Prisoners Liberation Front (PPLF) emerged as the organizing force behind the strike. A multiracial organization with a presence throughout the prison system, this cadre of activists would work on the legal strategy challenging the nature of their extrajudicial punishment in a case that became the *Adams v. Carlson* lawsuit. For the PPLF, an alternative notion of social responsibility framed a remedy to the divide-and-conquer model of the administration. Their definition of social responsibility was based on the collective acceptance of nine core values: unity, freedom, justice, equality, opportunity, knowledge, happiness, dignity, and peace. These core values defined the PPLF’s collective “we.” As a result there was a clearly defined target to engage with on multiple fronts, and against which the PPLF waged its campaign.

The PPLF also had advice for other inmates, warning against the COIN-TELPRO-like techniques inside the prison that the behavior-modification programs had come to represent. The PPLF offered both caution and a plan:

You must never regard these enemies lightly. If you do not now raise and understand the problem in this way, we shall commit the gravest of mistakes. Among us are those who daily do the Man's work and the most dangerous of all, are "groder's gorillas" and their sympathizers. . . . the PPLF must establish total commitment and protect each other from the "countercheck or Reactionary" syndromes, etc. (counterrevolutionaries.) We must devise small cells of men and work alone most of the time; we must be exceedingly careful not to be penetrated by the Man's man.<sup>79</sup>

Understanding the process of dehumanization and reprogramming as a war for prisoners' minds, the PPLF explained, "The pigs take them hostage, place them in the hole knowing that the counter-rebels will barter for their return to lives of 'eating crow.' This must stop. We must be willing to be sacrificed."<sup>80</sup> The struggle was larger than the immediate demands, beyond reform, and formed part of a larger genealogy of resistance.

### **The Experience of the Control Unit**

The prison authorities responded to inmate activism by isolating the striking inmates in the H and I segregation units. This approach to isolation eventually became the permanent Control Unit (CU). Groder first instituted the strategy for behavior modification that would become the CU in 1968 as the "last legal weapon in the federal prison system."<sup>81</sup> Marion contained two types of solitary cells, both of them with a steel bed and a coarse, one-inch plastic mattress, a toilet, and a lavatory. While some cells had bars that allowed light and air to enter from the entrance, the PPLF inmates described the solitary cells as "ten [cells with] partitions and doors outside the bars and are shut off from the areaway except for two small windows. They are darker and more depressing."<sup>82</sup> These were known as the boxcar and kennel cells.

One survivor recounted the CU's devastating effects, attesting to the imposition of Schein and Groder's techniques: after a few days, "there is no longer intercommunication between sense organs and the brain. The nervous system has carried so many pain impulses to the brain until the brain refuses to accept any more signals. Feelings become indistinct, emotions unpredictable. The monotony makes thought hard to separate and capsule. . . . Essentially, the content of a man's mind is the only means of defense in terms of his sanity."<sup>83</sup> The historian Eric Cummins described San Quentin's Adjustment Center (AC) at the beginning of the 1970s in eerily similar terms: "The quiet oasis where it was promised the most difficult prisoners would get intensive psychiatric counseling, had been transformed from a symbol of reform-age progress into a cruel new dungeon filled with radical Muslims

and other political ‘troublemakers.’ In this prison-within-a-prison inmates received far fewer treatment programs, not more. The AC came to represent the failure of treatment, not its glorious future . . . such was the final harvest of rehabilitation.”<sup>84</sup> According to Congressman Ralph Metcalfe, a Democrat from Illinois, “The control unit treatment program is long-term punishment under the guise of what is, in fact, pseudo scientific experimentation.”<sup>85</sup>

But the effects were not limited to the psychological or the physiological. Because the CU was specifically used to “silence prison critics . . . silence religious leaders . . . [and] silence economic and philosophical dissidents,” it played a centrally important role in the development and eventual acceptance of similar strategies to control political dissent.<sup>86</sup>

The segregated inmates were isolated in legal limbo under the constant threat of physical violence, yet the People’s Law Office in Carbondale filed a class-action lawsuit against Bureau of Prisons director Norman Carlson on September 11, 1972. *Adams v. Carlson* charged prison officials with cruel and unusual punishment, the denial of access to courts, the denial of procedural standard for prisoners placed in solitary confinement, and the denial of constitutional rights of freedom of religion and freedom of speech in the mails.<sup>87</sup> It was one of many lawsuits filed during this time period arguing cruel and unusual punishment.<sup>88</sup> The PLO, formed to handle the arrest cases associated with the 1968 Democratic Convention, had established an office in the spring of 1971 in Carbondale in order to provide legal representation for the local Black Panther Party.<sup>89</sup>

The Marion administration responded immediately and aggressively to the prisoners’ challenges to solitary confinement. After “three more inmates joined the suit, allegations emerged that a corrections officer threatened harm to some inmates unless the suit was withdrawn and unless inmates told Arnold Jochums, a lawyer from the PLO, to stay away from the prison.”<sup>90</sup> The suit also petitioned for an immediate injunction to prevent further assaults on the men by the correctional officers, to compel the institution to return the men’s clothing, legal papers, and correspondence. Monetary damages in the amount of \$50,000 for each plaintiff were requested to repay them for physical and mental damage suffered as a result of their confinement and inhuman treatment. On Tuesday, October 24, Judge James E. Forman denied the plaintiffs’ requests for an emergency restraining order against prison officials, and on Friday, October 27, he denied a motion by the prison asking that the class action suit be dismissed.<sup>91</sup> This left open litigation concerning the question of the punishment’s constitutionality.

Inmates challenged the punishment’s conformity with the Eighth Amendment protection against cruel and unusual punishment. Eight inmates testified on the first day of the trial in support of an injunction against the CU. Experts in behavioral psychology also testified. The psychiatrist Bernard Rubin stated: “[The Control Unit] could only do harm for a variety of reasons. One is that the setting in

its organization demands and dehumanizes and shapes behavior which is contrary to that that is professed to be the purpose of the program, that is, it seems to me that it shapes behavior toward violence by accentuating the frustration, rage and helplessness and that the violence is either directed inwardly or outwardly.”<sup>92</sup> The case was finally won on appeal in 1974, on the grounds that indefinite isolation violated the Eighth Amendment. The 149 men who had spent eighteen months in the hole, from July 1972 until September 1973, were released.

The *Adams* decision prompted the Marion authorities to officially convert the segregation units into control units. The PLO responded to this development by filing a second suit in 1975, *Bono v. Saxbe*, “which challenged that unit, and which became another piece of protracted litigation as the Bureau of Prisons developed their draconian maxi-penology and offered it as a brazen defense to their unconstitutional conduct.”<sup>93</sup> Contrary to the ruling four years earlier, the 1978 decision favored the Bureau of Prisons. Though the court ordered the sensory-deprivation boxcar or kennel cells closed, they “justified the use of the control unit with one of the oldest, most repressive legal doctrines—the doctrine of preventive detention.”<sup>94</sup> Preventative detention and indefinite incarceration became “a form of [a] legal concentration camp to isolate and contain the rebellious and the political militant.”<sup>95</sup>

The use of the CU brought about drastic consequences for inmates. Between 1972 and 1978, nine persons died in the CU by their own hand; another, Hiller Hayes, suffered a heart attack shortly after being released from isolation. On October 27, 1983, the nation’s gaze again turned to Marion as the entire prison (now designated as the only level six prison—the highest security classification added in 1978) was locked down. “The long term control unit that control[led] Marion” became Marion.<sup>96</sup> A new political group, the Committee to End the Marion Lock-down (CEML) was formed a year later.

*Adams v. Carlson* was a defining case in the rebellion years. A far-reaching case, it resulted in the immediate release of prisoners held in isolation for eighteen months. The verdict withstood Carlson’s last-minute affidavit arguing that the prisoners’ release would cause havoc and threaten control. The court disagreed with this conclusion, thus showing the court’s willingness to uphold the law and not be pressured by prison officials’ often exaggerated use of security threats. On the juridical plane, the case established an important precedent in constitutional law. According to Michael Deutsch, “it was very important in the sense that it was the first time that a federal court of appeals found that you could have an 8th amendment claim, a cruel and unusual punishment claim, based upon the disproportionality of the punishment you received in prison. . . . That was quite an extraordinary opinion.” Deutsch also recognized the importance of experience forming the basis for new knowledges and resistances, and for the possibilities of coalitions and collective struggles for justice:

This was a very far-reaching case. Because of the people who were involved in that. The political conscience of a lot of the brothers that had been involved in the work stoppage and maintained their solidarity all those months, it kind of showed that people working together, joined together, fighting together can make a difference. Because I don't think it was the legal work that made a difference, but it was also the political work: all these guys that were writing, organizing their constituencies, so there was a lot of awareness of this case.<sup>97</sup>

As Robin D. G. Kelley reminds us, “social movements generate new knowledge, new theories, new questions. The most radical ideas grow out of a concrete intellectual engagement with the problems of aggrieved populations confronting systems of oppression.”<sup>98</sup>

Beginning in 1972, with the institutionalization of the CU against politicized prisoners, the contradictory (and always precarious) relationship between mid-century rehabilitation models and incarceration finally ruptured. This does not mean that rehabilitative programs ceased to exist, but that both the belief in rehabilitation and the rehabilitation programs themselves had less currency once a permanent state of exception was normalized as a category for defining certain groups of people and for containing and controlling certain types of behavior. Once inmates could be legally defined as lacking political rights under emergency conditions, the possibility for rehabilitation had no reference from which to define or measure change, a dehumanizing situation that ruptured the link between existence and rights, life and dignity, and a direct response to the political action, collective educational projects, and extramural support of the prison rebellion years.

### **Conclusion**

According to the Marion activist Eddie Griffin, the Control Unit and the “silent implications of Behavior Modification speak their sharpest and clearest ultimatum: CONFORM OR DIE.”<sup>99</sup> The stakes at Marion were clear: “The control unit is the ‘end of the line’ in the federal prison system. Since there is no place lower throughout society, it is the end of the line for society also. Just as the threat of imprisonment controls society, so is Marion the control mechanism for the prison systems; ultimately, the long term control unit controls Marion.”<sup>100</sup> Confinement in the CU was defined as administrative segregation. In contrast to disciplinary segregation, which had set timetables for punishments, administrative segregation was not considered punishment but an administrative response to an “abnormal” or unexpected situation that had the consequence of transforming the administration—guards and wardens alike—into police officer, judge, jury and, at times, executioner. The CU came to function as a site where terror and a state of exception were permanently wielded in the absolute domination of mental, spatial, and physical occupation.<sup>101</sup>

State-sanctioned terror is designed to kill the spirit, the will to resist, and the

will to struggle. Such approaches to controlling dissent marked an important shift in the juridical existence of inmates who were segregated into an indefinite state of exception from the protection of the law. The CU was the culmination of the state's need for political control in the prison system. The spaces of detention and incarceration that were born, not out of ordinary law but under a state of martial law within penal institutions, revealed the state of exception "to constitute the fundamental structure of the legal system itself."<sup>102</sup> Administrative segregation—where the punishment of permanent isolation did not even register as punishment—revealed the contradiction, and at the same time the surgical precision, of living death as an essential form of social control. Throughout the 1970s and 1980s, more Control Unit-type strategies were erected as federal penitentiaries continued to house political activists and political prisoners.<sup>103</sup> This led to the normalization of the political logic and function of these units within the federal and state systems, and to the proliferation of the so-called supermax prisons.<sup>104</sup> The techniques described here, initially experimented with on Muslim inmates, and later used en masse on political activists, became the model for the entire prison regime, as all prisoners by definition constituted a threat to social order and national, as well as personal, security.

The analysis, strategies, and tactics of activist prisoners during the prison rebellion years are an invaluable and seldom acknowledged front of ideological and political struggle. They unmasked the mechanisms and strategies of state power that reinforced the function of prisons as institutions experimenting with technologies of discipline, control, and death, "not as an insular apparatus somewhere on the edge of the American everyday, but rather as an epochal *regime* that is integral to the very fabric of a historical social ordering."<sup>105</sup> To talk about freedom inside an institution designed for "legal assassination" is not to romanticize resistance. It is instead to take seriously the demand for the "right to exist," and the "right to resist politically," as central contradictions of constitutional law.<sup>106</sup>

In 1972, the CU was used for overtly political purposes to control the organized dissent that targeted the behavior-modification programs at Marion, and to cut off communication with supporters outside the walls. Inmates and their legal supporters won an important Eighth Amendment victory in the 1973 *Adams v. Carlson* ruling, but by 1978, in *Bono v. Saxbe*, the court had reversed its course, ruling that the administrative use of isolation did not constitute cruel and inhuman treatment, justifying its decision with an old and notoriously repressive and racist legal doctrine: preventative detention. Though the shift was swift, the logic behind preventative detention (at least within the modern twentieth-century prison system) had its origins in the strategies Schein appropriated from POW camps and experimented with against black Muslims and prison activists. This marked an important moment in the social acceptance, even expectation, of the use of cruel and unusual punishment and permanent isolation units as central logics of terror within the prison regime.

## Notes

1. Frustrated with the limited gains of liberal civil rights laws and reformist elements of various social movements, by 1968 more activists—primarily, but not exclusively, people of color—adopted/continued a third world politics, engaging with international terrains of struggle like human rights, immigrants' rights, self-determination, and Indian sovereignty, while emphasizing structural socioeconomic elements of racism rooted in histories of conquest and colonialization linked by everyday experiences of exploitation. These were anticolonial struggles to be sure.
2. raúlrsalinas, interview by the author, Austin, Texas, June 4, 2004. "Una plática con raúl salinas," interview with raúlrsalinas by Ben Olguín and Louis Mendoza, Stanford University, California, May 5, 1994.
3. Choices of terminology are important as they reflect political perspectives. For a discussion of political and politicized prisoners and prisoners of war, see Owusu Yaki Yakubu, "Toward Collective Effort and Common Vision: The International and Domestic Contexts of the Struggle of Political Prisoners and Prisoners of War Held by the U.S.," in *Can't Jail the Spirit: Political Prisoners in the U.S.*, 5th ed., (n.p.: Committee to End the Marion Lockdown, 2002), 13–35, and Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime* (Minneapolis: University of Minnesota Press, 2005). I use the words *political activist* to emphasize that these persons were not only engaged with issues inside the walls—conditions, rehabilitation programs, learning through struggle, parole boards, access to the press and library—but were also taking positions on issues happening outside the walls, like ethnic studies, the so-called national question, foreign policy, and other political and cultural debates. They were political activists and part of the mass-based, worldwide social movements associated with this time.
4. Eddie Griffin, quoted in The Committee to End the Marion Lockdown, *Breaking Men's Minds: Behavior Control and Human Experimentation at the Federal Prison in Marion* (St. Louis: National Committee to Support the Marion Brothers and the Task Force on Behavior Control and Human Experimentation of the National Alliance against Racist and Political Oppression, 1977), 14, 2.
5. raúlrsalinas, interview by the author, Austin, Texas, August 27, 2005.
6. In a post–Abu Ghraib world, where the U.S. military and intelligence apparatuses have engaged in systematic torture—using almost the exact same techniques described here, but also including murder—it is of vital importance to understand that the legal interpretations of the differences between cruel, inhumane, and degrading treatment, on the one hand, and torture, on the other, are both subject to political pressure and form part of historical struggles over the meanings of freedom, humanity, and dignity. This essay positions the experiments of the 1960s and early 1970s on a spectrum with the events in Afghanistan, Iraq, Guantánamo Bay, and other so-called black sites. See H. Bruce Franklin, "The American Prison and the Normalization of Torture," in *Torture, American Style: Publication Number 3 of Historians against the War*, [hawyachana.org/resources/torture/brucefranklin.html](http://hawyachana.org/resources/torture/brucefranklin.html) (accessed November 21, 2005).
7. Achille Mbembe, "Necropolitics," *Public Culture* 15 (2003): 39.
8. Joy James, ed., *The New Abolitionists: (Neo)Slave Narratives and Contemporary Prison Writings* (Albany: State University of New York Press, 2005), xxxi.
9. See Joseph Margulies, "A Prison beyond the Law," *Virginia Quarterly Review* 80 (2004): 38–55.
10. Testimony in *Bono v. Saxbe*, Civ. 462 F. Supp. 146 (7th Cir. 1978).

11. Sam J. Ervin Jr., preface to Senate Committee on the Judiciary, Subcommittee on Constitutional Rights, *Individual Rights and the Federal Role in Behavior Modification*, 93rd Cong., 2nd sess., 1974.
12. For a discussion of the political designation of *enemy combatant*, see Rachel Meeropol, ed., *America's Disappeared: Secret Imprisonment, Detainees, and the "War on Terror"* (New York: Seven Stories Press, 2005).
13. Herman Spector, quoted in Eric Cummins, *The Rise and Fall of California's Radical Prison Movement* (Stanford, CA: Stanford University Press, 1994), 26; also see Maurice Floch, "Correctional Treatment and the Library," *Wilson Library Bulletin*, no. 26 (1953): 452–55.
14. Paul W. Keve, *Imaginative Programming in Probation and Parole* (Minneapolis: University of Minnesota Press, 1967). These policies were the last remnants of the New Deal progressivism predicated on the expert knowledge of professionally trained, "scientific" experts. These remnants would be transformed into Cold War techniques for containing dissent and the spread of communism.
15. Though this essay does not allow for a telling of these events in detail, we must acknowledge that the prison rebellion years posed a continuum of struggles waged to desegregate, humanize, and possibly abolish incarceration institutions in ways linked to numerous social and anticolonial movements dating at least from the 1940s. Bayard Rustin wrote descriptions and personal reflections on prison desegregation movements during the period of the Cold War. See John D'Emilio, *Lost Prophet: The Life and Times of Bayard Rustin* (Chicago: University of Chicago Press, 2003), 72–92; and Rafael Cancel Miranda, "We Came Out of Prison Standing, Not on Our Knees," in *Puerto Rico Independence Is a Necessity: On the Fight Against U.S. Colonial Rule*, ed. Martín Koppel (New York: Pathfinder Press, 1998), 28–29.
16. See David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001).
17. Edgar Schein, *Coercive Persuasion* (New York: Norton, 1961); Edgar Schein, *Brainwashing* (Cambridge, MA: Center for International Studies, Massachusetts Institute of Technology, 1960); Edgar Schein, "The Chinese Indoctrination Program for Prisoners of War," *Psychiatry*, no. 19 (1956): 149–72; and Edgar Schein, "Brainwashing and Totalitarianization in Modern Society," *World Politics*, no. 11 (1959): 430–41. For an in-depth analysis of Schein's work in relation to the use of these techniques in West Germany, see Mike Ryan, "Solitude as Counterinsurgency: The U.S. Isolation Model of Political Incarceration," in *Cages of Steel: The Politics of Imprisonment in the United States*, ed. Ward Churchill and J. J. Vander Wall (Washington, D.C.: Maisonneuve, 1992), 83–109.
18. The overall theme of the symposium was captured in the title "The Power to Change Behavior," with divisions into four panels: "Man Alone: Sensory Deprivation and Behavioral Change"; "Man in His Social Environment: Social Structure and Behavioral Change"; "Man's Adaptive Processes: Cultural Influences on Behavioral Change"; and "Man against Man."
19. Edgar Schein, "Man Against Man: Brainwashing," paper presented at "The Power to Change Behavior Symposium," proceedings published in *Corrective Psychiatry and Journal of Social Therapy* 8 (1962): 91.
20. Schein was aware of the political perils of employing supposedly Communist techniques at the height of the Cold War, yet he justified human experimentation on unknowing subjects—clearly in violation of the Nuremberg Codes: "I am trying to show that the Chinese methods are not so mysterious, not so different, not so awful, once we separate the awfulness of the communist ideology and look simply at the methods of influence used." Schein, "Man against Man," 97.



21. Schein, "Summary of Discussion," paper presented at "The Power to Change Behavior Symposium," proceedings published in *Corrective Psychiatry and Journal of Social Change* 8 (1962), 103.
22. Jake McCarthy, "The Latest in Prisons," *St Louis Post-Dispatch*, May 21, 1972.
23. Jan Susler, "Marion Prisoners Rights Project, Statement to the Judiciary Committee, U.S. House of Representatives, Oversight Hearing before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, June 26, 1985," in *Oversight Hearing before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, June 26, 1985, Hearing into the Marion Lockdown* (Washington, DC: U.S. Government Printing Office, 1986), 91.
24. The Committee to End the Marion Lockdown, *Breaking Men's Minds*, 3.
25. See "Medical Center for Federal Prisoners START Program," in *Hearing into the Marion Lockdown*, 241.
26. Ibid.
27. Quotation from Raúl Salinas, "Resisting MIND FUCK," *Sunfighter* (1974), 4. After several negative court rulings, the START program was quietly canceled in February 1974. Correspondence between prison administrators and members of Congress revealed the level of concern (early on) regarding the viability of such controversial programs, as well as their financial cost. See the letters compiled in Senate Committee on the Judiciary, Subcommittee on Constitutional Rights, *Individual Rights and the Federal Role in Behavior Modification*. For all their controversial elements, START and other similar programs at least held out the possibility for rehabilitation. Their cancellation marked the declining belief that *any* prisoner could be rehabilitated.
28. *Breaking Men's Minds*, 13.
29. "The PPLF's [Political Prisoners Liberation Front] Manifest in Federal Prison," n.d., Salinas Papers, box 6, folder 30, Stanford University Special Collections (hereafter SUSC), Stanford, California. It is important to consider how the so-called human sciences depend on and promote finding the supposedly nonhuman, the dehumanized edge of human tolerance, in order to experiment and understand human nature and social behavior; and how science, race, and nation are intimately linked. Breaking men down to the most basic, animalistic qualities, pitting them against each other, and creating hierarchies of behavior and privilege to then rebuild them as productive and engaged members of society, all without their knowledge, challenges the very basis of the Nuremberg Codes, Article 6 of the Universal Declaration of Human Rights, and the United Nations Standard Minimum Rules for the Treatment of Prisoners.
30. Long-term isolation, torture, and death were also common to the governance of the prison regime throughout the twentieth century. Yet these techniques were formally institutionalized in the late twentieth century with the proliferation of long-term isolation units. Authorities construct their logic as a necessary evil, a preventative measure, to ensure public safety.
31. Bert Useem and Peter Kimball, *States of Siege: U.S. Prison Riots, 1971–1986* (New York: Oxford University Press, 1989), 18.
32. Quoted on the CD *Prisons on Fire: George Jackson, Attica, and Black Liberation* (Oakland, CA: AK Press, 2002).
33. George Jackson, *Blood in My Eye* (New York: Random House, 1972), 108–9.
34. Quoted in Ronald Berkman, *Opening the Gates: The Rise of the Prisoners' Movement* (Lexington, MA: Lexington Books, 1979), 39.

35. Joy James, ed., *Imprisoned Intellectuals: America's Political Prisoners Write on Life, Liberation, and Rebellion* (Lanham, MD: Rowman and Littlefield, 2003), 4.
36. *The Outlaw*, July 1, 1968, quoted in Jessica Mitford, *Kind and Unusual Punishment: The Prison Business* (New York: Knopf, 1973), 233.
37. Very little has been written about the desegregation movements inside the prison system. Self-segregation benefited administrative control; as long as prisoners were divided along lines of race, they would fight each other instead of the system. In a sense, the prison rebellion years were also characterized by a reorganization of racial politics within the prison: white prisoners who sided with people of color prisoners were treated as race traitors. And judging by the reaction of prison administrations—at federal and state levels—to multiethnic political activity across the country, the changing racial politics were a central concern. See note 15.
38. Political Prisoners Liberation Front (P.P.L.F.), “We Must Fight the Enemy,” n.d., Salinas Papers, box 1, folder 14, SUSC.
39. *Ibid.*
40. Cummins, *The Rise and Fall*, 76.
41. Cenobio Macias, “Notes on the Mexican American History and Culture Class,” January 18, 1971, Salinas Papers, box 7, folder 9, SUSC.
42. The name CORA—Chicanos Organizados Rebeldes de Aztlán (Organized Chicano Rebels from Aztlán)—was suggested by Beto Gudino. To avoid unwanted attention from prison officials, the name Chicanos Organizados Raza de Aztlán (Organized Chicano Raza from Aztlán) was chosen as the aboveground name of this “unauthorized political and intellectual site.” *Cora* is also an abbreviation of *corazón* (heart). See raúlsalinas, “On the History of C.O.R.A and Aztlán,” March 1972, reprinted in *raúlsalinas and the Jail Machine: My Weapon is My Pen*, ed. Louis Mendoza (Austin, TX: University of Texas Press, forthcoming).
43. José Rubio, “Essay on C.O.R.A.,” March 22, 1972, 2–3, Salinas Papers, box 8, folder 7, SUSC.
44. Susler, “Marion Prisoners Rights Project,” 91.
45. Alberto Mares estimates the number at five, while raúlsalinas writes that the number was three. Mares refers to the strikes organized by CORA, but does not mention 1972 specifically, whereas raúlsalinas specifically refers to three strikes in 1972. The actual number is probably a total of five, with three actually taking place in 1972. See Ernesto B. Vigil, *The Crusade for Justice: Chicano Militancy and the Government's War on Dissent* (Madison: University of Wisconsin Press, 1999), 356.
46. “Una plática con Raúl Salinas.”
47. raúlsalinas, interview by the author, Austin, Texas, June 4, 2004.
48. raúlsalinas, interview by the author, Austin, Texas, August 27, 2005.
49. Jake McCarthy, “View Inside the Walls,” *St. Louis Post-Dispatch*, July 7, 1972.
50. raúlsalinas, “Prisons and the Press: An Overview” (paper submitted for a spring 1973 communications course at the University of Washington, Seattle, June 4, 1973), 50.
51. *Ibid.*, 3.
52. McCarthy, “The Latest in Prisons.”
53. Griffin, quoted in *Breaking Men's Minds*, 14, 2.
54. raúlsalinas, “Resisting MIND FUCK,” 4.
55. raúlsalinas, interview by the author, Austin, Texas, August 27, 2005.
56. *Ibid.*
57. raúlsalinas, “Resisting MIND FUCK,” 5.

58. *Ibid.*, 4.
59. *Ibid.*, 5.
60. Letter from Raúl Salinas to Mario G. Obledo, San Francisco, CA, September 29, 1972, reprinted in Mendoza, *My Weapon*.
61. Raúl Salinas, interview by the author, Austin, Texas, August 27, 2005.
62. Robert Sanford, "Modern Prison with Old Grievances at Marion," *St. Louis Post-Dispatch*, November 1, 1972.
63. Letter signed by thirty-five inmates to Robert W. Kastenmeier of Wisconsin, Chair of the U.S. House of Representatives Committee on the Judiciary, Subcommittee no. 3, June 1, 1972, Salinas Papers, box 6, folder 20, S USC.
64. *Ibid.*
65. The petition concluded with a list of nine requests addressing the logistics of an actual hearing, notification of the hearing, who would participate, anonymity, protection from reprisals, the broadcast of a recording of the proceedings through the intra-institutional radio channel on the evening of the hearing, as well as a subcommittee aide to ensure that the recording is played and to "retain it in his [aide] possession, and make certain that it is not duplicated by the administration during the playing of its contents." *Ibid.*
66. Letter from Lanier "Red" Ramer to Howard Levy, M.D., ACLU National Prisoners' Rights Project Steering Committee, June 24, 1972, Salinas Papers, box 6, folder 20, S USC.
67. "Program Guidelines," June 20, 1972, Salinas Papers, box 6, folder 21, S USC; and letter from Raúl Salinas and Lanier Ramer to Allen Ressler, Appeals and Law Reform Office, Kansas City, June 25, 1972, reprinted in Mendoza, *My Weapon*.
68. Sandra Holter, "Prisoners Active in Airing Gripes," *Southern Illinoisan*, September 14, 1972; Jessica Mitford, "The Torture Cure," *Harper's Magazine*, August 1973, 16–30, reprinted in Mitford, *Kind and Unusual*, 118–37.
69. Holter, "Prisoners Active in Airing Gripes."
70. See *Seeking Justice and Liberation: Aftermath of Federal Prisoners' Work Stoppage, July 1972* (Marion, IL: Chapter of Freedom of Expression Committee Federal Prisoners' Coalition Intra-national, 1972); and Raúl Salinas, interview by the author, Austin, Texas, August 27, 2005.
71. Unless otherwise noted, the timeline of specific events is drawn from a journal by Raúl Salinas and a pro-independence prisoner of war, Rafael Cancel Miranda, beginning on July 15, 1972, and published in its entirety in part 4 of Mendoza, *My Weapon*. Where necessary, I refer to it as the Salinas/Miranda timeline.
72. "Call to Action," July 17, 1972, Salinas Papers, box 1, folder 14, S USC.
73. Sanford, "Modern Prison."
74. Raúl Salinas, interview by the author, Austin, Texas, August 27, 2005.
75. Freedom of Expression Committee Federal Prisoners' Coalition Intra-national (Marion, Illinois, Chapter), "Seeking Justice and Liberation: Aftermath of Federal Prisoners' Work Stoppage July 1972," reprinted in Mendoza, *My Weapon*.
76. *Ibid.*
77. Salinas/Miranda timeline.
78. Sanford, "Modern Prison."
79. P.P.L.F., "We Must Fight The Enemy."
80. *Ibid.*
81. Griffin, quoted in *Breaking Men's Minds*, 16.
82. P.P.L.F., "We Must Fight The Enemy."
83. P.P.L.F., "Manifest in Federal Prison."

84. Cummins, *The Rise and Fall*, 92.
85. Quoted in *Breaking Men's Minds*, 4.
86. Federal Judge James Foreman, U.S. District Court, E. St. Louis, Illinois, quoted in *Breaking Men's Minds*, 18.
87. Michael Deutsch, "People's Law Office: Working with People and Their Movements for Justice and Liberation," in *Thirtieth-Anniversary Celebration Program of the People's Law Office*, November 13, 1999, 6. The plaintiffs were Edward Adams, age thirty-two; Vernon Thogmartin, age thirty-six; Dillard Morrison, age fifty-one; and Raúl Salinas, age thirty-eight; the defendants were Norman Carlson, director of the U.S. Bureau of Prisons; G. W. Pickett, a warden at Marion; Charles Fenton, an associate warden; and Earl I. Buzzard, the captain of the guards.
88. For example, a similar case was filed in a California district court in March 1972. Inmates at Folsom charged that they had been confined in long-term isolation as a result of their political beliefs and the alliances that they had created. Though prison officials made public denials of the accusations, the minutes of an October 11–12, 1973, meeting of wardens and administrators revealed that the prison director Raymond Procunier "asked the problem be kept in perspective, comparing it to the Muslim situation ten years ago. The director suggested that the leaders of the various groups be removed from the general population of the institutions and locked up." Mitford, *Kind and Unusual*, 133.
89. The PLO is a group of dedicated legal activists that have been involved in civil rights and political prisoners' legal cases for more than thirty-five years. The founding members were Francis "Skip" Andrew, Dennis Cunningham, Norrie Davis, Seva DuBuar, Jeffrey Haas, Mariha Kuechmann, Ray McClain, Don Stand, Ted Stein, and Flint Taylor. "A History of the People's Law Office, The Beginning Years (1968–1970)," in *Thirtieth-Anniversary Celebration Program of the People's Law Office*, November 13, 1999, inside cover, 2.
90. Sanford, "Modern Prison."
91. Sandra Holter, "Prison Officials Testify: Discuss Charges in Inmates' Suit," *Southern Illinoisian*, November 5, 1972.
92. Testimony in *Adams v. Carlson*, 488 F.2d 619 (7th Cir. 1973).
93. Michael Deutsch, "Attica, Marion, and Other Prison Work," *Thirtieth Anniversary Celebration Program of the People's Law Office*, November 13, 1999, 6.
94. *Breaking Men's Minds*, 1.
95. Mitford, *Kind and Unusual*, 188.
96. *Breaking Men's Minds*, 1. For a detailed description of the events leading up to the 1983 lockdown, based on interviews at the prison November 15–23, 1983, see Dennis Cunningham and Jan Susler, "A Public Report about a Violent Mass Assault against Prisoners and Continuing Illegal Punishment and Torture of the Prison Population at the U.S. Penitentiary at Marion, Illinois," Mario Cantú Papers, box 3 folder 11, Benson Latin American Collection, University of Texas at Austin Libraries.
97. Michael Deutsch, telephone interview by the author, December 5, 2005.
98. Robin D. G. Kelley, *Freedom Dreams: The Black Radical Imagination* (Boston: Beacon, 2002), 9.
99. Griffin, quoted in *Breaking Men's Minds*, 18.
100. Cunningham and Susler, "A Public Report."
101. Mbembe, "Necropolitics," 28.
102. The temporary-to-permanent shift in the suspension of the rule of law as constituted by the CU and similarly designed spaces established a permanent civil death, meaning noncitizenship and nonexistence for subordinated populations under the law. See Giorgio

- Agamben, *Means Without Ends: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino (Minneapolis, MN: University of Minnesota Press, 2000), ii.
103. See James, *Imprisoned Intellectuals*; Richard Korn, "Excerpts from a Report on the Effects of Confinement in the Lexington High Security Unit"; and Fay Dowker and Glenn Good, "From Alcatraz to Marion to Florence: Control Unit Prisons in the United States," both in Churchill and Wall, *Cages of Steel*, 123–27, 131–51.
104. Angela Y. Davis, "From the Convict Lease System to the Super-Max Prison," in *States of Confinement: Policing, Detention, and Prisons*, ed. Joy James (New York: Palgrave, 2002), 60–74. "Generally, the overall constitutionality of these [supermax] programs remains unclear. As larger numbers of inmates with a greater diversity of characteristics, backgrounds, and behaviors are incarcerated in these facilities, the likelihood of legal challenge is increased." Chase Riveland, "Supermax Prisons: Overview and General Considerations" (Washington, DC: National Institute of Corrections, U.S. Department of Justice, January 1999), 4; Erica Thompson and Jan Susler, "Supermax Prisons: High-Tech Dungeons and Modern-Day Torture"; and Mary O'Melveny, "Lexington Prison High Security Unit: U.S. Political Prison," both in *Criminal Injustice: Confronting the Prison Crisis*, ed. Elihu Rosenblatt (Boston: South End, 1996), 303–5, 322–33.
105. See the article by Dylan Rodríguez in this issue. For a perspective on control and public schools, see Brady Thomas and Ariana Mangual, "The Repressive Social Function of Schools in Racialized Communities," in James, *States of Confinement*, 222–29. For a discussion of Skinnerian approaches to classroom discipline and pedagogy, see Johnathon Kozol, *The Shame of the Nation: The Restoration of Apartheid Schooling in America* (New York: Crown, 2005).
106. See Giorgio Agamben, *States of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005), 10–11, 38–39.